



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 6

Budget Estimates 2017-2018



Report 6

November 2017

6

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Portfolio Committee No. 6 – Planning and Environment

Budget Estimates 2017-2018

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Terms of reference

1. That upon tabling, the Budget Estimates and related papers for the financial year 2017 – 2018 presenting the amounts to be appropriated from the Consolidated Fund be referred to the Portfolio Committees for inquiry and report.

2. That the initial hearings be scheduled as follows:

Day One: Thursday 31 August 2017

PC 3	Early Childhood Education, Aboriginal Affairs, Assistant Minister for Education	1.45 pm – 3.45 pm
PC 3	Skills, Regional NSW, Small Business	4.00 pm – 6.00 pm
PC 4	Police, Emergency Services	2.00 pm – 6.00 pm

Day Two: Friday 1 September 2017

PC 5	Primary Industries, Regional Water, Trade and Industry	9.00 am – 1.00 pm
PC 6	Environment, Heritage, Local Government	9.00 am – 1.00 pm
PC 5	Transport and Infrastructure	2.00 pm – 6.00 pm
PC 6	Resources, Energy and Utilities, Arts	2.00 pm – 5.00 pm

Day Three: Monday 4 September 2017

PC 1	Finance, Services and Property	9.00 am – 12.00 pm
PC 1	The Legislature	12.15 pm – 1.15 pm
PC 1	Innovation and Better Regulation	1.45 pm – 3.45 pm
PC 3	Tourism and Major Events, Assistant Minister for Skills	4.00 pm – 6.00 pm

Day Four: Tuesday 5 September 2017

PC 2	Family and Community Services, Social Housing, Prevention of Domestic Violence and Sexual Assault	9.00 am – 12.00 pm
PC 4	Corrections, Counter Terrorism, Veterans Affairs	9.00 am – 12.00 pm
PC 2	Mental Health, Women, Ageing	2.00 pm – 5.00 pm
PC 3	Education	2.00 pm – 6.00 pm

Day Five: Wednesday 6 September 2017

PC 1	Treasury, Industrial Relations	9.00 am – 1.00 pm
PC 5	Western Sydney, WestConnex, Sport	9.00 am – 11.00 am
PC 5	Lands and Forestry, Racing	11.15 am – 1.15 pm
PC 2	Health, Medical Research	2.00 pm – 6.00 pm
PC 5	Roads, Maritime and Freight	2.00 pm – .00 pm

Day Six: Thursday 7 September 2017

PC 1	Premier	2.00 pm – 6.00 pm
PC 2	Disability Services, Multiculturalism	2.00 pm – 5.00 pm

Day Seven: Friday 8 September 2017

PC 6	Planning, Housing, Special Minister of State	9.00 am – 1.00 pm
PC 4	Attorney General	2.00 pm – 4.00 pm

3. That supplementary hearings be scheduled during the week of 3 to 6 October 2017.
4. That each scheduled day for the initial round of hearings will begin not earlier than 9.00 am and conclude by 6.00 pm.
5. That the committees must hear evidence in public.
6. That the committees may ask for explanations from ministers, or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure.
7. That ministers may not make an opening statement before the committee commences questions.
8. That the committees are to present a final report to the House by 15 December 2017.
9. That members may lodge supplementary questions with the committee clerk by 5.00 pm, within two days, excluding Saturday and Sunday, following the hearing.
10. That answers to questions on notice and supplementary questions be published, except those answers for which confidentiality is requested, after these answers have been circulated to committee members.

These terms of reference were referred to the committee by the House: *Minutes*, NSW Legislative Council, 21 June 2017, pp 1756-1757.

Committee details

Committee members

The Hon Paul Green MLC	Christian Democratic Party	<i>Chair</i>
The Hon Lou Amato MLC	Liberal Party	<i>Deputy Chair</i>
Mr Jeremy Buckingham MLC	The Greens	
The Hon Shayne Mallard MLC	Liberal Party	
The Hon Matthew Mason-Cox MLC	Liberal Party	
The Hon Penny Sharpe MLC	Australian Labor Party	
The Hon Ernest Wong MLC	Australian Labor Party	

Non-substantive members who attended the hearings

Dr Mehreen Faruqi MLC	The Greens
The Hon Peter Primrose MLC	Australian Labor Party
Mr David Shoebridge MLC	The Greens
The Hon Mark Pearson MLC	Animal Justice Party
The Hon Ben Franklin MLC	The Nationals
The Hon Adam Searle MLC	Australian Labor Party
The Hon Walt Secord MLC	Australian Labor Party
The Hon John Graham MLC	Australian Labor Party
The Hon Trevor Khan MLC	The Nationals
The Hon Natasha Maclaren-Jones MLC	Liberal Party
The Hon Peter Phelps MLC	Liberal Party
The Hon Peter Primrose MLC	Australian Labor Party
Mr David Shoebridge MLC	The Greens

Website	www.parliament.nsw.gov.au/budgetestimates
Email	budget.estimate@parliament.nsw.gov.au
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Chair's foreword

I am pleased to present this report on the Inquiry into Budget Estimates 2017-2018. This annual inquiry into the Budget Estimates ensures parliamentary oversight of the Budget, and provides an important mechanism for the accountability of the executive government to the Legislative Council.

The inquiry consisted of three hearings to examine the following portfolios:

- Environment, Heritage, Local Government
- Resources, Energy and Utilities, Arts
- Planning, Housing, Special Minister of State.

On behalf of the committee, I would like to thank the Ministers and their officers who assisted the committee during this important inquiry. I am grateful to my fellow committee members and the secretariat staff for their contributions to the inquiry process.



The Hon Paul Green MLC
Chair

Chapter 1 Introduction

Referral of the 2017-2018 Budget Estimates

- 1.1 On 21 June 2017, the Legislative Council resolved that ‘the Budget Estimates and related papers for the financial year 2017-2018 presenting the amounts to be appropriated from the Consolidated Fund be referred to the Portfolio Committees for inquiry and report’.¹ The resolution (hereafter referred to as the Budget Estimates resolution) requires each committee to examine the Budget Estimates for the relevant portfolios and report to the House by 15 December 2017.²
- 1.2 The Budget Estimates resolution further stipulated that the initial hearings will be held from 31 August to 8 September 2017 and the initial round of supplementary hearings be scheduled during the week of 3-6 October 2017.³

Hearings

- 1.3 The committee held three public hearings as follows:
- Friday 1 September 2017 – Environment, Heritage, Local Government
 - Friday 1 September 2017 – Resources, Energy and Utilities, Arts
 - Friday 8 September 2017 – Planning, Housing, Special Minister of State.

Transcripts, questions on notice and supplementary questions

- 1.4 Transcripts of the hearings, questions taken on notice, supplementary questions and answers to these questions are available on the Budget Estimates web page at: www.parliament.nsw.gov.au/budgetestimates.

¹ *Minutes*, NSW Legislative Council, 21 June 2017, pp 1756-1757.

² *Minutes*, NSW Legislative Council, 21 June 2017, pp 1756-1757.

³ *Minutes*, NSW Legislative Council, 21 June 2017, pp 1756-1757.

Chapter 2 Issues raised during hearings

This chapter provides a brief summary by portfolio of the key issues raised during the hearings.

Environment, Heritage, Local Government

2.1 A hearing examining the portfolios of Environment, Heritage, Local Government was held on Friday 1 September 2017. The following issues were raised during the committee's examination of these portfolios:

- Council amalgamations
- Local developer membership on local councils
- National parks policy
- Centennial Parklands and Moore Park Masterplans
- Contaminated water at Williamtown.

Resources, Energy and Utilities, Arts

2.2 A hearing examining the portfolios of Resources, Energy and Utilities, Arts was held on Friday 1 September 2017. The following issues were raised during the committee's examination of these portfolios:

- South Coast Art Trail
- Regional Cultural Fund
- Future of coal mining in New South Wales
- Shenhua mining licence in the Liverpool Plains
- Renewable energy
- Electricity prices for households and small businesses
- Energy disconnection rates
- Energy price assistance programs.

Planning, Housing, Special Minister of State

2.3 A hearing examining the portfolios of Planning, Housing, Special Minister of State was held on Friday 8 September 2017. The following issues were raised during the committee's examination of these portfolios:

- Implementation of local planning panels
- Urbanisation projects affecting the koala population in south-west Sydney
- Housing affordability in Sydney and affordable housing initiatives

- Introduction of the Educational and Childcare State Environmental Planning Policy
- Development at Pitt Town.

Appendix 1 Witnesses at hearings

Environment, Heritage, Local Government – Friday 1 September 2017

Name	Position and Organisation
The Hon Gabrielle Upton MP	Minister for the Environment, Minister for Local Government and Minister for Heritage
Mr Anthony Lean	Chief Executive, Office of Environment and Heritage
Mr Michael Wright	Executive Director, Park Programs, Office of Environment and Heritage
Mr Barry Buffier AM	Chair and Chief Executive Officer, NSW Environment Protection Authority
Mr Mark Gifford	Chief Environment Regulator, Environment Protection Authority
Mr Tim Hurst	Acting Chief Executive, Office of Local Government, Department of Planning and Environment
Mr Steve Orr	Former Executive Director, Local Government Reform, Department of Premier and Cabinet
Mr Viv May	Administrator, Cumberland Council
Mr Tim Overall	Administrator, Queanbeyan-Palerang Council
Ms Pauline McKenzie	Executive Director, Heritage, Office of Environment and Heritage

Resources, Energy and Utilities, Arts – Friday 1 September 2017

Name	Position and Organisation
The Hon Don Harwin MLC	Minister for Resources, Minister for Energy and Utilities and Minister for the Arts
Ms Carolyn McNally	Secretary, Department of Planning and Environment
Dr Liz Develin	Deputy Secretary, Energy, Water, Regulation and Portfolio Strategy, Department of Planning and Environment
Ms Kylie Hargreaves	Deputy Secretary, Resources and Mining, Department of Planning and Environment
Mr Kevin Young	Chief Executive Officer, Sydney Water

Dr Jim Bentley	Managing Director, Hunter Water
Mr David Harris	Chief Executive Officer, WaterNSW
Ms Lee Shearer	Chief Compliance Officer, NSW Resources Regulator, Department of Industry
Ms Alex O'Mara	Acting Deputy Secretary, Arts and Culture, Department of Planning and Environment

Planning, Housing, Special Minister of State – Friday 8 September 2017

Name	Position and Organisation
The Hon Anthony Roberts MP	Minister for Planning, Minister for Housing and Special Minister of State
Ms Carolyn McNally	Secretary, Department of Planning and Environment
Mr Simon Officer	Chief Financial and Operating Officer, Department of Planning and Environment
Mr Marcus Ray	Deputy Secretary, Planning Services, Department of Planning and Environment
Mr Brendan Nelson	Deputy Secretary, Growth, Design and Programs, Department of Planning and Environment
Ms Sarah Hill	Chief Executive Officer, Greater Sydney Commission
Mr Michael Cassel	Chief Executive Officer, Hunter Development Corporation
Mr Barry Mann	Acting Chief Executive Officer, UrbanGrowth NSW
Ms Alison Frame	Deputy Secretary, Planning Policy, Strategy and Governance, Department of Planning and Environment

Appendix 2 Minutes

Minutes no. 45

Thursday 10 August 2017

Portfolio Committee No. 6 – Planning and Environment

Members' Lounge, Parliament House, 2.12 pm

1. Members present

Mr Green, *Chair*

Mr Amato, *Deputy Chair*

Mr Buckingham

Mr Mallard

Mr Mason-Cox

Mr Primrose (substituting for Mr Wong, until 2.18 pm)

Ms Sharpe (from 2.15 pm)

Mr Wong (from 2.18 pm)

2. Apologies

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 28 July 2017 – Email from Mr Callum Fountain, Office of the Hon Anthony Roberts MP, Minister for Planning, Housing, Special Minister of State, providing the list of witnesses for Budget Estimates
- 28 July 2017 – Email from Mr David Tricca, Office of the Hon Gabrielle Upton MP, Minister for Environment, Heritage, Local Government, providing the list of witnesses for Budget Estimates
- 28 July 2017 – Email from Mr Mahmoud El-Hussein, Department of Planning and Environment, providing the list of witnesses for Budget Estimates for the Hon Don Harwin MLC, Minister for Resources, Energy and Utilities, Arts.

Sent:

- 10 July 2017 – Letter from Ms Beverly Duffy, Clerk Assistant - Committees to the Hon Don Harwin MLC, Minister for Resources, Energy and Utilities, Arts, inviting the Minister to Budget Estimates and requesting witness details
- 10 July 2017 – Letter from Ms Beverly Duffy, Clerk Assistant - Committees to the Hon Anthony Roberts MP, Minister for Planning, Housing, Special Minister of State, inviting the Minister to Budget Estimates and requesting witness details
- 10 July 2017 – Letter from Ms Beverly Duffy, Clerk Assistant - Committees to the Hon Gabrielle Upton MP, Minister for Environment, Heritage, Local Government, inviting the Minister to Budget Estimates and requesting witness details.

4. 2017-2018 – procedural resolutions

The committee noted that the Budget Estimates timetable for 2017-2018 was agreed to by the House, with the following Portfolio Committee No. 6 hearings:

Date	Time	Portfolio	Room
Friday 1 September	9.00 am – 1.00 pm	Environment, Heritage, Local Government (Upton)	Macquarie
	2.00 pm – 5.00 pm	Resources, Energy and Utilities, Arts (Harwin)	Macquarie

Friday 8 September	9.00 am – 1.00 pm	Planning, Housing, Special Minister of State (Roberts)	Macquarie
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4.1 Government questions

Resolved, on the motion of Mr Mallard: That with government members not asking questions:

- The portfolios of Environment, Heritage, Local Government be examined from 9.00 – 11.40 am
- The portfolios of Resources, Energy and Utilities, Arts be examined from 2.00 – 4.00 pm
- The portfolios of Planning, Housing, Special Minister of State be examined from 9.00 – 11.40am.

4.2 Sequence of questions

The committee noted that, under the resolution establishing the Portfolio Committees, the sequence of questions alternates between opposition, crossbench and government members, with equal time allocated to each, unless the committee decides otherwise.

4.3 Procedure for examining more than one portfolio

The committee noted its intention to examine portfolios concurrently.

4.4 Additional witness requests

The committee noted each minister's list of proposed witnesses, as per the table below.

Resolved, on the motion of Ms Sharpe: That the attendance of the following additional witness be requested at the Budget Estimates hearing for the portfolios of Environment, Heritage:

- Ms Pauline McKenzie, Executive Director, Heritage, Office of Environment and Heritage.

Resolved, on the motion of Ms Sharpe: That should Mr Stephen Beaman, Executive Director, Waste and Resource Recovery Branch, NSW Environment Protection Authority, be unavailable to attend the Budget Estimates hearing for the portfolios of Environment, Heritage, the next most senior officer from the Waste and Resource Recovery Branch be requested to attend.

The committee noted that members have until 11.00 am Friday 11 August 2017 to provide any additional witness requests.

Mr Primrose left the meeting.

Minister	Portfolio	Witness	Position and Department
Upton	Environment, Heritage, Local Government	Mr Anthony Lean	Chief Executive, Office of Environment and Heritage
		Mr Michael Wright	Executive Director, Park Programs, Office of Environment and Heritage
		Mr Barry Buffier	Chair and Chief Executive Officer, NSW Environment Protection Authority
		Mr Stephen Beaman	Executive Director, Waste and Resource Recovery Branch, NSW Environment Protection Authority
		Mr Tim Hurst	Acting Chief Executive, Office of Local Government, Department of Planning and Environment
		Mr Steve Orr	Former Executive Director, Local Government Reform, Department of Premier and Cabinet

Harwin	Resources, Energy and Utilities	Ms Carolyn McNally	Secretary, Department of Planning and Environment
		Dr Liz Develin	Deputy Secretary, Energy, Water, Regulation & Portfolio Strategy, Department of Planning and Environment
		Ms Kylie Hargreaves	Deputy Secretary, Resources & Mining, Department of Planning and Environment
		Mr Kevin Young	Chief Executive Officer, Sydney Water
		Dr Jim Bentley	Managing Director, Hunter Water
		Mr David Harris	Chief Executive Officer, Water NSW
	Arts	Ms Carolyn McNally	Secretary, Department of Planning and Environment
		Ms Alex O'Mara	Acting Deputy Secretary, Arts & Culture, Department of Planning and Environment
Roberts	Planning, Housing, Special Minister of State	Ms Carolyn McNally	Secretary, Department of Planning and Environment
		Mr Simon Officer	Chief Financial & Operating Officer, Department of Planning and Environment
		Mr Marcus Ray	Deputy Secretary, Planning Services, Department of Planning and Environment
		Mr Brendan Nelson	Deputy Secretary, Growth, Design & Programs, Department of Planning and Environment
		Ms Sarah Hill	Chief Executive Officer, Greater Sydney Commission
		Mr Michael Cassel	Chief Executive Officer, Hunter Development Corporation
		Mr Barry Mann	Acting Chief Executive Officer, UrbanGrowth NSW

5. Inquiry into 'energy from waste' technology

5.1 Extension of reporting date

The committee considered the instruction from the House to extend the terms of reference for the inquiry into 'energy from waste' technology.

Resolved, on the motion of Ms Sharpe: That the committee note the instruction from the House to extend the terms of reference for the inquiry into 'energy from waste' technology to include the following items:

- (i) the transport of all classifications of waste and recyclable materials out of New South Wales and the consequences for waste disposal, government revenue and environment programs, employment, roads and transport routes, and the environment
- (j) the prevalence and scale of illegal dumping across New South Wales and the actions of the NSW Environment Protection Authority to address it

(k) the sustainability and impacts of the current waste and landfill regime on human and environmental health, including drinking water, soil contamination, fire hazards and emissions.

Resolved, on the motion of Ms Sharpe: That the committee adopt the extended terms of reference.

5.2 Further conduct of the inquiry into ‘energy from waste’ technology

The committee noted that it will re-open submissions to the inquiry, and anticipates holding at least one more hearing later in the year. The committee still expects to report by December 2017.

5.3 Public submission

Resolved, on the motion of Ms Sharpe: That the committee publish submission no. 169, as requested by the author.

6. Adjournment

The committee adjourned at 2.28 pm, until Thursday 17 August 2017, Macquarie Room, Parliament House (public hearing for inquiry into ‘energy from waste’ technology).

Sharon Ohnesorge

Clerk to the Committee

Minutes no. 48

Friday 1 September 2017

Portfolio Committee No. 6 – Planning and Environment

Macquarie Room, Parliament House, Sydney, at 8.47 am

1. Members present

Mr Green, *Chair*

Mr Amato, *Deputy Chair*

Dr Faruqi (substituting for Mr Buckingham) (until 10.21 am)

Mr Mallard

Mr Mason-Cox

Mr Primrose (substituting for Mr Wong)

Ms Sharpe

Mr Shoebridge (participating) (from 9.36 am until 11.43 am)

Mr Pearson (participating) (from 10.27 am)

2. Draft minutes

Resolved, on the motion of Mr Mason-Cox: That draft minutes no. 45 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 17 August 2017 – Email from Mr Mahmoud El-Hussein, Department of Planning and Environment to the secretariat, advising that Ms Lee Shearer, Chief Compliance Officer, NSW Resources Regulator, NSW Department of Industry is available to attend Budget Estimates with the Minister for Resources, Energy and Utilities, Arts
- 17 August 2017 – Email from Mr Mahmoud El-Hussein, Department of Planning and Environment to the secretariat, providing an additional witness to accompany the Minister for Planning
- 18 August 2017 – Email from Mr David Tricca, Office of the Hon Gabrielle Upton MP, Minister for Environment, Local Government, Heritage, to the secretariat, advising that the additional requested witnesses are available to attend Budget Estimates and that Mr Mark Gifford, Chief

Environmental Regulator, Environment Protection Authority will be replacing Mr Stephen Beaman as a witness

Sent:

- 14 August 2017 – Email from the secretariat to Mr Mark Jones, Office of the Hon Don Harwin MLC, Minister for Resources, Energy and Utilities, Arts, requesting additional witnesses for Budget Estimates
- 14 August 2017 – Email from the secretariat to Mr Christian Dunk, Office of the Hon Gabrielle Upton MP, Minister for Environment, Local Government, Heritage, requesting additional witnesses for Budget Estimates.

4. Inquiry into Budget Estimates 2017-2018

4.1 Public hearing: Budget Estimates 2017-2018 – Environment, Heritage, Local Government

Witnesses, the public and the media were admitted.

The chair made an opening statement regarding the broadcasting of proceedings and other matters. The chair noted that members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

Minister Upton MP was admitted.

The following witnesses were sworn:

- Mr Anthony Lean, Chief Executive, Office of Environment and Heritage
- Mr Michael Wright, Executive Director, Park Programs, Office of Environment and Heritage
- Mr Barry Buffier, Chair and Chief Executive Officer, NSW Environment Protection Authority
- Mr Mark Gifford, Chief Environment Regulator, Environment Protection Authority
- Mr Tim Hurst, Acting Chief Executive, Office of Local Government, Department of Planning and Environment
- Mr Steve Orr, Former Executive Director, Local Government Reform, Department of Premier and Cabinet
- Mr Viv May, Administrator, Cumberland Council
- Mr Tim Overall, Administrator, Queanbeyan-Palerang Council
- Ms Pauline McKenzie, Executive Director, Heritage, Office of Environment and Heritage

The chair declared the proposed expenditure for the portfolios of Environment, Heritage, Local Government open for examination.

The Minister and departmental witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 11.47 am.

The public and media withdrew.

4.2 Supplementary hearings

Resolved, on the motion of Mr Amato: That the committee defer its decision on whether to hold supplementary hearings for the portfolios of Environment, Heritage, Local Government.

5. Adjournment

The committee adjourned at 11.47 am, until 1.45 pm, Friday 1 September 2017, Macquarie Room (*Resources, Energy and Utilities, Arts*).

Stephanie Galbraith
Clerk to the Committee

Minutes no. 49

Friday 1 September 2017
Portfolio Committee No. 6 – Planning and Environment
Macquarie Room, Parliament House, Sydney, at 1.45 pm

1. Members present

Mr Green, *Chair*
Mr Buckingham
Mr Franklin (substituting for Mr Amato)
Mr Mallard
Mr Mason-Cox
Mr Searle (substituting for Ms Sharpe)
Mr Wong
Mr Secord (participating)

2. Inquiry into Budget Estimates 2017-2018

2.1 Public hearing: Budget Estimates 2017-2018 – Resources, Energy and Utilities, the Arts
Witnesses, the public and the media were admitted.

The chair made an opening statement regarding the broadcasting of proceedings and other matters. The chair noted that members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

Minister Harwin MLC was admitted.

The following witnesses were sworn:

- Ms Carolyn McNally, Secretary, Department of Planning and Environment
- Dr Liz Develin, Deputy Secretary, Energy, Water, Regulation and Portfolio Strategy, Department of Planning and Environment
- Ms Kylie Hargreaves, Deputy Secretary, Resources and Mining, Department of Planning and Environment
- Ms Alex O'Mara, Acting Deputy Secretary, Arts and Culture, Department of Planning and Environment
- Mr Kevin Young, Chief Executive Officer, Sydney Water
- Dr Jim Bentley, Managing Director, Hunter Water
- Mr David Harris, Chief Executive Officer, WaterNSW
- Ms Lee Shearer, Chief Compliance Officer, NSW Resources Regulator, Department of Industry.

The chair declared the proposed expenditure for the portfolios of Resources, Energy and Utilities, the Arts open for examination.

The Minister and departmental witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.01 pm.

The public and media withdrew.

2.2 Tendered documents

Mr Searle tendered the following documents:

- Creditors report Grant Thornton, Delta SBD Limited, Delta Mining Pty Ltd, SBD Services Pty Ltd, Delta Coal Pty Ltd, 10 August 2017
- Presentation of the planning assessment commission, 11 December 2014
- Map Appendix 2 General Layout Development, NSW Government Planning and Environment
- Voluntary Announcement on progress of water, China Shenua Energy Company Ltd.

Resolved, on the motion of Mr Searle: That the committee accept and publish the following documents tendered during the Resources, Energy and Utilities, the Arts hearing held on Friday 1 September 2017:

- Creditors report Grant Thornton, Delta SBD Limited, Delta Mining Pty Ltd, SBD Services Pty Ltd, Delta Coal Pty Ltd, 10 August 2017, tendered by Mr Searle
- Presentation of the planning assessment commission, 11 December 2014, tendered by Mr Searle
- Map Appendix 2 General Layout Development, NSW Government Planning and Environment, tendered by Mr Searle
- Voluntary Announcement on progress of water, China Shenua Energy Company Ltd, tendered by Mr Searle.

2.3 Supplementary hearings

Resolved, on the motion of Mr Searle: That the committee defer its decision on whether to hold supplementary hearings for the portfolios of Resources, Energy and Utilities, the Arts.

3. Adjournment

The committee adjourned at 4.03 pm, until 8.45 am, Friday 8 September 2017, Macquarie Room (*Planning, Housing, Special Minister of State*).

Rebecca Main
Clerk to the Committee

Minutes no. 50

Friday 8 September 2017
 Portfolio Committee No. 6 – Planning and Environment
 Macquarie Room, Parliament House, Sydney, at 8.45 am

1. Members present

Mr Green, *Chair*
 Mr Graham (substituting for Mr Wong)
 Mr Khan (substituting for Mr Mallard)
 Mrs Maclaren-Jones (substituting for Mr Mason-Cox)
 Dr Phelps (substituting for Mr Amato)
 Mr Primrose (substituting for Ms Sharpe)
 Mr Shoebridge (substituting for Mr Buckingham)

2. Inquiry into Budget Estimates 2017-2018

2.1 Public hearing: Budget Estimates 2017-2018 – Planning, Housing, Special Minister of State

Witnesses, the public and the media were admitted.

The chair made an opening statement regarding the broadcasting of proceedings and other matters. The chair noted that members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

The chair also reminded Ms Carolyn McNally that she did not need to be sworn, as she had been sworn at another Budget Estimates hearing.

Minister Roberts MP was admitted.

The following witnesses were sworn:

- Mr Simon Officer, Chief Financial and Operating Officer, Department of Planning and Environment
- Mr Marcus Ray, Deputy Secretary, Planning Services, Department of Planning and Environment
- Mr Brendan Nelson, Deputy Secretary, Growth, Design and Programs, Department of Planning and Environment
- Ms Sarah Hill, Chief Executive Officer, Greater Sydney Commission
- Mr Michael Cassel, Chief Executive Officer, Hunter Development Corporation
- Mr Barry Mann, Acting Chief Executive Officer, UrbanGrowth NSW
- Ms Alison Frame, Deputy Secretary, Planning Police, Strategy and Governance, Department of Planning and Environment.

The chair declared the proposed expenditure for the portfolios of Planning, Housing, Special Minister of State open for examination.

The Minister and departmental witnesses were examined by the committee.

Minister Roberts tendered the following document:

- Map, Urban Renewal Priority Precincts, Department of Planning and Environment.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 11.40 am.

The public and media withdrew.

2.2 Tendered document

Resolved, on the motion of Mr Primrose: That the committee accept and publish the following document tendered during the Planning, Housing, Special Minister of State hearing held on Friday 8 September 2017:

- Map, Urban Renewal Priority Precincts, Department of Planning and Environment, tendered by Minister Roberts.

2.3 Supplementary hearings

Resolved, on the motion of Mr Primrose: That the committee defer its decision on whether to hold supplementary hearings for the portfolios of Planning, Housing, Special Minister of State.

3. Adjournment

The committee adjourned at 11.42 am, *sine die*.

Samuel Griffith
Clerk to the Committee

Minutes no. 51

Wednesday 11 October 2017
Portfolio Committee No. 6 – Planning and Environment
Members' Lounge, Parliament House, Sydney, at 2.16 pm

1. Members present

Mr Green, *Chair*
Mr Amato, *Deputy Chair*
Mr Mallard
Mr Mason-Cox
Ms Sharpe
Mr Wong

2. Draft minutes

Resolved on the motion of Mr Mallard: That draft minutes nos. 48, 49 and 50 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 27 September 2017 – Letter from Hon Don Harwin MLC, Minister for Resources, Utilities and Energy, the Arts, to the Chair, attaching answers to questions on notice, answers to supplementary questions and transcript corrections
- 27 September 2017 – Letter from Hon Gabrielle Upton MP, Minister for Environment, Heritage, Local Government to the secretariat, attaching answers to questions on notice and transcript corrections
- 28 September 2017 – Letter from Mr Anthony Lean, Chief Executive Officer, Office of Environment and Heritage, providing an explanation for the delay in submitting answers to supplementary questions
- 4 October 2017 – Letter from Hon Anthony Roberts MP, Minister for Planning, Housing, Special Minister of State to the Chair, attaching answers to questions on notice, answers to supplementary questions and transcript corrections.

Sent:

- 6 September 2017 – Email from secretariat to Mr Mark Jones, Minister Harwin's office, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions
- 6 September 2017 – Email from secretariat to Mr Christian Dunk, Minister Upton's office, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions
- 13 September 2017 – Email from secretariat to Mr Callum Foundation, Minister Roberts' office, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions.

4. Inquiry into Budget Estimates 2017-2018

4.1 Supplementary hearings

Mr Mallard moved: That the committee hold no further hearings to consider matters relating to the following portfolios:

- Environment, Heritage, Local Government
- Resources, Energy and Utilities, Arts
- Planning, Housing, Special Minister of State.

Question put.

The committee divided.

Ayes: Mr Amato, Mr Green, Mr Mallard, Mr Mason-Cox.

Noes: Ms Sharpe, Mr Wong.

Question resolved in the affirmative.

5. Adjournment

The committee adjourned at 2.21 pm, until Friday 20 October 2017 (Energy from waste inquiry site visit).

Sharon Ohnesorge

Clerk to the Committee

Draft minutes no. 54

Friday 24 November 2017

Portfolio Committee No. 6 – Planning and Environment

Macquarie Room, Parliament House, Sydney, at 9.00 am

1. Members present

Mr Green, *Chair*

Mr Amato, *Deputy Chair*

Dr Faruqi

Mr Graham

Mr Mallard

Ms Sharpe

2. Apologies

Mr Mason-Cox

3. Previous minutes

Resolved, on the motion of Dr Faruqi: That minutes no.s 52 and 53 be confirmed.

4. Correspondence

The Committee noted the following items of correspondence:

Received

- 24 October 2017 – Email from Mr Tony Khoury, Waste Contractors & Recyclers Association of NSW, to secretariat providing information about an incident involving a truck carrying exhumed waste
- 26 October 2017 – Email from Ms Anthea Sargeant, Department of Planning and Environment, to secretariat, requesting a two extension for answers to questions on notice
- 26 October 2017 – Correspondence entitled ‘reasons for no action’
- 27 October 2017 – Witness providing additional information regarding tendered document

- 31 October 2017 – Email from Mr Barry Buffier, NSW EPA, regarding appearance at hearing on 24 November 2017
- 1 November 2017 – Correspondence from Mr Christopher Biggs, The Next Generation, to Chair, responding to right of reply
- 6 November 2017 – Email from Mr Tony Khoury, Waste Contractors & Recyclers Association of NSW, to secretariat providing information about the NSW EPA consultation concerning proposed changes to NSW environment protection legislation introducing minimum standards for managing construction waste and other improvements to waste management practices in NSW
- 22 November 2017 – Email from Mr Andrew O’Conner, NSW Police Force, to secretariat, requesting that the police answers to questions on notice received on 22 November 2017 be kept confidential
- 23 November 2017 – Email from Mr Andrew O’Sullivan, to secretariat, advising that Mr Mason-Cox will not be attending the hearing on 24 November 2017.

Sent

- 24 October 2017 – Letter from the Chair to Mr Ian Malouf, Dial A Dump Industries, inviting a right to reply to submission no 393a
- 25 October 2017 – Letter from the Chair to Mr Ian Malouf, Dial A Dump Industries, thanking him for hosting the committee at the Genesis Xero Recycling Centre
- 30 October 2017 – Letter from the Chair to Mr Barry Buffier, NSW EPA, regarding invitation to appear at hearing on 24 November 2017, and pre-hearing questions
- 7 November 2017 – Letter from the Chair to Commissioner Michael Fuller, NSW Police Force, regarding invitation to appear in camera at hearing on 24 November 2017, and pre-hearing questions.

Resolved, on the motion of Mr Mallard: That the committee keep confidential the following correspondence:

- 24 October 2017 – Email from Mr Tony Khoury, Waste Contractors & Recyclers Association of NSW, to secretariat providing information about an incident involving a truck carrying exhumed waste
- 26 October 2017 – Correspondence entitled ‘reasons for no action’
- 27 October 2017 – Witness providing additional information regarding tendered document
- Email from Mr Andrew O’Conner, NSW Police, to secretariat, requesting that the police answers to questions on notice received on 22 November 2017 be kept confidential

5. Inquiry into ‘energy from waste’ technology

5.1 Right of reply – The Next Generation

Resolved, on the motion of Ms Sharpe: That the committee publish correspondence from Mr Christopher Biggs, The Next Generation, to Chair, except identified excerpts due to confidentiality concerns.

5.2 *In camera* transcript

Resolved, on the motion of Mr Amato: That the in camera transcript from 20 October 2017 be kept confidential.

5.3 Partially confidential submission

Resolved, on the motion of Mr Mallard: That the committee authorise the publication of submission no.182b with the exception of sensitive information identified, which is to remain confidential, as per the request of the secretariat, and agreement of the author.

5.4 Report deliberative date

Resolved, on the motion of Dr Faruqi: That the committee extend the reporting date to 2018.

5.5 Answers to questions on notice

Resolved, on the motion of Mr Amato: That the committee publish answers to questions on notice from:

- Ms Anthea Sargeant, Department of Planning and Environment, received 13 November 2017
- Mr Barry Buffier, NSW EPA, received 20 November 2017.

Resolved, on the motion of Mr Amato: That the committee keep confidential answers to questions on notice from:

- Mr Andrew O’Conner NSW Police Force, received 22 November 2017.

5.6 *In camera* hearing

The committee previously agreed to take *in camera* evidence from certain organisations.

The committee proceeded to take *in camera* evidence.

Persons present other than the committee: Ms Teresa McMichael, Ms Kate Mihaljek, Ms Monica Loftus, and Hansard reporters.

The following witness was sworn and examined:

Witness D

Resolved on the motion of Mr Graham: That Witness D be shown confidential ‘Document 2, diagram’ tendered by Witness C at the *in camera* hearing on 23 October 2017.

The evidence concluded and the witnesses withdrew.

Resolved, on the motion of Ms Sharpe: That Ms Courtney Bertram, Unit Head, Waste Strategy, NSW EPA, be allowed to attend the next *in camera* session of the hearing.

The following witness was sworn and examined:

The Chair noted that Witness E did not need to be sworn as they had already sworn an oath at an earlier hearing for this inquiry.

The following witness was sworn and examined:

Witness F

The evidence concluded and the witnesses withdrew.

5.7 Public hearing

Witnesses, the public and the media were admitted.

The following witnesses

- Mr Barry Buffier, Chief Executive and Chair, NSW Environment Protection Authority
- Mr Mark Gifford, Chief Environmental Regulator, NSW Environment Protection Authority.

Mr Buffier tendered the following documents:

- MLA Waste Tracking System.

The evidence concluded and the witnesses withdrew.

The public and the media withdrew.

5.8 Tended documents

Resolved, on the motion of Mr Mallard: That the committee accept and publish the following document tendered during by Mr Buffier during the public hearing:

- MLA Waste Tracking System.

6. Inquiry into Budget Estimates 2017-2018

6.1 Report deliberative

Resolved, on the motion of Mr Mallard: That:

The draft report be the report of the committee and that the committee present the report to the House;

The transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry be tabled in the House with the report;

Upon tabling, all unpublished transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

That the report be tabled on Wednesday 29 November 2017.

7. Inquiry into the music and arts economy in New South Wales

7.1 Terms of reference

The committee to note the following terms of reference referred by the House on 23 November 2017:

That Portfolio Committee No. 6 - Planning and Environment inquire into and report on the music and arts economy in New South Wales, including regional New South Wales, and in particular:

- (a) progress on the implementation of the Government response to the New South Wales Night-Time Economy Roundtable Action Plan,
- (b) policies that could support a diverse and vibrant music and arts culture across New South Wales,
- (c) policies that could support the establishment and sustainability of permanent and temporary venue spaces for music and for the arts,
- (d) policy and legislation in other jurisdictions, and options for New South Wales including red tape reduction and funding options, and
- (e) any other related matter.

7.2 Closing date for submissions

Resolved, on the motion of Ms Sharpe: That the closing date for submissions be 28 February 2018.

7.3 Stakeholder list

Resolved, on the motion of Ms Sharpe: That the secretariat circulate to members the Chair's proposed list of stakeholders to provide them with the opportunity to amend the list or nominate additional stakeholders, and that the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

7.4 Advertising

The committee noted that it is standard practice is to advertise all inquiries via twitter, stakeholder letters and a media release distributed to all media outlets in New South Wales.

It is no longer standard practice to advertise in the print media.

Resolved, on the motion of Mr Mallard: That the inquiry be advertised on a live music website.

7.5 Hearing dates

Resolved, on the motion of Ms Sharpe: That hearing dates be determined by the Chair after consultation with members regarding their availability.

8. Adjournment

The committee adjourned at 12.12 pm, *sine die*

Kate Mihaljek
Committee Clerk

