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# Minutes no. 1

Wednesday 31 May 2023

Portfolio Committee No. 7 – Planning and Environment

Room 1043 at 1.16 pm

## 1. Members present

Mr Buttigieg  
Mr D'Adam  
Mr Farlow  
Ms Higginson  
Ms Munro  
Mr Primrose  
Mr Ruddick

## 2. Tabling of resolution establishing the committee

The Committee Clerk tabled the resolution of the House of 10 May 2023, and as amended on 24 May 2023 establishing the committee, which reads as follows:

That, notwithstanding anything to the contrary contained in the standing orders:

### Appointment

1. Eight portfolio committees reflecting government ministers' portfolio responsibilities be appointed as follows:

(a) **Portfolio Committee No. 1 – Premier and Finance**

Premier  
Treasurer  
Finance, Natural Resources  
Industrial Relations, Work Health and Safety  
The Legislature  
Aboriginal Affairs and Treaty, Gaming and Racing, Veterans, the Central Coast, Medical Research

(b) **Portfolio Committee No. 2 – Health**

Health, Regional Health, the Illawarra and the South Coast  
Water, Housing, Homelessness, Mental Health, Youth, the North Coast

(c) **Portfolio Committee No. 3 – Education**

Education and Early Learning, Western Sydney  
Skills, TAFE, Tertiary Education, the Hunter

(d) **Portfolio Committee No. 4 – Regional NSW**

Agriculture, Regional New South Wales, Western New South Wales  
Small Business, Lands and Property, Multiculturalism, Sport

(e) **Portfolio Committee No. 5 – Justice and Communities**

Attorney General  
Police and Counter Terrorism  
Families and Communities, Disability Inclusion  
Women, Seniors, Prevention of Domestic Violence and Sexual Assault

- (f) **Portfolio Committee No. 6 – Transport and the Arts**  
Transport  
Special Minister of State, Roads, Arts, Music and the Night-time Economy, Jobs and Tourism  
Regional Transport and Roads
- (g) **Portfolio Committee No. 7 – Planning and Environment**  
Climate Change, Energy, the Environment, Heritage  
Planning and Public Spaces
- (h) **Portfolio Committee No. 8 – Customer Service**  
Local Government  
Customer Service and Digital Government, Emergency Services, Youth Justice  
Better Regulation and Fair Trading, Industry and Trade, Innovation, Science and Technology, Building, Corrections.

### **Referral of inquiries**

2. A committee:
  - (a) is to inquire into and report on any matter relevant to the functions of the committee which is referred to the committee by resolution of the House, and
  - (b) may self-refer an inquiry into any matter relevant to the public administration of portfolios allocated to the committee.
3. A committee meeting to consider a self-reference under paragraph (2)(b) must be convened at the request of any three committee members in writing to the Committee Clerk.
4. The Committee Clerk must convene a meeting within seven calendar days of the receipt of the request, providing that members are given at least 24 hours' notice.
5. A majority of committee members is required to adopt the self-reference.
6. Whenever a committee resolves to self-refer a matter, the terms of reference are to be reported to the House on the next sitting day.

### **Membership**

7. Each committee is to consist of seven members, comprising:
  - (a) three government members,
  - (b) two opposition members, and
  - (c) two crossbench members.

### **Chair and Deputy Chair**

8. The committee is to elect the Chair and Deputy Chair in accordance with the standing orders.
9. The Chair of the committee is to be a non-government member.

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## **Conduct of the committee proceedings**

10. Unless the committee decides otherwise:

- (a) all inquiries are to be advertised via social media, stakeholder emails and a media release distributed to all media outlets in New South Wales,
- (b) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
- (c) attachments to submissions are to remain confidential,
- (d) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
- (e) the sequence of questions to be asked at hearings is to alternate between opposition, crossbench and government members, in that order, with equal time allocated to each,
- (f) transcripts of evidence taken at public hearings are to be published,
- (g) supplementary questions are to be lodged with the Committee Clerk within two business days, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness,
- (h) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration, and
- (i) media statements on behalf of the committee are to be made only by the Chair.

### **3. Election of Chair**

The Committee Clerk called for nominations for the Chair.

Mr D'Adam moved: That Ms Higginson be elected Chair of the committee.

There being no further nominations, the Clerk declared Ms Higginson elected Chair.

### **4. Election of Deputy Chair**

Ms Higginson took the Chair.

The Chair called for nominations for Deputy Chair.

Mr D'Adam moved: That Mr Ruddick be elected Deputy Chair of the committee.

There being no further nominations, the Chair declared Mr Ruddick elected Deputy Chair.

### **5. Briefing on the resolution establishing the committee and conduct of committee proceedings**

The Committee Clerk provided a briefing to committee members on the resolution establishing the committee and conduct of committee proceedings.

## 6. Conduct of committee proceedings

The Committee noted the Broadcast of Proceedings resolution (as amended by the Legislative Council on 19 October 2022), in particular the provisions relating to the filming, broadcasting, rebroadcasting and photography of committee proceedings, including:

- (4) That unless resolved otherwise by a committee, this House authorises:
- (a) the filming, broadcasting and photography of members and witnesses in committee proceedings:
    - (i) by representatives of media organisations, including from around the committee meeting table,
    - (ii) by any member of the public, from the position of the audience, and
  - (b) the rebroadcasting of committee proceedings on the Legislative Council and Parliament's social media channels.

## 7. Publication of minutes of the first meeting

Resolved, on the motion of Mr D'Adam That the committee publish the minutes of the first meeting on the committee's webpage, subject to the draft minutes being circulated to members.

## 8. Correspondence

The committee noted the following items of correspondence:

### *Received*

- 14 February 2023 – Letter from the Hon James Griffin MP, Minister for Environment and Heritage, to the Clerk of the Parliaments, providing government response to the report on the *Integrity of the NSW Biodiversity Offsets Scheme*.
- 21 February 2023 – Email from an individual to committee, raising concerns about the installation of a 5G tower in their suburb.
- 22 February 2023 – Email from an individual to committee, raising concerns about the installation of a 5G tower in their suburb.
- 23 February 2023 – Email from an individual to committee, raising concerns about the installation of a 5G tower in their suburb.
- 16 March 2023 – letter from the Chief Commissioner, Independent Commission Against Corruption, acknowledging receipt of the Committee's referral of its report and transcripts of the inquiry into allegations of impropriety against agents of the Hills Shire Council and property developers in the region.

### *Sent*

- 2 March 2023 – letter to the Chief Commissioner, Independent Commission Against Corruption, referring the report and transcripts of the inquiry into allegations of impropriety against agents of the Hills Shire Council and property developers in the region.

## 9. Inquiry into the Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Bill 2023

### 9.1 Terms of reference

The committee noted the following terms of reference referred by the House on 30 May 2023:

That:

- (a) the provisions of the Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Bill 2023 (not yet accompanied by a Statement of Public

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Interest) be referred to Portfolio Committee No. 7 – Planning and Environment for inquiry and report,

- (b) the bill stand referred to the committee on receipt of the message from the Legislative Assembly forwarding the bill, the bill being read a first time and the Statement of Public Interest being tabled, and
- (c) the committee report by 27 June 2023.

### **9.2 Proposed timeline**

Resolved, on the motion of Mr Farlow: That the committee adopt the following timeline for the administration of the inquiry:

Wednesday 7 June 2023 – closing date for submissions

Thursday 8 June 2023 – public hearing

Tuesday 20 June 2023 – circulation of chair's draft report

Friday 23 June 2023 (AM) – report deliberative

Tuesday 27 June 2023 – report tabling.

### **9.3 Stakeholder and witness list**

Resolved, on the motion of Mr D'Adam: That members be provided with the opportunity to nominate additional stakeholders to make a submission and/or appear as a witness to give evidence by 2.00 pm Thursday 1 June and that the committee agree to additional stakeholders by email, unless a meeting of the committee is required to resolve any disagreement.

### **9.4 Post-hearing responses**

The committee noted there is insufficient time for stakeholders to provide answers to questions on notice or supplementary questions.

Resolved, on the motion of Ms Munro: That transcript corrections and clarifications to evidence be provided within 48 hours of the receipt of the transcript by the witness.

### **9.5 Pro forma submissions**

Resolved, on the motion of Mr Farlow: That the committee not accept pro formas.

## **10. Adjournment**

The committee adjourned at 1.33 pm *sine die*.

Laura Ismay  
Committee Clerk