

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Friday 30 August 2024

Examination of proposed expenditure for the portfolio areas

PLANNING AND PUBLIC SPACES

UNCORRECTED

The Committee met at 9:15.

MEMBERS

Ms Sue Higginson (Chair)
The Hon. Mark Buttigieg
The Hon. Anthony D'Adam
Ms Cate Faehrmann
The Hon. Scott Farlow
The Hon. Jacqui Munro
The Hon. Peter Primrose
The Hon. John Ruddick (Deputy Chair)

PRESENT

The Hon. Paul Scully, *Minister for Planning and Public Spaces*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 812
Parliament House
Macquarie Street
SYDNEY NSW 2000**

The CHAIR: Welcome to the second hearing of the Portfolio Committee No. 7 – Planning and Environment inquiry into budget estimates 2024-2025. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respect to any Aboriginal and Torres Strait Islander people joining us today. My name is Sue Higginson. I am the Chair of the Committee. I welcome Minister Scully and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolios of Planning and Public Spaces. I ask everyone in the room to please turn their mobile phones to silent.

Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures. I welcome you all and thank you for making time to give evidence today. All witnesses will be sworn prior to giving evidence. Minister Scully, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

Ms KIERSTEN FISHBURN, Secretary, Department of Planning, Housing and Infrastructure, affirmed and examined

Ms MONICA GIBSON, Deputy Secretary, Planning, Land Use Strategy, Housing and Infrastructure, Department of Planning, Housing and Infrastructure, affirmed and examined

Mr DAVID GAINSFORD, Deputy Secretary, Development Assessments and Sustainability, Department of Planning, Housing and Infrastructure, affirmed and examined

Ms MELANIE HAWYES, Deputy Secretary, Crown Lands and Public Spaces, Department of Planning, Housing and Infrastructure, affirmed and examined

Mr JAMES HEBRON, Acting Chief Operating Officer, Department of Planning, Housing and Infrastructure, affirmed and examined

Mr MAL LANYON, APM, Acting Chief Executive Officer, NSW Reconstruction Authority, sworn and examined

Mr ANDREW GRAHAM, Chief Financial and Operating Officer, NSW Reconstruction Authority, affirmed and examined

Ms AMANDA LECK, Head, Adaptation, Mitigation and Reconstruction Group, NSW Reconstruction Authority, affirmed and examined

Ms JOANNA QUILTY, Head, Preparedness and Recovery Group, NSW Reconstruction Authority, affirmed and examined

Mr ALEX WENDLER, Chief Executive Officer, Landcom, affirmed and examined

The CHAIR: Today's hearing will be conducted from 9.15 a.m. to 5.30 p.m. We are joined by the Minister for the morning session from 9.15 a.m. until 1.00 p.m., with a 15-minute break at 11.00 a.m. In the afternoon we will hear from departmental witnesses from 2.00 p.m. to 5.30 p.m., with a 15-minute break at 3.30 p.m. During these sessions there will be questions from Opposition and crossbench members only, with 15 minutes allocated for Government questions at 10.45 a.m., 12.45 p.m. and 5.15 p.m. We will begin with questions from the crossbench this time. I might start, if that's okay? Minister, I ask you one very small technical question that is very administrative for the purposes of budget estimates supplementary questions. Would you please undertake to provide answers to supplementary questions under headings of the asking member?

Mr PAUL SCULLY: Sure.

The CHAIR: Thank you, Minister.

Mr PAUL SCULLY: To be honest, I say that, but I actually don't know if there's a format that we're required to submit it under or not.

The CHAIR: I think you can do it.

Mr PAUL SCULLY: Okay. If we can do it, we're happy to do it.

The CHAIR: It's been done in the past.

Mr PAUL SCULLY: We're happy to do it.

The CHAIR: Thank you so much. Since becoming Minister, what planning settings have you changed or are in the process of changing to increase tree cover in metro and urban areas, given all of the evidence now that trees are fundamental to protecting people in their homes as the climate changes?

Mr PAUL SCULLY: The Government maintains the ambition to increase tree canopy cover across urban areas. As you would be aware, this crosses over, in part, the work of the Minister for the Environment and myself. A lot of it comes in through the biodiversity arrangements, which is currently a piece of legislation that is before the Parliament. That offset scheme will be part of it. In more urban areas we continue to work, through the Government Architect, on making sure that there's not only increased tree canopy cover but plant biodiversity throughout urban areas. There was some work done and released by the Government Architect not so long ago about how we can increase the diversity of plant types across our urban areas and encourage them and work them into areas. The Government's also made reforms to the Cumberland Plain Conservation Plan to make sure that more of that area is protected more quickly, which includes adding areas for the Georges River koala national park and the work that's being done there. This is an ongoing process.

Of course, we continue to work through the Public Spaces part of the portfolio by making sure we've got good public spaces with tree canopy cover, working with councils. Recently we announced—I think it was a little over \$3 million as part of the metropolitan greening program to support councils in their efforts to improve and embellish their public spaces. Of course, the Government is doing some work at the moment in looking at how we might be able to better or improve the actions taken against those who might seek to illegally cut down trees in areas. We've seen some pretty disturbing reports, I have to say, of people going in and taking it upon themselves to cut down, in some cases, literally hundreds of trees in public areas. We're looking at how we might be able to better work in both the public spaces and private spaces in doing that. There are also requirements as part of the *Apartment Design Guide*, part of the TOD master plans that we're undertaking at the moment, to continue deep soil planting and the like so that we are increasing that tree canopy cover.

The CHAIR: And you think that all of these instruments will deliver? As you say, these are ambitious, but I'm not hearing that you've actually introduced any specific changes to planning laws to achieve this. Are you satisfied that you will achieve these outcomes?

Mr PAUL SCULLY: Some of that work is ongoing. Some of that work goes through grant processes. Some of that work goes through the master planning processes we're doing at the moment. Some of it goes through encouraging other agencies and councils to be part of it. Planning doesn't necessarily plant trees, but we believe that the combination of settings across a range of government portfolio areas will help to encourage and increase that through time.

The CHAIR: Do you have any intention of reintroducing or introducing the Design and Place SEPP or the settings within that SEPP that were abandoned?

Mr PAUL SCULLY: Some of those settings are already introduced. We've already increased BASIX to 7 stars. We're the first State in the country to do that, against some pretty strong opposition, I have to say—the Opposition being one of those points of opposition. They didn't think that we should do that. We introduced that measure. We'll continue to look at measures that not only mean that we have well-designed buildings but that we also have good communities in which those buildings are based. It's not the State Government's task alone to do that. We have got to work with councils. We've also got to work and make sure that we're not creating incentives to illegally clear or cut down trees in urban and non-urban areas. There's a range of policy areas. There's a range of areas that we need to work through with that. I believe that our plans and the work that we'll ultimately do will be more effective than the previous Government's approach to handing out trees and not tracking them.

The CHAIR: You realise, though, that the Opposition, in that regard, is no longer relevant. You have the numbers with the crossbench and The Greens in this Parliament. You can introduce these important climate measures.

Mr PAUL SCULLY: Sure. And SEPPs, as you know, don't go through the Parliament. The Government will continue to work on efforts to improve greening, to address climate change, to improve our environment, to create better public spaces and to build better communities. The Government's ambition is not just building homes, but it also is building better communities.

The CHAIR: You would be aware the Court of Appeal found the assessments of the Bowdens mine, which proposed to mine lead two kilometres from the Lue primary school, were so wanting that they declared the project and the consent null and void, and they were told to start again.

Mr PAUL SCULLY: I think that's probably a mischaracterisation of that judgement. The judgement was, as I understand it—and Mr Gainsford might be able to add some more detail—that the powerlines should have been included in the assessment. That's very different from what you've just tried to characterise the outcome as.

The CHAIR: No. It was wanting. They declared the project null and void and told to start again.

Mr PAUL SCULLY: But not as a result of what you tried to introduce there. The part that was found wanting—

The CHAIR: They found the Bowdens mine was wanting—

Mr PAUL SCULLY: —as I'm advised, related to—

The CHAIR: Let's not cavil. The Court of Appeal made its ruling.

The Hon. MARK BUTTIGIEG: Point of order—

The CHAIR: I'm moving on.

The Hon. MARK BUTTIGIEG: You have asked a very specific and direct question. The Minister is attempting to articulate the detail. With all due respect, you're talking over him.

The CHAIR: I'll uphold the point of order. Minister, given the real concern shown by the Mudgee-Lue community about the lead exposure arising from the mine, the numerous experts highlighting issues, the confused modelling for lead exposure in the EIS and your own letter to Professor Bruce Brew—where you were forced to clarify what baseline modelling was used and that there was a mistake in the figures around lead levels in water tanks in the EIS—will you commit, if we see an EIS again, that all modelling and baseline figures for lead exposure assessments will be required in the new EIS?

Mr PAUL SCULLY: Sorry, could you repeat the question?

The CHAIR: Will you promise to release all modelling and baseline figures for lead exposure assessments in the new EIS?

Mr PAUL SCULLY: I'll defer to Mr Gainsford on how we go about the process. I think it's easy to say some stuff and make sweeping statements, whereas the assessment is a rigorous process, including an assessment by the Independent Planning Commission, which we rely on for these more challenging, difficult and controversial proposals. In the context of that, Mr Gainsford might be able to add some more insight into how some of those things are done through the assessment process.

The CHAIR: I'm very happy to take it up with Mr Gainsford later on, if that's okay. Minister, it's just asking you for your commitment—

Mr PAUL SCULLY: We'll continue to make sure that there's rigorous assessment of planning proposals.

The CHAIR: Will you commit, and do you think it's fair, to release all baseline assessment materials?

Mr PAUL SCULLY: I can't make a sweeping statement like that. What I can commit to is that the New South Wales Government and the agencies involved will continue to make rigorous assessments of planning proposals.

The CHAIR: In terms of the merit appeal process, I know that you have had community organisations write to you and engage with you around the merit appeal process and the practice of the former Government of referring every single fossil fuel project to the Independent Planning Commission for a public hearing. Do you feel satisfied that there is a bias that has been exercised and that you won't exercise that bias in your power as the Minister in referring any projects to the IPC going forward?

Mr PAUL SCULLY: I will refer projects to the IPC as they're required to be referred to the IPC. If your question goes to will I guarantee that there will always be public hearings versus public meetings, those decisions will be made, as I've said before in this forum, on a case-by-case basis in the assessment of the particular circumstances of a proposal. The suspension of a merits appeal has been part of the Act since 1979. This is not a new thing, whether it has been through the commission of inquiry process or the various iterations of assessment. We'll continue to look at it on a case-by-case basis.

The CHAIR: I'll come back to this shortly. I'll hand over to my colleague.

The Hon. JOHN RUDDICK: Minister, I would like to applaud you for what you're doing around the TOD. I would go as far as to say that you are the best Minister in this Government, because it's largely a do-nothing government.

Mr PAUL SCULLY: Flattery may get you everywhere, Mr Ruddick.

The Hon. JOHN RUDDICK: I'm disappointed with my normal allies over here. You're supporting capitalism more than they are. These reforms are actually going to have—

Mr PAUL SCULLY: I'm supporting people getting into homes and jobs, which I think should be the aspiration of every government.

The Hon. JOHN RUDDICK: You're supporting private property rights. That's what's important.

Mr PAUL SCULLY: It's not communist Cuba.

The Hon. JOHN RUDDICK: That's right, unlike some people here.

The CHAIR: Who might you be referring to? Sorry.

The Hon. JOHN RUDDICK: I'm with the Labor Party on this one occasion. Minister, so I understand it right, there are eight priority hubs where we're going to have a 1,200-metre radius where we're going to—

Mr PAUL SCULLY: Accelerated precincts, yes. That's correct.

The Hon. JOHN RUDDICK: And then there's going to be another 31 hubs with a—

Mr PAUL SCULLY: Thirty-seven.

The Hon. JOHN RUDDICK: Very good. I think it was originally 31.

Mr PAUL SCULLY: It was originally 31, and then a number of councils asked for some more.

The Hon. JOHN RUDDICK: Across the Ditch, in New Zealand, the former Labour Prime Minister, Jacinda Ardern, who I'm not normally a fan of, basically did a TOD across the whole of Auckland. That was very beneficial. I understand the new government has continued that reform. While I am supportive of what you're doing, why are we being so timid? Why don't we let property owners have the freedom to do what they want to do across the whole of New South Wales?

Mr PAUL SCULLY: This is a discussion that I had, where I was fortunate enough to meet recently with the New Zealand Prime Minister and we discussed this issue. In the Auckland experience, from my understanding, it was the most expensive of cities to rent or to buy before some planning reforms, and the growth in rents has not been nearly the same as other areas. The Government, as you've correctly identified, has identified eight accelerated precincts for transport oriented development with a 1,200-metre radius—although Kellyville and Bella Vista have been joined together, under the public exhibition proposal, because they're quite close together. We've then got a further 37 second-tier transport oriented development areas, where we're talking about within 400 metres of a station.

We've also introduced some changes to low- and mid-rise housing. In a number of local government areas, dual occupancies—terraces, townhouses and the like—weren't allowed on R2-zoned land. That changed from 1 July. We're also currently considering feedback on some other measures around other stations and town centres where there could be additional density based on their access to transport and their capacity to support communities with shops, amenities and the like. That work is still being done. The Government will have more to say in the future. There will be additional planning changes that are coming down the line. We had a quite healthy response to those proposals. We're going through those at the moment.

The Hon. JOHN RUDDICK: What do you see as the timeline from here as to when we will see construction of the TODs begin?

Mr PAUL SCULLY: Our estimate was always that it would probably take—as is the case with any change in a planning system and planning rules, it generally takes about nine to 12 months to start to see the larger number of development applications.

The Hon. JOHN RUDDICK: When would that nine to 12 months be starting from?

Mr PAUL SCULLY: That's when we would expect to see development applications, once those planning controls have changed. The planning controls for the first 18 of the second-tier transport oriented development sites—DAs could be submitted from 13 May. For the second group, DAs could be submitted for—

The Hon. JOHN RUDDICK: Is that 13 May this year?

Mr PAUL SCULLY: Yes, 13 May this year. The SEPP changes were made on 29 April. There are a couple of weeks to allow councils to get their systems in place to start accepting development applications. We know from anecdotal evidence of a number of councils that they are already starting to receive some development applications in those areas, which is good. We expect to see more because there has been considerable interest. There has been interest in the land transactions, to the extent that members of the lower House have made statements about their communities having their doors knocked on.

The Sydney Morning Herald reported this in January this year, that people in and around Rosehill and other areas were being approached. I know that, in my own electorate, Corrimal is one of the transport oriented development sites—one of the first 18—that there has been interest in, in land transactions there. That's usually a key indicator of what comes next. As you would appreciate, once you've worked out the size of the land you might have available to you, you then approach an architect and others to do the studies and get your plans together to prepare a development application.

The Hon. JOHN RUDDICK: Sounds to me like we're still two, three, maybe even four years away before this has a significant impact on the market. Anyway, it's a step in the right direction.

Mr PAUL SCULLY: It was always a 15-year horizon that this would generate the full numbers. We're doing infill development and that's a lot different to greenfield development, but the timelines are not dissimilar. You can have a cow paddock today that's going to take you several years to get the detail of the structural layout,

the roads, where all that sort of stuff is going to happen, where you're going to put the services and the like. What we're doing is—and I have to say, we are playing catch up. We inherited a housing supply deficit, as you and I have discussed. That's not something that can be made up overnight. However, there's strong interest in the elements to improve housing supply that we have already introduced. I'm sure that there will be strong interest in other elements as we continue to progress.

The Hon. JOHN RUDDICK: So we should be able to see within a couple of years—at least three years—some fruits of the work that you're doing. I hope you can put your foot on the accelerator.

Mr PAUL SCULLY: I hope the macro-economy helps that as well. We have some challenging macro-economic conditions. But there also has been a chilling effect. The Opposition introduced a bill to try and overturn this. That uncertainty that's created by that does freeze people's willingness to invest, and that has delayed things. I'm pleased that we've been able to dispense with that bill. But I have to say that I think we've probably got more development applications in and around those areas than there were supporters of that bill in the upper House.

The Hon. JOHN RUDDICK: Do you think it's quite possible that, before the next State election, we could say, "This is working", and expand this even further, far beyond the 40 or so hubs that we have currently got in mind?

Mr PAUL SCULLY: I'm always open to conversations with councils to progress it. But the TOD SEPP is a guide, if you like, to other councils. It remains in place while ever those councils haven't done the strategic planning to at least match or go beyond it. I hope it provides some guidance and inspiration to a number of other councils. I know that there have been people approach us and talk to us about how that might work into the future. I think you'll probably find that a lot of councils in the new councils—we have council elections coming up soon. There will be probably a number of councillors elected who are saying, "Actually, why aren't we doing that?" Wollongong City Council, for instance, said, "Would you mind having a look at Coniston station and Unanderra station to see if they might not be sites in the future?" I remain open and look forward to working with new councils as they come through who share the Government's aspiration for their communities to have good homes, good jobs, and are using where there's excess capacity in existing services.

The Hon. JOHN RUDDICK: You'll be pleased to know, Minister, that my party is campaigning at the local council elections on a platform of approving all DAs, so maybe the Labor Party should think about preferencing the Libertarian Party. I meet a lot of young people who have stress and angst worrying about not being able to buy a property one day. You're doing your bit, but obviously a massive factor is the huge level of immigration that we're receiving into this country at the moment. We simply have to cut it back. We are hurting people who were born here. Has the Government or you in particular spoken to your colleagues in Canberra about trying to pause the high levels of immigration that we've got, which are making our housing problems worse?

Mr PAUL SCULLY: I can't speak for the entire Government, as you might expect. I speak to my Federal colleagues on a regular basis around a whole range of things. I'm not going to go into the details of those conversations. Suffice to say, I think you've seen some changes in policy settings at the Federal level, which means that there will be changes to those migration settings into the future. But let's not kid ourselves that, if we were to set immigration at zero tomorrow, that would deal with our housing problem. Our housing supply problem needs to be addressed no matter what. We're losing too many young people, those exact same young people that you talk to and I talk to. We are losing too many of them out of New South Wales, which means we're putting an artificial limit on our capacity as an economy, as a community and as a society. That's what we've got to address and that's what the Government is keen to do.

The CHAIR: All those nurses going somewhere else.

Mr PAUL SCULLY: They are going to Victoria. Why would you?

The CHAIR: Higher wages, apparently.

Mr PAUL SCULLY: We've got the highest teacher wages in the country, so that should help count for something.

The CHAIR: We'll have all the teachers and no nurses.

The Hon. SCOTT FARLOW: The tete-a-tete between the two of you is wonderful. Minister, good morning. As we were talking about TOD precincts, let's continue with another one: the Kellyville-Bella Vista TOD precinct. You propose to rezone land at 1000 Old Windsor Road, Glenwood, from SP2 to R1, a height of 51.5 metres, despite former proposals all retaining that land as SP2. Considering it's the site of a training facility and church, why did you make the decision to rezone this parcel of land?

Mr PAUL SCULLY: There has been no decision to rezone.

The Hon. SCOTT FARLOW: Why have you proposed to rezone this parcel of land?

Mr PAUL SCULLY: I'll defer the detail to Ms Gibson. I think it's important to recognise that the Government went out on a public exhibition process for all of these areas—except the Bays accelerated precinct at this stage—to garner the community views. We'll take those into consideration, as we're doing. If Ms Gibson has some more to add on the specifics of that site, then I'm happy to defer to her.

MONICA GIBSON: I don't have any specifics about that particular site. I am happy to get some details and come back to that later this afternoon.

The Hon. SCOTT FARLOW: This site is 51.5 metres and everything else around it is 29 metres in the proposal. Is it the case that the site could have additional height and floor space, if the site were to include a new local park as well?

Mr PAUL SCULLY: As you just heard from Ms Gibson, we don't have the specifics of individual blocks available to us at the moment. But we're happy to come back to you.

The Hon. SCOTT FARLOW: Minister, are you aware who owns the site?

Mr PAUL SCULLY: I'm sure you're going to tell me.

The Hon. SCOTT FARLOW: I will. Minister, the site is owned by PTEU NSW (Glenwood) Pty Ltd, a 100 per cent controlled entity of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, plumbing division, New South Wales branch, who purchased the site on 1 February 2023. Were you aware of that?

Mr PAUL SCULLY: Clearly not. The ownership of a particular property bears no influence on my decision to suggest changes in the zoning of it. I appreciate in the north-west that the previous Government—and even current members who may not have been pre-selected for council—have been worried about some people's undue influence, but that doesn't affect me.

The Hon. SCOTT FARLOW: Minister, did anyone from the plumbers union or any affiliated organisation suggest to you or to your staff that the site should be rezoned?

Mr PAUL SCULLY: Not to the best of my knowledge. I can't even recall speaking to anyone from the plumbers union recently.

The Hon. SCOTT FARLOW: Minister, has anyone approached you as a member of Parliament about this site at all?

Mr PAUL SCULLY: To the best of my recollection, I'm unfamiliar with the specifics of the site, so, no, would have to be my answer.

The Hon. SCOTT FARLOW: Minister, have you or your staff met with the plumbers union at all?

Mr PAUL SCULLY: My diary disclosures don't have anything in terms of having a meeting with the plumbers union, and I'm not aware that any of my staff have.

The Hon. SCOTT FARLOW: Minister, the Premier has met with the plumbers union. In fact, he mentioned Theo from the plumbers union in his conference speech. Did he or his office speak to you about this site?

Mr PAUL SCULLY: No.

The Hon. SCOTT FARLOW: Minister, are you aware the CEPU has donated more than \$115,000 to the New South Wales Labor Party in the five years leading up to the last State election?

Mr PAUL SCULLY: I don't keep track of donations to the party. That's a matter for the party administration. It's the same administration that fills in our forms correctly to get us nominated; you'd know the issues with that.

The Hon. SCOTT FARLOW: Minister, did you know that the Premier made a \$25 million commitment to building a hydrogen centre of excellence at Glenwood on 10 March 2023 after the PTEU NSW bought the site?

Mr PAUL SCULLY: I am aware that there was a \$25 million commitment to a hydrogen centre of excellence. It's an important investment in the skill set of New South Wales. Hydrogen, as your Government previously recognised, is recognised as one of those fuels that may assist with transport and how to abate industries as we move towards our shared goal of net zero emissions into the future. It's important that plumbers and

gasfitters, who will be primarily doing the work on those sorts of things with that gas, are equipped for that future. Are you suggesting that we shouldn't train people in readiness for the hydrogen industry?

The Hon. SCOTT FARLOW: No, I'm asking what you're aware of, Minister.

Mr PAUL SCULLY: I'm aware of the commitment, yes.

The Hon. SCOTT FARLOW: If you're aware of the commitment, why would you then rezone the site? If you're aware of a commitment for a \$25 million hydrogen centre of excellence to be constructed on this site, why would you then rezone this site for a 51.5-metre-tall building?

Mr PAUL SCULLY: As I said to you before, I don't look at the ownership of sites and making sure that they're done. The Government has a \$25 million commitment to a hydrogen centre of excellence. That's a good approach to making sure that we've got the skilled workforce that we need for the future when it comes to building the hydrogen industry in New South Wales.

The Hon. SCOTT FARLOW: Are you aware that that grant is for that site specifically?

Mr PAUL SCULLY: I'm not aware of the details of the grant because it's not one of my portfolio responsibilities. I'd have to defer to, I presume, the Minister for skills, who is responsible for that grant—perhaps the Minister for Energy.

The Hon. SCOTT FARLOW: The left hand doesn't know what the right hand is doing in this Government?

Mr PAUL SCULLY: No, I think Ministers maintain the responsibilities for their portfolio responsibilities. I appreciate the previous Government—

The Hon. SCOTT FARLOW: But, Minister, if your Government is giving \$25 million to build a hydrogen centre of excellence on a site, wouldn't you also consider that when you're actually rezoning a site?

Mr PAUL SCULLY: I appreciate that in the previous Government everyone used to dabble in everyone else's business, but the fact remains that in this Government we stick to what we've got in terms of those portfolio responsibilities. The issue has not been raised with me. To the best of my knowledge, it has not been raised with my office. As we said earlier, we're happy to come back to you with the detail of that site.

The Hon. SCOTT FARLOW: Minister, can a hydrogen—

Mr PAUL SCULLY: The basis of your line of questioning is that, first off, there was something untoward in the suggestion in a public exhibition document.

The Hon. SCOTT FARLOW: It's a pretty good windfall gain for the plumbers union, isn't it? Theo and the boys would be happy.

Mr PAUL SCULLY: No, you're suggesting that there's something untoward in a public document. We put this out for public comment. The whole world can see it. Anyone with an internet connection can get a hold of it. First off you suggested there was something untoward. Now you're suggesting that a hydrogen centre of excellence, a training facility, is incompatible with another built form. I'm not sure what your line of questioning is here.

The Hon. SCOTT FARLOW: On this point, can a hydrogen centre of excellence coexist with a 51.5-metre tall building?

Mr PAUL SCULLY: The hydrogen centre of excellence—I don't know the set-out and the layout of that particular facility. I'm not the Minister for training. I'm not the Minister for vocational education. I'm not the Minister for Energy. So it may be that if the training that is done on that site or was proposed for that site was to be in-class training with no gas involved then it may well be compatible. But I'm not going to sit here and pre-judge that. You've made this grand discovery that you're claiming in a public document. Where's the crime here?

The Hon. SCOTT FARLOW: Minister, the plumbers union gets \$25 million from your Government for a hydrogen centre of excellence and the rezoning for a 51.5-metre-tall building.

Mr PAUL SCULLY: I understand Nat Smith, a former colleague of yours and someone who you know very well, I believe that he is, out of the Master Plumbers—I think that's the organisation he looks after now—is supportive of the training of people in the hydrogen sector.

The Hon. SCOTT FARLOW: This is the plumbers union.

Mr PAUL SCULLY: Why do you not want people trained in the hydrogen sector?

The Hon. SCOTT FARLOW: Minister, on this site, your Government is putting in \$25 million for a hydrogen centre of excellence.

Mr PAUL SCULLY: Yes.

The Hon. SCOTT FARLOW: And at the same time you're trying to propose that you rezone the site for a 51.5-metre building.

Mr PAUL SCULLY: Are you claiming they're incompatible?

The Hon. SCOTT FARLOW: You're claiming you can have a hydrogen centre of excellence—

Mr PAUL SCULLY: No, I'm not claiming that at all.

The Hon. SCOTT FARLOW: —and a 51.5-metre building—

Mr PAUL SCULLY: I'm asking you—

The Hon. SCOTT FARLOW: —sitting next to each.

Mr PAUL SCULLY: —are you claiming that's incompatible?

The Hon. SCOTT FARLOW: That's your idea of planning in New South Wales, is it Minister?

Mr PAUL SCULLY: Education facilities can coexist with other forms of built environment.

The Hon. SCOTT FARLOW: This is a pretty big win for the plumbers union, isn't it, Minister?

Mr PAUL SCULLY: Are you suggesting that a training facility, this building here—let's take this building here, for instance. This room has multiple purposes.

The Hon. SCOTT FARLOW: Do you want to turn it into a hydrogen centre of excellence, Minister?

Mr PAUL SCULLY: This room, for instance, has multiple uses because it's a multi-use facility. This building has a restaurant, has a cafe, has a bar, has training facilities, has two Chambers—we probably should only do with one—

The Hon. SCOTT FARLOW: Talk to your Treasurer about that.

Mr PAUL SCULLY: —and it is open to the public. Are you suggesting that there is only one use that can ever be for any plot of land?

The Hon. SCOTT FARLOW: Minister, your Government is giving \$25 million for a hydrogen centre of excellence and at the same time you're rezoning the site for 51.5 metres.

Mr PAUL SCULLY: You're making the connection between the two.

The Hon. SCOTT FARLOW: Isn't this a huge windfall for the plumbers union, Minister?

Mr PAUL SCULLY: I've just told you that I was unaware of the ownership when we put into a public document for discussion and feedback a proposal around a metro station. I appreciate the Opposition has an anti-jobs and anti-housing stance, and now an anti-training stance and probably an anti-net-zero stance.

The Hon. SCOTT FARLOW: Minister, we built more homes than you ever will.

Mr PAUL SCULLY: But the reality remains that this is on public exhibition. I hope you provided your feedback.

The Hon. SCOTT FARLOW: Minister, they're out on the streets protesting with the CFMEU—

Mr PAUL SCULLY: The Greens were, yes.

The CHAIR: We were.

The Hon. SCOTT FARLOW: —and you're giving them a huge windfall gain. Now let's turn to another union: the ETU. Minister, do you agree with the ETU's strike action?

Mr PAUL SCULLY: I agree with people taking industrial action to get wage outcomes, so long as it remains within the law.

The Hon. SCOTT FARLOW: So you support the ETU and their cancellation of planned outages when it comes to new home construction?

Mr PAUL SCULLY: I understand the ETU is engaged in protected industrial action, and I think you should refer questions perhaps on the detail of protected industrial action to the industrial relations Minister.

The Hon. SCOTT FARLOW: So, Minister, you're supportive of the ETU's actions which is actually stopping new homes coming online in New South Wales?

Mr PAUL SCULLY: I'm supportive of a resolution of that industrial action so it allows continued electrical connections.

The Hon. SCOTT FARLOW: So, Minister, what action have you taken on behalf of builders and home owners to be able to bring this to a resolution?

Mr PAUL SCULLY: As you'd be aware, this is a matter that's under the Federal bargaining system. I think this was explored with the Premier the other day.

The Hon. SCOTT FARLOW: But, Minister, you're the planning Minister.

Mr PAUL SCULLY: I'm the planning Minister, correct.

The Hon. SCOTT FARLOW: You're the Minister who is supposed to be delivering new housing in this State.

Mr PAUL SCULLY: I'm the planning Minister, not the Minister for Industrial Relations, not the Minister for Energy.

The Hon. SCOTT FARLOW: But, Minister, housing is being held captive by the ETU. New homes coming online are being held up by the ETU. What are you doing about it?

Mr PAUL SCULLY: As I just said, I'm the planning Minister, not the Minister for Industrial Relations or the Minister for Energy, and the matters related to the protected industrial action that is being taken by the ETU is protected industrial action under the Federal legislation.

The Hon. SCOTT FARLOW: Minister, have you advocated to the Premier under section 424 of the Fair Work Act to halt the ETU's disruptive action?

The Hon. PETER PRIMROSE: Point of order: According to the resolution establishing this Committee, Ministers can be asked questions that are legal questions pertinent to their portfolios, and this is going way outside the leave of that provision in the resolution that established it.

The Hon. SCOTT FARLOW: You're running cover for the unions, Peter.

The Hon. PETER PRIMROSE: I'm seeking to abide by the decision that set up this Committee.

The Hon. SCOTT FARLOW: You're running cover for the unions.

The CHAIR: On the point of order, the members have very wide latitude; we know that. I remind the member that we do have wide latitude and to keep it within that latitude.

The Hon. SCOTT FARLOW: Minister, this is something of course that has been advocated for by many in the construction industry. I'm sure they have taken and ventilated their concerns to you as well.

Mr PAUL SCULLY: What has been advocated for? Wage rises?

The Hon. SCOTT FARLOW: No.

Mr PAUL SCULLY: Safe workplaces?

The Hon. SCOTT FARLOW: Minister, you heard the question. I'll restate it for you.

Mr PAUL SCULLY: I didn't hear the question because—

The Hon. SCOTT FARLOW: Have you advocated that the Government apply under section 424 of the Fair Work Act to halt the ETU's disruptive campaign?

Mr PAUL SCULLY: Advocated to whom?

The Hon. SCOTT FARLOW: The Premier.

Mr PAUL SCULLY: I speak to the Premier on a regular basis.

The Hon. SCOTT FARLOW: Have you advocated to him on this issue?

Mr PAUL SCULLY: I'm not about to furnish and not about to ventilate the nature of my conversations with the Premier here.

The Hon. SCOTT FARLOW: Does it concern you, Minister, that home builders are facing costs upwards of tens of thousands of dollars due to important works being cancelled by Endeavour and Ausgrid at the last minute at a rate of 90 per cent because of the ETU's demands?

Mr PAUL SCULLY: As I said, I would like nothing more than industrial relations matters to be resolved. I understand the Fair Work Commission has a hearing scheduled in early September to consider a number of declarations. I encourage all sides to remain at the bargaining table and, hopefully, resolve it.

The Hon. SCOTT FARLOW: Minister, why are you and the Government sitting on the sidelines when it comes to this dispute? Don't you want to deliver more homes?

Mr PAUL SCULLY: I refer you to the fact that I'm the planning Minister. I administer the planning Act, not the Industrial Relations Act. The dispute, as I understand it—and I'm not an industrial relations expert—is one under the Federal system. Perhaps this is better directed to your colleagues in Canberra.

The Hon. SCOTT FARLOW: What about your colleagues in Canberra, Minister?

Mr PAUL SCULLY: If we're talking about advocacy to colleagues in Canberra, I hope that you're advocating to your colleagues in Canberra to get out of the road in the Senate and pass a few of those bills so that we can use some of the Federal money to get more homes built.

The Hon. SCOTT FARLOW: How about your advocacy on McPhillamys mine or your advocacy on migration, potentially, in Canberra as well, Minister?

Mr PAUL SCULLY: As I've said to you repeatedly—

The Hon. SCOTT FARLOW: Minister, when it comes to the ETU—

Mr PAUL SCULLY: We did the whole migration thing the last time and the time before that. Now you've got the ETU—that's wonderful, you want to belt up on that. That's great.

The Hon. SCOTT FARLOW: Minister, they're stopping people from getting into homes.

Mr PAUL SCULLY: The reality is I am doing what is in my control and in my purview. I'm doing what is in my control.

The Hon. SCOTT FARLOW: Minister, they're holding homes to ransom.

Mr PAUL SCULLY: So have you spoken to anyone?

The Hon. SCOTT FARLOW: Minister, I'm speaking to you at the moment. You're the Minister. You're actually in control here.

Mr PAUL SCULLY: Have you spoken to anyone?

The Hon. SCOTT FARLOW: Minister, you're actually in control here.

Mr PAUL SCULLY: I mean, you can come in here and grandstand all you like, but have you actually done anything, apart from here?

The Hon. SCOTT FARLOW: Minister, you're in control. What are you doing about the ETU?

Mr PAUL SCULLY: I am not in control. I am not in control of the Federal industrial relations system—

The Hon. SCOTT FARLOW: What are you doing about the ETU and getting keys into doors, Minister?

Mr PAUL SCULLY: —unless there's been some change—

The Hon. MARK BUTTIGIEG: Point of order—

Mr PAUL SCULLY: —to the Act that I administer that I missed.

The CHAIR: Minister, there's been a point of order raised.

The Hon. MARK BUTTIGIEG: The member persists with a line of questioning which has clearly been answered. The Minister said that he's doing everything in his power within the remit of his portfolio.

The Hon. SCOTT FARLOW: He said he's doing nothing. He wants to know what I'm doing.

The Hon. MARK BUTTIGIEG: He's explained that industrial relations is actually in the purview of the Federal jurisdiction.

The Hon. JACQUI MUNRO: It sounds like you're answering the question better than the Minister.

The Hon. MARK BUTTIGIEG: The question has been answered five times now.

The Hon. SCOTT FARLOW: That he's doing nothing.

The Hon. MARK BUTTIGIEG: He persists to make a grandstanding point so he can get grab in the media. Pull him up!

The CHAIR: The Minister is coping fine. The member is prosecuting a line of questioning and I'm sure it's about to come to an end, because I think it's exhausted.

The Hon. PETER PRIMROSE: Point of order: We're bordering on this being discourteous.

The CHAIR: I agree. That is more the point of order. We are heading there. I ask the member to remember the courtesy that we owe to witnesses here.

The Hon. SCOTT FARLOW: Minister, are you concerned that this is adding up to \$10,000 to the cost of a new home?

Mr PAUL SCULLY: I'm concerned that the parties involved haven't been able to find a resolution. Along with other industrial matters, I would encourage them to sit down at the bargaining table and work through their issues to the satisfaction of everyone involved. I don't know that it's adding \$10,000 to a new home.

The Hon. SCOTT FARLOW: So you dispute those costs?

Mr PAUL SCULLY: No, I'm not disputing it. It's a number I've not heard before. Given the credibility of the Opposition on some numbers when it comes to housing, I'm not willing to accept your number at face value.

The Hon. SCOTT FARLOW: Minister, how many settlements of new homes have been held up because of strikes by the ETU delaying connection of homes to power?

Mr PAUL SCULLY: I don't know. I could take that question on notice, but I don't think it's anything we track through the planning system.

The Hon. SCOTT FARLOW: Minister, have you sought advice on how much market impact the ETU strikes are having on the pipeline of new housing coming to market?

Mr PAUL SCULLY: You want to know about market impacts? You're kidding, are you? Your bill was what's having the biggest marketing impact.

The Hon. SCOTT FARLOW: Minister, your unions—

Mr PAUL SCULLY: The only thing that knocked over your bill—

The Hon. SCOTT FARLOW: —are stopping new homes actually coming onto the market.

Mr PAUL SCULLY: —was the fact that we managed to get all sides of the Parliament to disagree with your craziness.

The Hon. SCOTT FARLOW: Minister, your unions—

Mr PAUL SCULLY: That had the chilling effect on investment in New South Wales in housing.

The Hon. SCOTT FARLOW: —are holding up housing in this State.

Mr PAUL SCULLY: It's incredible. You are incredible.

The Hon. SCOTT FARLOW: Minister, your unions are holding the State to ransom.

The CHAIR: Order! Order!

Mr PAUL SCULLY: You come in here—

The Hon. SCOTT FARLOW: They're out on the streets.

Mr PAUL SCULLY: —holier-than-thou when it comes to housing and you do nothing. You actually frustrated it.

The CHAIR: Order!

The Hon. SCOTT FARLOW: The ETU, the CFMEU, the plumbers union—they're out on the streets.

The CHAIR: Order! It's ridiculous.

Mr PAUL SCULLY: I agree.

The Hon. SCOTT FARLOW: You started it.

Mr PAUL SCULLY: We've got to five-year-old taunts now, have we? I mean, seriously! My nephew is six years old. He went to Book Week last week and had a more mature attitude than this.

The Hon. SCOTT FARLOW: Maybe he should have taken you with him.

Mr PAUL SCULLY: Seriously, Chair, I mean—

The Hon. SCOTT FARLOW: Minister, have industry shared with you their concerns about the ETU strike action? And what action have you taken as a result?

Mr PAUL SCULLY: I think we've gone over this ground, Mr Farlow.

The CHAIR: We really have.

Mr PAUL SCULLY: How many times do I have to say it? This is a matter under the Federal system. If you hadn't privatised some of these organisations, we would still have a seat at the table. But you sold them, so we don't. Right? I encourage everyone to sit down at the table and work it out. It's important to my constituents. In the electorate of Wollongong, I have a great number of people who work for Endeavour Energy. I would like them to have some confidence in what their pay is going to be going forward.

The Hon. SCOTT FARLOW: Minister, are you aware that certifying authorities are issuing notices of arrangement without actual electrification?

Mr PAUL SCULLY: I'll take that on notice. Have you got specific cases of organisations?

The Hon. SCOTT FARLOW: There's many of them, Minister. There's many of them out there. But are you aware of this practice occurring?

Mr PAUL SCULLY: I'm not aware of that process. If you've got specific examples that you'd like me to look at, I'm happy to take them.

The Hon. SCOTT FARLOW: Minister, isn't this something that's completely unorthodox that's occurring?

Mr PAUL SCULLY: Again, despite all of your—

The Hon. SCOTT FARLOW: People are moving into homes without electricity.

Mr PAUL SCULLY: —efforts to understand the planning system, you've missed the point of it. The planning system is about setting the requirements for the built form. The oversight—

The Hon. SCOTT FARLOW: So you're washing your hands of it?

Mr PAUL SCULLY: No, I'm not washing my hands—I mean, good Lord! I think you've got to understand what the remit of the planning system is. Maybe Ms Fishburn may need to give you a Planning 101 on this sort of stuff, because the certification system is not administered under the planning Act. It's administered by Minister Chanthivong.

The Hon. SCOTT FARLOW: The question is for him as well, but, Minister, aren't you concerned about getting people moving into homes?

Mr PAUL SCULLY: The connections of electrical settings, the connections of water—those sorts of things are not administered by the planning system. I work with my colleagues closely to solve these things, but you continue to go down a path of an industrial dispute that—

The Hon. SCOTT FARLOW: Minister, you're responsible for delivering new homes. You can't blame everyone else.

Mr PAUL SCULLY: —we would have had a seat at the table had you not privatised it. That's the problem. When you started to privatise things—

The Hon. SCOTT FARLOW: You'd be giving into the ETU's demands, would you, Minister?

Mr PAUL SCULLY: —governments started to lose control of important aspects of the economy.

The Hon. SCOTT FARLOW: Would you just be giving in to the ETU's demands?

The CHAIR: Thank you, Mr Farlow. Minister—

Mr PAUL SCULLY: When you started to privatise—

The Hon. SCOTT FARLOW: You'd be giving in to the ETU's demands: "Whatever you want! Walk on in."

Mr PAUL SCULLY: —we lost control of important things in the economy.

The CHAIR: Minister, I remind you as well: If you would prefer, you can address through the Chair if that's helpful for future questions.

Mr PAUL SCULLY: What's helpful is getting questions that are—

The CHAIR: Relevant to Planning.

Mr PAUL SCULLY: —actually about the planning system. That would be nice.

The CHAIR: I agree. So let's get back to it, Minister.

Mr PAUL SCULLY: Fantastic. Thank you.

The CHAIR: Can we go back to where I left off in relation to merit hearings? It's a very serious matter. I understand that you have received submissions that are very compelling and very reflective of the system that there is no practical difference in the format of public hearings and public meetings. You're aware of that and that has been presented to you. We know this because numerous complex projects, including quarries and wind farms, are managed adequately through a public meeting process. The ability to compel witnesses, which you've provided to me in a previous budget estimates hearing, has never in fact been utilised and therefore reflects no material benefit to a public hearing over the top of a public meeting. We know that it's highly unlikely that the IPC would not hold a public meeting for a mining project, as they routinely do so for projects with more than 50 objections.

We know that public hearings do not provide more time for investigation, which has been claimed by your department. In practice, there have not been project-specific requirements providing directions to the IPC, simply generic considerations. Minister, will you not refer a fossil fuel project to the IPC with the specific request that there be a public hearing for any future fossil fuel projects? Because, in light of everything, Minister, it would be clear that you are exercising some form of preconceived bias that those projects alone should be subject to a public hearing. Let's remember, we know that it's because merits appeals are extinguished for the community.

Mr PAUL SCULLY: Chair, thank you for that very detailed question. I do want to point to a number of things. No, I am not going to make a blanket statement about every case that may possibly be referred to the IPC in the future.

The CHAIR: I'm only asking for specific cases, Minister.

Mr PAUL SCULLY: No, I'm not doing that—select it based on the nature of it, the type of it or anything like that. What we've got to look at here—and Mr Gainsford may wish to add to this—is that the fact is since the IPC was established in 2018, there have been multiple directions. Of that, you are correct. Fifteen were mining, and there was also the Narrabri Gas Project. In deciding whether or not the request to the commission should hold a public meeting when referring a proposed project to the commission, the planning Minister—myself—will consider the complexity of the project and the level of public interest. I don't think it's fair on anyone, whether it's the proponent, the opponents, the IPC or anyone else, to make sweeping generalisations about projects at this stage. I appreciate that you are concerned about the merits assessment, but the use of a public hearing does not remove the right to judicial review where there has been a legal error. The EP&A Act, as I said—

The CHAIR: Minister, thank you. I hear you.

Mr PAUL SCULLY: No, I think it's important that everyone gets the context of this—

The CHAIR: Minister, I hear you.

Mr PAUL SCULLY: —because it's easy to say, "Let's make a sweeping statement."

The CHAIR: Minister, respectfully, the context is given. There is absolutely no doubt the reason these projects have been referred is because they are fossil fuel-only projects. The others haven't.

Mr PAUL SCULLY: I couldn't speak to the previous Government's motivations.

The CHAIR: Whatever the motivations, the facts are the facts. If you were to refer any project now that was a fossil fuel project to the IPC with a specific request for a public hearing, it would be on the basis, no matter how we look at it, to extinguish third-party merit appeal rights only. That is the only single reason hanging in the balance that a Minister would do that. Will you commit to not doing that?

Mr PAUL SCULLY: You may characterise it as that. I characterise it as assessing things on a case-by-case basis, and that's what I'll continue to do. I do want to point out, though, as I said earlier, that since

1979, when the Act was first brought in, extinguishing merit appeal rights where a commission of inquiry or a public hearing has been held has been the case. I don't think you can say, "Well, the IPC has never compelled a witness to come forward, so therefore you should never use that as an option." That in itself is like saying we shouldn't outlaw a particular crime just because it may not have been committed yet.

The CHAIR: No, Minister, that's not what it's like at all.

Mr PAUL SCULLY: But it is.

The CHAIR: It's not what it's like at all. It was the chair of the IPC who said it has never been used. You provided that as an example.

Mr PAUL SCULLY: Sure. That's a fact. I mean, I'm not disputing that fact. I'm just saying that fact doesn't lead to the conclusion that you should never use it.

The CHAIR: Minister, when the previous Government has done this, what we know is that it undermines the trust and the rigour of these development assessment processes and the Government's approach to fossil fuel projects. I think that's something that has been more than proved.

Mr PAUL SCULLY: Chair, I'm well aware of your views on this over many, many years. I am the last person who's willing to defend the actions of the previous Government—in fact, that's part of the reason I'm in the current Government, because I don't support the previous Government.

The CHAIR: Good. Let's not do what the last Government did.

Mr PAUL SCULLY: But I am not going to sit here and make a blanket ruling on hypothetical cases into the future.

The CHAIR: Minister, with respect, you know it's not hypothetical cases. I am talking about the upcoming coal projects that will come to you and will sit on your desk.

Mr PAUL SCULLY: And when they come to me—

The CHAIR: If you strike that pen and you refer it to a public hearing, you are fully on notice that you will be doing it for one reason and one reason only, and that is to extinguish the rights of the community to a merits appeal in the New South Wales Land and Environment Court.

Mr PAUL SCULLY: Actually, no—sorry, Chair, I'm forced to push back on that characterisation of decisions I'm yet to make.

The CHAIR: You can push back as much as you like. The facts are the facts. The facts will be the facts, Minister.

Mr PAUL SCULLY: You're characterising decisions that I'm yet to make. I appreciate you're pre-empting these things and you want to do all that sort of stuff and attempt to get me on record.

The CHAIR: They are the facts, Minister.

Mr PAUL SCULLY: No, what will be the case is when decisions are made, if decisions need to be made, they'll be made on a case-by-case basis on the evidence put before me. I'll defend them, like I defend other decisions that I make, after those decisions are made, but I'm not going to sit here and have future hypothetical decisions characterised in such a way that suits.

The CHAIR: I think you need to be on notice that you would be defending the indefensible in this circumstance.

Mr PAUL SCULLY: Sure.

The CHAIR: Minister, in November last year you said that you don't support unsafe development on dangerous flood plains. Is there—

Mr PAUL SCULLY: My mind hasn't changed.

The CHAIR: What's your view of a dangerous—what does "dangerous" mean, Minister, in terms of floodplain development?

Mr PAUL SCULLY: It's in the context of what the development is to. I think this is where we can't be ignorant of the fact that it's a multifaceted aspect. Let's take, for instance, a piece of land that might be subject to flooding—let's say, to pick a period out of the air, one in 50 years. It may not be appropriate for any development to be on that site that is residential. It may, however, be appropriate and suitable and to be within controls for a golf course to be on such land. My view is that in considering what is suitable, and this is—

The CHAIR: Let's talk about housing, if we can, then.

Mr PAUL SCULLY: The fact is you said development. Development comes in all shapes and forms, and—

The CHAIR: But which flood plains do you want to keep housing off?

Mr PAUL SCULLY: We've already made substantial decisions around the north-west of Sydney. This is why the Government is going down the path, the first time ever—this is something that New South Wales should be really proud of. For the first time ever we've got a State Disaster Mitigation Plan in place, done by my colleagues at the Reconstruction Authority, that sets out 37 tasks that we're going about. It also adds some evidence and some assessment around that. When we considered the Hawkesbury-Nepean basin, the largest unmitigated flood risk in the country, we looked at that in the context of not only what was there but how those people who are living in that area might be able to be evacuated when they need to be. The Reconstruction Authority—and Mr Lanyon may wish to add some detail to this—is undertaking some really quite detailed work in terms of what we might do in terms of a local disaster adaptation plan in the Hawkesbury-Nepean.

The CHAIR: Are you concerned that some councils are using modelling that is really not the modelling that we should be using today, given your statements around what's dangerous?

Mr PAUL SCULLY: I worry about some councils using all sorts of excuses to get around housing. For instance, there was an article today in relation to some councils trying to misuse heritage protection to try to get around things. The department issued—I think it was in May.

DAVID GAINSFORD: March.

Mr PAUL SCULLY: March; my apologies—some additional guidance with respect to how to consider flood and the appropriateness of it. The Government made a big decision in October last year about the north-west of Sydney, and we'll continue to support council assessments but also support work on adaptation and mitigation measures that we might be able to do that not only protects the existing residents but may enable additional land uses.

The CHAIR: I do have questions for the Reconstruction Authority people later on around that. Is there a reluctance for you as Minister to issue firm and clear directives rather than the advice that you're giving?

Mr PAUL SCULLY: Firm and clear with respect to?

The CHAIR: Enforceable directions. Why is there a reluctance to doing that and that you're issuing—

Mr PAUL SCULLY: I think I've introduced a whole number of SEPPs which have enforceable requirements in them.

The CHAIR: No, in terms of advices to council, which I know are very useful, but I'm curious—is there an approach and a decision within the department that with these particular kinds of matters, particularly around the complexity of modelling and mapping and things like that—

Mr PAUL SCULLY: You've hit the nail on the head right there: No two areas, when it comes to flood and the movement of water, are exactly the same. What you might do in Wollongong, which was subject to quite severe flooding on 6 April, is different to what you would do, say, in the Northern Rivers. It's different what you'd do in the Hawkesbury-Nepean.

The CHAIR: Minister, I really appreciate the candour and the frankness. Would you, as Minister, consider issuing a directive specific to a council if they were using models and approaches to decisions that were clearly having perverse outcomes?

Mr PAUL SCULLY: I'm going to say "yes, but". I don't like to say "yes, but", but I think I have to in this circumstance because I don't know that I could universally say—if there was a reason why, if, for instance, a council—and I don't believe councils would, but you never know. If there was a council who was deliberately putting people at risk, yes, absolutely, I'd step in. If, by the same token, there was a council that may have been or appears to be using or hiding behind an outdated model or something like that to frustrate something else, then I think I'd have to consider the merits of the situation, but I would not say I would never step in. I just say I couldn't universally say I would. But I think it is a very complex issue and it's hard because it changes. It changes with the nature of your purview, your services and all sorts of other things.

It's challenging for local governments and others. I think we're increasingly improving our knowledge. Our models are getting better. But local governments also often have a lot to do. So sometimes some of the areas can become a little outdated. I think we've got to work together in some of these circumstance, particularly on some of the complexities, so that we don't unnecessarily put people at risk. And that's ultimately what should be

our guiding principle, which is why it might be okay to do an industrial estate on a piece of land but it's not okay to do a residential. Because industrial estates generally don't have someone asleep in a bed at 3.00 a.m.

The Hon. JOHN RUDDICK: Minister, if I was the Premier, I would abolish all planning and zoning laws. I'd abolish your department and all these good people could be doing something far more productive with their lives. The TOD is a step in the right direction but, by your own admission, it's obviously going to take years until it actually has any impact on the market. What could have an immediate impact is—a year ago I asked you about the granny flats report, which identified 242,000 properties in Sydney that are, overnight, suitable for a granny flat. A granny flat can be built in a very short period of time. It can have an immediate impact on rent and prices. There was a fair bit of media a year ago about it, but I haven't heard anything about it. What is the Government doing about progressing—

Mr PAUL SCULLY: The big change we made—it wasn't necessarily with respect to granny flats, but it is about the intensification of residential land use—was allowing dual occupancies to be built in R2 zonings across 124 out of 128 local government areas. I want to clarify the four that were left out weren't left out for any political reason or anything like that. Three of them were left out for fire and flood affectations, being Blue Mountains, Hawkesbury and Wollondilly. Bathurst was left out—and this one may amuse you. The R2 zoning in Bathurst is not highly used and, where it is used, it's downwind of a sewage treatment plant. So I think anyone would view it as a suboptimal location to put some additional housing.

But that's been the first step: making sure. And most granny flats are able to be done. It's a complying development in many areas. Others have to go through a DA process and Ms Fishburn or Ms Gibson may be able to add some detail and clarification to that. But the big first step was making sure that a type of home is not banned by the planning system because of some historical decision. It was just bizarre that all of these local government areas didn't allow dual occupancies, didn't allow terraces and townhouses and semi-detached dwellings, because they'd essentially switched them off in the planning system; they didn't permit them. Not permitting them doesn't mean they would knock back a DA; it means you couldn't even put in a DA in those areas, which, to my mind, was quite crazy.

You have a look at a number of areas. Wollongong has had dual occupancies for a long time. But if you, as I do on a regular basis, come through the Sutherland shire, you see a great number of those coming up. They're good as an option for multigenerational homes, in the same way that granny flats are. That allows people to have multigenerational housing for families that a lot of people want, and restoring that diversity of housing type into communities allows people to have a range of options on where they can live, allowing them to stay in the areas that they've grown accustomed to, grown to love and helped to build through all different stages of their life.

The Hon. JOHN RUDDICK: Have we seen an uptick over the past year in the construction of granny flats?

Mr PAUL SCULLY: I'll defer to—

KIERSTEN FISHBURN: We'll take that on notice and I'll get you some data.

The Hon. JOHN RUDDICK: Doesn't sound encouraging. What more can the State Government do to encourage granny flats?

Mr PAUL SCULLY: In fact, what we're trying to do at the moment is encourage exactly that sort of style of home through the work that Minister Jackson is leading with respect to offsite construction, modular construction of Homes NSW sites. In the first—and I may get this slightly wrong because, you'd appreciate, it's not my portfolio—five sites that have been selected under the Homes NSW modular constructions trial, I think four of those sites were for the addition of a granny flat on a larger homes block. One was for—I think a dual occupancy was the other one. We're certainly not discouraging it. And I don't believe that any councils are either. I think there are probably some other economic factors at work that might be meaning people are delaying some construction.

The Hon. JOHN RUDDICK: You mentioned that you met with your counterpart in New Zealand recently. They have recently said that they're going to wind back the heritage laws, which are holding back construction and development. What is your view on the levels of heritage protection that we have in New South Wales?

Mr PAUL SCULLY: I think that heritage and new housing can coexist. Heritage and jobs can coexist. I think we've got some great examples of it. If you look at, say, somewhere like the Gantry—a great example of a re-use of a mechanics workshop or car factory or something. It had something to do with cars; I can't remember exactly what it was. But it's been able to sympathetically include housing as part of that. It's kept the roof line,

kept all of the elements that are part of it. It has actually paid some homage to it in doing it. But—if anyone read the Telegraph today—there are people who have been engaged in trying to misuse heritage to try to block housing.

The Hon. JOHN RUDDICK: What are we doing about that?

Mr PAUL SCULLY: The Minister for Heritage and I have both made public statements that, where people are misusing heritage to try to block things, that's not an acceptable situation.

The Hon. JOHN RUDDICK: I'm in complete agreement with you. I look at the inner west and I feel like what is happening is that these people just don't want development and are hiding behind faux heritage. It sounds like you're also concerned about that, which I'm pleased about. But what can we do about it?

Mr PAUL SCULLY: But I'm not saying we knock down the great buildings and we knock down all of our heritage or anything like that. No-one should interpret my comments as that. I believe that they can sympathetically coexist. There is many a street in Balmain that you drive down and there are literally houses from the 1880s and the 1980s side by side, looking very similar in the facades—arguably, some of the more modern ones probably looking a bit better and healthier because of the way they were built. But they provide a good housing outcome. There are plenty of examples—as I said, the Gantry and others—where there's been either adaptive re-use or sympathetic use of a heritage site that can work with jobs and with housing.

The Hon. JACQUI MUNRO: Minister, have you seen the Premier's very recent letter responding to ICAC Commissioner Hatzistergos' questions about the implementation of recommendations regarding Operation Eclipse?

Mr PAUL SCULLY: I haven't seen the Premier's letter, no.

The Hon. JACQUI MUNRO: Did the Premier or his office contact you before they responded to the ICAC Commissioner?

Mr PAUL SCULLY: Didn't contact me, no.

The Hon. JACQUI MUNRO: What about after they sent the letter?

Mr PAUL SCULLY: Why were they contacting me about the letter after they sent it?

The Hon. JACQUI MUNRO: I'm wondering if you have ever sought advice from ICAC or the Premier's office about appropriateness of your meetings.

Mr PAUL SCULLY: My meetings are all appropriate and all disclosed, as is required.

The Hon. JACQUI MUNRO: Have you ever sought advice from ICAC about those?

Mr PAUL SCULLY: The ICAC commissioner has, I think, written to all Ministers in the past, but there's also a very detailed set of requirements that Ministers are provided about diary disclosures and the like.

The Hon. JACQUI MUNRO: But have you sought advice about your meetings? Have you actively sought any advice about your meetings?

Mr PAUL SCULLY: I'll take it on notice. I can't recall off the top of my head whether I've sought it actively in recent times or not.

The Hon. JACQUI MUNRO: Have you ever sought advice from the Special Minister of State or your department about meetings and their appropriateness?

Mr PAUL SCULLY: Yes—well, from the department, absolutely.

The Hon. JACQUI MUNRO: Which meetings?

Mr PAUL SCULLY: It was a general question about the suitability of meetings. We take all the appropriate steps and everything is disclosed as is required.

The Hon. JACQUI MUNRO: So no particular meetings that you wanted to understand about more details regarding the background—

Mr PAUL SCULLY: Some meetings I reject on the basis of advice from the department because of where it may be. I'm very conscious of the fact—

The Hon. JACQUI MUNRO: So those are specific meetings that you've sought advice on?

Mr PAUL SCULLY: Yes. I'm very conscious—sometimes you seek advice on the particulars that someone might be seeking a meeting with you about.

The Hon. JACQUI MUNRO: Yes, and that's what I'm interested in. Which meetings are you seeking advice about?

Mr PAUL SCULLY: No, I'm not—I seek advice as is required on a whole range of things. Sometimes it is just on the general nature of where a project might be up to, and I consider that in light of the suitability of me accepting a meeting or not.

The Hon. JACQUI MUNRO: Minister, on Tuesday 16 April you met with the member for Camden, the former Labor Premier Morris Iemma, former member for Camden Chris Patterson, and a construction company that is a client of their lobbying outfit, their lobby shop. The purpose of the meeting was listed very clearly:

Visit Pro9 walling system at turnkey homes, Spring Farm

Just two days later, which was Thursday 18 April, you met with Morris Iemma alone. In that disclosure Mr Iemma was not recorded—

Mr PAUL SCULLY: Not alone, but sure.

The Hon. JACQUI MUNRO: —as a lobbyist, and the purpose of the meeting is described very broadly as "Planning matters". I'm wondering if you could please explain to me how Mr Iemma is a lobbyist on Tuesday but not a registered lobbyist on Thursday?

Mr PAUL SCULLY: For a start, when I went out to the construction site, Mr Iemma wasn't there.

The Hon. JACQUI MUNRO: He's listed—so you're saying the diary disclosures are incorrect?

Mr PAUL SCULLY: And I've got an interest—

The Hon. JACQUI MUNRO: Sorry, can I clarify that? You're saying that your diary disclosure is incorrect, that he was not at the meeting that he's listed to be at?

Mr PAUL SCULLY: If that's the onsite meeting—I don't have my diary disclosure in front of me.

The Hon. JACQUI MUNRO: Your diary disclosures say that Mr Iemma was there. You're saying that they're wrong?

Mr PAUL SCULLY: You have it in front of you. I don't have it.

The Hon. JACQUI MUNRO: I can table it. I'm happy to table that so you can have a reference point. By leave, I table the document.

Document tabled.

Mr PAUL SCULLY: I'm telling you that when I went to the site, Mr Iemma wasn't there.

The Hon. JACQUI MUNRO: Thank you.

Mr PAUL SCULLY: I don't know why he wasn't there.

The Hon. JACQUI MUNRO: Well, he's listed as being—

Mr PAUL SCULLY: In terms of my discussions with a former Premier, and former commissioner on the Greater Sydney Commission, about planning matters, I mean, I've met with former Prime Minister Paul Keating about planning matters. I met with Rob Stokes about planning matters.

The Hon. JACQUI MUNRO: But is Mr Paul Keating a lobbyist?

Mr PAUL SCULLY: But it wasn't about a specific project.

The Hon. JACQUI MUNRO: My question is quite specific: How is Mr Iemma a lobbyist on Tuesday and not a registered lobbyist on Thursday?

Mr PAUL SCULLY: You've discovered this by disclosure. There's nothing untoward here. I met with someone to talk about strategic planning.

The Hon. JACQUI MUNRO: But you're not disclosing him as a lobbyist. You're meeting with a lobbyist with no detail—

Mr PAUL SCULLY: Yes, which wasn't about—

The Hon. JACQUI MUNRO: —about the matter of the meeting that you're engaging with.

Mr PAUL SCULLY: And I'm telling you it wasn't about a specific project. I haven't met with Mr Iemma on that day about a specific project. He's also a former Premier. He was a former Premier when he was there; he was a former—

The Hon. JACQUI MUNRO: That's right. But he's also a registered lobbyist.

Mr PAUL SCULLY: —commissioner of the Greater Sydney Commission, as it was at the time.

The Hon. JACQUI MUNRO: Minister, are you—

The Hon. SCOTT FARLOW: Minister, just quickly on that one, if a lobbyist comes to—

Mr PAUL SCULLY: Oh, you're going to talk over the top of your colleague, are you?

The Hon. JACQUI MUNRO: We're happy to share the load.

The Hon. SCOTT FARLOW: We're happy to share. We're happy to be a tag team here. Minister, just on that point, if a lobbyist comes to see you about the planning system in general or their own ideas about reforming the planning system, you don't consider them to be a lobbyist at that time. Is that correct?

Mr PAUL SCULLY: No, that's not what I said.

The Hon. JACQUI MUNRO: That's what you're saying is appropriate.

The Hon. SCOTT FARLOW: That is exactly what you're saying.

Mr PAUL SCULLY: No, it's not what I said. You asked about Mr Iemma.

The Hon. SCOTT FARLOW: Yes. So if Mr Iemma, who is a lobbyist, comes to see you—

Mr PAUL SCULLY: Okay, so you're suggesting that Mr Photios—

The Hon. SCOTT FARLOW: —and says, "Hey, Paul, I've got an idea for how to change the system"—

Mr PAUL SCULLY: You're suggesting that if Mr Photios came in the same circumstances—

The Hon. SCOTT FARLOW: Exactly. You wouldn't declare that as a lobbyist meeting.

Mr PAUL SCULLY: —it's unlikely that the meetings would occur. I haven't spoken to Mr Iemma about specific—

The Hon. JACQUI MUNRO: So you're saying that the meeting wouldn't occur?

Mr PAUL SCULLY: I haven't spoken to Mr Iemma about specific projects, right? AV Jennings—I went out onsite to have a look at a modular housing construction, just like I went to Prefabulous in Wagga Wagga to look at a housing construction type.

The Hon. JACQUI MUNRO: Minister, we're actually relating this specifically to your meetings with lobbyists.

Mr PAUL SCULLY: What's the crime that you're alleging?

The Hon. JACQUI MUNRO: I'm wondering if you think that conversations you have as the New South Wales planning Minister with a person who benefits financially from their access to you and from knowing information about the planning system—that is, a person who is a lobbyist—should be covered by stricter disclosure requirements about the purpose of those conversations?

Mr PAUL SCULLY: Lobbyists are covered by that.

The Hon. JACQUI MUNRO: But you're meeting with lobbyists and disclosing the purpose of the meeting as "Planning matters"—

Mr PAUL SCULLY: So you're saying I shouldn't meet with someone who's been a former Premier of New South Wales about planning matters, strategic planning matters?

The Hon. JACQUI MUNRO: What I'm asking you is if you think that a person can be a lobbyist on Tuesday and not a lobbyist on Thursday.

Mr PAUL SCULLY: So you're suggesting that I shouldn't meet with former Premiers?

The Hon. JACQUI MUNRO: No, that's a very specific question. You can't rephrase my question. It's very clear.

Mr PAUL SCULLY: What's the crime you're trying to allege here?

The Hon. JACQUI MUNRO: I'm actually asking you your opinion on whether you think a person can be a registered lobbyist on Tuesday but not on Thursday.

Mr PAUL SCULLY: You're not. You're trying to draw a—

The Hon. JACQUI MUNRO: No, that is the question. That is exactly what I'm asking.

Mr PAUL SCULLY: You're trying to draw some sort of bow between two particular meetings. That's what you're really asking—at least be honest.

The Hon. JACQUI MUNRO: Minister, please don't impugn my motives or the backgrounds of my—

Mr PAUL SCULLY: Don't impugn my motives about meetings.

The Hon. JACQUI MUNRO: I'm asking you a question because you're the planning Minister.

Mr PAUL SCULLY: Yes, I am the planning Minister.

The Hon. JACQUI MUNRO: I think you would agree that planning in New South Wales has been probably the predominant reason that ICAC exists, okay? So I'm asking—

Mr PAUL SCULLY: Well if we want to go into that, we can have a look at what Ray Williams—

The Hon. JACQUI MUNRO: —you as the planning Minister what you think is appropriate in terms of your engagement with lobbyists.

Mr PAUL SCULLY: —has said in the Parliament; what Philip Ruddock has said about undue influence.

The Hon. JACQUI MUNRO: Minister, it is very concerning that you're not able to answer a simple question about your opinion on whether a lobbyist can be a lobbyist on Tuesday but not on Thursday.

Mr PAUL SCULLY: Right, so—

The Hon. JACQUI MUNRO: It's a yes or no question.

Mr PAUL SCULLY: Let's have a look. I went to a very public meeting with the member for Camden on—

The Hon. JACQUI MUNRO: Minister, we've already covered this. I'm asking your opinion—

Mr PAUL SCULLY: No, hang on—

The Hon. PETER PRIMROSE: Point of order: Chair—

Mr PAUL SCULLY: I'd go through the Chair but she's not here anymore. She got bored.

The Hon. JACQUI MUNRO: The Minister just talked over me while I was trying to give my answer.

The Hon. PETER PRIMROSE: My point of order goes, again, to the issue of courtesy. The member asked the question. The Minister surely is then entitled to seek to answer that question in any way the Minister sees fit. I simply ask that you rule that we give some courtesy to the Minister to allow him to answer the important questions that the Hon. Jacqui Munro is putting to him.

The Hon. JOHN RUDDICK: This is a parliamentary environment and we need to have a robust debate. I think the questioning is in order.

The Hon. JACQUI MUNRO: Thank you very much, Deputy Chair.

The Hon. PETER PRIMROSE: Well, that's not what the rules say.

The Hon. JACQUI MUNRO: Minister, how about I ask you if you're familiar with Mr Iemma's very impressive developer client list? Are you familiar with that?

Mr PAUL SCULLY: I haven't committed it to memory.

The Hon. JACQUI MUNRO: Perhaps I'll table that as well for you. By leave, I table the document.

Document tabled.

Mr PAUL SCULLY: You would have got that off the register, wouldn't you?

The Hon. JACQUI MUNRO: Absolutely.

Mr PAUL SCULLY: It's a public document.

The Hon. JACQUI MUNRO: That's right. But are you aware of it, Minister?

Mr PAUL SCULLY: I'm aware that Mr Iemma has a number of clients, yes. But I just said I haven't committed it to memory.

The Hon. JACQUI MUNRO: Have you asked your department for briefings about Mr Iemma's client list?

Mr PAUL SCULLY: What? Sorry, I don't understand your question.

The Hon. JACQUI MUNRO: It's a very simple question: Have you asked the department to provide you with any briefings about Mr Iemma's client list?

Mr PAUL SCULLY: No, I don't ask the department to provide me—

The Hon. JACQUI MUNRO: So how can you be sure that you are discussing matters that don't—

Mr PAUL SCULLY: —with details of Mr Iemma's client list because the department's job is not to provide me briefings of Mr Iemma's client list.

The Hon. JACQUI MUNRO: It is if you ask them to, Minister. How can you be sure that you are discussing matters with Mr Iemma that don't relate to his client list if you don't even know what his client list is?

Mr PAUL SCULLY: You've got a great smoking gun here, haven't you?

The Hon. JACQUI MUNRO: It's a very basic question.

Mr PAUL SCULLY: I think you're forgetting that people can have multiple roles. People can have multiple roles in life.

The Hon. JACQUI MUNRO: So you're saying that a person can be a lobbyist one day but not a lobbyist the next when they're discussing planning matters with the planning Minister?

Mr PAUL SCULLY: I'm saying people can have multiple roles, right? What I'm saying is that Mr Iemma and his client, AVJennings, I went to see in a very public way. There were Facebook posts about it. I made no secret about it.

The Hon. JACQUI MUNRO: I'm not worried about the public meetings, Minister. I'm worried about the meetings that you're not disclosing in terms of any sort of detail.

Mr PAUL SCULLY: What are you suggesting I haven't disclosed? You've just tabled my disclosures. They're done in accordance with the rules.

The Hon. JACQUI MUNRO: I'm suggesting that it's very concerning that the planning Minister in New South Wales is not more worried about the fact that they are meeting with a lobbyist, a registered lobbyist, deciding—

Mr PAUL SCULLY: So you're saying that Mr Iemma—

The Hon. JACQUI MUNRO: Excuse me, may I finish my question, Minister?

Mr PAUL SCULLY: You're suggesting that Mr Iemma can't separate his roles?

The Hon. PETER PRIMROSE: Is he allowed to answer?

The Hon. JACQUI MUNRO: No, Minister, I'm asking you a question and you're talking over me.

The Hon. PETER PRIMROSE: You're talking over him all the time.

The Hon. JOHN RUDDICK: Let's hear the question, and then we'll hear the response.

The Hon. JACQUI MUNRO: Thank you.

The Hon. PETER PRIMROSE: That's what I moved before.

The Hon. JACQUI MUNRO: Minister, my concern, as I've just said, is that you are the planning Minister and that you are not asking your department to provide you with information about the clients of lobbyists that you're meeting with, which you have declined to list as lobbyists on your diary disclosure, and you also don't know their developer client list. How can you be sure that your meetings are not discussing matters that relate to a person's clients?

Mr PAUL SCULLY: Because I know the nature of the conversation. Mr Iemma is a former Premier.

The Hon. JACQUI MUNRO: He's also a lobbyist.

Mr PAUL SCULLY: He is a former Premier—

The Hon. SCOTT FARLOW: Minister, Mr Iemma comes in—

The Hon. JOHN RUDDICK: Let's hear the Minister, and then we'll hear from Scott.

Mr PAUL SCULLY: He's a former Premier who asked for a meeting to speak to me about his views on strategic planning in Sydney. He has got a long history with this.

The Hon. JACQUI MUNRO: He's also a lobbyist.

Mr PAUL SCULLY: I know. You keep repeating, "He's also a lobbyist." He is.

The Hon. JACQUI MUNRO: But you don't seem to understand that.

Mr PAUL SCULLY: I think you've got a situation where you've got this assumption that people can't separate their roles. I have to separate my roles on a regular basis. You've got the smirk there; you think you've got something fantastic.

The Hon. JACQUI MUNRO: No, I'm incredulous, Minister.

The Hon. SCOTT FARLOW: Minister, that's just disrespectful.

Mr PAUL SCULLY: If you think there's something untoward or there's a decision I've made that favours Mr Iemma's client as a result of some meeting in April—

The Hon. JACQUI MUNRO: Have you read the Operation Eclipse recommendations that relate to your responsibilities as a Minister?

Mr PAUL SCULLY: I've read many an ICAC report about Daryl Maguire, about John Sidoti and about others.

The Hon. SCOTT FARLOW: Minister, what about the ones that are relevant to you? What about Operation Eclipse?

Mr PAUL SCULLY: If you've got a claim, make it.

The Hon. JACQUI MUNRO: I'm asking a question—

The Hon. SCOTT FARLOW: We're interested in the process.

Mr PAUL SCULLY: Chair, can you ask Mr Farlow not to speak over Ms Munro? I've just been accused of the same thing.

The Hon. SCOTT FARLOW: The Chair said that we'd be coming to me next.

Mr PAUL SCULLY: I think that it's appropriate that Ms Munro is able to finish her questions.

The Hon. JOHN RUDDICK: They are a team. Mr Farlow is welcome to speak.

Mr PAUL SCULLY: I think that's unfair of Mr Farlow.

The Hon. SCOTT FARLOW: Sometimes the tag is made.

The Hon. PETER PRIMROSE: It would also be nice, Chair, to allow the Minister to respond.

The Hon. JACQUI MUNRO: He has been responding.

The Hon. PETER PRIMROSE: Now you've got two of them at the same time talking over him.

The Hon. JOHN RUDDICK: We're now going to hear from Mr Farlow, and then we'll hear from the Minister.

The Hon. PETER PRIMROSE: That'd be unique and very valuable.

The Hon. SCOTT FARLOW: Minister, when Mr Iemma comes to you and, as you said, discusses strategic planning issues and says, "I've got this great idea. This is something you should change in the planning system," wouldn't you want to know whether that actually benefited his clients or not?

Mr PAUL SCULLY: You assume, Mr Farlow, that every person who has got a great idea who comes to me automatically gets the change they might want.

The Hon. SCOTT FARLOW: I don't assume that at all.

Mr PAUL SCULLY: That's exactly what you've implied in that question. When someone suggests to me an idea about anything—and I appreciate that may be a foreign concept for you, because I think your only idea is to stop things—and that happens at the supermarket that I've had suggestions about improvements to the planning system.

The Hon. SCOTT FARLOW: Was that Mr Iemma or somebody else?

Mr PAUL SCULLY: It's one of those systems where lots of people—

The Hon. JACQUI MUNRO: Did you disclose that meeting too?

The Hon. JOHN RUDDICK: Let's hear the Minister.

Mr PAUL SCULLY: —have opinions on how things should be done in Planning. When that is done, any suggestion, if I think it's worth merit, would be thoroughly explored through the ordinary processes of policy-setting within a government. Sometimes those ideas come from a position of relative ignorance of what's going on rather than anything else. I appreciate that you guys have got a history where people have used the planning system under your previous Government to feather their own nest—

The Hon. SCOTT FARLOW: I think you should look at your own history. You'd remember the "table of knowledge", wouldn't you?

Mr PAUL SCULLY: —Daryl Maguire, John Sidoti and others who have been a part of it. I appreciate that you guys have got some questionable people in your past, but there has not been the gross politicisation of the planning system under this Government as you experienced under yours. It is a very different government from yours, and you should not assume—

The Hon. SCOTT FARLOW: Have you read Frank Sartor's book?

Mr PAUL SCULLY: —or impose the same level of fast and loose behaviour that you might have been involved in and your colleagues might have been involved in in the past.

The Hon. JACQUI MUNRO: Minister—

The Hon. SCOTT FARLOW: *He Who Must Be Obeid*, is that something that you've looked at?

Mr PAUL SCULLY: Do you think that when Rob Stokes came to me and suggested some ideas that I should've just dismissed him out of hand because he's a former—

The Hon. SCOTT FARLOW: Is Rob a lobbyist?

Mr PAUL SCULLY: He was appearing with faith-based councils. He was appearing to get some changes.

The Hon. SCOTT FARLOW: And it was disclosed as such.

Mr PAUL SCULLY: I went away and asked the question, and what he suggested wouldn't actually work. It was probably one of the reasons why he didn't do it himself. Are you suggesting that I shouldn't talk to anyone, that I shouldn't take ideas, that I should use the Opposition's policy-making process of no ideas—

The Hon. JACQUI MUNRO: Minister, now you're getting into questions to us, which isn't the purpose of budget estimates.

Mr PAUL SCULLY: —of no desire and of no ambition for New South Wales? That's what you're implying here.

The Hon. JACQUI MUNRO: I'm not sure if you recall that in 2017 you said in Parliament that no-one in Labor wants "the shonks, the lurk merchants, the sketchy lobbyists and the spivs to have influence over development applications".

Mr PAUL SCULLY: I'm glad you read my stuff.

The Hon. JACQUI MUNRO: Absolutely. I think it's very important because.

Mr PAUL SCULLY: I've read yours too. You vote against housing despite talking about it in your first speech.

The Hon. JACQUI MUNRO: As I said before, you're the planning Minister, and this is a very important topic to ensure that there is transparency across the system.

Mr PAUL SCULLY: Are you calling Mr Iemma a shonk or a lurk merchant or something?

The Hon. JACQUI MUNRO: Excuse me, Minister, may I finish my question?

Mr PAUL SCULLY: Sure.

The Hon. JACQUI MUNRO: It's about a respectful conversation, I'm sure.

Mr PAUL SCULLY: I've tried that all morning.

The Hon. JACQUI MUNRO: Do you think that it's appropriate that you are having meetings with lobbyists and not disclosing those people as lobbyists?

Mr PAUL SCULLY: The disclosures are made in accordance with the requirements. You have discovered this by looking for yourself or by reading the front page of *The Sydney Morning Herald* the other day; I'm not sure which.

The Hon. JACQUI MUNRO: My question is very clear.

Mr PAUL SCULLY: You probably read the Herald before you decided to check out the diary disclosure.

The Hon. JACQUI MUNRO: Minister, this is not just about people who have the resources in their offices to research this kind of information.

Mr PAUL SCULLY: I'm well aware of resources in offices; I was in the shadow ministry for a long time.

The Hon. JACQUI MUNRO: This is actually about making sure that the public is aware of what the Minister is doing.

Mr PAUL SCULLY: And everything is disclosed.

The Hon. JACQUI MUNRO: Mr Iemma is not disclosed as a lobbyist in a meeting with you. Is that appropriate?

Mr PAUL SCULLY: Because Mr Iemma did not meet me in the capacity as a lobbyist at that time. He met me—

The Hon. JACQUI MUNRO: You're saying that a person can be a lobbyist—

Mr PAUL SCULLY: I am saying that people can have multiple roles in life.

The Hon. JACQUI MUNRO: —one day and not two days later?

Mr PAUL SCULLY: I am a Minister and a local member. I'm a husband, I'm an uncle and I'm a friend. You're allowed to have multiple roles in life. It'd be pretty boring if you're as homogenous as you claim people want to be.

The Hon. JACQUI MUNRO: When you're making money from relationships that you have made through politics, and you have unique access to the planning Minister and you have a multitude of clients who are developers, is it not appropriate for that person to be disclosed as a lobbyist?

Mr PAUL SCULLY: I have met with many of your current and former people as well.

The Hon. JACQUI MUNRO: Are they lobbyists? Have you disclosed them? I'm getting very concerned—

Mr PAUL SCULLY: Chris Patterson was one. He's right there.

The Hon. SCOTT FARLOW: And he's disclosed as a lobbyist.

Mr PAUL SCULLY: He was in the Liberal Party, wasn't he? He was disclosed as a lobbyist?

The Hon. JACQUI MUNRO: My concern is that you are now having meetings with lobbyists that we're not aware of that aren't listed here.

Mr PAUL SCULLY: If you've got a claim that I've had a meeting that you're not aware of, put forward your claim.

The Hon. JACQUI MUNRO: That is what I'm claiming. You are meeting with Mr Iemma here and he's not registered as a lobbyist. Do you think that's acceptable?

Mr PAUL SCULLY: This is the one that you've highlighted.

The Hon. JACQUI MUNRO: That's the one. It's for your information.

Mr PAUL SCULLY: You discovered this through a disclosure or saw the front page of *The Sydney Morning Herald*.

The Hon. JACQUI MUNRO: Minister, he is not listed as a registered lobbyist in that disclosure. Does that concern you?

Mr PAUL SCULLY: He didn't meet me in his capacity as a lobbyist in that meeting.

The Hon. MARK BUTTIGIEG: Point of order—

Mr PAUL SCULLY: How many times do we have to go around in circles in these questions?

The Hon. JACQUI MUNRO: I find it remarkable.

The Hon. MARK BUTTIGIEG: —this line of questioning has been reiterated on probably six occasions. The Minister has clearly articulated the answer—that is, the former Premier didn't meet him in the capacity of being a lobbyist. That's the answer. It's finished. Do we have to take up the rest of the time reiterating, quite frankly, a boring question that has been answered on six occasions.

The Hon. JACQUI MUNRO: Let me ask a new question then, Chair.

The Hon. JOHN RUDDICK: We will now have a fresh question.

The Hon. JACQUI MUNRO: Minister, do you agree with the ICAC's recommendations from Operation Eclipse, including recommendations 12 and 13, that would require greater detail and regularity of diary disclosures?

Mr PAUL SCULLY: The Government will make any changes to diary disclosures and anything else in response to ICAC recommendations in due course. The Special Minister of State is the one responsible for leading the Government's responses to those, and I'm sure he will.

The Hon. JACQUI MUNRO: A decade ago, in opposition, Labor promised to ban lobbyists from meeting with Ministers, their staff and departments. Will you be speaking to the Special Minister of State to share those views and push your Government to implement ICAC's recommendations?

Mr PAUL SCULLY: Both the Special Minister of State and I have been long-term members of the party, but neither of us, I don't think—I'm not sure exactly when Minister Graham joined the Parliament—were here at that time. I am confident that he is aware of the party's history in the same way that I am, and that he will guide the Government's response to current and future ICAC reports as required.

The Hon. JACQUI MUNRO: Finally, if you are meeting with a registered lobbyist, will you be disclosing that they are a lobbyist in your diary disclosures—

Mr PAUL SCULLY: As I have.

The Hon. JACQUI MUNRO: —in every meeting that you attend with them?

Mr PAUL SCULLY: As I have.

The Hon. JACQUI MUNRO: No, you haven't.

Mr PAUL SCULLY: There's Morris Iemma and Chris Patterson—"Iemma Patterson, lobbyist".

The Hon. JACQUI MUNRO: You haven't disclosed that Mr Iemma was a lobbyist.

The Hon. SCOTT FARLOW: On a Tuesday, but not on a Thursday.

Mr PAUL SCULLY: "Duncan Bremner and Jacqui Lloyd, Primary Communication, lobbyist".

The Hon. JACQUI MUNRO: Thursday 18 April, he wasn't a lobbyist then, even though he discussed planning matters with you.

Mr PAUL SCULLY: Who else have we got? There's very few there.

The Hon. JACQUI MUNRO: That makes it even more concerning, to be honest.

Mr PAUL SCULLY: My diary disclosures will be made in accordance with the diary disclosure rules.

The Hon. SCOTT FARLOW: Tuesdays he must be a lobbyist.

The Hon. JACQUI MUNRO: Thursday, not a lobbyist anymore.

The Hon. JOHN RUDDICK: Minister, I understand that we've got one minute for myself and one minute for the Opposition, or maybe the—

The CHAIR: You can have it, Mr Ruddick.

Mr PAUL SCULLY: It's like the two chipmunks here, "After you", "After you."

The Hon. JOHN RUDDICK: What we have heard, Minister, in the last 10 minutes are allegations from the two major parties about undue commercial influence on planning laws, and you have both got a good case because you have both got history. This isn't unique to New South Wales; it happens all over the world because the government is the one that can make a lot of people rich. This is inevitable. This will always be the case. What do you think about the approach that Javier Milei is taking in Argentina, where he is basically abolishing all these planning laws? One of the upsides of that is we're going to get rid of allegations of financial inappropriateness.

The CHAIR: What would all the planning lawyers do?

The Hon. JOHN RUDDICK: They will do something more productive, Chair. That's what they will do.

Mr PAUL SCULLY: I think there are very few times that sympathy for planning lawyers has come up in such discussions. That's a real-time experiment that I will keep an eye on. To the best of my knowledge, there are no plans to abolish the planning law in New South Wales.

The Hon. JOHN RUDDICK: I'm pleased you are keeping an eye on that experiment because all the indicators are that it's working very well.

Mr PAUL SCULLY: I do keep an eye on other jurisdictions, not just in Australia but internationally. As you pointed out earlier, Mr Ruddick, the New Zealand experiment was one that actually has produced results. If you are a government that is looking to get people into homes and jobs and to protect the environment and have good, vibrant communities for people to live in, we've got to have a look at all ideas that are being put in other jurisdictions.

The Hon. JOHN RUDDICK: I'm pleased to hear it.

The CHAIR: At this point, before I hand to my colleagues for their last minute, I note and remind the Minister that one of ICAC's findings was that merit appeals are a brilliant mechanism to decorrupt the planning system.

Mr PAUL SCULLY: I'd missed your support of merit appeals, Chair.

The Hon. SCOTT FARLOW: Minister, no doubt you would be aware of the decision with respect to McPhillamys goldmine from the Federal Government and Ms Plibersek?

Mr PAUL SCULLY: I am aware of it, yes.

The Hon. SCOTT FARLOW: No doubt, like the Premier, you would be concerned about that. Will you be lobbying your Federal colleagues to support the disallowance motion in the Senate?

Mr PAUL SCULLY: I allow my Federal colleagues to do what they do. What I will be doing—and I have to be very cautious about this, just because there may be something that comes back before the planning system in the future. I understand that both the Premier and the Minister for Natural Resources have spoken to Regis Resources and that Regis are considering their options with respect to an alternative site for a tailings dam. If that comes back before the planning system, then it will be considered in that light.

The CHAIR: We're now over to the Government.

The Hon. PETER PRIMROSE: We're very happy with the responses from the Minister

The CHAIR: We will now take a short break and reconvene the proceedings at a quarter past eleven.

(Short adjournment)

The CHAIR: Welcome back. We'll kick off with questions from the crossbench. I'll start. Minister, I would like to talk with you a little bit about the Reconstruction Authority, particularly the Resilient Homes Program. The current process at the moment for gifting houses that have been bought back, as I understand it, relies on peer-to-peer agreements. Is there any plan for the Reconstruction Authority to facilitate the relocation of homes that have been bought back?

Mr PAUL SCULLY: Individuals relocating their homes or individuals gifting them to someone else to relocate?

The CHAIR: Any. Both of those classes of circumstances.

Mr PAUL SCULLY: Mr Lanyon can add some more detail to this. We are conscious of the fact that there are a number of homes—let's go back a step here. There are two categories, if you like, of homes that are in the Northern Rivers that have been subject to the Resilient Homes Program. There are those that, by any measure, are not habitable. There are those ones and then there are those that may be able to—if there is a suitable site and DA planning processes et cetera are done—be relocated. As a philosophical position, we are looking to minimise the amount of knockdowns and minimise the amount of material that ends up in landfill.

The CHAIR: On that, Minister, of the 520 homes approved for buyback—and you've got that category of the demolished, obviously.

Mr PAUL SCULLY: For some of them it's unavoidable.

The CHAIR: In those circumstances, outside of the gift to gift—those peer arrangements where somebody might gift their home to somebody—is there going to be a stream or an opportunity or a category that the Reconstruction Authority will be able to facilitate the relocation of those homes? Let's call them the lost homes.

Mr PAUL SCULLY: Mr Lanyon might be able to add some more to it. I'm not sure, beyond what people are doing or want to do with their own home, whether it be gifting or whether it be relocating. There has been a great deal of demand for something broader. On the pods, of course, we're doing something there. But Mr Lanyon might be able to add some detail to that.

The CHAIR: What we're trying to get at is this real concern that so many people have about wastage. We're in a housing crisis. We've got these houses. Where can we put them so that they can be fitted and people can live in them?

Mr PAUL SCULLY: We're very conscious of that as well.

MAL LANYON: Ms Higginson, we're looking at and we're very keen to explore as many options as possible. We're mindful, obviously, of the housing challenge and the supply challenge up in the Northern Rivers region. The Minister has quite rightly pointed out gifting relocation, and that's certainly our first principle. We are then looking at whether there's a potential to work with, say, Homes NSW. Can we actually relocate some of those homes and use them for either social or affordable housing?

The CHAIR: I'm really pleased to hear this, but where are we going? Is it happening? Are we going to be going down that path? Do we think there are barriers and will we be able to overcome those?

MAL LANYON: We're certainly looking to explore all of those options. My colleague Ms Leck actually runs the program. I'll hand over to her to give some more specifics. You can take it as read that we are looking to make the maximum use of those houses that are habitable and suitable to be inhabited by people, to be used up in that Northern Rivers region to relieve some of the housing stress exists.

AMANDA LECK: There are a range of—let's call them pathways for those buyback houses. We have settled on more than 500 homes to date. Some of those homes are not suitable for relocation. For example, as the Minister indicated, some are in a dilapidated state and some are slab on ground and therefore not suitable for relocation. Of those that are suitable for relocation, there are about 50 members of a relocation action group that the RA works with regularly around that approach to how to facilitate a relocation of your home. It's a big undertaking for people to hire a contractor and understand the DA requirements. We basically walk them through that step. So that's one group of homes.

We are working with the Commonwealth Government on the ability to go out with an EOI for relocation of homes. Those homes, I think you described them as the leftover homes. There is a lot of community sentiment about the ability for those homes to be repurposed on flood-free land, and so we'll hopefully go out shortly with regard to an EOI for that. We are working with Homes NSW. We have already identified some buyback homes that the RA has acquired through individual exceptional circumstances that may be suitable for Homes NSW to repurpose for social housing, and those conversations are actively afoot at the moment.

The CHAIR: How many are in that category?

AMANDA LECK: I could come back with the exact number but about 40.

The CHAIR: I would be grateful. Great.

AMANDA LECK: There is a range of options for those homes. Any that do need to be demolished, we are actively working on recycling opportunities for those materials.

Mr PAUL SCULLY: Not the asbestos, though, of course.

The CHAIR: No, of course.

Mr PAUL SCULLY: That is a real thing that we have to consider. As there is in many homes throughout New South Wales, older homes do have asbestos in them, and so we have to work through that challenge as well.

The CHAIR: With that category of homes, are we looking at those in terms of the Resilient Lands Program? Obviously we have the announcements of development projects that are going to take place, but what about the non-profit and literally putting these homes into that program?

MAL LANYON: I might just start and then go to Ms Leck on that. Absolutely, that is one of the active considerations. One of the second round releases that the Government has announced is for Mount Pleasant Estate. We are actively looking at a pilot to actually trial relocating several of those homes onto the Mount Pleasant Estate obviously as part of, I suppose, basically a pro forma to have a look and let people have a look and say, "How does this work? How does it add to the value of the estate?" I think some of that heritage that is involved in some of these houses, we are incredibly mindful there is so much heritage down on that flood plain that if we can use it and put it into the remainder of the community, it really spreads the heritage around. There is an active pilot proposed on that Mount Pleasant Estate to start with. I will just hand over to Ms Leck.

AMANDA LECK: As Mr Lanyon said, we hope to move on that pilot relocation of three to four homes later this year, early into 2024. It is almost a proof of concept, if you like, for local residents to see how they can go about relocating their homes. We will develop full costings associated with that. People will be able to, if you like, physically see the houses being moved and re-established in situ, and we think that that will help people who are part of that relocation action group—it will demystify the process a little bit for them.

The CHAIR: Of the three priority sites in Lismore, only the East Lismore site has, as I understand it, committed for the 20 per cent affordable homes. What is happening, Minister, in terms of your directives around that? Is there something that you're requiring in terms of this program and going forward and affordable homes?

Mr PAUL SCULLY: Our primary objective is to get good flood-free land that is able to be developed. As you will recall, we went through a pretty extensive expressions of interest process. I think there were in the order of 300 sites that were nominated through that there we're going through to see where there is development potential. The land is one aspect; the homes that will be on it are a slightly separate part. But, of course, we want to see as many social and affordable homes into that area as well, which is why we continue to work with Homes NSW, community housing providers and Landcom when it comes to the East Lismore development in terms of delivering those homes.

The CHAIR: Will the authority be an investor in any of the developments associated with the Resilient Homes Program?

Mr PAUL SCULLY: The Reconstruction Authority?

The CHAIR: Yes.

Mr PAUL SCULLY: An investor in terms of ongoing operation in terms of leasing out a home?

The CHAIR: Yes, and in terms of actually being an investor partner, or will it all be the private sector?

Mr PAUL SCULLY: We're helping facilitate, I think, rather than investing, I guess, in terms of getting the land ready. That would be a better way of expressing it.

MAL LANYON: Probably only the Mount Pleasant Estate, Minister, was one that the Reconstruction Authority has purchased and actually owns that land. We will be working with the developer to actually develop that land up there. The remainder of them, I would suggest that we will be working with developers. We may well as part—and we will—of the Resilient Lands Program assist developers where it may not be otherwise commercially viable. That is one of the biggest challenges. Once we identify a block of land that is flood free and may be suitable for a housing estate, one of the biggest challenges then becomes for councils and developers to make that commercially viable for development.

The CHAIR: Minister, how does it work? So the RA has bought the land and then a proponent will—is it a lease arrangement? How is that working on the Mount Pleasant site, for example?

MAL LANYON: I'll refer across to Ms Leck.

AMANDA LECK: The RA is working with a number of partners with regard to the Mount Pleasant Estate. The Mount Pleasant Estate is a relatively small parcel of land. We've been doing some master planning and working with the community around that—the adjoining neighbourhood—and we're thinking it's about 39 sites, if you like. There is a current owner of one of those sites who is planning to develop housing for disability support accommodation and the like. We are working with the Government Architect on pattern-book housing.

The CHAIR: So the government owns the land?

AMANDA LECK: Correct.

The CHAIR: Is the plan to sell the land eventually? What's the financial arrangement? What's the governance around it?

Mr PAUL SCULLY: We currently own the land and we'll look at the circumstances in the future, but I think ultimately that we would want it to be developed in conjunction with the private sector. That may be a sale; that may be a long-term lease. I suspect it's probably a sale, ultimately.

AMANDA LECK: Some of the land will be available to people who participate in the buyback program. They will be able to purchase those blocks of land. The real intent of the Resilient Lands Program is to bring the land to the market at an affordable pricepoint such that people who have sold their house as part of the buyback can afford to either relocate their home to that site or build another home on that site and, if you like, at a relatively cost-neutral position within that.

The Hon. JOHN RUDDICK: Minister, at a Housing Now! forum in Parramatta recently, you said that paying off a home before retirement is "as probable as a journey to Mars". Just as an aside—

Mr PAUL SCULLY: Some people think that it is as probable.

The Hon. JOHN RUDDICK: I'm pleased you said that, because I was just, as an aside, going to say that I worked in finance for 25 years before I came here. I helped thousands of people with their mortgages; they do generally pay them off. We don't want too much pessimism out there.

Mr PAUL SCULLY: No.

The Hon. JOHN RUDDICK: But my point is you also referred to Demographia International Housing Affordability data showing that for 15 of the past 16 surveys, Sydney ranked in the top three of the least affordable cities in the world. How much do you think that compulsory BASIX standards add to the cost and to the timing of housing?

Mr PAUL SCULLY: Very little. This has been a well-explored thing, and it has been a contention of BASIX since it was introduced by the Carr Government many years ago—that changes to this will fundamentally change things. I think there has been in the order of 27,000 BASIX certificates issued at seven-star level, and yes there is some up-front capital that is required of this. That could come in the form of fans in terms of windows. There is a range of things depending on the site. It can sometimes even be just the orientation of a home on a site that can allow you to get to the seven-star level. However, what it does mean is lower energy prices for the life of that home. This becomes that trade-off. It was the Government's view, and my personal view, having dealt with a number of these sorts of homes in the past, that additional capital up-front, relatively small as it is—and there is various modelling around that, but it's a few thousand dollars—is paid for pretty quickly in terms of lower overall energy bills to the house owner.

The Hon. JOHN RUDDICK: When I hear "a few thousand dollars", I think of the word "few" as sort of three or four.

Mr PAUL SCULLY: It can even be smaller than that.

The Hon. JOHN RUDDICK: I see figures that it adds about \$30,000 to the cost of a house.

Mr PAUL SCULLY: I don't know what sort of size house those people are building, but I think probably if you're building something the size of Windsor Castle, it's going to cost you a bit more. But on most houses—and the department undertook some quite extensive independent modelling on this—it has been explored in a number of other areas that it can range from as little as a few hundred dollars through to a few thousand dollars, and it all depends on the choices you make about how you achieve the seven stars. It's not a prescriptive thing, that you've got to do X, Y and Z to meet the seven star. There are some choices. As I said, it can come down to as little as the orientation of a home on a block.

The Hon. JOHN RUDDICK: And you think that that cost—which is in dispute about how much it might be—is worth paying because in the long term they're going to have cheaper energy costs.

Mr PAUL SCULLY: If it were me, I'd absolutely pay it back because, overall, the payback period is relatively short.

The Hon. JOHN RUDDICK: If that is the case, then what would be the problem with making BASIX standards optional? If it's such a good thing, people will opt to do it.

Mr PAUL SCULLY: And people are opting to do it. Some people who weren't thrilled with the increase in the standard were even advertising it as offering it for free with new homes because they were able to integrate

it into their design. I think, in some things, governments do need to intervene. The purchase of a house—and I'm sure you've gone through this process—for a young family is a big thing, particularly building a new home. There are a lot of decisions involved in that, and you come to that with some information asymmetry. If we all worked in perfect information, perhaps that would be an option. But we don't. I think there's an obligation on government to assist, particularly when the built environment counts for about 17 per cent of our carbon emissions and that we're all trying to reduce those ultimately to net zero by 2050.

The Hon. JOHN RUDDICK: Well, not all, Minister, because some people think that carbon dioxide is plant food.

Mr PAUL SCULLY: It is.

The Hon. JOHN RUDDICK: That's right. It is plant food.

Mr PAUL SCULLY: But an excess of carbon dioxide is human death. Again, it's a trade-off.

The Hon. JOHN RUDDICK: I accept that is the orthodoxy.

Mr PAUL SCULLY: I think we're on the right side of this, collectively.

The Hon. JOHN RUDDICK: I think that is the orthodoxy, but often dissenting opinions in science are proven to be correct with time. I believe that's what will happen with the global warming orthodoxy.

Mr PAUL SCULLY: I don't think either of us will probably be around to see that.

The Hon. JOHN RUDDICK: You're admitting that the world's not going to come to an end because of global warning.

Mr PAUL SCULLY: No, but we could accelerate its demise, and that's the ultimate point.

The Hon. JOHN RUDDICK: I think that's a fairy tale, Minister.

Mr PAUL SCULLY: I don't think that people will die every time they get in a car. However, if you push the accelerator down too far, the probability of you dying increases.

The Hon. JOHN RUDDICK: Let's see how that debate unfolds. Moving along, on 14 August you replied to the member for Wagga Wagga regarding his concerns about the impact of the Biodiversity Offsets Scheme on residential development. You assured him that the Government shares his concerns. Is "cleaning up the mess made"—

Mr PAUL SCULLY: I accept that as a quote.

The Hon. JOHN RUDDICK: What you referred to as the "cleaning up the mess by the previous Government"—those are not my words, Opposition.

The Hon. SCOTT FARLOW: Thank you very much.

Mr PAUL SCULLY: I can confirm that's a quote.

The Hon. JOHN RUDDICK: But, ultimately, you were not only continuing the scheme instigated by the previous Government but strengthening it—or making it worse—by pledging to incorporate an ideology called "nature positive". Could you tell us what "nature positive" means?

Mr PAUL SCULLY: Ultimately this is a matter for Minister for the Environment, but nature positive is about, fundamentally, saying that nature has a role to play, in its broadest sense. Earlier today we were asked about urban tree canopy cover by the Chair. Again, this is the trade-offs that the planning system and other parts of government are required to, essentially, arbitrate and deliberate upon. That is, in this case, whether areas should be retained given their specific biodiversity value, versus areas that may not have the same level of biodiversity value, which may be suitable for some development of some form.

The member for Wagga Wagga and I have spoken on a number of occasions, and a number of regional mayors and regional members of Parliament have raised with me the impact that the biodiversity offset system as it currently is in New South Wales is not working in the interests of either biodiversity or the delivery of homes and jobs. That's why the Government's going down the path of introducing some reforms. I believe the legislation has been introduced to the Parliament. I expect, if it hasn't already, that it's probably going to end up in an upper House committee and be subject to considerable debate because there's a wide range of views on this.

The Hon. JACQUI MUNRO: Minister, is it true that in a personal meeting with Mr Iemma you discussed the Western Sydney airport?

Mr PAUL SCULLY: I'm not going to go into details but the Western Sydney airport has been a familiar topic of conversation for me with a lot of people, so it's likely that the fact that there is an airport being built in Western Sydney was part of it. It's a big development for the State.

The Hon. JACQUI MUNRO: So it's likely that you've spoken to Mr Iemma about the Western Sydney airport in one of your meetings?

Mr PAUL SCULLY: He was a commissioner on the Greater Sydney Commission so—it's in Sydney.

The Hon. JACQUI MUNRO: He's also a lobbyist in New South Wales. This report in *The Sydney Morning Herald*—

Mr PAUL SCULLY: Sorry—

The Hon. JACQUI MUNRO: I'm asking a question now. May I ask a question, Minister?

Mr PAUL SCULLY: I just want to understand the point.

The Hon. JACQUI MUNRO: I'm asking a question so I can understand the point.

Mr PAUL SCULLY: So you're saying that there's an infrastructure piece in New South Wales and he can't ask about it because he's a lobbyist?

The Hon. JACQUI MUNRO: Minister, may I please ask my question? I allowed you to answer and now I'm asking a question.

Mr PAUL SCULLY: Sure. I'm just trying to help you out and see if I can give you the answers that you're seeking.

The Hon. JACQUI MUNRO: I really doubt that. Minister, through those meetings, which were reported in *The Sydney Morning Herald*, which says very specifically that Mr Iemma has discussed:

... Labor's political fortunes ... and development around the Western Sydney airport with the Planning Minister Paul Scully, in what he says were personal meetings.

So Mr Iemma is saying that that's what happened. So you agree?

Mr PAUL SCULLY: I'm not disputing Mr Iemma's account of it. You're reading it to me from the paper.

The Hon. JACQUI MUNRO: Given that that is the case, that you evidently spoke to Mr Iemma about Western Sydney airport matters, were you aware that Mr Iemma has a client, Ingham Property Development Services, with landholdings around that area?

Mr PAUL SCULLY: I'm aware that Ingham Property Holdings has some extensive landholdings in Western Sydney, and I'm aware that Mr Iemma has at times acted for them. I'm also aware that in my discussions about an airport, there was no discussion about any specific projects that Mr Iemma was involved in.

The Hon. JACQUI MUNRO: So—

Mr PAUL SCULLY: The fact that—no, can I—

The Hon. JACQUI MUNRO: No, please, I'm asking the questions here.

Mr PAUL SCULLY: Chair, may I answer?

The Hon. JACQUI MUNRO: I think the question—

Mr PAUL SCULLY: I'm taking the Chair's silence on my request as a tacit implied "yes".

The Hon. JACQUI MUNRO: The question is whether—

Mr PAUL SCULLY: So what you're suggesting—

The Hon. JACQUI MUNRO: Minister, I'm asking questions. I'm suggesting that you answer them truthfully.

Mr PAUL SCULLY: I'm trying to answer but you won't let me.

The Hon. PETER PRIMROSE: Is there a chance, Chair, that the Minister would be allowed to answer a question?

The CHAIR: Let's let the Minister answer the question.

Mr PAUL SCULLY: You won't let me.

The CHAIR: Go for it, Minister. It's yours.

The Hon. JACQUI MUNRO: Can I ask: What question are you answering?

Mr PAUL SCULLY: You'll never know because you're not letting me answer it, are you?

The Hon. JACQUI MUNRO: I'm asking what question you're answering, just so I can understand.

Mr PAUL SCULLY: Your question.

The Hon. JACQUI MUNRO: Which one?

Mr PAUL SCULLY: The question you just asked. That one, literally: "Which question?" The question you just asked.

The Hon. JACQUI MUNRO: If you're answering something, what are you answering?

The Hon. MARK BUTTIGIEG: The collective flurry.

The Hon. JOHN RUDDICK: Let's start from the beginning. Let's have the question afresh.

The Hon. JACQUI MUNRO: No, I'm curious to know what question you think you're answering.

Mr PAUL SCULLY: Am I in another world here? I'm seeking to finish the answer that I began.

The Hon. MARK BUTTIGIEG: Point of order—

The Hon. JACQUI MUNRO: How can he answer something if he doesn't know what the question is? How does he know what to answer if he doesn't know the question?

The CHAIR: Let's hear the point of order.

The Hon. MARK BUTTIGIEG: Can I suggest, Chair, that if the member is unsure about what question she asked, she restates the question so the Minister can answer?

Mr PAUL SCULLY: Let's do that to clarify.

The Hon. JACQUI MUNRO: I thought that was the whole thing you were trying to prevent.

Mr PAUL SCULLY: This is like "Who's on first".

The CHAIR: The member will ask the question and the Minister will answer the question when the member has asked it.

Mr PAUL SCULLY: Sure. But, Chair—

The Hon. JACQUI MUNRO: Thank you.

The Hon. SCOTT FARLOW: Just abide by the rules; it'll be easier for all of us.

Mr PAUL SCULLY: Chair, will I be afforded the opportunity to answer the question—

The CHAIR: Yes, I guarantee.

Mr PAUL SCULLY: —in the way I wish to answer it.

The CHAIR: Absolutely you will.

The Hon. JACQUI MUNRO: Minister, do you think it's appropriate that you discuss matters related to plans under your portfolio responsibility with a developer lobbyist, that you don't then disclose that meeting as a meeting with a lobbyist—if you discuss meetings that are related to property holdings of a lobbyist client that you don't disclose that as a meeting with a lobbyist?

Mr PAUL SCULLY: Firstly, there was no discussion of a specific project.

The Hon. JACQUI MUNRO: But that's what—

Mr PAUL SCULLY: No, sorry.

The Hon. JACQUI MUNRO: What is the aerotropolis?

Mr PAUL SCULLY: The Chair afforded me the opportunity to answer the question. Right? And I will answer that question. Just because you may not like the answer that I'm giving doesn't mean that there's an opportunity to interrupt. So I will answer the question.

The Hon. JACQUI MUNRO: I look forward to it.

Mr PAUL SCULLY: As I've stated previously—we did it before the break; we'll probably do it for the next 10 minutes because you don't actually want to talk about housing in New South Wales—there was no discussion of any specific projects. The Western Sydney airport is a significant investment and infrastructure project in Western Sydney.

The Hon. JACQUI MUNRO: It is a project.

Mr PAUL SCULLY: It is transformative. Making sure that we're considering all aspects of that in a planning context is important. Making sure that we're dealing with the roads and the water—all the mess that you guys left behind when Mr Ayres was in charge of this area is having to be made up for. A road—Mamre Road, for instance, does not relate to any specific project.

The Hon. JACQUI MUNRO: Minister, this is not relevant to the question that I'm asking.

Mr PAUL SCULLY: You're the judge of the relevance of my answer, are you? I'm the judge of my answer.

The Hon. JACQUI MUNRO: You seem to be the judge of my questions, which is very unusual.

Mr PAUL SCULLY: I'm the judge of my answer, and I'm giving you my answer. If you don't like it, that's your problem.

The CHAIR: Minister, the member asks questions, and you as the Minister answer them. Let's get back to the procedure.

Mr PAUL SCULLY: The point I was making is that a particular road in Western Sydney doesn't relate to someone's projects just because they may have a project on another road. The Western Sydney airport is something that has been debated in New South Wales for decades. Originally, it wasn't even going to be in Western Sydney. There was one proposal to have it just on the escarpment in the Illawarra.

The Hon. SCOTT FARLOW: Originally, you guys opposed it.

The Hon. JACQUI MUNRO: It took three decades because your Government couldn't do anything about it.

Mr PAUL SCULLY: But it is important to make sure that we're doing everything associated with that airport—be it Bradfield city, be it the aerotropolis more broadly, be it connections with Penrith or to Campbelltown, connections to Liverpool and Parramatta, transport connections and the like—to make sure that we're maximising the value in terms of the benefit to Western Sydney—

The Hon. JACQUI MUNRO: Minister, I didn't ask about the scope of the project, which you denied was a project. I'm going to move on because—

Mr PAUL SCULLY: —whether they be jobs, whether they be homes, whether they be educational opportunities. That work wasn't done.

The Hon. JACQUI MUNRO: Minister, you're not actually answering the question that I asked, which was about the appropriateness of meeting with lobbyists and discussing planning matters and projects and then the disclosure—

Mr PAUL SCULLY: As the article you referred to said—

The Hon. JACQUI MUNRO: Now you're talking over my questions, Minister.

Mr PAUL SCULLY: You were speaking over my answers.

The Hon. JACQUI MUNRO: You actually strayed very far from my question, unfortunately, so I will move on. The Lismore City Council's submission to the Joint Select Committee on the NSW Reconstruction Authority review of the Act reported:

To date, our experience is that the Authority is largely ineffectual, with unclear accountabilities.

...

Our experience is that, when faced making decisions, the Authority has lacked the appropriate urgency, direction and conviction to deliver the actions that could provide timely and meaningful benefit to our impacted communities.

Have you read that submission, Minister?

Mr PAUL SCULLY: I haven't read all of the submissions, no. I haven't read that particular section of the submission, no.

The Hon. JACQUI MUNRO: Have you taken any steps to ensure that the operations of the NSW Reconstruction Authority, aside from the review of its governing legislation—we all know about Labor and the reviews—that it operates in accordance with the expectations of the communities in which it serves?

Mr PAUL SCULLY: Are you suggesting that we shouldn't do the review that you legislated, which was subject to bipartisan support?

The Hon. JACQUI MUNRO: No, I'm asking you if you've taken—

Mr PAUL SCULLY: You're backing off your support of the Reconstruction Authority now, too.

The Hon. JACQUI MUNRO: Minister, you're literally just rude and talking over my questions.

The Hon. MARK BUTTIGIEG: Point of order: It's clear what's happening here. The Opposition attempts to make rhetorical political points during a question instead of directly asking the question.

The Hon. JACQUI MUNRO: I just asked the question.

The Hon. MARK BUTTIGIEG: The Minister then rightly tries to defend the Government, and the Opposition doesn't like it.

The Hon. JACQUI MUNRO: No, the Minister just talked over me while I was asking a question.

The Hon. MARK BUTTIGIEG: I ask that you ask Opposition members to just simply ask a factual question so the Minister can answer the question. That's how this process is supposed to work.

The CHAIR: I don't think there's a point of order. I think that the proceedings are going generally how budgets estimates hearings tend to go, but I would ask members to ask clear questions and the Minister to answer the question directly. Those are the rules.

The Hon. JACQUI MUNRO: Minister, have you taken any steps to ensure the operations of the NSW Reconstruction Authority, aside from the review of its governing legislation, operate in accordance with the expectations of the communities it serves?

Mr PAUL SCULLY: Yes.

The Hon. JACQUI MUNRO: What are those steps?

Mr PAUL SCULLY: Multiple.

The Hon. JACQUI MUNRO: So you're declining to provide information now?

Mr PAUL SCULLY: No, I'm not declining. You want concise answers. The Reconstruction Authority is a growing and emerging organisation. If we look back on it, this is an organisation that was set up, I think, as the final Act to pass the Parliament of the previous Parliament. It wasn't stood up until November of that year—December of that year, sorry—and it is now underway. It was also stood up in some very challenging circumstances. It was stood up at a time when—and I'm the first to admit—the Northern Rivers reconstruction work was not going to plan. There were a lot of big promises and not enough delivery. The Reconstruction Authority is continuing to evolve. Minister Dib and I are actually really proud of the work that the team, led by Mr Lanyon, is doing. With each disaster, we get better, and the organisation gets better.

The Hon. JACQUI MUNRO: That's not what the communities are saying, though, if you had read their submissions.

Mr PAUL SCULLY: Actually, no, some communities are saying some very different things. This is the reason why we have periodic reviews. It's the reason why it was at my suggestion that that statutory review be included in the Act, because it was a very new thing, with very new heads of power and a very big responsibility. Its responsibility is not just in recovery; it's in preparedness, adaptation, mitigation and recovery. It's a very different approach to the way we do disaster response in New South Wales. Queensland were fortunate enough to have an organisation in this sort of vein that's about a decade old. The Reconstruction Authority was given a task of simultaneously setting itself up, responding to fires—I think that were going on at the time the legislation was passed—and responding to the largest flood in the history of New South Wales in the Northern Rivers and the Central West. Since then, it has had to respond to multiple other natural disasters.

I can speak from my own direct experience here because on 6 April in Wollongong and the South Coast there was some extensive flooding. At the time that, literally, the rain was coming down and the floodwaters were coming up, the Reconstruction Authority was getting in line and ready to stand up if there was a disaster

declaration—which there was—to have recovery centres in place, which proved to be a very important aspect of that recovery because people were able to go along and, for the first time ever, they were able to get that response from a collection of government and non-government organisations in one place.

On the Northern Rivers, yes, we started a long way behind. Minister Dib and I were pretty annoyed at what we inherited there. That was on your watch, but we've undertaken and we've reformed and we've reset the recovery in the Northern Rivers. We're going along at a lot greater speed than what we were previously. We've got multiple sites being progressed under the Resilient Lands Program. We've got the raisings and retrofits program that started recently, and these guys are doing a good job. Simultaneously, with that, they're also taking on that adaptation, mitigation and preparedness role by rolling out the first ever State Disaster Mitigation Plan—never happened in New South Wales; never happened in the country—matched with local disaster adaptation plans. These are really important things in the structure of plans that we need to deal with when we're dealing with an environment with the increased frequency and severity of weather events.

The Hon. JACQUI MUNRO: If I can just point to a specific—

Mr PAUL SCULLY: Yes, organisations and communities will be critical of the Reconstruction Authority in its early days because their expectations probably exceeded the capacity of—

The Hon. JACQUI MUNRO: Minister, if I could just proceed to give you some further feedback. If you're not going to read the submissions, I'll give you some further information about a specific case that you can learn more about.

Mr PAUL SCULLY: I was asked to answer the question. I'm sorry that you don't like my answers.

The Hon. JACQUI MUNRO: I know, and I think you answered it very fulsomely.

Mr PAUL SCULLY: No, actually, I hadn't completed the answer because—I don't think you're completely across what the organisation does.

The Hon. JACQUI MUNRO: Minister, Tumbulgum within the Tweed electorate is one of the most flood-affected towns in northern New South Wales. It is the first location to be affected when the Tweed River rises, and during the February 2022 flood, waters reached 4.78 metres. Yet, incredibly, residents of Tumbulgum who have registered with the Resilient Homes Program are still waiting for answers on whether they will be included in the Resilient Homes Program buyback scheme. It has been 2½ years since the floods. Why are these residents still waiting, and how can you actually explain those delays?

Mr PAUL SCULLY: Those delays were partly on your watch. We took—

The Hon. JACQUI MUNRO: Minister, you've been in government for 18 months now. You're actually responsible.

Mr PAUL SCULLY: No, we had a lot of catching up to do.

The Hon. JACQUI MUNRO: I am asking what you have done and why these people are still waiting.

Mr PAUL SCULLY: I'll defer to Mr Lanyon and the team, who are best placed to answer on that particular area. But we have been rolling out the biggest recovery effort from a flood event in the history of the State. Simultaneously, we've been doing work to make sure that there's flood-free land available for people to relocate on. We heard earlier in this session—

The Hon. JACQUI MUNRO: Can I just understand what you're saying here is that these residents are still waiting because they're not a priority?

Mr PAUL SCULLY: Your words, not mine.

The Hon. JACQUI MUNRO: That's what I understand from what you're saying because you're saying you've got other things that you're doing, and that's why you're not doing this. Is that a fair summation?

Mr PAUL SCULLY: Are you ready to hear an answer?

The Hon. JACQUI MUNRO: I am just asking if that's a fair summation of the information you've provided.

Mr PAUL SCULLY: No, it's not a fair summation. It's an incredibly unfair summation.

The Hon. JACQUI MUNRO: So why are these people still waiting—

Mr PAUL SCULLY: As I said to you—

The Hon. JACQUI MUNRO: —if it's not because you're doing all these other things instead?

Mr PAUL SCULLY: Chair, I'm trying to answer here, but I just get spoken over the top of. I'll just wait until—

The Hon. JACQUI MUNRO: I'm sure you're not that precious, Minister.

Mr PAUL SCULLY: I'm happy to wait.

The Hon. JACQUI MUNRO: You are that precious, evidently.

The CHAIR: Obviously if the member is putting something to you, you can say, "No, that's not the case," and then proceed to correct them.

Mr PAUL SCULLY: Which I've tried to say multiple times but keep getting interrupted.

The CHAIR: Alright, let's carry on.

Mr PAUL SCULLY: As I said at the start of this, that is her characterisation, not mine. I actually think that people would be offended, particularly the staff of the Reconstruction Authority, who are doing an extraordinary amount of work to catch up on what should have been done earlier. Could the reconstruction effort in the Northern Rivers have been better? Absolutely. Could the previous Government have actually funded what it said it was going to fund? Well, it should have. But it didn't.

The Hon. JACQUI MUNRO: Could I please ask a question specifically about the funding—

The Hon. PETER PRIMROSE: Here we go again.

The Hon. JACQUI MUNRO: Well, you're talking in general terms, so I think it's reasonable to ask more specifically.

Mr PAUL SCULLY: Mr Lanyon, do you want to answer the question on the specifics of the details?

The Hon. JACQUI MUNRO: Minister, I'm here to ask you questions this morning.

Mr PAUL SCULLY: Well, you were obviously not interested in the answer previously.

The Hon. JACQUI MUNRO: Minister, a second round of funding for the Resilient Homes Program was announced in the September 2023-24 budget.

Mr PAUL SCULLY: It was. It was good.

The Hon. JACQUI MUNRO: Why has this \$100 million not been released?

Mr PAUL SCULLY: The money is being released. It's being released through the Resilient Lands Program, through the Resilient Homes Program—through the raising or retrofits program. There are also multiple billions of dollars that are being released to communities through the—

The Hon. JACQUI MUNRO: But these people are saying they haven't received that funding yet. They're disputing that it has been released because they're still waiting.

Mr PAUL SCULLY: Let me update you on the stats, because at the moment—

The Hon. JACQUI MUNRO: Can you update me on the stats relating specifically to the Tweed electorate please, Minister?

Mr PAUL SCULLY: The program funding, as at 23 August under the Resilient Homes Program, was \$790 million. The value of buyback offers approved was \$495,783,740. The value of home raising and retrofit offers approved was \$2,400,770. The program administration costs were \$25 million. The total cost to date is \$523,222,217. So there is money being rolled out.

The Hon. JACQUI MUNRO: Could you please explain why the money hasn't been rolled out into the Tweed electorate? Those people are still waiting.

Mr PAUL SCULLY: There were areas of prioritisation.

The Hon. JACQUI MUNRO: So they weren't a priority. That's literally what I said at the beginning, which you could have just said yes to.

Mr PAUL SCULLY: No, you're implying that to say that we somehow downgraded it. I'm guessing that you're probably trying to draw some conclusion—

The Hon. JACQUI MUNRO: It sounds like it is at the bottom of the pile. That's the problem.

Mr PAUL SCULLY: —in that the member for Lismore is a Government member and the Parliamentary Secretary, and the member the Tweed is not. The fact is that some areas were impacted.

The Hon. JACQUI MUNRO: Well, that's your characterisation, Minister. That sounds very concerning.

Mr PAUL SCULLY: Of course that's what you're trying to do. I know what you're trying to do. We've all played this game before. What we're trying to do—

The Hon. JACQUI MUNRO: We're actually just trying to stand up for the people of Tweed, who don't get a voice in this place.

Mr PAUL SCULLY: The member for Tweed knows exactly what's going on. He and I have spoken about it regularly.

The Hon. JACQUI MUNRO: As he should. He's a great local member.

Mr PAUL SCULLY: And I appreciate him providing you questions today.

The Hon. JACQUI MUNRO: Absolutely. On behalf of the citizens of Tweed.

Mr PAUL SCULLY: The fact is that there was a great deal of scientific work done on the prioritisation of areas of greatest risk. Mr Lanyon can provide some additional detail on this. But when you're starting with this sort of project, when you're starting with the biggest recovery in history, we have to start somewhere. That prioritisation was begun on the basis of evidence. I think it's important, actually, that we hear from Mr Lanyon.

The Hon. JACQUI MUNRO: We'll do that in the afternoon session.

Mr PAUL SCULLY: No, I think it's important now in this line of questioning—

The Hon. JACQUI MUNRO: I understand but I'm not asking Mr Lanyon questions.

Mr PAUL SCULLY: —because it may save you asking some questions that are unnecessary.

The Hon. JACQUI MUNRO: Minister, what plans does the Government have for the land remaining after a flood-affected home has been removed or demolished, and who will be responsible for maintaining this green space?

Mr PAUL SCULLY: I'll ask Mr Lanyon to shed some light on this. What we are doing, it's a case-by-case basis. Some of it will be green space. In a lot of these places, where a home has been removed, it's because it's not safe for someone to live in a home there.

MAL LANYON: Ms Munro, that's obviously a part of ongoing planning. It's something we're working on very closely with Living Lab, something we're working closely on with community groups. It is part of the whole Resilient Homes Program and Resilient Lands Program. We are very mindful of the impact that obviously the buybacks will have—very much looking to resume amenity to the community, make sure that what is left is fantastic space for the community. I might hand over to Ms Leck, who is running that program.

The Hon. JACQUI MUNRO: Could I also ask specifically why Tweed hasn't been prioritised as part of this rollout.

MAL LANYON: I might actually address that first. I was about to before. I know we moved on to the next question. The characterisation is actually incorrect. There has been a lot of work done in the Tweed shire and the Tweed local government area. We've actually offered 160 buybacks. We've had 124 buyback offers accepted. We've settled 88 buyback premises. We've conducted 27 home assessments and we've already had one home raise approved. As a hierarchy of risk we've obviously focused on what the Resilient Homes Program is about, which is reducing risk and increasing safety of the community. Buybacks have been the first priority because they immediately remove people from the risk. In terms of the actual instances you were talking about at Tumbulgun, if there are some specific examples, please let us know. We're happy to follow that up. We've been in constant consultation, constant communication with those people that are registered with the program. To say that nothing is happening is probably a poor characterisation of the significant work that the Reconstruction Authority has been doing with the community.

Mr PAUL SCULLY: When Minister Dib and I visited there just after the election—at the request of all of the local members, I have to say, because they were all concerned about the progress—one of the things that we did pick up along the way is there hadn't been the level of community engagement and involvement that people expected, which is a fair criticism and also one that you could address. One of the first things we did was set up a community leaders forum to allow some of these things to be brought through, to allow that prioritisation to happen and to allow that direct input to occur.

What we found is there was a lot of work—and I characterise it this way—that seemed to be put on the shoulders of the then Northern Rivers Reconstruction Corporation and a lot of arms of government said, "It's over to you guys; you're to sort it out." They did that in absence of the support that you would expect other arms of government to do. We had to literally bring all of that together to the table to work through some of those challenges, which is why we've got tripartite agreements, which is why I declared it a reconstruction area under the Act very soon after being appointed as the Minister. It's why we continue to make great strides in things. There is a prioritisation but it's not at the exclusion of everyone.

Ms CATE FAEHRMANN: I want to turn to the issue of mining in Sydney's water catchment. Media reports, as well as research, have found that part of the Appin mine—which was owned by South32 but a sale has just gone through, I understand, in the last 24 hours—the North Cliff mine shaft, was recently found to be leaking methane. It was discontinued 30 years ago, so it has been leaking methane no doubt for a long time. This was discovered via thermal imaging from a number of organisations that undertook that. It's been brought to your department's attention by the Environmental Defenders Office. They say that the fact that this shaft has been venting—leaking methane—for so long and it hasn't been rehabilitated, that it is a breach of a number of enforceable conditions. I am wondering why your department is not enforcing those conditions and seems to have sat back and not acted in that regard.

Mr PAUL SCULLY: I disagree with the characterisation the department has sat back and not acted. But we're all in here today characterising things in the way that suits our ends. What I might do is hand over to the department secretary or Mr Gainsford. I'm not sure who is best placed to provide some advice to you on that, Ms Faehrmann.

DAVID GAINSFORD: I'm aware of that correspondence that you're referring to there. I think it's wrong to categorise that there's no action being taken. My understanding is that the Resources Regulator is regulating that space and they're the appropriate authority and that's been the correspondence that we've sent back.

Ms CATE FAEHRMANN: This is a condition, though, of the project. What I understand from this is that the methane is continuing, the Resources Regulator isn't doing anything. My office is contacted quite regularly about conditions that aren't in fact in force. Mines are approved, obviously, based on a whole range of conditions, and the community is quite frustrated because it just seems that nobody—the departments just handball it from one department to the other and, in fact, the conditions aren't enforced. The fact of the matter is that methane is leaking from this mine. It's just been sold to a company, Golden Energy and Resources Pty Ltd and M Resources Pty Ltd, yesterday. Can you confirm whether the Government is going to require rehabilitation of this new buyer?

Mr PAUL SCULLY: The rehabilitation is not attached to the owner. It is attached to the mine and the consent. But perhaps it's important and useful that Mr Gainsford explains the difference between conditions of consent and enforcement responsibilities.

DAVID GAINSFORD: Ms Faehrmann, obviously with regard to the Appin mine that you're referring to there, my understanding is the consent for that mine is quite old. Cessation of mining there was something that happened quite some time ago. As I've mentioned to you before in my previous answer, we're working with the Resources Regulator and we'll continue to do that. But they're the appropriate authority taking a look at those concerns that have been raised.

Ms CATE FAEHRMANN: I might come back to you later this afternoon, just in terms of time. Again on the same issue, in terms of mining in the water catchment, Minister, are you aware of the research that was undertaken recently that looked at the impact of longwall mining on peatland swamps, upland swamps? It was published in the *Journal of Hydrology* by, in fact, a former WaterNSW employee. Are you aware of that study?

Mr PAUL SCULLY: I did hear reference to something along those lines on ABC Illawarra the other morning. I'm not a subscriber to the *Journal of Hydrology*. I'm sure it's a fantastic academic journal, but I haven't read that one. Again, Mr Gainsford might be able shed some light on it.

Ms CATE FAEHRMANN: Minister, the reason I'm asking you, though, is because you have come out in strong support locally for mines to go ahead under the water catchment. I'm asking if you're aware of the impact of longwall mining on the peatland swamps —

Mr PAUL SCULLY: Okay, that's an interesting characterisation. What did I actually say that leads you to characterise it as "strong support"?

Ms CATE FAEHRMANN: I think you've supported different projects going ahead.

Mr PAUL SCULLY: I've supported lots of projects in Wollongong.

Ms CATE FAEHRMANN: In terms of mining under the water catchment.

Mr PAUL SCULLY: I've supported lots of projects in Wollongong. In every single circumstance I've said that it's got to stack up environmentally and it's got to be responsible. In the case of Dendrobium Mine, which I think you're referring to, and which I know very, very well—and I declare for everyone that I grew up in the village where the Dendrobium Mine is; my parents still live there—I have said that if that one stacked up environmentally, there should be no reason to knock it back. It didn't, it was refused by the IPC and that was that.

Ms CATE FAEHRMANN: Minister, with the Independent Expert Panel for Mining in the Catchment, do you meet with them or get briefed by them in terms of their work?

Mr PAUL SCULLY: I have not met with them, no.

Ms CATE FAEHRMANN: Are they meeting regularly?

Mr PAUL SCULLY: I don't know, to be honest with you. I can take it on notice as to how frequently their meetings are, but Mr Gainsford might have some additional insights.

Ms CATE FAEHRMANN: Do you know, Mr Gainsford?

DAVID GAINSFORD: Are you referring to the independent expert panel with regard to catchment or—

Ms CATE FAEHRMANN: Mining in the catchment.

DAVID GAINSFORD: I'd have to take that on notice as well.

Ms CATE FAEHRMANN: Minister, you haven't read this report, but it did uncover—

Mr PAUL SCULLY: Well, I haven't read it in the *Journal of Hydrology*. As I said to you, I did hear reference to it on ABC Illawarra the other morning.

Ms CATE FAEHRMANN: In some places, for example, the cracking along certain parts of the river is 500 metres long. It can't be remediated. This was all known and was in the original conditions of approval.

Mr PAUL SCULLY: And those conditions of approval were when, sorry?

Ms CATE FAEHRMANN: I'm not sure when that was.

Mr PAUL SCULLY: But prior to 25 March 2023?

Ms CATE FAEHRMANN: Just because—

Mr PAUL SCULLY: No, I ask because it's important that we understand the age of the—I don't know if Mr Gainsford has the date, but it's been a longstanding consent for the Dendrobium Mine.

Ms CATE FAEHRMANN: Yes. I'm asking you about this, though, because there are also continued applications for extensions of longwall mining within the catchment. I'm asking you as Minister if you're aware of these reports—

Mr PAUL SCULLY: I told you I'm aware of the reports.

Ms CATE FAEHRMANN: —as to the impact of longwall mining on the catchment?

Mr PAUL SCULLY: Yes, I am aware of the reports. As I said to you, I heard reference to the report on ABC Illawarra the other day. I haven't had a chance to go and find the source material from the *Journal of Hydrology*.

Ms CATE FAEHRMANN: Mistakes have been made in the past. You've indicated that was before you got to government, potentially, in terms of those conditions of approval, one of which was an absurd offset some way away—598 hectares of land at Maddens Plains for the destruction, essentially, of these peatlands. That was undertaken prior to you—

Mr PAUL SCULLY: So you're holding me responsible for it?

Ms CATE FAEHRMANN: No. The question is that that was undertaken prior; you seem to be implying that you do think that's an issue. Will you commit now to actually protecting Sydney water catchment from any more longwall mining, in terms extensions and approvals of?

Mr PAUL SCULLY: Mr Gainsford may correct me if I'm wrong, but I don't know that there are any new proposals for additional longwall mining beyond what's already been approved under the Sydney water catchment—unless there's some proposal I'm unaware of?

Ms CATE FAEHRMANN: I would think Peabody has got an application for more longwall mining in terms of expanding additional panels. That's correct, isn't it, Mr Gainsford?

DAVID GAINSFORD: I might need to take that on notice, thanks, Ms Faehrmann.

Ms CATE FAEHRMANN: But that is correct.

DAVID GAINSFORD: Which mine are you referring to?

Ms CATE FAEHRMANN: This is the Metropolitan Colliery.

Mr PAUL SCULLY: I'm happy to clarify this—and it was before my time, as you correctly point out, Ms Faehrmann—but I think the conditions of consent with regard to the Metropolitan mine is a panel-by-panel approval in terms of the final panel width and heights. I stand to be corrected on that because that's something of a relative local knowledge rather than anything else—

KIERSTEN FISHBURN: Mr Gainsford's nodding in enthusiastic approval.

DAVID GAINSFORD: I believe that's the case, yes.

Ms CATE FAEHRMANN: My understanding is that Peabody actually has about six up for approval at the same time. Perhaps you could look at that and we could talk about it in the afternoon?

DAVID GAINSFORD: Sure.

Ms CATE FAEHRMANN: Lastly, the Bowdens silver mine, which was recently rejected by the courts in terms of that approval—is it the intention of the planning department, should Bowdens lodge another DA, to issue a new set of SEARs and undergo the process again and ensure thorough community consultation throughout that process?

Mr PAUL SCULLY: I'll defer to Mr Gainsford as to how that might apply, but it'd depend on the nature of the application.

DAVID GAINSFORD: Ms Faehrmann, obviously that court decision is fairly recent. It was two weeks ago, I believe. We're obviously still taking the findings into account and looking at what the implications may be. I guess some of this is dealing with hypotheticals, in terms of what the company might decide to do. At this point in time we don't have an application in front of us.

Ms CATE FAEHRMANN: Minister, to get a sense of the direction you prefer, the community did have feedback from the last consultation process that there were aspects that were left out of the original SEARs, such as the quite extensive—it didn't take into consideration as much as it should have the extensive impact on biodiversity and threatened ecological communities and, of course, the impact of the transmission lines, which, of course, is what this will be about. But do you, just from a principles perspective, think that we should make sure that the whole mine once again is considered, that the community is able to provide feedback on some of those issues that weren't taken into consideration?

Mr PAUL SCULLY: Again, as we're dealing with a hypothetical here. That proposal went through the full assessment involving multiple government agencies, involving community feedback and including the Independent Planning Commission. It met all the requirements to be assessed and approved by the planning system in New South Wales. What the proponent may seek to do next I cannot speculate on and I don't want to speculate on. What the assessment or otherwise process might be should something come before the planning system, again, I'm not going to speculate on. We are ultimately dealing with hypotheticals. I would not want people to misinterpret anything that I might say at this point when there's no proposal before the planning system.

The CHAIR: Following on from Ms Faehrmann's questions, the department is not considering appealing or lodging an application for special leave from the Court of Appeal decision, is it?

KIERSTEN FISHBURN: It wouldn't be our place to do that. That would be the proponent's decision, not the department's.

The CHAIR: Has there been any discussion with you about that potential with the proponent—that they are considering a potential special leave application?

KIERSTEN FISHBURN: They have not discussed that with myself or Mr Gainsford.

DAVID GAINSFORD: It hasn't been discussed with me.

KIERSTEN FISHBURN: That's for them to determine, not for us to dictate.

The CHAIR: In terms of that judgement, it was a judgement that has impacts more broadly than this particular mine. Let's face it: For decades now, we have done development assessments and approvals from the Land and Environment Court's decisions perspective. I think Justice Duggan made it pretty clear that it's a separate thing and we can do that. What's your approach now, Minister? Have you given any instruction to your department about such a potentially significant change in approach?

Mr PAUL SCULLY: Obviously, it's only a very recent decision. Like all decisions of whatever court that may impact the planning system, I have sought advice on what the department believes the implications may be for the process. I'll consider that advice when I receive it.

The CHAIR: It wouldn't be the best approach for a Minister to then try to circumvent any decision and seek to change the law in any way when it's such a clear decision about how to approach development and development assessment.

Mr PAUL SCULLY: I haven't had the opportunity to fully read it, and I'm not a lawyer, so it may be beyond me. I haven't had the chance to read the decision in full, and it would be premature for me to speculate.

The CHAIR: From a principle perspective, if the court has made a sensible ruling or a finding that—

Mr PAUL SCULLY: It's your version of sensible. Some people may characterise it in other ways. It's a matter of perspective. The department and other arms of government, where necessary, will consider the nature of the judgement. I will receive advice and then consider it.

The CHAIR: It's fair to say, isn't it, that the reality now is that, in so many ways—and I know you understand this from the environmental perspective—development across the landscape is coming to that point where if we're not doing thorough and comprehensive assessments, we are losing biodiversity and impacting the environment at rates that we've never seen in the past? Hence, having this kind of approach to development assessment is probably the best approach—where we take the whole project into account.

Mr PAUL SCULLY: I think that in reflecting on this particular judgement, I'll receive the advice and consider it. The requirements of the Act remain—that is, to consider the environmental, social and economic implications of any development. I think that we have a robust system in New South Wales. To the best of my knowledge—again, I stand to be corrected—that judgement was not about the assessment process itself; it was about what was assessed.

The CHAIR: And the fact that a whole part of the development wasn't—

Mr PAUL SCULLY: I'm not going to go down a path of speculating on what may or may not be in a judgement that I haven't had the opportunity to fully consume and that I haven't received advice on. Suffice to say, any judgement that may have implications for the planning system is one that needs to be taken into consideration.

The CHAIR: I know that my colleague Ms Faehrmann is very aware of this, but are you aware that the now declared invalid and void approval of Bowdens was going to clear around 180 hectares of a critically endangered woodland, of which there is only 4 per cent left in New South Wales on the western slopes, and that you can't offset it? Were you aware of that?

Mr PAUL SCULLY: I'm aware that the Bowdens project went through the full planning and assessment process in New South Wales, including through the Independent Planning Commission, with a public hearing, I think it was.

KIERSTEN FISHBURN: That's correct.

Mr PAUL SCULLY: It met the requirements of that. What it didn't meet, it appears—and, again, I say this without having fully consumed the judgement or receiving the advice—is the fact that the assessment did not take into account a transmission line. That was the issue with it.

The CHAIR: Could you make the commitment now, though—I think Ms Faehrmann was getting at it—that, in the event that a proponent does come back to you, you would agree to allow the community to have input on any secretary's environmental assessment requirement, given it was so wrong last time?

Mr PAUL SCULLY: That's your characterisation, not mine.

The CHAIR: No, it's not mine; it's the court's. It was the Court of Appeal. It was three judges.

Mr PAUL SCULLY: Two out of three judges, I think it was, but let's not let the facts get in the way of things. I will make the commitment that the planning system will contemplate any proposal that may come before it.

The CHAIR: Is there a precedent in the department where communities have been able to have input into secretary's environmental assessment requirements in the past? I vaguely recall under Secretary McNally that was a possibility.

Mr PAUL SCULLY: I'll defer to the secretary. The secretary issues them, not me.

DAVID GAINSFORD: It's not a normal course of events in terms of seeking—

The CHAIR: We're not living in a normal world.

DAVID GAINSFORD: —community input into secretary's environmental assessment reports. What I would refer to is that all of the documentation that is prepared as part of the assessment process is made public, including the scoping report that's received and associated with the secretary's environmental assessment requirements. We don't limit people in terms of receiving correspondence from people and people making submissions to us.

The CHAIR: I want to go back to something we have discussed in the past, Minister. This is about matters of national environmental significance. Again, because of the impacts that we are having across the environment, and because we are literally in an extinction crisis—we can look at every report, the State of the Environment report or wherever we want to look; our impacts on biodiversity are getting more and more pointed. In answers to supplementary questions, it was made clear that the secretary does not provide advice on referrals under section 69A of the EPBC Act. Who does prepare advice on those referrals?

Mr PAUL SCULLY: I'll defer to Mr Gainsford.

DAVID GAINSFORD: With regard to referrals, most of the time, as I think you would be aware, those referrals are made by the applicant. Where there is a referral made by the applicant and the Commonwealth has decided that there is a matter of national environmental significance, that's effectively a controlled action. As you would be aware, we then commonly go through a bilateral assessment process.

The CHAIR: I'm referring more to the Minister's powers to make a referral where a proponent is potentially recalcitrant or wants to say they're not having an impact on a matter of environmental significance. Why do you, the Minister, not use that power when asked to?

Mr PAUL SCULLY: Have you got a case in point?

The CHAIR: I think I've referred to a couple of them in previous estimates, but the Wallum development is obviously one.

Mr PAUL SCULLY: Let's go to the Wallum development. I know we've gone over this before, but it's important that we look at it in the full context of things. The Commonwealth was well and truly aware—that was the advice that had been provided to us—of the development. It was aware of the consideration of that development. I was satisfied of its awareness. This had been extensively explored by the Commonwealth. Both the Commonwealth and the New South Wales departments of Climate Change, Energy, the Environment and Water had been in contact with the proponent regarding that development.

The CHAIR: The proponent didn't refer. The community has now had to go to the Federal Court. The Federal Court has granted an injunction.

Mr PAUL SCULLY: And as it is before the courts, I am not—

The CHAIR: There are still people on the site. Would it not have been sensible to refer the project and have it assessed?

Mr PAUL SCULLY: It would have been completely unnecessary because it was already assessed by the Commonwealth.

The CHAIR: The Commonwealth hadn't assessed it. That is precisely the point. You were the only person—

Mr PAUL SCULLY: This matter is going to be dealt with in the Federal Court and I think it should remain in that forum.

The CHAIR: You think that communities should have to go to that massive extent, when you have a simple power to write a letter of caution?

Mr PAUL SCULLY: As I've said multiple times about this matter—and I appreciate that you want to prosecute it and that you maintain that it should not be considered a usual development—the fact is that the department of planning had been in discussions with the Commonwealth Department of Climate Change, Energy,

the Environment and Water about the matter. That Commonwealth department confirmed that its power to refer the matter is rarely used and is discretionary. They also advised that they were well aware of the proposed development and had been in contact with the proponent. A referral would have achieved nothing.

The CHAIR: That's a very interesting view of your powers, Minister.

Mr PAUL SCULLY: You and I take a different view of those powers; that's fine. Respectfully, we are able to disagree.

The CHAIR: I will take this up with you later, given what the judge has said in the court.

The Hon. SCOTT FARLOW: Minister, the National Housing Accord has begun now.

Mr PAUL SCULLY: It's 60 days in.

The Hon. SCOTT FARLOW: Yes. How many houses have been completed in those 60 days? Let's start with that.

Mr PAUL SCULLY: I would have to take completions on notice because they are only reported periodically. As you would be aware, the measure is by the Australian Bureau of Statistics. It doesn't report on a daily basis, so we can only provide you with that information once it's done. However, I know right now that there are 73,000 dwellings under construction in New South Wales, and more on the way, because we got rid of your TOD bill. Your anti-housing bill is gone.

The Hon. SCOTT FARLOW: Minister, what is your expectation in terms of the number of homes that you will be delivering this year?

Mr PAUL SCULLY: I'm not in the game of providing year-by-year forecasts.

The Hon. SCOTT FARLOW: Why not?

Mr PAUL SCULLY: I am in the game of setting up the planning system to not only deliver for the period of the Housing Accord but beyond it. I am in the business of making sure that people aren't getting in the way of delivering good, well-located homes for people into the future. I am pleased that the upper House agreed with me.

The Hon. SCOTT FARLOW: Minister, aren't you responsible for actually being the delivery agency, effectively, for that Housing Accord?

Mr PAUL SCULLY: No, I'm responsible for the planning system. The delivery agency comes in a number of organisations. Landcom is a delivery agency. Homes NSW is a delivery agency.

The Hon. SCOTT FARLOW: But you are the responsible Minister.

Mr PAUL SCULLY: Private developers are delivery agencies. Landcom will be delivering its share. It's got multiple houses underway at the moment and will continue to deliver them.

The Hon. SCOTT FARLOW: Minister, you've got no expectation for a target this year at all?

Mr PAUL SCULLY: The target I'm working towards is 377,000 homes over the period of the Housing Accord.

The Hon. SCOTT FARLOW: So you are not tracking it on a yearly basis and working out what you need to do in terms of actually changing the settings if you fall short?

Mr PAUL SCULLY: I'm tracking it all the time, as are you. I know you are tracking it all the time.

The Hon. SCOTT FARLOW: We can have competing trackers.

Mr PAUL SCULLY: The important thing is, in the TOD development areas we've got more DAs at the moment in those areas than you had votes against it in the upper House.

The Hon. SCOTT FARLOW: Minister, how many are you expecting in Teralba in the Housing Accord period?

Mr PAUL SCULLY: The amount that we are expecting in those TOD locations is based on a 15-year horizon, as you are well aware.

The Hon. SCOTT FARLOW: Minister, in the Housing Accord period, let's be specific, you provided figures. You said 16,000 for the Housing Accord period.

Mr PAUL SCULLY: No, no.

The Hon. SCOTT FARLOW: You did. Your very helpful departmental officials came before this inquiry when we were having the TOD inquiry and said 16,000 over the accord period.

Mr PAUL SCULLY: The amount in Teralba, over the 15 years that we estimated—

The Hon. SCOTT FARLOW: What about the five, Minister?

Mr PAUL SCULLY: —as is reported to your anti-housing committee, is 6,697 homes. What is your target? Zero?

The Hon. SCOTT FARLOW: Minister, your expectation—

Mr PAUL SCULLY: Your target is zero, isn't it?

The Hon. SCOTT FARLOW: —over those five years, was it zero?

Mr PAUL SCULLY: Zero. Confirmed. The Liberal Party target for housing in New South Wales is zero.

The Hon. SCOTT FARLOW: Was it zero for those five years?

Mr PAUL SCULLY: Mate, you have no credibility when it comes to talking about housing.

The Hon. SCOTT FARLOW: Does the number zero ring a bell?

Mr PAUL SCULLY: You had 12 votes.

The Hon. SCOTT FARLOW: Is that your target, zero? In five years, zero?

Mr PAUL SCULLY: Your target is zero, yes.

The Hon. SCOTT FARLOW: Your target is zero. Teralba, zero.

Mr PAUL SCULLY: No, my target is not zero. My aim is to set up the planning system to deliver.

The Hon. SCOTT FARLOW: What information did you provide to Hunter Water with respect to the Teralba TOD as to your expectation under the Housing Accord period?

Mr PAUL SCULLY: I'll defer to Ms Gibson about the decision. The important thing is, as you have identified, we have identified areas where there is excess capacity in enabling infrastructure to provide those homes. We will continue to work on them. I will continue to oppose them and make sure that the upper House and the lower House opposes your anti-housing bill, as you bowl them up again, as you continue to do because you're anti-housing party and you have zero credibility on this issue.

The Hon. SCOTT FARLOW: Minister, I will come back to Ms Gibson later on.

Mr PAUL SCULLY: So you actually don't want to hear the answer?

The Hon. SCOTT FARLOW: I'm very happy to hear the answer later on, but I've only got limited time with you.

Mr PAUL SCULLY: You are not interested in the answer. You're a joke.

The Hon. SCOTT FARLOW: Minister, you talk about an anti-housing party. What about Warren Kirby out in Riverstone? Is he part of the anti-housing party?

Mr PAUL SCULLY: Warren Kirby has been advocating for infrastructure that you and your government left out.

The Hon. SCOTT FARLOW: Minister, Warren Kirby wanted a bit of a pause, didn't he?

Mr PAUL SCULLY: You are kidding yourself.

The Hon. SCOTT FARLOW: Minister, did the member for Riverstone ask you for a bit of a pause on development in his electorate?

Mr PAUL SCULLY: Warren Kirby has asked for a catch up in infrastructure and, guess what, this is a government that is delivering on it.

The Hon. JACQUI MUNRO: Delivering our infrastructure.

Mr PAUL SCULLY: You can laugh, Ms Munro, if you like.

The Hon. JACQUI MUNRO: I'm incredulous.

Mr PAUL SCULLY: You were a strong supporter of housing in your inaugural speech and then you voted against housing. As Senator Bragg said, the Liberal Party in New South Wales is playing footsies with nimbys and, as a result, people are leaving New South Wales.

The Hon. SCOTT FARLOW: Minister, is Warren Kirby a nimby? Is Michelle Rowland a nimby?

Mr PAUL SCULLY: No, neither of them are. What they want is a catch up on the infrastructure that you left out when you were in office.

The Hon. SCOTT FARLOW: Michelle Rowland is asking "Stop the high-rise" in Stanhope Gardens. Is she a nimby?

Mr PAUL SCULLY: That's why we are delivering major upgrades to the Ponds and Rouse Hill high schools. We have recently completed Glenwood High School. We have five new primary schools and high schools underway.

The Hon. SCOTT FARLOW: They are all over capacity.

Mr PAUL SCULLY: We have \$700 million being invested in Rouse Hill Hospital and, while Ray Williams doesn't want an emergency department in that hospital, there is going to be one. We've got an urban roads fund with \$991 million over the next four years—

The Hon. SCOTT FARLOW: Have you been to Old Windsor Road, Minister?

Mr PAUL SCULLY: —which is being met by an additional \$962 million from the Commonwealth Government, which has things like upgrades to Garfield Road in Riverstone and the like. I think you're misplaced once again when it comes to this. I know you don't like housing.

The Hon. SCOTT FARLOW: Minister, these are the same concerns that we have been raising.

Mr PAUL SCULLY: Let's go through what has happened in the last couple of weeks.

Ms CATE FAEHRMANN: Point of order—

Mr PAUL SCULLY: Let's go through what has happened in the last couple of weeks.

The Hon. SCOTT FARLOW: I will hear the point of order. I am, funnily enough, the Chair in this scenario at the moment.

Mr PAUL SCULLY: That's fair. That's even-handed, isn't it?

The Hon. SCOTT FARLOW: I am hearing the point of order from Ms Faehrmann.

Mr PAUL SCULLY: It's like putting Dracula in charge of the blood bank.

Ms CATE FAEHRMANN: Maybe the Ministers need to make sure that they don't put clashes on. It's very difficult for us. The point of order is that you are the Chair as well. Because there is nobody to control this situation, I am pointing out that you are the Chair. Could you please try not to speak over each other? It's just a suggestion for the helpful facilitation of this session.

The Hon. SCOTT FARLOW: I uphold the point of order between myself and the Minister. See? Fairness.

Mr PAUL SCULLY: One hot day doesn't make a summer, Mr Farlow.

The Hon. SCOTT FARLOW: I will continue questioning. Minister, with respect to the concerns that have been raised by the member for Riverstone and also with respect to the member for Greenway, these are similar to what the Coalition has been raising.

Mr PAUL SCULLY: Actually, they are vastly not. They are very much not.

The Hon. SCOTT FARLOW: You characterise one as being anti-housing and the others are fighting for their fair share of infrastructure.

Mr PAUL SCULLY: You know why? Mr Kirby didn't introduce a bill to overturn the TOD SEPP. Minister Rowland, didn't introduce a bill in the Federal Parliament to overturn the TOD SEPP. Let's have a look at the past few weeks. A couple of weeks ago, the upper House, in a resounding victory for common sense—something that I rarely use when it comes to the upper House—

The Hon. SCOTT FARLOW: That's not my question. My question is about Mr Kirby and Ms Rowland.

Mr PAUL SCULLY: I am answering your question. I appreciate that you don't like it. You are trying to suggest—

The Hon. SCOTT FARLOW: Warren Kirby launched a petition, "We've had more than our fair share."

Mr PAUL SCULLY: Yes, and he is in support of—

The Hon. SCOTT FARLOW: The day before you proposed 8,000 new high-rises in his electorate.

Mr PAUL SCULLY: Mr Kirby is in support of our rebalancing of the housing targets. Are you?

The Hon. SCOTT FARLOW: The rebalancing of the housing targets is Blacktown being number two on the list. Is that the rebalancing?

Mr PAUL SCULLY: Are you in favour of the rebalancing of our housing targets or not?

The Hon. SCOTT FARLOW: Minister, this is a rebalancing that has—

Mr PAUL SCULLY: No, that has answered the question.

The Hon. SCOTT FARLOW: Minister, guess what, I will give you your own point of order on this one. You can't ask the questions in this Committee. We can come back in a few years time.

Mr PAUL SCULLY: I can.

The Hon. SCOTT FARLOW: You can't.

Mr PAUL SCULLY: You don't like the answers. You want to have a look at Blacktown? Let's have a look at Blacktown.

The Hon. SCOTT FARLOW: I'm asking about Blacktown, the second highest on the list.

Mr PAUL SCULLY: Let's have a look at the housing targets. When you set housing targets, it's important to remember that you don't start from a blank piece of paper. When you are catching up on an infrastructure deficit left by the government before you, you don't start with a blank piece of—well, there you start with blank infrastructure. Just like when you are trying to drawdown and pay back debt that you inherited, you don't start with a blank piece of paper. In Blacktown, the total housing target over the five years is 21,400. Of those, 17,160, or 80 per cent for those of you doing the maths, are already in the system. That means the additionality—

The Hon. SCOTT FARLOW: Minister, all councils have disputed that "already in the system".

Mr PAUL SCULLY: What you're upset with is areas that you've quarantined from housing because you said, "It's okay to shove housing over there with no infrastructure," which is why we're having to deal with it.

The Hon. SCOTT FARLOW: Minister, are you going quarantine Stanhope Gardens and Glenwood from those proposals?

Mr PAUL SCULLY: We're on public exhibition for—

The Hon. SCOTT FARLOW: And are you going to quarantine Stanhope Gardens and Glenwood?

Mr PAUL SCULLY: We are on public exhibition for a master plan around seven—six sites essentially because we joined Kellyville and Bella Vista—sites at the moment. I hope you got your views in.

The Hon. SCOTT FARLOW: Minister, why didn't you ask Warren Kirby to join you for the announcement at Kellyville station?

Mr PAUL SCULLY: The announcement? Sorry, which announcement?

The Hon. SCOTT FARLOW: Of the accelerated precincts. Why didn't you ask Warren Kirby to join you? Did you ask Warren Kirby to join you?

Mr PAUL SCULLY: I didn't ask anyone to join me because I'm a big boy and I can do the announcements by myself.

The Hon. SCOTT FARLOW: You must not have been so big the next week because you asked Jason Yat-Sen Li to join you in Homebush.

Mr PAUL SCULLY: Actually, Jason approached me.

The Hon. SCOTT FARLOW: Did he?

Mr PAUL SCULLY: Jason's keen for housing, and the businesses around him—

The Hon. SCOTT FARLOW: Funnily enough, you actually were doing the announcement outside of somewhere that hasn't been rezoned when you actually put all of it in North Strathfield instead.

Mr PAUL SCULLY: I'll tell you why. Because that business there wants more people in that area because it's better for their business. I noticed in *The Sydney Morning Herald* today—and I'll get it because I don't want to misquote you—it says that you described the figures as "pie in the sky".

The Hon. SCOTT FARLOW: Minister, we'll pick up on my quotes here. You either are proceeding with 20,000—

Mr PAUL SCULLY: They were an "unforgiveable betrayal" yesterday; they're "pie in the sky" today.

The Hon. PETER PRIMROSE: Point of order: The Acting Deputy Chair again is now talking over the member.

Mr PAUL SCULLY: I don't know which one it is because you haven't settled on a position. You said that they don't bear any resemblance to what's going to be built, arguing the Government expects a number of houses in an area with no business.

The Hon. SCOTT FARLOW: You've got zero at Teralba.

The Hon. JACQUI MUNRO: Minister, the Acting Deputy Chair has to rule on the point of order.

Mr PAUL SCULLY: You know what's going to happen in those areas? There is going to be businesses that set up.

The Hon. PETER PRIMROSE: Either the Acting Deputy Chair takes my point of order—

The Hon. SCOTT FARLOW: Minister, I will take the point of order.

Mr PAUL SCULLY: The party of business is anti-small business.

The Hon. SCOTT FARLOW: Minister! I am actually trying to give one of your members a point of order against me.

The Hon. PETER PRIMROSE: Against you to enable the Minister to answer.

The Hon. SCOTT FARLOW: I think we've had the Minister answer, even through your point of order. We will continue on.

Mr PAUL SCULLY: I think I've got plenty more.

The Hon. SCOTT FARLOW: Minister, to that point, you announced 20,000 in Kellyville-Bella Vista TODs. If you are to listen to Warren Kirby—

Mr PAUL SCULLY: We announced a public exhibition process for a rezoning proposal and a master planning exercise in that area.

The Hon. SCOTT FARLOW: Delivering 20,000 homes, of which, if you are to listen—

Mr PAUL SCULLY: And jobs—let's not ignore the jobs.

The Hon. SCOTT FARLOW: If you are to listen to Warren Kirby, what is going to be your revision in terms of actually removing Stanhope Gardens and Glenwood out of that proposal?

Mr PAUL SCULLY: This is the thing: We listen to everyone. Have you got your submission in?

The Hon. SCOTT FARLOW: Minister, I'm interested in the submissions of the people of—

Mr PAUL SCULLY: I'll take that as a no.

The Hon. SCOTT FARLOW: I'm interested in the submissions of the people of Glenwood and Stanhope Gardens.

Mr PAUL SCULLY: I'll take that as a no. You haven't got a submission in.

The Hon. SCOTT FARLOW: Why when you made that announcement did you not actually point out the fact that the majority of the development was actually happening in the Blacktown LGA, the majority in Glenwood—

Mr PAUL SCULLY: Because you just asked about Blacktown.

The Hon. SCOTT FARLOW: —and Stanhope Gardens. You called it the Kellyville-Bella Vista TOD.

Mr PAUL SCULLY: Yes, because it's around Kellyville and Bella Vista metro stations.

The Hon. SCOTT FARLOW: But the reality is that 18,000 of those residences are supposed to be delivered in both Stanhope Gardens and also in Glenwood.

Mr PAUL SCULLY: Are they near Kellyville and Bella Vista stations? They're near Kellyville, aren't they? Across the road?

The Hon. SCOTT FARLOW: Minister, what about—

Mr PAUL SCULLY: They are, are they?

The Hon. SCOTT FARLOW: Minister—

Mr PAUL SCULLY: Can you confirm that that's near Kellyville metro station?

The Hon. SCOTT FARLOW: Have you been to either Stanhope Gardens or to Glenwood, Minister?

Mr PAUL SCULLY: I have.

The Hon. SCOTT FARLOW: Have you been down the Old Windsor Road?

Mr PAUL SCULLY: I have.

The Hon. SCOTT FARLOW: Minister, do you listen—

Mr PAUL SCULLY: Have you been on the metro out there?

The Hon. SCOTT FARLOW: Pardon?

Mr PAUL SCULLY: Have you been on the metro out there?

The Hon. SCOTT FARLOW: I have been on the metro.

Mr PAUL SCULLY: You stood in front of it saying that there was no infrastructure.

The Hon. SCOTT FARLOW: Minister, I've been on the metro, and, Minister, I will say to you—

Mr PAUL SCULLY: A multibillion-dollar train line—"No infrastructure".

The Hon. SCOTT FARLOW: Minister, Warren Kirby the local member is the one who is saying there's no infrastructure. He's the one who is complaining about the traffic onto Old Windsor Road.

Mr PAUL SCULLY: Warren Kirby is referring to schools and is referring to hospitals. I'll run through the list for you again because you clearly missed it.

The Hon. SCOTT FARLOW: And he has run through Old Windsor Road as well, Minister.

Mr PAUL SCULLY: The major upgrades to The Ponds and Rouse Hill high schools—

The Hon. SCOTT FARLOW: Minister, what are your plans?

Mr PAUL SCULLY: Recently we completed Glenwood High School. We have five new primary school and high schools planned in the Tallawong and Box Hill communities.

The Hon. SCOTT FARLOW: Minister, you're proposing 20,000 additional—

Mr PAUL SCULLY: We have \$700 million being invested in the new Rouse Hill Hospital. We have an Urban Road Fund of \$991 million over the next four years along with an almost matched amount from the Commonwealth, which includes upgrades to Garfield Road—

The Hon. SCOTT FARLOW: Minister, I'm redirecting you.

The Hon. PETER PRIMROSE: Point of order—

The Hon. SCOTT FARLOW: Do you have a point of order against the Minister?

The Hon. PETER PRIMROSE: No I'm taking a point of order against you. You cannot redirect in these committees.

The Hon. SCOTT FARLOW: You can redirect; it has been established before.

The Hon. PETER PRIMROSE: Point of order: Again, can I say to you, and I urge you to seek advice from the Clerk before I move dissent, you cannot redirect in these committees and I'd ask you to take advice from the Clerk in this. It has been updated by the Clerk of the Parliaments.

The Hon. SCOTT FARLOW: It was upheld in a previous committee hearing this week in terms of redirection and the allowance of redirection. Anyway, Minister—

The Hon. PETER PRIMROSE: I urge you to take that very carefully.

Mr PAUL SCULLY: Are we ruling on the point of order or?

The Hon. PETER PRIMROSE: I don't know.

Mr PAUL SCULLY: I'll wait until the point of order is ruled on.

The Hon. PETER PRIMROSE: If you're saying the Clerk of the Parliaments is wrong—

The Hon. SCOTT FARLOW: I'm allowing the Minister to finish. Is the Minister finished his answer?

Mr PAUL SCULLY: Hang on, there's a point of order. Our rules might be different to yours but I think you've still got to deal with the point of order.

Ms CATE FAEHRMANN: To the point of order: Can I suggest that if the member who is now the Acting Deputy Chair has not read the Clerk's advice to perhaps refrain from really ruling until you do because I don't think we'd want a chair to rule on this if they haven't read the Clerk's advice.

The Hon. SCOTT FARLOW: That's why I'm effectively allowing the Minister to answer the question.

Mr PAUL SCULLY: I take that you're not upholding it. You're upholding or not upholding?

The Hon. SCOTT FARLOW: I'm keeping it in abeyance and I'm allowing you to finish, if you are concluded.

Mr PAUL SCULLY: As I was saying, Mr Kirby's view is, and Mr Kirby is saying, that his community—and he is absolutely right in this—was left with a schools and hospitals infrastructure deficit. We are making up for that. I'll run you through the list because you clearly haven't listened to it: The Ponds and Rouse Hill high schools; recently completed Glenwood High School; and five new primary and high schools in planning in Tallawong and Box Hill communities. There is \$700 million being invested in Rouse Hill Hospital, including an emergency department. There are multiple road upgrades going on in the north-west of Sydney. Mr Kirby's point about having done their fair share is that under the previous Government the housing targets were slanted so that people who were getting big infrastructure investments in certain parts of Sydney were not doing their fair share, were not taking the housing and the jobs that should come with having those massive infrastructure investments. You know the ones I mean because you have stood outside them and claimed that there weren't infrastructure investments.

In fact, this Government has gone to great lengths to acknowledge the fact that they were commenced under the previous Government. But with that infrastructure comes a responsibility to do your fair share of housing. Our housing targets start to do that rebalancing across Sydney, but the reality is you don't start with a blank piece of paper. I appreciate that you guys don't want any housing anywhere, but we're not going to tell people who are putting their life and their hopes and their dreams into a new home in Blacktown—a great place to live—or the south-west, or somewhere like that, that suddenly you can't do it now because there is a change of government. We want people to continue to do that. What we are doing is rebalancing so there's more infill development around existing transport infrastructure where there's capacity in the water and wastewater system because that, even from a taxpayer perspective, an economic perspective and an environmental perspective, is far more efficient.

The Hon. SCOTT FARLOW: Minister, Mr Kirby is now satisfied, is he, with the 8,000 additional residences you have proposed because of all that infrastructure you just outlined?

Mr PAUL SCULLY: You would have to ask Mr Kirby about his level of satisfaction. I wouldn't be one to comment on someone's level of satisfaction. Yours on the other hand—you're unsatisfied.

The Hon. SCOTT FARLOW: Is the member for Greenway satisfied after your infrastructure list you have just outlined?

Mr PAUL SCULLY: I don't know if the member for Greenway just listened to whether the infrastructure list is on there, but I'm sure you could give her a bell and find out.

The Hon. SCOTT FARLOW: Has the member for Greenway spoken to you about it?

Mr PAUL SCULLY: I speak to the member for Greenway on a number of occasions. In fact, we work really closely together through the ministerial council on dealing with telecommunications infrastructure in new housing estates because that has been a great frustration of hers in areas like The Ponds and other places.

The Hon. SCOTT FARLOW: It seems like the rezoning in Stanhope Gardens and Glenwood is a great frustration of hers as well.

Mr PAUL SCULLY: Your characterisation, not mine.

The Hon. SCOTT FARLOW: I think her characterisation—she has actually put out "Stop the high-rise in Glenwood and Stanhope Gardens".

Mr PAUL SCULLY: Your characterisation, not mine.

The Hon. SCOTT FARLOW: No, that's her characterisation, Minister.

Mr PAUL SCULLY: I think the best people to be able to speak to Minister Rowland's views on the matter would be Minister Rowland.

The Hon. SCOTT FARLOW: Have you seen Minister Rowland's private member's statement in the Federal Parliament?

Mr PAUL SCULLY: I have seen lots of things. I have read Minister Rowland's private member's statement. Minister Rowland and I have known each other for a very long time. We were in Young Labor together many, many years ago. Not that many—cut out one of those "manys".

The Hon. SCOTT FARLOW: Minister, the member for Greenway is petitioning you to stop the rezoning in Stanhope Gardens and—

Mr PAUL SCULLY: This is what a public exhibition process is about. This is why we have gone through the exercise.

The Hon. SCOTT FARLOW: But we're apparently the anti-housing party and these people are all fine with community concerns.

Mr PAUL SCULLY: I really hope you put in your submission.

The Hon. SCOTT FARLOW: Are you going to actually listen to the concerns of the member for Greenway, the member for Riverstone and also of course the member for Kellyville and the member for Winston Hills?

Mr PAUL SCULLY: We're going to look at all the submissions, because we don't selectively choose them as it suits our needs. I'll look at even your submission if you put one in. Did you put one in?

The Hon. SCOTT FARLOW: Minister, with respect—

Mr PAUL SCULLY: You didn't put one in, did you?

The Hon. SCOTT FARLOW: Minister—

Mr PAUL SCULLY: You missed the deadline. Well, we'll accept a late submission from you.

The Hon. SCOTT FARLOW: Minister, I'm interested in the people actually being able to get submissions in who actually live in these areas.

Mr PAUL SCULLY: We'll accept a late submission from you, Mr Farlow.

The Hon. SCOTT FARLOW: There were no submissions from anyone who lived in any of the TOD zones, were there? You never had a public process for that, did you, Minister?

Mr PAUL SCULLY: We went through a consultation process with the councils.

The Hon. SCOTT FARLOW: But not with the impacted individuals in those areas?

Mr PAUL SCULLY: What? Did you want me to go knock on every door?

The Hon. SCOTT FARLOW: I wanted you to go out for public exhibition, Minister, just like you've done with these zones.

Mr PAUL SCULLY: I'm happy to go knock on doors in Ku-ring-gai because I actually—

The Hon. SCOTT FARLOW: Why don't they get afforded the same opportunity?

Mr PAUL SCULLY: The process is far, far bigger when it comes to the accelerated precincts. We set out exactly how we were going to do this at the very beginning. The TOD SEPP, as you know—because you tried to overturn it legislatively, so you would've read it—only remains in place while ever a council hasn't done the strategic planning to go beyond it. That's why a number of the councils have got a slightly later date of

commencement so they are able to refine the areas, to do different things in terms of the settings that they might want to do. Take Dapto, for instance. Originally, if you just simply draw a circle of 400 metres radius around the station, it would have been taken areas to the west as well as the east. Wollongong City Council sensibly sat down, worked through with us and came up with an arrangement that will actually deliver more homes—a good, responsible council.

The Hon. SCOTT FARLOW: Why wasn't everyone afforded the same opportunity, Minister—

Mr PAUL SCULLY: But everyone was.

The Hon. SCOTT FARLOW: —rather than you just drawing circles on a map?

Mr PAUL SCULLY: Everyone was. And guess what? Everyone but one engaged in it.

Ms CATE FAEHRMANN: Minister, Peabody coal again has lodged a scoping letter—this is in relation to its Wilpinjong mine, project modification three. It lodged a scoping letter to expand that mine. The proposal is to disturb an additional 350 hectares of land. It's outside the current approved area, in terms of its exploration licence. It's going to shift the Sandy Hollow railway line and bring the open-cut mine to within 500 metres of Wollar village. Is the department considering the status of the latest proposed expansion—this one—so it's assessed as a new project rather than a modification?

Mr PAUL SCULLY: I'll ask Mr Gainsford to speak to that one.

DAVID GAINSFORD: Ms Faehrmann, my understanding is that we haven't received documentation yet with regard to that.

Ms CATE FAEHRMANN: Except the scoping letter?

DAVID GAINSFORD: We've received the scoping letter. That's correct.

Ms CATE FAEHRMANN: Minister, a lot of coal expansions in New South Wales—in fact, nine of the at least 17 coal mine expansions planned for New South Wales—are avoiding scrutiny of the Independent Planning Commission because they're being lodged as modifications. But they're substantial in many ways. As I'm sure you're aware, the modification assessment pathway is not supposed to be used for substantial projects, but this is what's happening. Will you have a look at this? Wilpinjong, for example, is a huge project, and it should be assessed as a new project. In fact, I think Labor committed to that before the election.

Mr PAUL SCULLY: I'm happy to have a look at it.

Ms CATE FAEHRMANN: To have a look to see whether it should be independent. Thank you for saying that. What about some of the others that are being put through as well because it seems—

Mr PAUL SCULLY: As we've already established here, I'm not going to make broad sweeping statements with the assessment of projects.

Ms CATE FAEHRMANN: Minister, with respect, it's not broad sweeping statements.

Mr PAUL SCULLY: You are asking me to agree to a whole host of things.

Ms CATE FAEHRMANN: It's actually alerting you as to what the planning department is doing and requesting that you ensure there's independent oversight, so that the community has faith in the process.

Mr PAUL SCULLY: If you'd allow me to complete my answer—modifications do need to meet a test for them to be considered modifications. That's the first point. Beyond that, then I'll consider the circumstances of individual cases. Any modification—as Mr Gainsford will tell you, because I'm sure you're going to explore this later today—needs to meet a test, which is a well-known test within planning law.

The Hon. JACQUI MUNRO: Minister, could you please confirm that no temporary housing residents in the Northern Rivers after the flood will be paying rent or licensing fees?

Mr PAUL SCULLY: The Government said that they will not be paying rent.

The Hon. JACQUI MUNRO: So you're confirming that it will not happen. What about licensing fees?

Mr PAUL SCULLY: There may be consideration of a licensing fee, but that hasn't been put in place.

The Hon. JACQUI MUNRO: Could you explain what those licensing fees might include?

Mr PAUL SCULLY: A fee to licence to occupy.

The Hon. JACQUI MUNRO: And that's the only fee—any idea about calculations? When that decision—

Mr PAUL SCULLY: I'll defer to Ms Quilty.

The Hon. JACQUI MUNRO: I might ask later, given we have time this afternoon. Are you aware of the quantum of licensing fees in terms of how much it will cost?

Mr PAUL SCULLY: There's been no final decisions made on this matter so, no, I'm not aware of the final decision because there hasn't been one.

The Hon. JACQUI MUNRO: Is there a timeline to make those final decisions?

Mr PAUL SCULLY: When any decisions are made, the Government will announce them.

The Hon. JACQUI MUNRO: Are they under consideration at the moment? Are we talking weeks? Are we talking months? How much time do the residents have to wait?

Mr PAUL SCULLY: This has been an often-discussed thing. The Community Leaders Forum in the Northern Rivers have raised this on several occasions, because I don't think it was ever the intention for people to live free forever. What we are working on, and what our priority is, is to get people into permanent housing.

The Hon. JACQUI MUNRO: How are you making those decisions in line with the department? Are you consulting with them regularly about this?

Mr PAUL SCULLY: I work with the Reconstruction Authority regularly—all the time.

The Hon. JACQUI MUNRO: So you haven't set out a timeline for the residents?

Mr PAUL SCULLY: To the best of my knowledge, we haven't set out a timeline, I don't think. I think we've set out a timeline where we hope to have them into permanent housing. I'll defer to Ms Quilty for whether there's been a communication.

The Hon. JACQUI MUNRO: I might just keep on with you if that's okay, Minister.

Mr PAUL SCULLY: Is that because—

The Hon. JACQUI MUNRO: Obviously we have this afternoon for the bureaucrats.

Mr PAUL SCULLY: Sorry, I just thought when you asked the question, you might want the answer.

The Hon. JACQUI MUNRO: We're asking you, Minister, for the consideration of the residents, how they should be planning their financial affairs in relation to this matter.

Mr PAUL SCULLY: I'm not a financial advisor, so for me to give financial advice would mean I'm offending Commonwealth law. But I think in any circumstances people should be considering that there is a cost of housing. I've got a cost of housing. I'm sure you do. I mean, I don't live rent free. Some people might live rent free in people's heads, but that's about it.

The Hon. JACQUI MUNRO: Yes, but these people got assured that they wouldn't have to pay rent—

Mr PAUL SCULLY: Yes, and they won't be paying rent.

The Hon. JACQUI MUNRO: —and now we've got a different definition of rent under licensing fees so that your Government can get around it.

Mr PAUL SCULLY: They won't be paying rent.

The Hon. PETER PRIMROSE: We have no questions. Again, we are very satisfied with the Minister's responses.

The CHAIR: Thank you, Minister, for attending this hearing. We will now break for lunch and return at 2.00 p.m.

(The Minister withdrew.)

(Luncheon adjournment)

The CHAIR: We will now recommence. Ms Fishburn, I believe you have some matters you would like to clear up.

KIERSTEN FISHBURN: Thank you, Chair. I will ask first Ms Gibson and then Mr Gainsford to clear up a few things we took on notice.

MONICA GIBSON: Chair, there were two matters that we had some questions about, one in relation to the zoning of land at Old Windsor Road. I'm confirming that the land is currently zoned SP2, which is a place of public worship and education site where there is no height or FSR proposed. The planning controls are for a residential zoning—that's what's on consultation at the moment—allowing up to about 55 metres or 15 storeys. There has been a meeting held with the landowner on 21 August, and the matter about the grant was raised in that meeting. It's a pretty usual thing for us during the exhibition to talk with a site proponent about the issues on exhibition. The second matter was about the number of granny flats or secondary dwellings that have been approved. In the financial year to 30 June this year, there were 3,273 secondary dwellings. That's how we would define them in the planning system as granny flats. In the year to date—so, until 31 July—there were another 274 approved.

DAVID GAINSFORD: Chair, I'm sure there may well be some more questions about some of these matters, but I think I took one on notice with regard to the role of the independent mining in the catchment panel. That has actually been rolled into the Independent Expert Advisory Panel for Mining, and it is a body chaired by Professor Jim Galvin that we do seek advice from. We seek advice from them on extraction plans, on modifications to mining projects and for applications, so we have regular dialogue with that panel. I'm happy to go into some more details if and when there are further questions with regard to that.

There were also some questions, I think from Ms Faehrmann, around the Metropolitan coalmine. On foot, we have both a modification—there is a modification to their 2009 consent, which is for some changed arrangements to one of their approved longwalls, 317. I think Ms Faehrmann was also asking about some extraction plans that we have at the moment, as well. We have on foot six proposed extraction plans for six longwalls. At the moment, we're seeking further advice from the applicant with regard to those, and we've also sought some advice from the independent expert advisory panel that I mentioned before.

The CHAIR: Thank you. I wanted to start with some questions in terms of major project assessments—I think it's for you, Mr Gainsford, but obviously you as well, Ms Fishburn—in relation to where the department sits at the moment with emissions work. In particular, I know that the Net Zero Commission is coming—it's very early on—and that there have been some strong words from Ministers to Ministers around the expectations. What are we doing in terms of how we are assessing the emissions, both methane and carbon emissions, with those big projects in the pipeline?

KIERSTEN FISHBURN: I'll let Mr Gainsford answer in detail. But, to establish a few things initially, obviously we operate within the government policy of the day. I think that's a statement that we should get right up front. Secondly, if it's not already in my diary, it will be very soon. I will be meeting with the Net Zero Commissioner with Mr Gainsford. We've already established that relationship and we'll have a formal meeting really quite soon. Mr Gainsford, would you like to talk further about how we take emissions into consideration in assessment processes?

DAVID GAINSFORD: Yes. Chair, as I think you'd be aware, the resource and energy SEPP—State environmental planning policy—has requirements for consent authorities to consider greenhouse gas emissions. As I think you would be aware, that includes a requirement to look at downstream emissions, and that has been in place for some period of time. As Ms Fishburn was mentioning, with the legislation—the Climate Change (Net Zero Future) Act—coming into place, and also the EPA's recent greenhouse gas emission requirements, we have been taking those into account as we're assessing coalmines.

As you would know, we also seek advice from various experts in this area, the EPA being one of them. The Department of Climate Change, Energy, the Environment and Water, who do a lot of the modelling, as you would know, around greenhouse gas emissions and where we're up to with our targets—we seek advice from them. I mentioned the independent expert advisory panel that assists us with mining, as well. We have supplemented that expert advisory panel to have specifically some expertise within that panel to help with greenhouse gas emissions, as well.

The CHAIR: Can I ask, then, from where you sit discharging your assessment obligation, what has materially changed, in terms of an assessment of a coal project, since the introduction of the Climate Change (Net Zero Future) Act and the EPA's emissions reduction policy?

DAVID GAINSFORD: Chair, some of those are early days. Ms Fishburn was mentioning that we're looking to meet with the Net Zero Commission chair quite soon. Having said that, clearly there are—if you look within the major projects register, Hunter Valley Operations is a significant assessment that we have underway at the moment. We have sought advice from our expert advisory panel and others that I mentioned before around the assessment of greenhouse gas emissions. We have actually written to Glencore and Yancoal, as the applicants for that, to provide some further reflections on those policy changes. We're waiting for that information to come back at the moment. I think, in summary, that there is definitely—whilst I did refer to the resources and energy

SEPP requiring us to look at greenhouse gas emissions before, there are some added policies of government and legislation that we need to be mindful of as we're doing our assessment.

The CHAIR: When you meet with the new chair of the commission, is it on your agenda to discuss section 3 (a)—I think it's 3 (a); sorry, that doesn't look quite right—of the net zero future Act, which empowers the commission to provide advice and make recommendations to the secretary of a department? Will you be discussing what the expectations around that power are?

KIERSTEN FISHBURN: I haven't established an agenda for that meeting yet. But, yes, obviously that is a question that I'll need to put to the chair in terms of the practicalities of that.

The CHAIR: And what about—I haven't got it in front of me. I apologise; I should. There's a provision within the Act about the commission having powers to provide advice on particular projects. Is that something you might discuss, as well, in terms of the breadth and the expectation around that?

KIERSTEN FISHBURN: Yes. I can't say that we will definitely discuss that in the first meeting, but obviously that's something which we will need to have a discussion about because we will need to understand how that would work in practice.

The CHAIR: With HVO, Mr Gainsford, when I spoke with Mr Chappel at budget estimates yesterday and the Minister for the Environment, there was an understanding, I think, that with that assessment the EPA guidelines would be applying to the EIS for HVO. Is that your understanding? Is that what will happen?

DAVID GAINSFORD: That's one of the suite of documents that we've asked HVO to respond to. Again, in our correspondence to HVO and in requiring further information, we've referred to those guidelines.

The CHAIR: Is it fair, then, to say all coal projects—and I think the only one that we heard yesterday was Moolarben—wouldn't be subject? Is that your understanding, or are you asking Moolarben as well?

DAVID GAINSFORD: I think, with regard to our assessment, we're taking all updated policy and legislation into account as we're going through those assessments. Whether we've formally asked the applicant for that project to respond to those policies, I'm not sure, but they're certainly things that we'll take into account as we're doing the assessment.

The CHAIR: I think in the previous estimates I asked about legal advice in relation to modification projects. Again, I don't have it in front of me, and I apologise. I'm just going from memory, but it was around legal privilege being claimed, and I have a question about that. Are you suggesting that legal—I think there were 15 legal advices, and eight were proponents' and the remainder was departmental legal advice. I think there was an imputation that there was legal privilege over which modifications those legal advices applied to. I apologise—there were 13 advices. Eight of those were proponents' legal advice-driven, and five of those were government-sought legal advices—in relation to modifications. Is it the department's position that you can't provide, in the public interest, which actual modifications those legal advices applied to?

KIERSTEN FISHBURN: Chair, I'm going to take that one on notice, if that's okay. I just want to seek some advice from my general counsel about how we answer that for you, so we'll come back to you after the break, if that's okay.

The CHAIR: Thank you. Just to short-circuit that—and I apologise; it was a bit lumpy—the legal privilege was claimed over the suite of questions, all of them. I found that a bit broad. It seemed like it was a quick answer, and I'm very interested to know which modification applications the legal advices applied to, if that's possible.

KIERSTEN FISHBURN: So not necessarily the content of the legal advice but for which applications we sought legal advice on modification?

The CHAIR: Yes.

KIERSTEN FISHBURN: I stand by what I said previously: I just want to seek some advice from my general counsel.

The CHAIR: With HVO, I've been advised that HVO is operating a greenhouse gas abatement plan, which does not specify or require any abatement measures. I'm just wondering if you're familiar with that one, Mr Gainsford—if anybody has brought that to your attention and why? What are we gauging it about? I think the underlying concern is there are some really good documents out there, there are some good commitments, and nobody is actually able to measure and understand what the heck we're doing.

DAVID GAINSFORD: I wouldn't necessarily characterise it that way. I think what you're referring to is—there are obviously a number of historic consents for a number of projects, HVO being one of those, where

are there are requirements that were set at the time of those consents. I know that historically in the past greenhouse gas management plans were requirements of those consents. There are requirements on those consents, and I know that we've written to those mining companies more recently to, I guess, suggest that our expectation of those greenhouse gas management plans are that they're coming back with some solutions to reducing emissions. I'll probably need to take on notice exactly where each one of those is up to. There are requirements, but they relate to the time of the consent that it was actually issued.

The CHAIR: Just generally on that, are you seeing things from those updated and those—are you seeing efforts? Are you seeing that some of these operators are genuinely starting, or are you having to smack them into line? What is the general approach?

DAVID GAINSFORD: Chair, obviously you made mention of the EPA and its intentions with regard to larger emitters as well to issue licences in the future with regard to those greenhouse gas emissions. We are seeing improvements in the industry, particularly with regard to scope 2 emissions and those emissions associated with transport where companies are trying to reduce their diesel use and looking at other future types of vehicles. I'm not going to say that it's perfect. I'm sure there is more that can be done from us as a regulator and the EPA as a regulator, but I think it would be fair to say that we are seeing improvements.

The CHAIR: I'm on the post-mining land use inquiry, and there's quite a lot of discussion around ending approval early and this kind of appetite around these big projects and these massive long-life approvals. Does the department take an approach at this point that, really, we have to keep going down the path—we have those approvals that are set in stone and the expectation at the moment and the regulation around that, including operation heading towards closure, of which there are a number of projects. I understand the distinction under the mining legislation and the difference. But in terms of the EPA Act approvals, is the department currently of the view that that is the modus operandi, that's what we do and we continue on the path of enforcing all of the conditions of those approvals?

DAVID GAINSFORD: I think, Chair, obviously what you're referring to here—and I might also rely on my colleague here to assist me with this answer. Obviously each one of those consents have rehabilitation requirements associated with those mines. As you would know, often they're progressive rehabilitation. At the time those consents were set, they were often envisaging turning that land back to either agriculture or some form of land use that was there before. There obviously has been—and we do actually have some projects that are under assessment at the moment, where mining companies are looking to change those plans and look at particularly, in some cases, renewable energy projects associated with those projects. There is a body of work that's underway to look at making sure that there's appropriate planning—that the planning system is in place—such as appropriate zoning to allow for those things to happen.

The CHAIR: As it stand, though, if I'm a proponent of—if I'm a big mining company, I would have to lodge a modification, wouldn't I? If I wanted to change something in terms of what the current conditions of consent require, my first port would be to lodge a modification to my existing mining development consent?

DAVID GAINSFORD: Chair, it could be through a modification or potentially a rezoning sort of pathway as well.

The CHAIR: So that would literally just be a new planning proposal on top, and you would run that parallel with your existing obligations and requirements?

DAVID GAINSFORD: Yes.

The CHAIR: Is the department looking at in terms of anticipating this kind of approach from mining companies?

KIERSTEN FISHBURN: That's one of the areas where we work collaboratively with the Department of Primary Industries and Regional Development. There has been a work stream proposed that would look at this particular area that has participants from both Ms Gibson's and Mr Gainsford's business areas, and it's something where we would be working actively with our fellow department.

The CHAIR: What does that look like? Have you got a group or a discussion? What does that look like in terms of the mechanics?

KIERSTEN FISHBURN: With the DPIRD recently undergoing some changes, the governance isn't very firmly established at this point in time. We have done some work in the department ourselves to establish what we think would be a sensible work program, which we have put to DPIRD, and we continue those discussions.

The CHAIR: I keep hearing these terms around, "Well, the post-mining land use will be sticks and grass." I think that there's this real misunderstanding around this idea that it's all just sticks and grass when, in fact, as the department would know, the project that was approved was on the basis of how the project would finish and these long-life proposals. Does the department have a role in explaining why it's important that we might be talking about returning critically endangered ecological communities back into the landscape and that, really, these big approvals that the department has originally provided consent for have created what many people are referring to as a nature deficit and a nature debt? Is that something that the department has a grasp on? Is that an understanding?

KIERSTEN FISHBURN: I think we're certainly aware of the impacts environmentally and economically—both positive and negative, in some instances—of mining. Certainly, the department's position is not that we just want to see sticks and grass. I think, fair to say, Ms Gibson, as a proud Novocastrian in particular, would like to see that, as mining—

The CHAIR: Don't get me wrong; I want to see sticks and grass.

KIERSTEN FISHBURN: But there is also opportunity for regional development in this space as well and the transition of industries and the economic benefit that ensues there. That is why we will work very actively with Primary Industries and Regional Development to establish some positive outcomes and work towards what type of planning controls we might be able to put in place, as the planning department, to lead to positive legacy.

The CHAIR: Will you all commit to me that you won't refer to it as "sticks and grass" and you'll refer to it as really important agricultural land and biodiversity and really important aspects of our environment?

KIERSTEN FISHBURN: I can assure you of that, because I don't think the term "sticks and grass" has ever been spoken by me before so I doubt I will speak it again.

The CHAIR: I started that discussion with the Minister around dangerous flood plains, and I was speaking in particular around housing development. I've raised this in the past but I'm really concerned that we've got councils currently on the front line in some areas that are continuing to approve development that many people from a commonsense perspective and from an engineering and hydrology sense would say, "These are dangerous flood plains and we are putting development where we shouldn't." I'm curious about where we are up to. From where I see it, we're taking quite a hands-off approach. We're providing good advice, but that seems to be what it is rather than really clear direction. I know you started, Ms Fishburn, on where we're at—that it's possibly complex and so on. What are we doing in terms of that place base and preventing dangerous development?

KIERSTEN FISHBURN: I think it's for my colleagues from RA to answer the majority of that question. Though, if I can give you my assurance—and I might get Ms Gibson to speak to this—when planning proposals do come into the department, flooding is something that we look at very seriously. Indeed, decisions have been made that have reduced housing opportunity, despite the fact that housing is obviously our primary priority at the moment, because of flooding. Ms Gibson?

MONICA GIBSON: There is a plan-making direction. There is a ministerial direction that we need to follow when we're considering any planning proposal, rezoning proposal to change the use of an area where we know that there might be a flood hazard, a flood risk, a flood study to increase the intensity of that land for a residential purpose or some other sensitive use. That plan-making direction has been in place for some time and it is amended on a regular basis. It was amended following the flood inquiry in 2022. It also speaks to the other guidance that is released on a regular basis, so the New South Wales flood plain development manual and the associated documents, the recently released planning circular about addressing flood risk. It also talks to councils' local environmental plans and controls that they have and clauses that they have to make sure that flood risk is taken into account. As Ms Fishburn has mentioned, there have been a number of planning proposals where the flood risk has not been thoroughly addressed. The quality of the information—the flood modelling nearly always predated the 2022 inquiry results and so it didn't consider the broader range of flood events and the flood risk and matters like evacuation.

In those situations, decisions have been carefully made and well considered to not progress with the zoning of that land for residential development, and that includes sites in the north-west growth area of Sydney, so in the Hawkesbury-Nepean catchment. But it has also meant, in the Georges River catchment in the Fairfield local government area, areas there were not progressed to rezone for residential development. Every matter is considered on its merits. It is not a blanket approach and we look at the best available information at the time. In many instances we are working with council and proponents and with our colleagues in other agencies to improve the quality of flooding information, to seek more specific information on that particular site to be able to address the matters that are in the plan-making ministerial direction that we need to take into account and to consider these issues of different types of flood events and the hazards that come with those.

MAL LANYON: I might just pick up on that, if that's all right, Ms Higginson. Or would you like to come back subsequent—

The CHAIR: I'm going to come back, if that's okay, because it is now the Opposition's time.

The Hon. SCOTT FARLOW: I return to the housing targets and the tracking of those. I think we had an indication before that it's going to be on the ABS statistics in terms of how that is being tracked. Do you have a particular dataset that you will be using in terms of tracking those statistics?

KIERSTEN FISHBURN: So you're talking about tracking of completions, which is ABS data?

The Hon. SCOTT FARLOW: The tracking of completions for the Housing Accord under the housing targets.

KIERSTEN FISHBURN: Yes, obviously we track a whole range of other inputs into the planning system as well and I'll ask Ms Gibson to talk through those measures.

MONICA GIBSON: The New South Wales housing target, which is a five-year target—and the Minister spoke to that this morning. That's the 377,000 homes. That is completed homes. Because it's a component of the National Housing Accord, we have settled with the Commonwealth that we'll be using the ABS information about dwelling completions and the dataset that the ABS produces.

The Hon. SCOTT FARLOW: Do you have a particular series in that that you will be using? Can you take that on notice, potentially? I'm sure you probably don't have it off the top of your head but you might.

MONICA GIBSON: I think I might have it on hand.

The Hon. SCOTT FARLOW: That would be great.

MONICA GIBSON: Do you want to give me a couple of seconds and I can tell you what that is, because I feel like there is a very specific dataset that the ABS produces. I thought I might have had the number. I don't have the number of the ABS—

KIERSTEN FISHBURN: We will take that on notice.

MONICA GIBSON: We'll take it on notice.

KIERSTEN FISHBURN: We've definitely got the information.

The Hon. SCOTT FARLOW: With that being said, in terms of tracking local governments and their housing targets and their achievement of it, ABS statistics, as wonderful as they are, aren't broken down to that micro level, are they, for local governments?

MONICA GIBSON: They have been in the past. They are not at the moment. We would be very pleased to see the ABS produce them to a local government area basis. I just want to talk about—as a local government area basis rather than a council basis. These are homes completed. Councils have a role to play, of course, in the planning process that leads towards a home being completed, but it is not a matter for a council to specifically determine whether the house is going to be completed, so we describe them as LGA housing targets.

The Hon. SCOTT FARLOW: With respect to those LGA—I guess part of the program is that councils will be assessed against those targets, won't they, within the LGA, if we're going to get specific in that regard?

MONICA GIBSON: Are you referring to the statement of expectations for councils in terms of their performance monitoring?

The Hon. SCOTT FARLOW: There is a housing target, which has been created for every local government area. The Government has indicated that there will be \$200,000 worth of funding that will be attached to councils for meeting—

KIERSTEN FISHBURN: It is \$200 million.

The Hon. SCOTT FARLOW: Sorry, \$200 million, I should say. Thank you for the correction.

MONICA GIBSON: That's even better.

KIERSTEN FISHBURN: That's just a little bit more.

The Hon. SCOTT FARLOW: In terms of that, though, what is that assessment going to be conducted under?

MONICA GIBSON: The full details about the Faster Assessments program—the \$200 million grant program—haven't been published at this stage. We're working through the detail. But we have recently written to

councils about a ministerial statement of expectation around a range of factors that councils do have control over in relation to their planning practice and their planning documents. That statement of expectations was released in July this year. It sets out requirements or expected standards for the lodgement of DAs and the time that it would take for a DA to be lodged; a DA to be assessed; the time frame on a rezoning proposal and what those steps in a rezoning would take; the time for council to have a regionally significant development application under assessment before it's submitted to the regional planning panel for their consideration; and a couple of other things in relation to their local strategic planning. That statement of expectations is an order that comes from the Minister, and councils have that information.

The Hon. SCOTT FARLOW: In effect, the councils won't necessarily be judged for that program in terms of how many homes are actually completed within their local government area, but rather what steps they take that they've got control of as a council in order to be able create an environment, so to speak, for that target to be achieved?

MONICA GIBSON: They're the specific things that are outlined in the statement of expectations—those matters about timing, those matters about their strategic planning being in place, which is a really important thing when it comes to, for example, the TOD program, but also council's strategic planning as it relates to their infrastructure planning and infrastructure programs.

The Hon. SCOTT FARLOW: I take it, then, with that being the case, that that \$200 million program won't just be available to councils at the end but will be available to councils at certain milestone periods throughout the Housing Accord?

MONICA GIBSON: While we haven't published the guidelines and they're not completed, we are certainly considering a staged program for the faster assessments grant to encourage and, I guess, to be monitoring regularly throughout the Housing Accord period progress towards faster assessment, matters that are inside council's control over time frames, and how the grant program might be supporting the growth that's occurring in those council areas.

The Hon. SCOTT FARLOW: With respect to the agreement that New South Wales has with the Commonwealth under the Housing Accord, there's a \$2 billion new homes bonus as part of that. Is that only achievable for the State at the conclusion of the accord program if we meet the stretch target?

KIERSTEN FISHBURN: That's our understanding of the way the program is currently structured.

The Hon. SCOTT FARLOW: Are there any milestone payments for the State at all as part of that program or not?

KIERSTEN FISHBURN: Not to my knowledge, no.

The Hon. SCOTT FARLOW: Has the New South Wales Government received any funding as of yet under the \$500 million new housing accelerator program of the Commonwealth?

MONICA GIBSON: I would need to take that on notice. I think it is a matter that is sitting outside of Minister Scully's portfolio.

The Hon. SCOTT FARLOW: If you could also take on notice whether any applications have been made under that program as well?

MONICA GIBSON: From New South Wales?

The Hon. SCOTT FARLOW: Yes.

MONICA GIBSON: By New South Wales State Government?

The Hon. SCOTT FARLOW: Yes.

MONICA GIBSON: Okay.

The Hon. SCOTT FARLOW: Has the New South Wales Government received any funding as of yet under the \$150 million Urban Precincts and Partnerships Program as part of that Commonwealth agreement?

MONICA GIBSON: I am not aware that the department of planning or Minister Scully has received any, but I'm happy to take that on notice.

KIERSTEN FISHBURN: We may need to check with, for example, Homes NSW.

The Hon. SCOTT FARLOW: Sure. Likewise, if you could take on notice whether any applications have been made?

KIERSTEN FISHBURN: Yes, certainly.

The Hon. SCOTT FARLOW: Also, has the New South Wales Government received funding as of yet under the \$400 million Regional Precincts and Partnerships Program as part of the agreement with the Commonwealth?

MONICA GIBSON: Same answer as before, I'm afraid.

The Hon. SCOTT FARLOW: That's fine. Likewise, if you could take it on notice whether any applications have been made as well—

KIERSTEN FISHBURN: Yes.

The Hon. SCOTT FARLOW: —that would be very good to understand. With respect to the National Housing Accord, what's the involvement between Planning, the Cabinet Office and Premier's in regards to tracking, measuring and reporting in terms of achieving the National Housing Accord figures? What sort of requirements are there with the Commonwealth Government as to reporting or progress updates, for instance?

KIERSTEN FISHBURN: I'll let Ms Gibson take you through, as she is our lead deputy secretary in the housing space. But while she gets her notes—have you got them already, Mon? You could do it off by heart! Go straight into it.

The Hon. SCOTT FARLOW: I appreciate it.

MONICA GIBSON: There are a number of senior executive governance groups that are looking at matters relating to housing delivery and completion in New South Wales. Some other people around the table are also members of those senior executive groups. It includes the housing committee of Cabinet, which has held one meeting so far, just recently. Regular reporting would be going to them about the number of completions, the number of homes in the pipeline and various other indicators and metrics related to housing delivery. There are some policy areas that, across government, are being explored. As you have seen, some of the planning policy matters come through, like the TOD program and the low- and mid-rise program. They're some of the policy areas we've explored through the planning system. Other parts of government are also looking at policy levers as they relate to housing delivery and completion. There are also groups that focus more on infrastructure programs. Unfortunately, the meeting for that was on at the same time as this, so they have an agenda and are working through some matters today.

The Hon. SCOTT FARLOW: We'll have to get the update later.

MONICA GIBSON: They are our key New South Wales governance arrangements—so some senior executive meetings focusing around policy levers and around infrastructure decisions and reporting through to Cabinet around those matters. In relation to working with the Commonwealth, there are a number of specific requirements that we have under the National Housing Accord. We provide regular reports to them on a number of matters.

KIERSTEN FISHBURN: Formally, it's quarterly.

MONICA GIBSON: Formally, it's quarterly. There are also a number of Minister meetings—housing Minister meeting and planning Minister meetings—that happen, where the National Housing Accord is addressed. There's a similar heads of planning meeting that happens with the senior officials within all the States and Territories with the Commonwealth, where the National Housing Accord is a regular agenda item. Those meetings are also happening on about a quarterly basis.

The Hon. SCOTT FARLOW: Thank you very much, Ms Gibson. Very good of you. You no doubt would have seen yesterday the *UDIA National Housing Pipeline* report, which dealt with New South Wales in particular. It's predicted a 150,000 shortfall in terms of that Housing Accord target when it comes to the Sydney mega region. Does that accord with the department's own figures?

MONICA GIBSON: The information that was in the UDIA report—and we saw a copy of that report after that had been in the media yesterday morning—talks about the number of planned homes in the Sydney region. It also talks of and includes a number about planned and projected homes in the Sydney "mega region", I think is the term that they used. We also have a similar sort of geography. We describe it as the Illawarra, the Greater Sydney, Central Coast and Hunter region, so that area.

The Hon. SCOTT FARLOW: The Six Cities Region, effectively.

MONICA GIBSON: The number that they had for the five years of the accord, in terms of planned and projected, was 322,000 homes, which is the same number that we have said when it comes to our housing target. That's the number that applies there. In terms of the number of planned homes, which we would describe as the

number of homes that are in the housing supply pipeline through the Sydney housing supply forecast, the number that the UDIA included in their report as an estimate was not too dissimilar to the number that we would have in our Sydney housing supply forecast and what we have been talking through. I think they said 171,000 homes; we might say about 185,000 homes, so those sorts of numbers. There is a difference, then, to the planned and projected and what's in the housing target. That "projected" comes through with the planning reforms that we are proposing to increase the number of homes that could be built during the next five years by identifying areas and up-zoning those areas in the TOD locations, as well as increasing homes built through the low- and mid-rise program, including the dual occupancy provisions that are in place.

The Hon. SCOTT FARLOW: I think, from the metric that they came to, part of theirs was based on your Sydney housing supply forecast, but also in terms of the survey they'd undertaken with their members and also modelling that was undertaken. In addition to the housing supply forecast, is there any feasibility analysis or modelling that has been undertaken by the department to support that target?

MONICA GIBSON: We have been looking at a range of information and a range of different ways of looking at and providing some confidence around the number of homes that are coming through the housing supply pipeline. We want to take a very evidence-based approach to the way that we are talking about housing targets in New South Wales. The inputs from the development and housing industry, the inputs from councils, the inputs that come from infrastructure providers and the inputs that come from other research and our own department tools all have been brought together in the work that we have done. UDIA, for example, and their members are represented on what we would call the urban development program.

The urban development program is one of the ways that we gather information from all of those people—councils, infrastructure providers, development industry and housing industry—to give us indications of where is the most likely place where development would occur based on land ownership, servicing, development feasibility and the like. The information that comes directly from developers, directly from landowners and directly from the development and housing sector does factor into our work for the Sydney housing supply forecast.

KIERSTEN FISHBURN: Can I just add one thing there, which is really to stress the value of those UDPs and the value of having groups like UDIA on. As the Minister said, housing is an area where the macro environment, the shifts and changes in that, can rapidly change what is going to occur in terms of housing numbers and supply. If I give an example, interest rate changes would have a material change. That's not to say that you shouldn't set targets and you shouldn't set figures, but it speaks to the importance of why we've established these working groups and the UDP, so that we can have continued advice, commentary and information available.

The Hon. SCOTT FARLOW: With respect to that advice and commentary available—and I don't want to just pick on UDIA reports, but they've done a few recently in terms of the TOD locations. In terms of how feasible some of the areas are, one highlighted factor is that in Kogarah, for instance, the median price of an apartment is \$738,500. At a mid-level price point of \$850,000, they say that there's a feasibility gap of negative 47 per cent. Is this something that you're taking into consideration when you're working on your targets for these areas and what's achievable through the Housing Accord period?

KIERSTEN FISHBURN: I'll let Ms Gibson go into detail, but I should say we keep getting caught over the five years of the accord, while the TODs are intended to have a 15- to 20-year horizon. As we all know, feasibility changes over time. I don't want to get into a definition or debate about feasibility at the moment. We all know it is very tough for the building industry at present. That's just a reality. It's an environment that we're in. The TODs do have that longer time horizon built into them. Ms Gibson, can you talk about some of the feasibility work that we've looked at as well?

MONICA GIBSON: Absolutely. As Ms Fishburn has mentioned, feasibility is going to come from a range of factors. That will include the land price and how land price changes and adjusts over time as various planning decisions are made, but also as other properties are sold and transacted in that area. It will also be a product of what it costs to build, both with the material and the labour. We know that with COVID and supply disruptions that now look like they're settling, they are settling at a place where many materials are 30 per cent more than they were pre-COVID. Some are slightly coming down, but it looks like they might level out at that, which is a really significant change being felt not just in New South Wales but across Australia and in other places, as well as supply chains have been disrupted significantly. There are also matters relating to labour and where the effort of construction is directed to. At the moment, about 50 per cent of all the cranes in Australia are in New South Wales.

The CHAIR: I can hear them all.

MONICA GIBSON: It's really demonstrating that there is a lot of activity occurring in New South Wales. They are not all applied to the housing task at the moment. They are applied to commercial, cultural, infrastructure and other projects.

KIERSTEN FISHBURN: A lot of them are resi though.

MONICA GIBSON: Some are applied to the residential task, of course, or to infrastructure that's helping support residential growth. They are the macro-economic conditions that the Minister spoke to this morning. There will always be, though, a feasibility change that will come with changes in planning controls where there is more height and floor space ratio allowed on a site or in an area. We make a valuation of that through our internal programs, and we use a number of tools supported by research and tools that are used commonly by industry, councils and others. They're well-used tools. They give us a way to be able to evaluate choices between the planning control changes—so if we choose 22 metres or 24 metres, or if we choose 2.75 or 2.5 floor space ratio. It helps us make those judgements about what might be feasible.

It also helps us understand that feasibility over time so that we're looking at what might be feasible now, in five years, in 10 years and in 15 years to help us get a sense of how many homes might be built over that period of time. There is quite a lot of work that goes into it. I have got a terrific team of very dedicated economists, planning professionals and data analysts who have supported the work that we have done in developing the individual housing targets, but also evaluating the proposals for the TOD and low- to mid-rise programs.

KIERSTEN FISHBURN: Mr Farlow, I'm happy to read the crane count for you, if you're interested.

The Hon. SCOTT FARLOW: I'm happy to have the crane count. I always love a good crane count. I'm always amazed by cranes, I must say, and how they get up there in the first place.

KIERSTEN FISHBURN: This is the RLB Crane Index, which has been in place since 2017. As of Q1 2024, there are 869 cranes on site nationally, and 49.5 per cent of those are in New South Wales. Of those 309 cranes in New South Wales, 251 of them were residential projects. This will be useful data for us to track over time, so I'm sure we'll discuss it at our next budget estimates.

The Hon. SCOTT FARLOW: Where can I get that data? Is that just available through you or is it publicly accessible?

KIERSTEN FISHBURN: It's publicly accessible. It's the RLB Crane Index. I will find you the website and give it to you in the break.

The Hon. SCOTT FARLOW: Thank you. I look forward to counting cranes.

The Hon. JACQUI MUNRO: That was Gladys's favourite stat.

The CHAIR: I'm just not sure it's the most reliable stat.

The Hon. SCOTT FARLOW: Not all cranes are created equal.

The CHAIR: I've seen people use cranes to lower their big swimming pool. I've seen all sorts of things. Did you have another stat?

MONICA GIBSON: I was only going to say that the ABS data series is called the Building Activity report.

The Hon. SCOTT FARLOW: I'm familiar with the Building Activity report, but in terms of the actual series of data within that that you'll be using as well, if you could take that on notice—

MONICA GIBSON: Absolutely.

The CHAIR: I think Mr Lanyon and I were about to go on a flood adventure together. You were going to tell me about flood plains.

MAL LANYON: It sounds like a perfect place to go on a Friday, Ms Higginson. I'll definitely go to my colleague Ms Leck in a little while, who is our expert on the SDMP. My colleague Ms Gibson gave a fulsome response from a Planning perspective in terms of land use planning and flood plains. I think what is really important is the partnership that's going forward with councils. You spoke before about the provision of information and whether or not councils were using best information. Probably one of the best examples I can give you was the release of the Hawkesbury-Nepean flood study last year, which was, to be honest, the most comprehensive flood study that has been conducted of what is one of the most dangerous flood plains. Significant consultation has taken place between the RA and councils, very much working to make sure that councils within the Hawkesbury-Nepean Valley are taking note of and using the most appropriate information and flood material to actually base their decisions on.

But there were two particular things I really wanted to take as pieces of work that the RA is leading that is actually pioneering. It is really about making sure that councils and making sure that communities understand and we work to minimise the risk. The first of those is that, obviously, the Minister spoke this morning about the State Disaster Mitigation Plan, which was launched in December last year. To be honest, it is pioneering. It has never been done in New South Wales before, where such a focus has been put on how to mitigate the risk arising from disasters. When I say "hazards", it is an all hazards risk. We are really looking at all the hazards that can possibly impact and cause disaster. Of that piece of work at the moment, we have 37 actions arising out of the State Disaster Mitigation Plan. We are currently working through the first 16 of those.

Land use planning is a really core component of the State Disaster Mitigation Plan. It is really looking at the way that we can mitigate that and how that impacts on land use planning. Coming out of the State Disaster Mitigation Plan, the team are very much working at the moment on the first two disaster adaptation plans, which are for the Hawkesbury-Nepean Valley but also for the Northern Rivers, noting, the concurrence and severity of disasters that they have had, particularly in terms of flood, but certainly the amount of information that's currently available. The disaster adaptation plans are really vital because what they are actually doing is identifying hazards, putting a suite of tools as to how we might address them, assessing them and then we have a pathway to develop what is the best way forward to reduce risk.

Those pieces of work are absolutely core to reducing the risk prior to disaster. As that work develops, obviously, it has relied significantly on community and councils. When I said about partnerships before, everything we are doing is in partnership with council and partnership with community to make sure that the best information is available but we also get the buy in. I think what we want to see is some real consistency amongst councils and consistency amongst knowledge in the community so we can reduce risk together. With that, I might hand over to Ms Leck.

AMANDA LECK: To go to the specifics of your question around risk-based land use planning, one of the key interventions that is being investigated as part of the Hawkesbury-Nepean Valley DAP that Mr Lanyon spoke to is a regional risk-based planning approach. That RRBPA, as I will refer to it, will take a risk-based approach and consider hazard risk when looking at development options across the flood plain. It will also take into account New South Wales Government housing targets and make recommendations about suitable locations for development, considering the flood risks. The Minister earlier today spoke about how some land may be suitable, for example, for light industrial, where you wouldn't actually locate housing. That work will identify the types of developments that are appropriate for different parts of the flood plain. If it's considered too high risk, for example, for residential, it may be possible to have commercial development there and the like. As Mr Lanyon spoke to, community and council views are really critical to this work.

The CHAIR: This regional risk-based planning approach, what is the tool for that?

AMANDA LECK: It would be fair to characterise this as early work. We are certainly working with our Planning colleagues on this work. It will also speak to one of the key actions in the State Disaster Mitigation Plan which is a tolerable risk policy for the State. Again, that policy is being developed in close consultation with colleagues across the New South Wales Government but also in close consultation with communities and local councils. Specifically with regard to that work in the Hawkesbury-Nepean Valley, we have stood up a council leaders forum in the valley so that those mayors and GMs can provide advice around how we go about understanding risk and what is tolerable to those communities.

They are providing input to a multi-criteria assessment tool that we are developing for the auctioneering assessments for the disaster adaptation planning in the valley. That is the first of its kind in the State. That will inform how we go forward with DAPs in the Northern Rivers and in other locations, also understanding that this is not a one-size-fits-all approach, which is why we are taking a regional scale approach to this. In different communities, they may weight differently that multi-criteria risk assessment.

The CHAIR: I think I'm following. We've got the State Disaster Mitigation Plan. Obviously, climate change itself is not static and there is nothing linear about what we are doing. How are we keeping up with that incremental change? I get that these are risk-based tools, but they have still got settings. Where is the agility in this? It's a little bit like what we experienced in the Northern Rivers. We all went, "There we go. The '74 flood", and we benchmarked and we did everything and then all of a sudden something else happened. Have we got all the inputs that give you confidence that we are getting it right?

AMANDA LECK: I will speak to that in a few different ways, if I might. For example, the State Disaster Mitigation Plan models risk for 2023—so average annual losses but also models it out to 2060. It gives us those projections at a local government area level that allows us to understand how that risk profile, for example, will change over time.

The CHAIR: Is this using the NARClIM model?

AMANDA LECK: No. This work was developed last year for the State Disaster Mitigation Plan. It does use a range of climate risk datasets but, as you will be aware, the NARClIM2.0 data was only released two weeks ago. Certainly, earlier versions of NARClIM have informed our State Disaster Mitigation Plan but we have also been able to draw on other data sets that are climate indices, if you like. It would also be fair to say that, in terms of the planning we are doing with regard to these disaster adaptation plans, they are long-term plans around adaptation pathways. The plans will consider future climate risk but as it comes together in a place-based setting and how the different risks in that geographic location interface with each other in a system sense.

Gone are the days that we can plan on a risk-by-risk basis. We are not just looking at bushfire risk in isolation, of heat risk in isolation, of flood risk in isolation or of coastal hazard risk. We are taking a systemic lens to the risk that occurs in place over that long period of time and how we will seek to reduce that risk for communities through mitigation options that are both well modelled so that we know that they are going to deliver the outcomes that they ought deliver before the investment is made and that the community accepts those interventions.

The CHAIR: Mr Lanyon?

MAL LANYON: I was going to say, Chair, that it's very much a live process. It's very much planned that there will be iterations and versions of the State Disaster Mitigation Plan. The data is critical. We really need to make sure. That's why working across government and working with industry is making sure the data is informing the decisions.

The CHAIR: My real question and concern around all of this—and not just mine—is are we doing all these incredible things and then the real lesson is when the next disaster comes and we really weren't prepared? What is the degree of our confidence that we are setting up and that we are preparing ourselves?

MAL LANYON: I think very much it's almost two different things. The adaptation mitigation side is about the long-term reduction of risk to the community. It's about making sure that, if there is going to be a permissible development, what does that look like with climate change going forward? For the preparedness and recovery side, the RA has four fields. I know the Minister touched on it this morning—very much adaptation mitigation through to community preparedness.

How do we get the community prepared? How do we get government prepared? How do we actually all come together to work with community and then how do we recover? Very much that's a discrete piece of work. How we engage community and get them prepared is one body of work. The adaptation mitigation, State Disaster Mitigation Plan and disaster adaptation plan is taking a longer view of how to actually reduce the risk to communities. How do we make sensible decisions? How do we actually make sure that, when people are deciding whether to develop or looking to develop or where we get an opportunity to actually adapt and change, we take that as a longer term plan?

The CHAIR: What's the next rollout? We're doing the adaptation plans for Hawkesbury and Northern Rivers. What are the next ones?

AMANDA LECK: I might speak to the program of work because it has been very extensive. The State Disaster Mitigation Plan, as Mr Lanyon said, was endorsed by the Government in December but released in February of this year. We have now developed a set of Draft Disaster Adaptation Plan Guidelines, which outline a five-stage approach. We have just recently concluded a very extensive consultation period on those guidelines, with more than 700 stakeholders across local government, Commonwealth and State government agencies. We've received over 500 pieces of feedback, had 2,000 visitors go to the Have Your Say page. It was important that we had deep engagement with council because we will be working closely in partnership with councils to implement these DAPs.

In terms of councils' willingness and readiness to participate in this DAP process, there was broad support for the co-design and collaborative approach that the RA has outlined with councils, taking a regional approach with the RA providing leadership to that work. That consultation has only just finished. While that has been going on, we have been, as we've said, working on the Hawkesbury-Nepean Valley DAP as well as the Northern Rivers DAP, which is about six to eight months in. We will then now work with government to address the recommendations from that consultation period, finalise the guidelines towards the end of this year and then work toward a rollout and implementation plan based on a prioritisation of those regional locations that are identified as having the highest risk as based on the State Disaster Mitigation Plan risk assessment.

The CHAIR: The South Coast and the fire risk, is that an area that's identified as an adaptation high need in terms of priorities of assistance?

MAL LANYON: Without wanting to pre-empt where the next DAPs may be, I'm certain that the South Coast and Illawarra will be somewhere front and certain, not only for the bushfire risk but they have had continual flood events. Obviously Central West went through those tragic flooding events back in 2022. The best way to do it, the safest way for community to reduce risk is to prioritise, and that is very much what we will do as part of that rollout.

The CHAIR: On Wednesday we saw the out-of-control grassfire in Greater Sydney, and it was sort of too late to leave. Are we doing work around fire standards in relation to building materials? Is the Reconstruction Authority charged with that level of responsibility?

AMANDA LECK: Certainly within the State Disaster Mitigation Plan there are actions with regard to strengthening and hardening building codes for future climate resilience. We are working with the Australian Building Codes Board who put together the National Construction Code, and there has been a recent decision to include climate resilience as an outcome of the National Construction Code in 2028. We are going to work closely with both the Australian Building Codes Board, with QRA, with ourselves as we work on the road map to get us to 2028, which will include a whole range of programs of work.

We have also been working collaboratively with the Government Architect here in New South Wales around some potential flood resilience standards. There's also work underway at CSIRO around strengthening and hardening the standard for bushfire—AS 3959, building in bushfire-prone areas. There are bodies of work, programs of work going on both at a national level, within New South Wales. Joining all that work up to get us to having this as an outcome of the code is going to be critical into the future.

MAL LANYON: I think it's fair, Chair, to say that the focus of the RA is on building resilience, so it's certainly a key part of what we do. If you think about the programs we're currently rolling out, whether it is the Resilient Homes Program in the Northern Rivers, the Resilient Lands Program—we're about to go into a Central West housing program as well—resilience and making sure that we either adapt, mitigate, reduce the risk or if it's going to be raising and retrofit, so lifting houses up to make them safer, retrofitting with materials that actually are more fireproof or more flood-resistant, that's very much what we're looking at as part of the program.

The CHAIR: On the lifting houses, that reminds me, I'm pretty sure—and correct me if I'm wrong, and the money people will know this one in particular—I thought I heard the Minister respond and say when he was running through the spends that the house raising program was only at maybe \$2.4 million compared to—I may have got that figure wrong. It sounded very low compared to the other buckets of money and what we're spending on them. I'm just curious about the house raising program.

MAL LANYON: I would suggest because the priority has been on buybacks. Obviously that's the predominant cost. The focus is now working through raising and retrofit. That spend will accelerate. We have spent a lot of time doing home assessments. We've actually had an engineer doing home assessments to actually inform home owners so that we can have them make a decision on what they may choose to do. We are doing a lot of work in that space, which is preparatory, but then roll that out as part of the raising and retrofitting.

The CHAIR: Is there a particular pool allocated to the raising? I'm quite specific now about the Northern Rivers area.

MAL LANYON: The Resilient Homes Program is \$790 million. I'll hand over to my colleague Ms Leck. I don't know that there's a breakdown for the specific areas.

AMANDA LECK: We might have to take that as a question on notice, the specific envelope that is for the raise and retrofit program. We can come back to you on that.

The CHAIR: I think the Minister said 495 for buybacks. Is that right or did I miss that?

AMANDA LECK: In terms of the number of buybacks?

The CHAIR: No, I thought it was \$495 million within that.

AMANDA LECK: The program envelope, as Mr Lanyon has outlined, is \$790 million. The vast majority of that money is dedicated to the buyback program because it's a more expensive program to deliver. But in terms of the raising and retrofit program, we have around 370 properties indicatively prioritised for raising and retrofit still subject to some floor level surveys and the like. We have around 357 additional homes under assessment. We've approved 15 raising and retrofit offers to date, and then we have actually made seven payments for those that have been completed.

The CHAIR: That was 315 for raising, did you say?

AMANDA LECK: Fifteen offers approved, and then we have made payments to seven home owners. Many of those were for works that had been completed earlier and they were able to satisfy the requirements of the program with regard to providing evidence that they had a DA, for example, and that they had receipts and the like.

The CHAIR: What is the primary reason for the buybacks being deemed ineligible? Do you think some of those will be eligible for raising and retrofit? Is there that category where that fits or were most of the non-buybacks because they—

MAL LANYON: It's really giving people a choice, Ms Higginson. Some people we will offer a buyback to because they're in an area that we would consider a place of highest risk both now and for the future.

The CHAIR: But what if it was somebody who wanted a buyback but it was deemed ineligible? What was the primary reason for ineligibility?

AMANDA LECK: People become eligible for the program based on that risk prioritisation based on the flood mapping that was done. They become eligible for the program and then they are allocated to a stream of the program based on the risk profile, if you like. In most instances, it's not possible for people to just swap between one program stream and another because it is a risk-based decision. But where people are able to do that and the risk is of a tolerable level and they express a wish to stay in their homes and have their home raised instead of being part of the buyback program, we have considered their wishes within that, looked quite deeply at the flood hazard risk for that location, including site visits with flood modelling experts and the like because, of course, flood modelling isn't an exact science. We want to do some ground truthing, which we've done, and we have been able to allow people to participate in a home raise, for example, when they have been previously allocated to a buyback stream.

The Hon. JACQUI MUNRO: I have some questions on this topic as well. I think the Minister detailed this, but I just wanted to put it on the record in case you needed to take it on notice. Of the \$100 million in funding allocated to the Resilient Lands Program, how much of this funding has been spent to date?

MAL LANYON: If I could take that on notice, but I suggest we may be able to get you an answer while we're sitting this afternoon.

The Hon. JACQUI MUNRO: Fabulous. Thank you.

The CHAIR: You're very good at doing that.

The Hon. JACQUI MUNRO: It's good to know that we've got some audience members on the live stream. For the pod villages, what plans does the Government have for the decommissioned pod village infrastructure, such as the pods themselves and the caravans?

MAL LANYON: I'll hand over to my colleague Ms Quilty, who will provide an answer. She runs that program there. Can I say, it has been a very large program. We've had 11 temporary housing villages in play. We've housed over 2,000 people. It has been a vital part of the program now to consider transition because we really wish to transition people from temporary accommodation to permanent accommodation, as part of ongoing recovery. I'll hand to Ms Quilty

JOANNA QUILTY: As Mr Lanyon was saying, it has been a large program on offer in the Northern Rivers—11 temporary pod villages across the LGAs up there, providing accommodation for those who were very heavily impacted by the 2022 floods.

The Hon. JACQUI MUNRO: I have seen one of them. It's quite remarkable.

JOANNA QUILTY: But they were set up under crisis accommodation planning exemptions, under time-limited funding arrangements with the Federal Government and under lease agreements with various landowners, so very much temporary in nature. We certainly do need to turn our attention to transitioning residents out of those villages into more permanent accommodation as part of the next stage of their recovery. One thing that we have been exploring very closely with Homes NSW is recognising the considerable investment that has gone into those villages and the ongoing housing challenges that continue in that region.

Where there is landowner agreement and council support, we are very much looking at the option of repurposing those villages to fulfil other housing needs and to have an ongoing role in the region. At this point there are five villages where we are, as I said, exploring with Homes NSW. There are planning pathways that we need to sort through. There are underlying funding issues and ongoing governance and management issues. But, very much recognising those housing challenges and the need to ensure that we are able to transition people into accommodation so that they're not left high and dry, that is one of the options that we—

The Hon. JACQUI MUNRO: All they want to be is high and dry.

JOANNA QUILTY: Yes—possibly not the correct choice of words. That is an option that we are working through at the moment. It will ultimately be a decision for government. But certainly there is support to really explore how we can partner with Homes NSW and maximise the investment that has gone into those villages.

The Hon. JACQUI MUNRO: Are the people who are residing in those villages at the moment aware of this?

JOANNA QUILTY: Certainly Wollongbar residents—it was the first village that was set up. The council has made it clear that they wish that village to be returned to its former use. They own the site. It was a playing field. They would like it returned as a playing field. They have not expressed interest in that village playing an ongoing role. It is due to be decommissioned by April, although the council has recently offered us an extension on that, so that is under consideration. We are working very closely through the community housing provider, Northern Rivers Housing, which is managing that village, to really get residents engaged in transition planning, supporting them to come up with a plan that is suited to their needs and ensuring that there are other support services in the mix that they're able to access financial planning, legal advice. Recovery support services have a very strong presence in the villages. So a whole range of support services are assisting them to take that next step in their recovery.

The Hon. JACQUI MUNRO: In terms of uninsurability, what is the New South Wales Government doing to address the issue of uninsurability in flood-affected towns like Lismore and Chinderah?

MAL LANYON: Quite a bit. Again, I'll hand over to Ms Leck shortly, as it falls within her remit. It's a very central consideration for us going forward with the work. I spoke before about the State Disaster Mitigation Plan and disaster adaptation planning. Part of the focus of that is how do we actually reduce risk to make properties more insurable and how do we make areas more insurable. That's obviously longer term work, but in the meantime, we have a very strong advocacy role to make sure that both the insurance industry association and insurance partners are working closely with us to mitigate that risk. I will hand over to Ms Leck

AMANDA LECK: We know that insurance affordability is a key issue in New South Wales, both locations where now insurance premia are so high that people cannot afford insurance, and certainly the DAPs will directly address some of those issues by seeking to reduce the risk in those locations. Again, we have actions in the State Disaster Mitigation Plan focused on working with the insurance industry around the reduction in premia. In particular, the Commonwealth Government, through the National Emergency Management Agency, has established the Hazard Insurance Partnership, which brings together, I believe, six of the major insurers to look at actions where mitigation actions could be put in place and, therefore, a reduction in insurance premia could be provided. New South Wales is working closely with our Commonwealth colleagues around piloting some of those interventions in New South Wales, with a view to, if you like, demonstrating how mitigation can reduce insurance premia for communities in those high-risk locations.

The Hon. JACQUI MUNRO: Whereabouts are those pilot programs looking to be rolled out?

AMANDA LECK: We've only started to have initial discussions. The Hazard Insurance Partnership has been doing some national-level risk mapping, and we have met with them around the detailed methodology that New South Wales has used for the State disaster risk work that was done to inform the State Disaster Mitigation Plan. We're looking at those high-risk locations, including the Hawkesbury-Nepean Valley and the Northern Rivers, where we have these DAPs underway. We see this as a key measure to be able to reduce risk for communities and, therefore, the benefit would be to reduce insurance premium costs.

The Hon. JACQUI MUNRO: Is there a timeline that the partnership group is looking at to roll these out or have some sort of plan in place by?

AMANDA LECK: I think that really is a matter for the Commonwealth. It is their Hazard Insurance Partnership and they want to work at that Commonwealth scale, given the insurers have a national footprint. But NSW RA is actively engaged with that group and will be looking to work with them closely to pilot some of those interventions.

The Hon. JACQUI MUNRO: Lastly on that, is the Minister involved with that as well, or is it just the RA? Is the Minister involved in that process at all?

AMANDA LECK: As we move toward implementation, of course, as with anything, we would brief our Ministers and—

The Hon. JACQUI MUNRO: More in terms of the negotiations that are going on—who sits on that partnership in terms of a political representation?

AMANDA LECK: As I said, it's a Commonwealth body. It's a Commonwealth-convened group. The RA is not a member of that group per se. Certainly, as I mentioned, we will keep our Ministers fully informed as we seek to move to implementing any of these pilots in New South Wales as part of our disaster adaptation planning.

MAL LANYON: It would be fair to say, Ms Munro, we have two Ministers that we report to. We have Minister Scully but also the Minister for Emergency Services, Minister Dib. Minister Dib, through his emergency services role, has a strong liaison with insurance partners as well. When we report to both Ministers, we very much talk about progress being made in that space. It's also worth pointing out, and I think Ms Leck has done so, insurability is a national challenge. We find that all States are really working through the State challenges, hence the need for some Commonwealth coordination.

The Hon. SCOTT FARLOW: Chair, I don't know if you have any questions for Mr Wendler this afternoon, but perhaps if we finish with Mr Wendler now, maybe he can be excused at the break.

The CHAIR: Finishing with Mr Wendler! I'm a bit worried about that. Please don't finish Mr Wendler.

The Hon. SCOTT FARLOW: Thank you, Mr Wendler, for being here today. In terms of the land audit, there are four sites that have been outlined so far. Landcom hasn't been nominated as a partner for any of those sites; is that correct?

ALEX WENDLER: Landcom has expressed interest on some of the sites that are in the land audit. We are currently undertaking detailed due diligence on sites.

The Hon. SCOTT FARLOW: But none of the four that have been announced so far—so, the Camperdown site, the South Eveleigh site, the Camden site, and Kellyville and Bella Vista?

ALEX WENDLER: I can only confirm that we are undertaking due diligence. Any announcements about sites and details are really a matter for government.

The Hon. SCOTT FARLOW: Those four sites that were outlined—as I understand from our land audit questions the other day, the priority, effectively, is that Homes NSW gets first dibs on any site. Is that correct?

ALEX WENDLER: It works in a way that Landcom has the second right.

The Hon. SCOTT FARLOW: So Homes NSW gets the first choice over any sites, then Landcom and then other partners, if that's the case. Is that correct?

ALEX WENDLER: I can only comment on us. We get the second right after Homes NSW has made their selection. We can express our interest, and then we can undertake due diligence.

The Hon. SCOTT FARLOW: With respect to the Camperdown site, did you express your interest at all on that site or not?

ALEX WENDLER: As I said, this is really a matter for government to make announcements about sites and what happens to specific sites.

The Hon. SCOTT FARLOW: With respect, that site has been announced, and it was announced that there would be a private sector partner for that site. Landcom wasn't outlined in that. During that process, did you or did you not express an interest in that site?

ALEX WENDLER: As I said, I think government has made—I think you should ask Property and Development NSW about that. The only thing that I can say is that we are undertaking due diligence on sites and, depending on that, we will make a decision at the end of the due diligence phase.

The Hon. SCOTT FARLOW: Mr Wendler, with respect to some of the Landcom projects that are undergoing planning at the moment, one of those sites is Queenscliff, which is where I decided to merge the two. What's the status with the Queenscliff site at the moment?

ALEX WENDLER: I will need to take that on notice to give you specifics.

The Hon. SCOTT FARLOW: Is it still running to—I think the expectation was 2027 to be delivered? Is that still anticipated?

ALEX WENDLER: As I said, I have to take that on notice to give you specifics.

The Hon. JACQUI MUNRO: Back to flooding, I wanted to ask about the Auditor-General's comments in February. The Auditor-General reported on the New South Wales flood housing response. Recommendation 5 of that report was that by August this year, which is obviously ending now, the NSW Reconstruction Authority develop a strategy to manage the transition of people into long-term accommodation, taking into account recommendations from relevant reviews. Where is that strategy up to?

MAL LANYON: I'll hand to my colleague Ms Quilty.

JOANNA QUILTY: That strategy is very much being implemented. As I said, we're working with our community housing providers, who are managing the villages, and requiring them to engage in transition planning with the residents across the villages. We've also developed supporting policies in conjunction with the community housing providers to guide that process. As I indicated, we are working with Homes NSW to ensure that we have places in which to put people who may otherwise struggle to find accommodation. We also have Homes NSW very much playing a role in the villages to support people who are social-housing eligible onto the social housing register. It is a multi-pronged strategy, and it is very much in action.

The Hon. JACQUI MUNRO: Very quickly, are those community housing provider policies that you spoke about public?

JOANNA QUILTY: We have developed them for the purposes of this program. They do, where they can, align with the policies that are already in place for community housing providers and how these kinds of arrangements are managed. But they are documents and policies that we have developed specifically for this transition program.

The Hon. JACQUI MUNRO: Moving on to clean energy projects, the Minister committed in March to approving 50 projects this year. I'm wondering how many have been approved since then, at the end of August?

DAVID GAINSFORD: Thank you for the question.

KIERSTEN FISHBURN: While Mr Gainsford is looking up his page, can I stress that it would be determined, not approved. We can't guarantee an approval. What we can aim towards is a target number of determinations. Just make sure we get that on the record.

DAVID GAINSFORD: What I can say is that we are currently in a position where we have 35 development applications in front of us for renewable energy projects that are post the environmental impact statement stage. In the last 12 months, we have seen 20 renewable energy projects determined; this includes three wind farms, seven solar farms and 10 batteries.

The Hon. JACQUI MUNRO: The last 12 months being the 12 months to August?

DAVID GAINSFORD: Effectively, to the end of August. That's correct. I think in the financial year that number was 22. That doesn't include transmission lines. There have been, I think, a couple of transmission lines on top of that, as well.

The Hon. JACQUI MUNRO: I understand that these determinations aren't necessarily being translated into actual projects. I'm wondering if you have some figures around that, in terms of what has gone through the appropriate processes but actually hasn't materialised into construction?

DAVID GAINSFORD: Yes, we do have some figures. Across the entire period of determinations that have happened under State significant projects, I think we're currently at 117 renewable energy projects that have been approved. My understanding, from the best available knowledge that we've got, is that 40 of those have got to operation stage. From doing a bit of research into the numbers in preparation for today, I'm aware that 51 of those 117 projects I mentioned before are over two years old in terms of their consents and haven't commenced operations. I don't have specific numbers on exactly how many are under construction. We do have some way of monitoring projects under construction, as well. But that gives you a sense of the numbers of projects, at this point, that haven't got to operations.

The Hon. JACQUI MUNRO: In terms of the draft energy policy framework, I understand that there was something around 400 submissions that were received during the consultation period, but that closed seven months ago. I'm wondering if there's a timeline on when the new framework will be delivered—be made public?

DAVID GAINSFORD: Yes, you're right, Ms Munro. There were actually 379 submissions that were received during the exhibition period. We have also had a number of workshops since that exhibition period finished with various industry groups, with councils and with others as those guidelines have been continuing in their development. I guess what I would say is we're at a very advanced stage of the finalisation of those guidelines.

The Hon. JACQUI MUNRO: Are we looking at before the end of the year or in a couple of weeks?

DAVID GAINSFORD: Some of these things are matters for government.

The Hon. JACQUI MUNRO: There's a draft private agreement guideline, I understand, that is a template that can be used. There has been some public feedback around the fact that in its current form it impacts bankability for clean energy and transmission projects. I'm wondering if that has been addressed at all in updating the draft and when that will be released.

DAVID GAINSFORD: Yes, we've received a lot of feedback on those draft private agreement guidelines. As you were saying, some of those relate to, I guess, the specifics of what a suggested agreement might look like. I know there has been lots of commentary around decommissioning as well and consideration, potentially, of decommissioning bonds. I guess our desire in developing these guidelines was to try to assist landowners that are negotiating with applicants for renewable energy projects to have some standardisation and have some clear frameworks in terms of their—but, yes, we've received a lot of feedback, and we're taking that into account as part of the finalisation of that guideline.

The Hon. JACQUI MUNRO: Is there a timeline on that?

DAVID GAINSFORD: It's the same timeline as the other guidelines.

The Hon. JACQUI MUNRO: Finally, in terms of taking responsibility for engagement with local communities around social licence, what would you consider the department's role is in that?

DAVID GAINSFORD: Ms Munro, I would consider that our role, particularly with regard to specific applications that we receive, there are obviously—as I mentioned, we've got 35 projects and a number of other projects that are pre-environmental impact statement at this point in time. A lot of those projects are happening, unsurprisingly, in the renewable energy zones, particularly the Central West-Orana and the south-west, at this point in time. We engage with communities as part of that process. The applicant obviously has requirements to engage as part of the development of the environmental impact statement, but we and our teams do go out and have extensive consultation with those communities.

Obviously a number of these projects end up at the Independent Planning Commission as well, and the Independent Planning Commission will undertake various consultation with the community as well. My expectation, referring back to your social licence or social impact question, is that we are obviously having those engagements for those specific projects but understanding the accumulation of impacts associated with a number of those projects as well and making sure that we're talking to the community, feeding that back to some of our colleagues in EnergyCo and others that are having a broader perspective on the renewable energy transition.

KIERSTEN FISHBURN: If I can just add one thing as well, Mr Gainsford. Ms Munro, as you would be aware, of course within DPHI we also have the Office of Local Government, and obviously the relevant deputy secretaries engage on an almost constant basis to ensure that we're getting that intel on the ground through OLG as well.

The CHAIR: We will take a break for 15 minutes.

(Mr Alex Wendler withdrew.)

(Short adjournment)

The CHAIR: We will recommence. I want to know whether or not—and it may be quite clear and obvious, but I haven't had a chance to check—the statement of expectations for the Independent Planning Commission has been renewed. I was informed that it was due to be renewed on 30 June this year.

KIERSTEN FISHBURN: I have to say it hasn't come across my desk, but that doesn't necessarily mean anything. Mr Gainsford, do you know?

DAVID GAINSFORD: I actually don't know. If we can take that on notice—

KIERSTEN FISHBURN: We'll take that on notice, yes.

The CHAIR: Thank you very much.

KIERSTEN FISHBURN: Both Mr Gainsford and I have met with the IPC recently, though, and we have regular communication and engagement, so it's not like there's a void between the department and the IPC.

The CHAIR: I questioned the Minister this morning about the merit appeal process and the public hearing process. I'm just curious about whether or not there is any consideration to discuss with the Independent Planning Commission around that instruction the Minister gives in terms of public meetings and public hearings

and, in your meetings with the IPC, whether that is a relevant matter to discuss with them, and the fact that it does circumvent or extinguish merit appeals and that that has other consequences.

KIERSTEN FISHBURN: Firstly, ultimately, as we discussed this morning, it's a matter for the Minister, though the department would provide advice and guidance if requested. It's not something that the IPC have raised with me, but it is something that I am very aware that they understand. They understand the implications of it and the pros and cons of both meetings and hearings as well. Mr Gainsford, is there anything to add there?

DAVID GAINSFORD: The only thing I would add is that I haven't had recent discussions with the IPC around public meetings or public hearings. At this point in time, as the Minister indicated this morning, we haven't made any recommendations to the Minister with regard to public hearings to do with projects that are on hand. So we haven't had direct conversations with the IPC on these matters.

The CHAIR: In terms of the discussion also that I was having with the Minister earlier about the Court of Appeal decision and Bowdens, I know that we were having a slightly high-level discussion. On a more detailed and more granular level, I think it does pose a bit of a surprise in some ways, the ruling of the court, in terms of how we do approach—"we"; I'm not in the department—how the department does approach development assessment. I know Ms Fishburn said, "We're looking at it. We'll provide that advice." What's your thinking around what direction you might take?

KIERSTEN FISHBURN: It really would be premature for me to suggest what we might advise the Minister, and it would be a ministerial decision, not a departmental decision. I think it is fair to characterise that we were a little surprised. This has gone through assessment in the department, at the IPC and has been challenged in the Land and Environment Court. So we want to look very closely at the reasons for the Court of Appeal and to see what, if anything, we may need to amend or advise the Minister on, but it is far too premature for me to be able to provide any information more than that.

The CHAIR: Do you have any views, Mr Gainsford, in terms of somebody who does these assessments at that granular level? In so many ways, you read the judgement and it makes perfect sense. It's kind of like, "Well, that is the project and that is the full footprint of the project and the full extent." Do you think it poses any kind of real difficulties or it's just a legitimate progression in the way we look at these projects?

DAVID GAINSFORD: The only thing I'd add to what the secretary said, Chair—other than obviously we are sort of digesting it and understanding what the implications are—is that we are doing a scan of the existing assessment projects that we've got underway to look at those in the context of the judgement and to make sure that we can identify any potential risks there that perhaps are inconsistent with the judgement. We're going through that process at the moment as well.

The CHAIR: That's very diligent, very sensible. In terms of the development consent, where in the process is the Narrabri Gas Project in terms of your role at that stage of development and the plans that they're required to have in place?

DAVID GAINSFORD: For the Narrabri Gas Project itself—not the pipelines. I think you're referring to the actual project itself.

The CHAIR: Yes, the project itself

DAVID GAINSFORD: My understanding is that all of the management plans that are associated with the stage one work with regard to Narrabri gas in terms of that initial testing and feasibility stage of the project have been satisfied. There are no documents that are with the department at the moment. My understanding is that Santos are still yet to make a decision on progressing to the next stage and, if and when they do that and produce further documents, we'll obviously assess those at the time.

The CHAIR: Is there anything, to your knowledge, about things lapsing—around how long it takes for them, given they haven't got to that next stage?

DAVID GAINSFORD: My understanding is that they have actioned their consent with the stage one work they were doing. I can take it on notice in terms of the exact details around that, but that's my understanding.

The CHAIR: Has there been any address from the department of primary industries to the department of planning about the potential for the establishment of new timber plantations, and any approaches around rezoning lands or any applications? Sorry, I know it's a bit left field.

KIERSTEN FISHBURN: No, it's a perfectly reasonable question, but we would have to take it on notice. I can tell you that no approach has been made to me directly secretary to secretary. I can see Mr Gainsford

shaking his head and Ms Gibson looks perturbed. So I suspect the answer at least at that level is no. But please let us take that on notice and we can check.

The CHAIR: Anything with Ms Hawyes perhaps in terms of Crown Lands or any approaches from the—

The Hon. SCOTT FARLOW: She gets a run.

The CHAIR: There we go. I did it. I apologise.

MELANIE HAWYES: You should've asked me that a couple of days ago with Minister Kamper.

The CHAIR: Yes, I realise this. I had very limited time. Just in terms of any approaches from DPI—

KIERSTEN FISHBURN: Ms Higginson, what I'll do is I'll take on notice for across the whole of DPHI landscape for you. I'll do you that courtesy.

The CHAIR: It was in relation to plantations and whether there was any knowledge on your part about any work that is being progressed there.

MELANIE HAWYES: It's more that we're a sort of peripheral player in the whole forestry discussions because we often end up being the landowner and landholder if forestry lands are returned to us—that kind of thing. Not specifically, but we'll be part of it if Kiersten does a scan across the whole organisation, but not to my knowledge.

The CHAIR: My interest is in if there's any movement around the expansion of the plantation part of forestry and approaches it may have made to the department and so on. Has there been any work undertaken or any proactive work at all around the scope of commencement in relation to historic development consents and conditions? Obviously, given the concerns that are ongoing around the zombie DAs and that issue—and I realise there's a very black-and-white answer here: The law is the law. I'm just curious about whether there's any work internally around addressing that issue in any way.

KIERSTEN FISHBURN: It's certainly an area that the department has an interest in. There's no work that I could put on the table for you today, but it is something that the department is keeping an eye on and looking at. Ms Gibson?

MONICA GIBSON: What I would add to that is that we're very keen to see the outcomes of the inquiry and what's recommended. While there were some changes made a couple of years ago—and that was partly in relation to some COVID matters but also in relation to some other issues that were coming up at the time—we've not got anything underway at the moment, but we are keeping a watching brief for the inquiry's results.

The CHAIR: I know the inquiry that we're part of has a new reporting deadline of 19 November, I think. Has there been anything proposed to the Reconstruction Authority about the increased bushfire risks from logging operations across the public forest estate? Is that knowledge that has come to the reconstruction corporation?

MAL LANYON: That's not something I'm aware of. I'll check with Ms Leck shortly. I think one of the important parts about the Northern Rivers at the moment is that we are very much pulling everyone together. The Community Leaders Forum up there is made up of MPs—I acknowledge Mr Provost, who is in the room today, is a strong representative of the local area up there—but also mayors and GMs. And it's not something that we have had feedback on as far as I'm aware, but I'll just check with Ms Leck.

AMANDA LECK: No, nothing specific on that. But with regard to bushfire risk in the Northern Rivers, we have agreed with the RFS that we will pilot how we bring in their bushfire risk management committees and the work of those committees into our hazard risk assessment for the disaster adaptation plan and I would imagine that will, therefore, address that issue.

The CHAIR: And I will just note—a very relevant topic for the South Coast as well.

Ms CATE FAEHRMANN: I wanted to go back to Dendrobium. I think, Mr Gainsford, you responded to that maybe before. The sale that went ahead—has the planning department received any information about a new proposal regarding an expansion or an extension of the Dendrobium Coal Mine or any suggestion, any approaches?

DAVID GAINSFORD: Not to my knowledge, Ms Faehrmann, no.

Ms CATE FAEHRMANN: It's been sold, because the Minister was here obviously saying that that was struck on the head. The new buyer does seem to be indicating that they may give it another shot.

DAVID GAINSFORD: Ms Faehrmann, I've read the same reports that you have, I think, around the sale of South32. I'm not aware that we've had any approaches made to us.

Ms CATE FAEHRMANN: Also going back to the report that I was speaking with the Minister about earlier today, the *Journal of Hydrology* report that essentially found that—and that was by Peter Dupen—there was irreversible damage to the upland swamps, I'm wondering what the department's response to that has been internally. You've received this report, I'm sure. Has that been examined by anybody? Have you requested people to have a look at that to see basically what it is and how the department can respond?

DAVID GAINSFORD: I've become aware of that report from that media article that I think you referred to before.

Ms CATE FAEHRMANN: That's right. It was only released recently.

DAVID GAINSFORD: So I don't believe that we've received that formally. We obviously have looked into it after seeing the newspaper article. I know the team has sort of downloaded it. So I can't at this point in time say what the next steps might be. But we are happy to receive that sort of information and understand if that has implications to the existing consent.

KIERSTEN FISHBURN: Yes, absolutely.

Ms CATE FAEHRMANN: Another issue in the same area that's been brought to my attention by the Sutherland Shire Environment Centre is the issue of the heritage, I understand, old tunnel within the Metropolitan Colliery. They have written to the Minister basically seeking more information about this tunnel. There's water stored in the tunnel. It floods quite a bit. In fact, they're obviously concerned about how the tunnel is being regulated in terms of the water that's being stored there, the potential risk during—as we know, that area has had a lot of landslides recently. I understand that around Helensburgh a fair few of the roads actually haven't been fixed up. They haven't received any response about this. Mr Gainsford, are you aware of this at all? It's Peabody's colliery, again at Helensburgh, that we're talking about.

DAVID GAINSFORD: Ms Faehrmann, I'm not actually aware of that correspondence but I'm happy to take that on notice.

Ms CATE FAEHRMANN: The information we are seeking for this—firstly, as well, there's an updated surface water management plan that Peabody has submitted, which I understand also appears to have the rail tunnel as part of that water management plan as a storage, which is interesting. The information that is sought is the volume of water that the tunnel holds—I've seen photos, and in fact the photos are here in front of me, and it seems to be a hell of a lot of water coming out from that tunnel when it does flood—how the volume of water is measured; whether there's been any modelling undertaken; but also, importantly, how is it being assessed in terms of safety, in terms of the event of a landslide? What risk management plans are in place?

KIERSTEN FISHBURN: Would we be able to get a copy of that letter? I can see David desperately scribbling down notes. It'd be useful for us to be able to respond.

Ms CATE FAEHRMANN: Yes, I was going to forward it to you later, but I definitely will send you—

KIERSTEN FISHBURN: We won't be able to make a response today but we're happy to look at it.

Ms CATE FAEHRMANN: What is happening within the planning department around—has there been any instruction issued around looking at getting households off gas? I know that at the council level quite a few councils have passed policies, to motions around banning new gas connections. Is there anything afoot within the department to model that or to bring anything in, in terms of assisting, or at least setting dates and getting households and small businesses off gas?

KIERSTEN FISHBURN: I'll just let Mr Gainsford get to his notes.

Ms CATE FAEHRMANN: I was hoping I could maybe have somebody—

KIERSTEN FISHBURN: It's under the sustainability part of the portfolio. You are right, it's something where there has been a local government response—certainly not a universal local government response. There will be some councils who have a—

Ms CATE FAEHRMANN: An increasing number.

KIERSTEN FISHBURN: —violently opposed position, but yes, it is an increasing number.

DAVID GAINSFORD: Ms Faehrmann, with regard to BASIX, which is obviously the standard that the department administers, the requirements in BASIX, which was recently updated for residential dwellings, is in regard to looking to achieve a seven-star standard.

Ms CATE FAEHRMANN: But there's nothing in that, Mr Gainsford, in terms of, say, for example, some of the new developments that are happening in south-west Sydney. There is nothing really preventing those houses being connected to gas, is there, at this point?

DAVID GAINSFORD: You are correct. In fact, BASIX has been designed, in large part, to allow flexibility for people to choose the types of methodology that they can use to achieve those standards and those certificates.

Ms CATE FAEHRMANN: Surely people within the department are working on this, though? Other jurisdictions have moved, of course, to phasing-out timeframes and banning-new-connection timeframes to gas. Surely the department is looking at how to do this, modelling this? There's the Net Zero Commission; I'm sure they have requested it. You're not just, I assume, relying on BASIX at this point?

DAVID GAINSFORD: Ms Faehrmann, I can't speak for other agencies and the work they're doing. We discussed a little bit with regard to some initial engagement that we're looking to have with the Net Zero Commission a little bit earlier. What I can talk to is BASIX. Obviously part of the BASIX tool is that it does get updated. We look to update it with, I guess, the latest sustainability measures and appropriate requirements on a periodic basis. I think the next one is 2025 when we're looking to update it. But at this point in time, no, we're not considering it as part of BASIX.

Ms CATE FAEHRMANN: I've got another question here you may have to take on notice, but we'll see how we go. It's in relation to the Moolarben open cut 3 extension and whether the planning department is requesting or accepting advice from the Biodiversity, Conservation and Science unit within DCCEEW that recommends a buffer zone of 500 metres from the Munghorn Gap Nature Reserve. Basically this is yet another big open-cut coalmine extension that really should be not just viewed as a modification. But if you could take on notice, if you don't know the answer now, Mr Gainsford, as to whether that advice is being, firstly, sought and accepted in relation to that 500-metre buffer zone?

DAVID GAINSFORD: I'm happy to take that on notice, Ms Faehrmann.

The Hon. SCOTT FARLOW: Considering some of the reporting lately about new, taller buildings coming into the city CBD, we have of course had in place previously the controls of 235 metres in the City of Sydney—the underside, effectively, of Sydney Tower. Council has now changed those positions. When it comes to the airport and the airport conflict, is 310 metres the height limit, effectively, when it comes to airport regulations and controls?

KIERSTEN FISHBURN: We're probably going to have to take that on notice. I suspect it's not an absolute; I suspect it's geographically constrained. But we'll find out for you.

The Hon. SCOTT FARLOW: That will be helpful, in terms of what those airport controls are and could we have higher than 310 metres, so to speak. What are the controls, effectively, outlined by the airport? How much of it comes down to council control and choice in that regard as well?

KIERSTEN FISHBURN: Yes, that's a really interesting question. I look forward to finding out myself.

The Hon. SCOTT FARLOW: Well, as we talked about trains before, tall buildings are another interest.

KIERSTEN FISHBURN: We've done trains; we've done planes.

The Hon. SCOTT FARLOW: With respect to the \$520 million which is available in the accelerated TOD precincts, have there been any determinations as to how that will be assigned across those seven precincts now?

KIERSTEN FISHBURN: No, it has not been finalised yet. Work has been undertaken, but a final decision hasn't been made.

The Hon. SCOTT FARLOW: Under the EIE it's been outlined that is coming from the Housing and Productivity Contribution. Is that correct?

KIERSTEN FISHBURN: Correct.

The Hon. SCOTT FARLOW: With respect to the \$200 million program for accelerated pathways, is that also coming from the Housing and Productivity Contribution?

KIERSTEN FISHBURN: No, it's not.

The Hon. SCOTT FARLOW: It's from additional funding, is it?

KIERSTEN FISHBURN: Consolidated Fund, yes.

The Hon. SCOTT FARLOW: Okay, great. Thank you for that. With respect to that infrastructure program, is there an infrastructure grant that has been—I understand a determination hasn't been made, but is there an infrastructure program that is being determined for each of those accelerated precincts?

KIERSTEN FISHBURN: Yes, that's correct. It will be worked through using the UDP as the primary input, as well as discussions with the councils. I think probably that sums it up.

MONICA GIBSON: That's right. For the accelerated precincts, of course, it will be a lot more infrastructure than the \$520 million from the TOD acceleration program. There will be contributions that come from local contribution plans. There will be contributions that will come from other grant programs. There will be contributions that come from other prioritisation of agency works, so schools and health will also see infrastructure upgrades in a number of these locations over the life of their development cycle.

The Hon. SCOTT FARLOW: With respect to the Homebush TOD, one of the areas that has been identified as open space is on Hamilton Street East in North Strathfield. That site is currently occupied by Our Lady of the Assumption Catholic Primary School in North Strathfield, a 422-student school. What is your plan for that school and its pupils or for any additional schooling in the area?

MONICA GIBSON: The Homebush TOD precinct is on exhibition. I think it's one of the ones that's on exhibition until tonight, when the final submissions come in. We know that there are a couple of private schools in the boundaries of the TOD area. In the master planning and looking at what might be the potential, we've looked at heights, floor space ratio changes, some zoning changes and what a master plan might be. I don't think that in any way represents that we would want to see schools disappear from the area. In fact, we will be encouraging schools, be they private schools or systemic Catholic schools, to grow and expand as the population is likely to grow and expand in this area.

Typically, schools are permissible in a range of different zones, so the zoning that we're exhibiting and consulting on shouldn't be read to mean that that school wouldn't be in that location. That's ultimately a very clear choice for that landowner and the school to make a decision about their future. We'll be looking to encourage them to be able to expand in that location. In relation to the open-space matter, I'd need to take that on notice. I had this question come through to me yesterday, and it wasn't flagged that there was open space identified there.

The Hon. SCOTT FARLOW: There are two schools next to each other. One is the McDonald College, which is on the northern end of that site, and the other one is Our Lady of the Assumption. That is the one which is earmarked for open space as part of that plan. Have you had any feedback or outreach to those schools at all?

MONICA GIBSON: There has been lots of consultation—a number of drop-in sessions, a number of online sessions and a number of one-on-one meetings with major landowners—in all of the TOD precincts. I would need to confirm if there has been a specific meeting with the school there. In relation to the open space, we'll have a look at the submissions that are there as we finalise that plan.

The Hon. SCOTT FARLOW: Where open space is identified as part of these rezonings, what's the process for property owners in that regard? Will there be compulsory acquisition?

MONICA GIBSON: The acquisition, expansion or new open space in these TOD locations can come from a range of different approaches. I wouldn't want to hypothetically talk about what it might mean in relation to this particular site, because we're consulting and we would need to have a look at submissions and see what's proposed, and then what mechanisms might be applied specifically for the Homebush open-space acquisition.

The Hon. SCOTT FARLOW: In that area, you have also identified potential new roads. Similarly, what would be the process for properties that are impacted by potential new roads running through their property corridor?

MONICA GIBSON: Again, there's a range of different outcomes that could be there. I won't speak specifically to Homebush but, when we're identifying in a master plan that a new road is needed or a road needs to be upgraded, it typically occurs as the development proceeds and as the landowner makes that land available for the road to occur—so the road to be expanded or the road to go through. In some situations, it does involve some acquisition of land, particularly where it's a State or a regional road—that sort of significance—or council might have a role where it's a local road. In most situations, it's land that is given by the landowner as part of their development proposal, rather than going through a compulsory acquisition process.

The Hon. SCOTT FARLOW: With respect to that Homebush TOD—but it applies much more in North Strathfield and Strathfield—there is a lot more detail than in some of the other ones in terms of site amalgamation. Will site amalgamation be required in order for a development to take place within those regions?

MONICA GIBSON: My look across all of the TOD accelerated precincts is that there's going to need to be some consolidation of land in order to get some of the heights and yields that are proposed. That's a pretty typical thing in a redevelopment or an infill setting. Consolidation and then progressing to a development proposal is a pretty normal part of development that is happening across Sydney already, even outside of TOD precincts.

The Hon. SCOTT FARLOW: With respect to the Hornsby TOD, are there any programs in place that you're considering for infrastructure upgrades specifically within that TOD?

MONICA GIBSON: Similarly to all of the TODs, there have been infrastructure investigations to understand what the capacity is now and what infrastructure might be required as growth occurs. Some of that might come from the \$520 million program, but it may also come from local contributions or developer contributions.

The Hon. SCOTT FARLOW: With respect to the low- and mid-rise reforms, these have been now set into two stages. Is that correct?

KIERSTEN FISHBURN: That's correct.

MONICA GIBSON: That's right.

The Hon. SCOTT FARLOW: So the first one is now operational, but the second one is deferred. Is that correct?

MONICA GIBSON: The second one hasn't commenced. That's right.

The Hon. SCOTT FARLOW: What's the timetable for that to be commenced?

MONICA GIBSON: We're working through the submissions that we've received and looking at the detail of those. There's quite an extensive number of submissions. Many locations across all of Sydney are involved. Speaking with each of the councils and getting their detailed feedback around the locations and the suitability of those locations in terms of the services, shops and the details of those local areas is underway.

KIERSTEN FISHBURN: Ultimately, it's a decision for the Minister.

The Hon. SCOTT FARLOW: On 24 June 2024 the Lord Mayor of Sydney, Clover Moore, indicated in her mayoral minute that it was suggested by the Minister that the city "enter into a local housing accord instead of applying the low- and mid-rise housing changes". Is this an opportunity that has been made available to all councils?

MONICA GIBSON: I couldn't talk to the detail of what might have been offered by people other than me to all of those councils.

KIERSTEN FISHBURN: No, I'm sorry, I can't—

MONICA GIBSON: I don't know the detail.

The Hon. SCOTT FARLOW: Is a local housing accord something that the department is contemplating with councils instead of applying the low- and mid-rise changes?

MONICA GIBSON: I'm not entirely sure what a local housing accord might mean. It's not a phrase that we are commonly using, so that might be something that—

The Hon. SCOTT FARLOW: It's what the Lord Mayor has claimed the Minister said.

KIERSTEN FISHBURN: That's two people, neither of whom are sitting in the room. I wasn't privy to either of the conversations.

The Hon. SCOTT FARLOW: There have been no directions for the department to develop local housing accords with any local government. Is that correct?

MONICA GIBSON: That's not something that we're currently working on.

The Hon. SCOTT FARLOW: Are there any other alternatives under different terminology in terms of any local government and an agreement with the State that would bypass the low- and mid-rise reforms?

MONICA GIBSON: Not that I can—

KIERSTEN FISHBURN: We have been given no instructions to negotiate those. Ultimately, again, these are questions best put to the Minister. He would be making that decision, not myself or Ms Gibson.

The Hon. SCOTT FARLOW: With respect to the low- and mid-rise policy, it was reported that a housing policy refinement paper was issued on 29 April 2024. Is that correct?

MONICA GIBSON: It was a refinement policy that we used in conversations with each of the councils in relation to the places that the EIE suggested that the reforms could apply to.

The Hon. SCOTT FARLOW: So this document wasn't made public. Is that correct?

MONICA GIBSON: It was made available to each of the councils.

The Hon. SCOTT FARLOW: It was made available to councils but not published on your website, for instance.

MONICA GIBSON: No, I don't think it was published on our website.

The Hon. SCOTT FARLOW: Is it the case, as has been reported from this document, that the Government is not intending to apply the standards under the low- and mid-rise reforms to employment zones?

MONICA GIBSON: To employment zones?

The Hon. SCOTT FARLOW: E1, E2 and MU1.

MONICA GIBSON: No, I don't think that that's the case. I don't think that there is any change that—we certainly haven't finalised any change in relation to that, so it is as it has been exhibited in the EIE.

The Hon. SCOTT FARLOW: From that document as well it was reported that R1 zones would be exempted. Is that correct?

MONICA GIBSON: The R1 zones are used—there is a long history here about the R zonings in New South Wales. The R1 zone is kind of a catch-all residential zone and then we have an R2 zone, which is low density, and R3, which is medium, and R4, which is high. Typically, councils either use an R1 zone everywhere or they use the mix of R2, R3 and R4. Over time, some councils have had mergers and their LEPs have come from different places. An example of this might be Inner West Council, where they had LEPs prepared by Ashfield, Leichhardt, Marrickville—

KIERSTEN FISHBURN: And a bit of City of Sydney.

MONICA GIBSON: The way that they used their residential zones stayed the same and then were made into one LEP. There are some differences that happen there. I can also speak to Maitland council's local environmental plan. When that was prepared, it just used the R1 zone for a lot of residential areas. That included a mix of places that we would now describe as medium density or low density. The R1 zone does require a little bit more investigation to see how well this fits with the well located homes policy approach in the low and mid rise, where it is very much looking at how can we increase the diversity of mid-rise and diverse low-rise housing types in the R2 and the R3 zones.

It doesn't quite fit as neatly as it does with the R1 zoning, which tends to be a much more open zone or used very differently to the way that an R2 or an R3 zone might be used. This is a long way of saying that I don't think that we have made a final answer about how the R1 zone would be applied because we need to look at the very specific detail about what it means in each area. It could be quite tricky to unpick in some areas and might require a little bit more time and thinking. It might be more straightforward to apply in certain locations as well. I have to say, it's not a very commonly used zone.

The Hon. SCOTT FARLOW: Only a few councils. Is it the case that all 66 E2 town centres across the Greater Sydney, Hunter, Central Coast and Illawarra regions will be included as town centres as part of the proposal? Is that a definition that the Government has adopted?

MONICA GIBSON: We have talked in the low- and mid-rise reforms about them being well-located and then we have identified the locations of where that might be. It's council's existing zoning. It's not about changing any zoning that might already occur. Where councils have already zoned a place as in an E zone and called it a town centre, then the EIE has talked about those locations applying. We are working through with each council, though, about whether there are more factors beyond the zoning that need to be taken into account to determine whether or not these controls should ultimately apply. I think we have spoken in other ones of these discussions about the types of supermarkets that might be required and the type and range of services that would be available in that area. Again, it is going to be different if you are in Marrickville to if you are in Wollondilly. It's going to really change and be better understood at a local level by the councils, which is why we are going to them and asking for their specific feedback.

The Hon. SCOTT FARLOW: To that point, it is indicated, as I understand it from that document, that there is now a definition in terms of "full-line supermarket" of greater than 2,000 square metres and also, with respect to those town centre zones in terms of serviceability of public transport, that it's a once hourly bus service. Is that correct?

MONICA GIBSON: They are some of the ways that we have helped facilitate a conversation with council. Again, I wouldn't read that as a hard and fast rule at this point in time because there are again these situations where you might not have 2,000 square metres of a full-line supermarket in a place but have a butcher, a baker—

The Hon. SCOTT FARLOW: And a candlestick maker, perhaps.

MONICA GIBSON: —and a chemist all next to each other that together might offer a full range of services but not be in one shop and, therefore, not one amount of 2,000 square metres of floor space. Similarly, an hourly bus service might—depending on where that gets you to. If it's a very long journey through a lot of suburbs and a very long journey before you get to employment areas or you get to other public transport connections, it might not be a reasonable position for various communities across Greater Sydney.

KIERSTEN FISHBURN: Don't apply those as absolute. They are there for the purposes of informing the discussion with local government.

MONICA GIBSON: That's the short answer to my long answer.

The Hon. SCOTT FARLOW: Good combination. I believe in this document it also talks about having workshops with councils. Have the workshops been conducted now with all the 49 councils that submitted feedback to the EIE?

MONICA GIBSON: I know that there have been one on one workshops with all councils. There are, I am sure, continuing to be follow-up conversations with them as well.

The Hon. SCOTT FARLOW: The changes that were outlined with respect to the TOD in terms of the changes to FSR height, storeys and the like, are they being carried over into the low- and mid-rise changes as well—revising down the FSR, changing the height, effectively, and putting a storey specification in?

MONICA GIBSON: We haven't finalised the low- and mid-rise reforms so I wouldn't want to give a guarantee on what that final answer might be, except to say that we have set a standard with the TOD locations around those heights to consider that, in a commercial area, you are going to need slightly more height because the commercial ceiling level needs to be higher than for a residential level. There is a little bit more there. Also, as we have worked through the details with councils and they have given feedback, we have had and seen refinements about what controls might apply.

Ms CATE FAEHRMANN: This is probably a question for you, Ms Gibson, I think. I just wanted to ask, the Premier said a fair bit in relation to the TOD SEPP that he would prefer to stop building out and developing out and to build up and around stations. Is there anything within the department that is preventing, at this stage, developments being approved in south-western Sydney? In other words, he has said that, but has there been any policy directives to find or at least even explore ways in which essentially some developments aren't approved because it has hit an urban growth boundary, if you like? Is that being discussed?

KIERSTEN FISHBURN: I'll ask Ms Gibson to answer.

MONICA GIBSON: In the current region plan for Sydney is a concept called the Metropolitan Rural Area. We often call it MRA. The Metropolitan Rural Area is operating in some situations to be a natural boundary for where urban development or the edge of Sydney might occur. National parks also provide some of those boundaries, and flood plains and other natural features also provide those boundaries. Typically, when it comes to considering a proposal to zone land for residential development in the MRA, we are looking at what are the principles for defining the MRA in that location. That has been the strategic plan for a little while. When it also comes to considering rezoning of land for residential development, we are very sensitive to the servicing and servicing plans and where they might be available. Some areas are going to be naturally very difficult to service. Some areas don't have services now but those services can come and logically could come. They are a couple of the things that we are looking at when it comes to that greenfields-style development at the edges.

Ms CATE FAEHRMANN: In terms of services, I chaired the upper House inquiry into Western Sydney public transport needs. It was quite clear obviously that south-west Sydney, for example, was very under-served. But that was approved without the necessary connecting public transport infrastructure. Does Planning have any kind of vision, I suppose, for that, particularly in terms of trains but also—I know it's not potentially your area—how to make sure that any further developments, because it hasn't finished yet, in the south-west Sydney growth centre actually get that public transport connection before more houses go in?

MONICA GIBSON: The services that I was really specifically referring to and that we are typically considering as being very threshold issues at the time of rezoning would be the utility services, so water, sewer,

power, road access. Road access is often the way that the bus services and public transport services are expanded to areas in addition to the heavy rail and the metro rail networks.

Ms CATE FAEHRMANN: There is no policy directive, though, that has changed substantially in the past 18 months, shall we say, about how connection to public transport needs to be in place before the houses get built?

KIERSTEN FISHBURN: No, there is no policy direction to say that.

Ms CATE FAEHRMANN: Nothing?

MONICA GIBSON: No specific policy. However, as you'd be aware, the TOD policy is: Let's sweat our transport infrastructure and create our density around our existing transport infrastructure.

Ms CATE FAEHRMANN: My point is it doesn't seem to be making too much of an impact yet on what's happening on the boundaries of Western Sydney in terms of development at this point.

KIERSTEN FISHBURN: I understand your concern. I think you would find there are no stronger advocates for public transport than planners, and we certainly do make representation to Transport for NSW very strongly.

MONICA GIBSON: I also feel like New South Wales has been very clear about the well-located component of the National Housing Accord's target, and that it's not simply looking for well-located homes. That really for us, in New South Wales, means places that have got really good public transport service and places that we would preference where there is existing community facilities and services as well.

Ms CATE FAEHRMANN: Another issue entirely, my office has written to the Minister and also put questions in on notice regarding a report that Hawkesbury council has been trying to obtain into the Windsor Bridge replacement project. I understand that there is a report for the non-Aboriginal salvage in parts in terms of the heritage items that Hawkesbury council does not have. They have the Aboriginal and maritime salvage reports but they don't have the non-Aboriginal salvage reports. In the question on notice that I got back, it said that the department received this non-Aboriginal salvage report on 30 July 2024, but I understand that it has apparently been around for a number of years. This is from the department:

The Report is under review to determine if it meets the requirements of the conditions of approval for the Windsor Bridge Replacement Project.

The review will be completed in due course.

The Department will publish the non-Aboriginal Salvage Report once approved.

This is an issue because council is holding artefacts that desperately need to be conserved, and they have actually been waiting for this report for some time. What is the delay with this one? I'm not sure who to direct my question to.

KIERSTEN FISHBURN: I think we are going to have to take that on notice and come back to you. I'll also put on the record I will make a call to Hawkesbury council next week and try to get to the bottom of it. It is not our practice generally to not make things transparent.

Ms CATE FAEHRMANN: It does seem a bit unusual.

KIERSTEN FISHBURN: Let me look into it for you.

Ms CATE FAEHRMANN: My final question is in relation to the Moolarben mine underground four project. This is another extension. This is underground, and I understand that it's extending closer to the incredible The Drip at Mudgee, which is an absolutely outstanding natural area. I understand that these longwall panels are going to be dug much closer to the Goulburn River and The Drip. These are longwall panels nine to 14. With that in mind, will there be a new assessment of impacts because the last impact assessment into subsidence was conducted nearly 20 years ago. That's a substantial change obviously over those 20 years, but I don't think anybody would deny just how precious that area is and the connectivity in terms of groundwater and everything from the Goulburn River. Again, this is that whole issue of substantial modifications when it comes to coalmines and the community is really up in arms because they don't believe that they're being assessed as rigorously as they should be given the enormous impacts of these modifications. This one sounds like it should have a new assessment of impacts, doesn't it, Mr Gainsford?

DAVID GAINSFORD: Just to clarify, this is a proposed modification to Moolarben?

Ms CATE FAEHRMANN: Yes, it is. This is further development of the extraction plan for the longwall panels nine to 14.

DAVID GAINSFORD: I will need to take that on notice. I don't have those details to hand. It is not a modification.

Ms CATE FAEHRMANN: I misspoke. Yes, it's not a modification. I have in fact walked in that area with ecologists and hydrologists who have spoken to me about that. The question is: Will the department require a new assessment because the last one was undertaken 20 years ago and it was deemed inadequate by those who looked into it closely?

DAVID GAINSFORD: I'm happy to take that on notice, and maybe to an earlier question you had about Moolarben with regard to advice on the new application that we have for expansion of the open cut coalmine. I can say that we have actually received that correspondence and it is under consideration at the moment.

KIERSTEN FISHBURN: The Drip is beautiful. Mal and I both just googled it.

Ms CATE FAEHRMANN: It is absolutely stunning.

The CHAIR: I was literally about to say, would the whole panel of witnesses please undertake to go to The Drip.

KIERSTEN FISHBURN: Monica is going there.

MONICA GIBSON: I'm having a week off to go and visit.

MAL LANYON: I'd never heard of it. We looked and went "wow".

The CHAIR: I'm going to follow on from my colleague Ms Faehrmann. I find it really shocking because in a different iteration of my life the Moolarben proposal came up. It is just awfully close—the undergrounding, the hydrology and the impacts. I think we are traversing that irreversible impact danger zone. On that, is there a trigger, a lever, that the department has in relation to requiring a further assessment, even if it is just an expansion to the underground plan as opposed to requiring an entire modification? What is the trigger there?

DAVID GAINSFORD: Chair, as you would well know, we can't instigate a modification ourselves. Clearly we are obliged to enforce the consent that is in place. But with regard to reviews—because often these underground coalmines, as you would know, have requirements for extraction plans and subsidence management plans, and there are elements of those plans that come to us. I mentioned before that we often seek advice from the Independent Expert Advisory Panel for Mining, and so there is some scope for us to interrogate those plans and make sure that the risks and impacts are not going beyond the levels of the consent. But we don't have the ability to commence a modification process. That's really up to the applicant.

The CHAIR: Perhaps the Secretary can direct where this should go. The updated NARcliM modelling doesn't actually model sea level rise, is my understanding. Am I incorrect? Does it model sea level rise? I don't think it does. I'm curious about what are we using for sea level rise in terms of planning standards. Is there a range of levels that we're looking at? I know that my colleague who does not believe in sea level rise is not here, so I'm sneaking this question in.

MAL LANYON: You are past my level of expertise, Chair. Would you mind if I'll see if Ms Leck knows?

AMANDA LECK: I couldn't answer the specifics of that. DCCEEW is responsible for the release of NARcliM2.0 and I would suggest that the question would be best directed to them. They also have responsibility around coastal hazard risk management as well through some of their work, so they would be best placed to answer that question.

The CHAIR: What is the Reconstruction Authority and the department using? I know that we've used old sea level rise arbitrary figures or figures that have been provided to planning authorities as a kind of middle road, but what are we using in terms of risk mitigation and adaptation?

AMANDA LECK: I can talk to that. The DAPs that I spoke to earlier, the Disaster Adaptation Plans, will bring in a whole range of data sources: bush fire risk data, flood risk data, heatwave risk data and also coastal hazard data. We'll be using the best available data that we have with regard to coastal hazard data, sea level rise and the like. The RA's role will not be to develop those datasets but to identify where those best datasets are held within government, and to be able to bring them together to inform decision support within that regional scale I spoke to earlier.

The CHAIR: If NARcliM is not doing sea level rise modelling—for example, with a 90 centimetres or whatever sea level rise, Lismore all of a sudden becomes a big issue.

AMANDA LECK: As I said earlier, I can't speak to what NARClIM2.0 does and doesn't include. I think that question is best directed to DCCEEW. What RA will do is ensure that the best available hazard risk data is brought into our models for the regional DAP footprint to inform that decision-making about the best mitigation options.

The CHAIR: I'm curious, and this one is a bit specific, I recently saw, very sadly, the destruction of one of the North Lismore houses. It was a bit of an institution in our world—obviously deemed not fit. When you talked or the Minister talked earlier about recycling products, and particularly some of these incredibly valuable hardwood timbers that are everywhere, what's the program? How are we doing it and what are we doing?

MAL LANYON: I'll refer that across to Ms Leck. I'm aware of the matter that you're speaking about, but I'll refer it across in general because it is one of the firm focuses of the Resilient Homes Program. Where it is that we need to demolish, we want to recycle as much as possible and reduce the impact on landfill. We're also trying to manage so that we maintain as much of the heritage of the community as possible as well. So it is a firm focus of the program.

The CHAIR: It sounds great and everybody is very supportive, but it was only when I saw the big excavator and the house falling down that I kind of went, "But how are we doing it?"

AMANDA LECK: I can talk to that. We have had a pilot program under way with respect to demolishing the first 16 homes as part of the buyback program. These homes were structurally compromised. They've had engineering assessments and the like. They were severely dilapidated and really not viable for relocation. Seven of those homes have been demolished to date. I have a lot statistics here, if you like. But a high-level summary: there has been 773.28 cubic metres of material removed with regard to those seven homes, including 258 cubic metres of asbestos. The total amount that we have been able to recycle through this work is 58 per cent. The recycling materials: total metals, 29.9 cubic metres; organics and timber, total concrete and the total recycled was in total 300 cubic metres. I think there is potentially a community perception that if they see excavators and the like move in and remove a home, but post that work there is work undertaken by the contractor to separate and recycle products as appropriate.

The CHAIR: Great. I was assured by many people in the industry. People then go in and take the timbers and all of that. So what happens next? What is this process? It's quite revolutionary. I don't think a government agency has ever done anything quite like this.

AMANDA LECK: The next stage of the program, we're forecasting around about 144 homes in total for demolition removal based on our buyback program to date. We are targeting 80 per cent recycled material from that program.

The CHAIR: Where does it go? Does it get sold? Where does the money go? I'm just wondering where the chain of custody goes.

AMANDA LECK: In terms of the broader program, we will go out to market with a request for quote where the requirements around recycling are embedded in that. So that will be for the contractor to demonstrate how they are going to recycle those materials as part of that quotation. With regard to the work that we have done to date, as I said, it was a pilot program and also removing those homes that we felt had the greatest public safety risk because they were in this dilapidated state. We are quite please that we've achieved that 58 per cent recycled materials to date. Our contractors that are working on this program are actively engaged through that supply chain of recycling the timber, the metal, the aluminium, the grass, the concrete, the steel and so on with their local network of recyclers.

MAL LANYON: I think we've been doing a fair bit of work with the Living Lab as well to try to pilot how we can actually use some of those products going forward.

The CHAIR: I was going to say because it sounds like we're just going to cycle them potentially out of the region and out of the system. There is some kind of scoping done for how we can re-use back in the rebuild and the ongoing community. Is that right?

MAL LANYON: As you can imagine, it's very challenging. It's a large program with a lot of moving pieces. We're working through buybacks. Then we're looking at can we relocate, how do we re-use. If we have to demolish, how can we then make best use of the product within the region. So there is a lot of work happening simultaneously. The Living Lab partnership is a really valuable one for us because it is looking at alternatives, how we can maximise those types of recycled products going forward.

The CHAIR: I'm sure you've heard a thousand times that it is all the Big Scrub, literally, in those, and that's what we are looking at. People can't stand that degree of potential waste.

MAL LANYON: There is some gorgeous material there.

AMANDA LECK: The key principle is to relocate as many homes as we can to maintain those beautiful homes in the region.

The Hon. JACQUI MUNRO: I want to get some information about Macquarie Park. I'm wondering if there are any infrastructure improvements that are planned with funding committed for improved infrastructure in the Macquarie Park area?

MONICA GIBSON: There could be a lot of things that are captured by that, so let me just see if we can work through some detail. Macquarie Park and Ryde council has some local planning controls. They have some local development contribution plans. There are also some VPAs with various landowners relating to infrastructure delivery in that area. We also have two large rezonings happening in the Macquarie Park. We call them rezoning one and rezoning two. Rezoning two is a highly exciting name.

KIERSTEN FISHBURN: It's very imaginative when you put it like that!

MONICA GIBSON: The second one relates very much to the TOD program, and that's the one that's recently been on exhibition. The other one was exhibited a little earlier, in the last few months. In both of those rezoning proposals there are plans for growth and change, particularly for there to be more residential development in Macquarie Park than previously had been envisaged. There are infrastructure and services plans that have been prepared and exhibited with those documents.

The Hon. JACQUI MUNRO: But no funding committed around that? They're exhibited plans for consultation.

MONICA GIBSON: They're exhibited plans for consultation, which outline what might be the cost of the infrastructure and then what might need to be updated. There would need to be changes to the development contribution plan—so how developers would make a contribution—and there's also the Housing and Productivity Contribution that would apply to that area. The rezoning two, which is the TOD accelerated precinct, would be captured by the \$520 million allocation from the TOD program. Some funding would be coming from that program, as well, to support that.

The Hon. JACQUI MUNRO: But we're not sure how much yet?

MONICA GIBSON: That's right. We're working through that detail as we settle what might be the planning control changes and, therefore, what might be the necessary infrastructure, and then what might be the funding mechanisms for the infrastructure to be delivered.

The Hon. JACQUI MUNRO: The stage two rezoning timeline and the TOD timeline for consultation and then the finalisation of that plan—is there a timeline after that that is locked in so that we can expect to know when that \$520 million will be cut up for Macquarie Park?

MONICA GIBSON: We're working on the rezoning for all of the TOD accelerated precincts to be completed this calendar year. It's really a very big task. We're working as quickly as we can on that. Similarly, with the \$520 million, we're working through looking at the submissions that have come in and are coming in across the TOD sites—particularly the council submissions and what they're saying that they will do in terms of adjusting their local contribution plans, what those contributions might be, the types of infrastructure that they would focus on and the types of infrastructure that we think can come from the \$520 million, which we think would be things like parks and open space. But it includes active transport improvements, whereas we think councils' contribution plans might be more about things that might be stormwater drainage and might also include some of the community facilities and cultural facilities that council provides. We're looking at how all that fits together.

The Hon. JACQUI MUNRO: But there's no timeline on when those decisions and calculations will be made after the end of this year.

MONICA GIBSON: No, we'd be looking to give some more certainty at the time of rezoning and also to be able to talk about what the timing is on the adjustments to councils' contribution plans, as well.

The Hon. JACQUI MUNRO: Can I clarify? My understanding from information, including a City of Ryde media release that was published yesterday, is that there is a possibility of having 37,000 new dwellings in the Macquarie Park area, which was TOD contributing 15,000 additional apartments, and that was in addition to over 22,000 apartments already planned. Is that a fair assessment?

MONICA GIBSON: Those numbers seem very, very high. I haven't seen the media release, so I would need to probably have a look at that in some closer detail to see exactly what land is being included.

The Hon. JACQUI MUNRO: I'm happy to table that, if that helps.

MONICA GIBSON: That would be terrific. In terms of what we're exhibiting with the TOD site, I'm trying to find exactly what my number is. It's in here somewhere, in these thousands of pages. But it's a much smaller number, and there have been some planning approvals in that area before. I'm really happy to take on notice what that pipeline of housing supply might be in Macquarie Park, based on what might be approved and what's going through in those rezonings.

The Hon. JACQUI MUNRO: Has modelling been done by the department to determine the opportunity cost between the 23,000 jobs that were promised, essentially, under the Macquarie Park innovation precinct plan, which was August 2022, and the pretty large expected increase in dwellings as a result of build-to-rent changes and the TOD program?

MONICA GIBSON: There has been some assessment of the residential development and the commercial or employment activities, particularly to have a look at what infrastructure and services are available, but also about the relationship between different types of employment-generating activities and residential activities—things like data centres, which have quite—

The Hon. JACQUI MUNRO: A large footprint with few employment opportunities.

MONICA GIBSON: Yes, but also generate noise.

The Hon. JACQUI MUNRO: They're really resource intensive.

MONICA GIBSON: We had to carefully plan that near residential development. The notes that I have in front of me talk about the Macquarie Park two rezoning. In addition to the residential component—so that would be build to sell as well as build to rent—there are 38,000 jobs that are created within the zoning plans that are proposed. That comes from—

The Hon. JACQUI MUNRO: So that's jobs that would be created out of the construction phase?

MONICA GIBSON: No, they're jobs that would be created from the zoning change that's proposed.

The Hon. JACQUI MUNRO: What time period is that?

MONICA GIBSON: Like the dwellings, that's about the same time period. That's typically planning over about a 15-year horizon.

The Hon. JACQUI MUNRO: That's an enormous increase from the original 23,000 jobs over 20 years. If we're now talking about—was it 35,000 or 38,000?

MONICA GIBSON: It was 38,000, plus—

The Hon. JACQUI MUNRO: Where do all those extra jobs come from?

MONICA GIBSON: That comes from the zoning of the land, which includes a mix of residential as well as commercial zoning within those areas.

The Hon. JACQUI MUNRO: But it already is commercially zoned.

MONICA GIBSON: Yes. Some of that is because the height and floor space ratios are changing and increasing. My notes tell me that it's also another 30,000 jobs that are being retained there. There are already planning controls for 27,800 jobs plus, with the upzoning, an additional 38,200 jobs.

The Hon. JACQUI MUNRO: Is that information public?

MONICA GIBSON: Yes.

The Hon. JACQUI MUNRO: Where is that?

MONICA GIBSON: That's in the EIE, so that's the draft planning document for Macquarie Park. That's the stage two one.

The Hon. SCOTT FARLOW: If I can just jump in here for a second, in terms of those figures, is that just for the stage two area in terms of jobs? Or is that across the—is it five precincts that are there in Macquarie Park?

MONICA GIBSON: My notes show it for stage two only.

The Hon. JACQUI MUNRO: There's still a lot of concern.

The Hon. SCOTT FARLOW: Just an update, as well, with respect to the Cherrybrook precinct—that was finalised in December of 2022 for 3,200 residences. Are there any plans for that to be revised at all or reviewed?

MONICA GIBSON: There are plans, that's right. We're preparing a State-led rezoning for the area around Cherrybrook metro station. That builds on the place strategy that was finalised in December 2022. We are scheduled for public exhibition of some plans for Cherrybrook in September, so next month.

The Hon. SCOTT FARLOW: So 3,200 was the proposal previously. What's the proposal now in terms of the number of residences?

MONICA GIBSON: We're working through that detail as we finalise this to go to public exhibition, and we'll be consulting on that.

The Hon. SCOTT FARLOW: So that will be out in September, will it?

MONICA GIBSON: Yes.

The Hon. SCOTT FARLOW: What's the status of any changes around the Royal Institute for Deaf and Blind Children site at North Rocks? Where is that at, at the moment?

MONICA GIBSON: I can tell you. This is the site where there has been a rezoning review. The planning proposal following that rezoning review was submitted to the department a month ago for a gateway assessment. We're going through that assessment at the moment, and that's on track for a gateway determination to proceed or not proceed and with what conditions—that's what a gateway assessment does; it comes up with a determination—by the middle of September.

The Hon. SCOTT FARLOW: What number of residences is proposed under that plan?

MONICA GIBSON: The proposal as it has been submitted—and it's a 12½-hectare site—is for a combination of apartments and townhouses, as well as some retail and medical uses. The proposal equates to 925 dwellings.

The Hon. SCOTT FARLOW: It was established for the Rezoning Pathways Program in 2022, including the State-assessed planning proposal pathway, enabling developers to nominate projects for rezoning approval by the site. What's the status of that program now? Is it all concluded?

MONICA GIBSON: No, the program is underway. There are a number of sites that went through a stream of that program, and they are occurring in a number of tranches. I think you might be interested in the industry-nominated sites. These were the sites that we would describe as State-assessed planning proposals. There were five projects that came in under that program, and they are in various stages of assessment. One of those projects has been withdrawn from that program, but the other four are progressing. Those include the Tolland estate at Wagga Wagga. It includes Railway Terrace at Schofields. It includes Cowper Street at Warrawong, a site in Kanwal on the Central Coast, and the site that didn't proceed was one at Glenmore Park.

The Hon. SCOTT FARLOW: When do you intend to make a final determination with respect to those?

MONICA GIBSON: They've all been publicly exhibited, and we're working through the submissions and the comments from councils and agencies that were received. They are on track over the next couple of months and before the end of the year to be finalised.

The Hon. SCOTT FARLOW: With respect to the infill affordable housing SEPP, as a result of the SEPP since its introduction on 14 December, how many applications have been made, taking advantage of the conditions under the SEPP?

KIERSTEN FISHBURN: Mr Gainsford?

DAVID GAINSFORD: We've had 50 projects that have actually been issued secretary's environmental assessment requirements under that infill affordable housing SEPP that you mentioned before—the thresholds—of which nine of those projects have either had an environmental impact statement exhibited or are currently on exhibition.

The Hon. SCOTT FARLOW: So none have been determined as of yet?

DAVID GAINSFORD: No, but we expect to determine at least two or three of those by the end of the year.

The Hon. SCOTT FARLOW: In terms of that pipeline, do you have a number in terms of how many dwellings have been proposed and how many affordable dwellings as part of that as well?

DAVID GAINSFORD: I do, Mr Farlow. I don't necessarily have the total number of dwellings, although—actually, I do.

KIERSTEN FISHBURN: You do.

DAVID GAINSFORD: I think I do have those.

KIERSTEN FISHBURN: He gives it to me every week, so I know he does.

DAVID GAINSFORD: The estimated total number of dwellings across all of those projects that I mentioned before—both those that have been on exhibition, come off exhibition or have had secretary's environmental assessment requirements—is somewhere in the vicinity of around 16,500 dwellings. The affordable housing component of those projects is a little bit shy of 4,000 dwellings.

The Hon. SCOTT FARLOW: The Luddenham Village discussion paper was on exhibition from 8 October to 5 November 2021 for public comment. Where is that at now in terms of the rezoning at Luddenham?

MONICA GIBSON: The matters at Luddenham are very related to considerations of noise from the operation of the future airport. As you're no doubt aware, the airport has exhibited but not finalised their noise contours and the extent of the noise that will be generated in that area, and it's very important for us to have a good understanding of that so that we can proceed with certainty about what the planning controls might be for sensitive receivers—typically, that's people's homes. We understand that the Commonwealth are working through submissions that they've received on their exhibited noise contours. That's underway, and that assessment is quite complex and is being very closely considered. Until that has been resolved, we won't be able to make decisions, with certainty, about where residential development could occur because we're not certain about what the noise impacts would be. That would be a very important consideration and one that we would take around all sorts of airports around New South Wales. It's not unique to Luddenham that we want to carefully consider noise impacts, but we don't have all the information in order to do that.

KIERSTEN FISHBURN: We've made a number of representations to the Commonwealth, detailing that this information is critical for us and we would appreciate them expediting what they're able to so we can do this work, because we do appreciate that the people of Luddenham feel that they're living under uncertainty at the moment.

The Hon. SCOTT FARLOW: Similarly, with respect to the rezoning of Orchard Hills, have you got any update on that as well? Is that similarly subjected to the airport contours?

MONICA GIBSON: No. Orchard Hills and the area that we're looking at for a State-led rezoning at Orchard Hills is not aircraft noise-affected. We are looking at the area around the new metro station. That rezoning has taken some time to investigate matters relating to infrastructure provision, but also we had some advice from the Commonwealth Department of Defence in relation to some land contaminations and PFAS contamination, which we needed to carefully consider. We've undertaken those investigations, and they were very, very low levels of PFAS contamination, which is great news for the people that live there and for future communities. We are now finalising the documents to go on exhibition. I think we've made a public statement that we would be exhibiting next month, so in September.

The Hon. SCOTT FARLOW: And you anticipate meeting that deadline?

MONICA GIBSON: That's what we're working towards, day and night.

The Hon. SCOTT FARLOW: It seems a lot in September. Similarly, of course industrial lands being an important priority as well, when will DPHI release the upcoming industrial lands strategy?

MONICA GIBSON: We haven't made a formal statement about our industrial land policy, but we will be reviewing the Sydney region plan, which does include some industrial land directions, as well as releasing information about industrial land supply and employment land supply in the regular monitors that we have.

KIERSTEN FISHBURN: I think we've been very public and open in saying that we need to do work on employment and industrial lands or else we will have a jobs crisis on top of a housing crisis.

The CHAIR: On top of all the other crises.

KIERSTEN FISHBURN: So the department is very alive to it.

The Hon. SCOTT FARLOW: With respect to that, there is no timetable, though, for the publication of the industrial lands strategy?

KIERSTEN FISHBURN: Not at this point in time.

The Hon. SCOTT FARLOW: Okay. What are you doing in terms of works in kind? Have you done that review as well in terms of the works in kind contribution plans? I believe there was a review underway, was there?

KIERSTEN FISHBURN: Yes, a review has commenced, but it has not yet been finalised, and I can't give you a date on that because it's a Government decision.

The CHAIR: I'm curious about whether the department has been engaged in the development of the Land iQ program to date.

KIERSTEN FISHBURN: Yes. The department is responsible for the Land iQ program. It's through Minister Kamper. So it is part of my portfolio, but it is ultimately a question for Minister Kamper.

The CHAIR: Can I ask, though, whether—

KIERSTEN FISHBURN: You can ask. Depending on the complexity of the question, I might push it back to Minister Kamper.

The CHAIR: I'll just give it a quick go. It's just a general question: Are you interested in that tool beyond it being a development tool or a disaster mitigation tool? Does it have other capacities, and are you identifying that? Frankly, to me, it looks pretty groovy.

KIERSTEN FISHBURN: Yes. We think Land iQ is pretty good ourselves. We also are interested in how local government may be able to make use of it to assist in their planning and as they're working through their own disaster mitigation plans as well. So, yes, I think there are lots of opportunities for us to expand the scope of Land iQ. At present, we're also utilising it for undertaking the land audit as well, so that has been a really good use of it.

The CHAIR: Do you see that eventually there could be a sort of community accessibility to that tool as well for that level of engagement?

KIERSTEN FISHBURN: In principle, as across all of government, we support open data. There obviously are some sensitivities to data when it's associated with land and property values, but I don't see why we can't explore that in principle and it's certainly something, as we mature out Land iQ, we can take into consideration. I'm not promising anything.

The CHAIR: No, of course. I'm just curious. There's no doubt there's a lot of good work happening. We are in complex times, where we're dealing with complex information. It's interesting about the direction of the department. I have a couple of other things, very quickly—also, with that commitment to this kind of single source of truth is what we're all trying to head to in terms of understanding how we can manage the place. In terms of AI, I know you've given evidence previously in hearings around the use of AI within the department, particularly around some of these assessments and development tools. Where are we at with that?

KIERSTEN FISHBURN: I'll do this quickly and give Mr Gainsford a break on this one. There are two elements in relation to AI. There is the AI that we're trialling with councils. We provided grants to 16 councils to trial AI technology and this is really AI as pre-DA, so an applicant going in and AI being able to determine whether they've put all the relevant bits of material. It's like an AI duty planner, for want of a better term. We're trialling that at the moment. There will be a second stage of looking at AI as an assessment tool for councils coming out this year. The other side of that, of course, is AI within my own department. We have done a trial of Copilot through Mr Hebron's area. Mr Hebron, this could be your one chance to talk. Would you like to talk about our Copilot trial?

JAMES HEBRON: I'll bring it home. What would you like to know? We are running a trial of Copilot. It's been particularly successful in terms of output. It's a trial where we've selected a bunch of people, got licences for that. It allows us to access departmental information as well as stuff on the net. We're assessing the results of that and looking to the governance requirements and we'll look to roll it out in—I think we're looking at the end of October is the next step.

KIERSTEN FISHBURN: We need to resolve some document management stuff, as I suspect everybody working in this space does, but it has been particularly successful for my staff who have English as a second language or who have a disability and they've found that that use of Copilot has really helped them and made work more pleasurable and easy. That makes me feel really good as well.

The CHAIR: Is Copilot the—

JAMES HEBRON: It's a Microsoft product.

The CHAIR: That's what I thought. Thank you.

The Hon. SCOTT FARLOW: Now to Moore Park—and Ms Hawyes is gone.

KIERSTEN FISHBURN: I'll give it a shot.

The Hon. SCOTT FARLOW: So the department ran a public consultation on Moore Park that closed on 10 April. When will the department be releasing the "What we heard" report?

KIERSTEN FISHBURN: We are working through that report now. It has not yet come to my desk. It's being worked through. It's not just sitting somewhere. I don't have a targeted—

The CHAIR: Here's Ms Hawyes.

The Hon. SCOTT FARLOW: I have a question for you. The "What we heard" report and when will it be released.

KIERSTEN FISHBURN: I've already said it hasn't come to my desk yet.

MELANIE HAWYES: No problem. We had many, many submissions and there is a report being compiled for release—all I can say is imminently. Very soon.

The Hon. SCOTT FARLOW: With respect to Moore Park, it currently generates around \$16 million in revenue per year. More than half of that revenue goes to maintaining Centennial Parklands spaces and facilities. How will the Government fund the black hole in revenue created when the course is repurposed to nine holes?

MELANIE HAWYES: That is a matter for Government. We've been very clear about the full range of implications of a decision to change the format of the park. I can't answer that at this point in time.

The Hon. SCOTT FARLOW: So there's no plan for that at the moment?

MELANIE HAWYES: We are going through the consultation process. What then happens and the options that might be designed are at the direction of the Government and it will be a decision for Government at a later stage.

The Hon. SCOTT FARLOW: Some \$2.6 million was allocated in the budget for planning work at Moore Park. How will that funding be used?

MELANIE HAWYES: That funding has been allocated for consultation design and conceptual design sort of work at this stage—initial design and planning work only.

The Hon. SCOTT FARLOW: Rooftop housing and airspace development—how does the current regulatory framework in New South Wales address the use of airspace above existing buildings for housing development, and are there specific guidelines or restrictions related to airspace development?

KIERSTEN FISHBURN: I'm looking at who looks most excited about this one. Ms Gibson?

MONICA GIBSON: We haven't produced any specific guidelines or details around it, mostly because we haven't seen the need to. It seems fairly clear at the moment that, where you have a height and floor space ratio that hasn't been maximised—so perhaps you had a building that was built at four storeys and council's planning controls now allow for six storeys—you could apply for approval to access those remaining two storeys by making additions to your building. We know that this has been done by a number of people, particularly for strata developments where it's assisting with, as the strata is ageing and there are renovations required to the strata, common property—that selling those and utilising that additional height that's now allowed under revised planning controls can bring some return back to the owners and to the body corporate so that they can do the renovations and repairs to the balance of the building. We know that that does happen and has been happening, so we haven't seen the need to be able to produce any more guidelines to support that.

The Hon. SCOTT FARLOW: In terms of the caravan homes and the like and the documents that were exhibited previously, what is the status of that at this stage?

MONICA GIBSON: That's also a question for me. There were a number of submissions that were received. We are working through those submissions at the moment. That's kind of the answer that we would normally say when we've had submissions and we're working through it. The time frame that I have is that we would be finalising the proposed changes this year.

The CHAIR: That's it. We've come to the end.

MAL LANYON: Sorry, Chair, can I just clarify one thing? I did undertake to Ms Munro to try to get the details of the financial expenditure on the Resilient Lands Program. Unfortunately, I couldn't get that this afternoon. Can we take that on notice and we'll provide figures for the end of August?

The Hon. JACQUI MUNRO: Certainly, thank you.

KIERSTEN FISHBURN: Can I tell my zombie DA joke?

The CHAIR: Please do.

KIERSTEN FISHBURN: I'm going as a zombie DA for Halloween. I'm going to sit around and do nothing.

The Hon. ANTHONY D'ADAM: Can we have that joke struck from the record?

The CHAIR: No, I love the jokes. Leave them in. Thank you to all of you for your attendance today. The secretariat, as normal, will contact you in the near future for any of the questions taken on notice and any supplementary questions. You know that we are very grateful for your time and your evidence today. We know the work that goes into being here.

KIERSTEN FISHBURN: Thank you very much, Chair and Committee members, for your courtesy and respect for me and my staff.

(The witnesses withdrew.)

The Committee proceeded to deliberate.