



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 7

Budget Estimates 2019-2020



Report 2

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7

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Portfolio Committee No. 7 - Planning and Environment

Budget Estimates 2019-2020

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Terms of reference

1. That on tabling, the Budget Estimates and related papers for the financial year 2019 – 2020 presenting the amounts to be appropriated from the Consolidated Fund be referred to the Portfolio Committees for inquiry and report.
2. That for the purposes of the Budget Estimates inquiry 2019 – 2020:
 - (a) initial hearings be scheduled over 12 days from 29 to 30 August, 2 to 6 September and 9 to 13 September 2019, with the examination of portfolios on those days to be specified by further resolution of the House,
 - (b) supplementary hearings be scheduled over five days from 28 October to 1 November 2019, or on such other dates as required, with the examination of portfolios on those days to be determined by resolution of each committee,¹
 - (c) further hearings be scheduled over 12 days from 2 to 17 March 2020, with the examination of portfolios on those days to be specified by further resolution of the House and the time for giving of evidence by ministers, parliamentary secretaries and officers to be determined by resolution of each committee,²
 - (d) each scheduled day for the initial and further rounds³ of hearings will begin at 9.30 am and conclude by 8.30 pm,⁴
 - (e) the committees must hear evidence in public,
 - (f) the committees may ask for explanations from ministers, parliamentary secretaries or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure,
 - (g) witnesses, including ministers, may not make an opening statement before the committee commences questions,
 - (h) members may lodge supplementary questions with the committee clerk by 5.00 pm within two days, excluding Saturday and Sunday, following a hearing,
 - (i) answers to questions on notice and supplementary questions are to be published, except those answers for which confidentiality is requested, after they have been circulated to committee members, and
 - (j) committees are to present a final report to the House by 30 June 2020.

¹ *Minutes*, NSW Legislative Council, 16 October 2019, p 520.

² *Minutes*, NSW Legislative Council, 20 November 2019, p 729.

³ *Minutes*, NSW Legislative Council, 16 October 2019, p 520.

⁴ *Minutes*, NSW Legislative Council, 20 November 2019, p 729.

3. That this House resolve to adopt a revised schedule for future budget estimates inquiries similar to the Senate estimates process comprised of:
- (a) an initial round of estimates hearings over 12 days on the tabling of the Budget Estimates and related papers,
 - (b) supplementary hearings scheduled over five days in October or November of that year, and
 - (c) further hearings scheduled over 12 days in February or March of the following year.

The terms of reference were referred to the committee by the House on 8 May 2019, and amended on 16 October 2019 and 20 November 2019.⁵

⁵ *Minutes*, NSW Legislative Council, 8 May 2019, pp 117-119; 16 October 2019, p 520; 20 November 2019, p 729.

Committee details

Committee members

Ms Cate Faehrmann MLC	The Greens	<i>Chair</i>
The Hon Mark Pearson MLC	Animal Justice Party	<i>Deputy Chair</i>
The Hon Mark Buttigieg MLC	Australian Labor Party	
The Hon Catherine Cusack MLC	Liberal Party	
The Hon Ben Franklin MLC	The Nationals	
The Hon Shayne Mallard MLC	Liberal Party	
The Hon Penny Sharpe MLC	Australian Labor Party	

Non-substantive members who attended the hearings

The Hon Lou Amato MLC	Liberal Party
The Hon Niall Blair MLC	The Nationals
Mr Justin Field MLC	Independent
The Hon John Graham MLC	Australian Labor Party
The Hon Emma Hurst MLC	Animal Justice Party
The Hon Mark Latham MLC	Pauline Hanson's One Nation
The Hon Taylor Martin MLC	Liberal Party
The Hon Peter Primrose MLC	Australian Labor Party
The Hon Adam Searle MLC	Australian Labor Party
Mr David Shoebridge MLC	The Greens

Contact details

Website	www.parliament.nsw.gov.au/budgetestimates
Email	Budget.Estimates@parliament.nsw.gov.au
Telephone	(02) 9230 2303

Chair's foreword

I am pleased to present this report on the Inquiry into Budget Estimates 2019-2020. 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.

Portfolio Committee No. 7 – Planning and Environment is responsible for the scrutiny of the following portfolio areas:

- Local Government
- Energy and Environment
- Planning and Public Spaces

The key evidence gathering mechanism of this Inquiry is through the conduct of public hearings. This report lists the key issues raised during the hearings. Transcripts, tabled documents and additional answers provided after the hearings are published on the [Inquiry's webpage](#).

This report also includes a short discussion in relation to an order for the production of papers in relation to the Liddell Taskforce made by the committee during the course of the inquiry. The committee was disappointed that the order was not complied with.

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.



Ms Cate Faehrmann MLC
Chair

Chapter 1 Introduction

The Inquiry into Budget Estimates is one of the key mechanisms for parliamentary committees to scrutinise government expenditure, performance and effectiveness. It holds ministers and government officials to account and provides a greater level of transparency to the public.

The Inquiry is conducted annually by the Legislative Council's Portfolio Committees. Each committee examines the budget estimates of its responsible portfolios, with ministers and senior public servants as the primary witnesses. The evidence taking process of the Inquiry consists of answers provided during public hearings and answers to post-hearing written questions (known as supplementary questions). There is no provision for written submissions.

Referral of the Budget Estimates 2019-2020

- 1.1 The Inquiry into Budget Estimates 2019-2020 ('the Inquiry') was referred to the portfolio committees on 8 May 2019 by the Legislative Council.⁶ The budget estimates resolution establishing the Inquiry and that sets out the rules for the Inquiry is reproduced on page iv and v.
- 1.2 The budget estimates resolution this year had significant procedural changes compared to previous years. The amount of time for questioning for each portfolio area was significantly increased, and the duration of the whole inquiry across all the portfolio committees was 12 days, compared to previous years of five. The variations to the conduct of the Inquiry are outlined below.

Total hearing time for questioning

- 1.3 The resolution authorised the committees to conduct three rounds of hearings: initial, supplementary and further hearings, from 9.30 am to 8.30 pm, to examine all portfolios for each minister.
- 1.4 The total amount of time available for scrutiny was nearly tripled compared to previous estimates inquiries. In the past, only two rounds of hearings (initial and supplementary) were conducted and portfolios under the same minister were examined for under four hours duration. That meant that Ministers and senior public servants could generally face a maximum of eight hours of questioning over two budget estimates hearings. In contrast, under the new resolution Ministers and senior public servants could face potentially up to 33 hours of questioning over three different hearings.
- 1.5 On 16 October 2019, the House amended the resolution to require only initial and further rounds of the hearings to begin at 9.30 am and conclude by 8.30 pm. The committees were therefore able to determine when and how much time was required for supplementary hearings, if any.⁷

⁶ *Minutes*, NSW Legislative Council, 8 May 2019, pp 117-119.

⁷ *Minutes*, NSW Legislative Council, 16 October 2019, p 520.

Witnesses

- 1.6 The resolution required ministers, parliamentary secretaries or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure, to appear in the morning session, and only officers giving further evidence during the afternoon session.⁸ It is noted that parliamentary secretaries were not required to give evidence to earlier estimates inquiries.
- 1.7 On 20 November 2019, the resolution was further amended so that, for the further hearings, each committee could determine who (ministers, parliamentary secretaries, public servants, or representatives from statutory bodies) they wanted to call and for how long they were to appear within the parameters of 9.30am to 8.30pm.⁹

Number of hearings

- 1.8 The Budget Estimates resolution, as amended, stipulated that the initial hearings be held between 29 August and 13 September 2019, supplementary hearings from 28 October to 1 November 2019, and further hearings from 2 to 17 March 2019.¹⁰

Hearings

- 1.9 The committee held 9 public hearings as follows:
- Monday 2 September 2019 – Local Government
 - Wednesday 11 September 2019 – Planning and Public Spaces
 - Friday 13 September 2019 – Energy and Environment
 - Thursday 31 October 2019 – Planning and Public Spaces (supplementary hearing)
 - Thursday 31 October 2019 – Local Government (supplementary hearing)
 - Thursday 31 October 2019 – Energy and Environment (supplementary hearing)
 - Wednesday 4 March 2020 – Local Government (further hearing)
 - Friday 6 March 2020 – Energy and Environment (further hearing)
 - Friday 13 March 2020 – Planning and Public Spaces (further hearing).

Transcripts, questions on notice and supplementary questions

- 1.10 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.

⁸ *Minutes*, NSW Legislative Council, 8 May 2019, pp 117-119.

⁹ *Minutes*, NSW Legislative Council, 20 November 2019, pp 117-119.

¹⁰ *Minutes*, NSW Legislative Council, 20 November 2019, pp 117-119.

Order for the production of papers relating to the Liddell Taskforce

1.11 During the course of the Inquiry, the committee made several requests to the Minister for Energy and Environment, the Hon Matt Kean MP, to produce documents relating to the Liddell Taskforce. The Minister refused these requests, leading the committee to order the documents under standing order 208, which ultimately was not complied with. This section of the report provides an insight into the mechanism used by committees to request State papers and the background to this request made by the committee.

Committee's power to order for the production of state papers

1.12 The Legislative Council has the inherent power under the common law principle of necessity to order the production of State papers. The existence of this power was affirmed by the courts in the *Egan* decisions of the late 1990s.¹¹

1.13 Committees, appointed by and an extension of the House, also have the delegated power to order the production of State papers. In 2018, as part of its Inquiry into Budget Estimates 2018-2019, the Legislative Council's Portfolio Committee No. 4 – Legal Affairs was provided with an advice of the Solicitor General affirming that a parliamentary committee has the power to order the production of State papers. In the advice, the Solicitor General stated:

...that it is more likely than not, in my view, that, if this question of the powers of a parliamentary Committee were to be the subject of a decision of a court, a finding would be made that a Committee of the NSW Parliament has the power to call for a witness to attend and give evidence, including by the production of a document, subject to claims of privilege, such as public interest immunity and legal professional privilege, that may be made by a witness.¹²

1.14 In the Legislative Council, the powers of a committee to order the production of State papers is regulated by standing order 208(c), which provides:

208 Powers

A committee has power:

...

(c) to send for and examine persons, papers, records and things,¹³

1.15 On 8 May 2019, at the commencement of the 57th Parliament, the Legislative Council adopted a sessional order establishing procedures for committees to order the production of State papers under standing order 208(c). Under this framework:

¹¹ See the decision of the New South Wales Court of Appeal in *Egan v Willis and Cabill* (1996) 40 NSWLR 650, the decision of the High Court in *Egan v Willis* (1998) 195 CLR 424 and the decision of the New South Wales Court of Appeal in *Egan v Chadwick* (1999) 46 NSWLR 563.

¹² Solicitor General, 'Question of powers of Legislative Council Committees to call for production of documents from witnesses' (redacted), 2018, p 2. See Portfolio Committee No. 4 – Legal Affairs, *Budget Estimates 2018-2019*, Report No. 39, February 2019, Appendix 3, Item 6.

¹³ Standing Order 208(c).

- The terms of the order must specify the inquiry to which the order relates and the date by which the documents are to be returned.
- The order is to be communicated by the Clerk of the Parliaments to the Director General of the Department of Premier and Cabinet. (The department coordinates returns to order on behalf of the government).
- A summary of the terms of the order is to be reported to the House by the President on the next sitting day.
- The return to order is to be lodged with the Clerk and made available to all members of the House.
- The return is to include an indexed list of all documents returned, providing the date of creation of the document, the author of the document and a description of the document.
- Privilege may be claimed over a document or documents in a return, in which case a separate index is to be prepared with reasons for the claim of privilege.
- A member of the committee may, by communication in writing to the Clerk, dispute the validity of a claim of privilege. On receipt of such communication, the Clerk is authorised to release the document or documents to an Independent Legal Arbiter for evaluation and report as to the validity of the claim.
- On completion, the report of the Independent Legal Arbiter is to be made available to members of the committee only. It may be published by order of the committee.
- The committee may authorise the publication of any document or documents received, subject to any process for evaluation of claims of privilege as outlined above.

1.16 These arrangements for the production of State papers to committees closely mirror the arrangements for the production of State papers to the House under standing order 52.

The order for papers relating to the Liddell Power Station

1.17 During the further hearing into the Energy and Environment portfolio on 6 March 2020, members of the committee raised concerns about public accessibility to a report relating to the Liddell Taskforce (the Taskforce). Members requested the Minister for Energy and Environment, the Hon Matt Kean MP, to provide a copy of the report (in either finalised or draft form). The Minister declined the request claiming that the report will be published in due course by the Taskforce.

1.18 The Liddell Taskforce was set up jointly by the Commonwealth and New South Wales Governments to assess the viability and reliability of the Liddell Power Station. Minister Kean informed the committee that the Taskforce's final report will assist the government in determining the future of the power station, the result of which will have associated impacts on the affordability and reliability of electricity supply and household bills in New South Wales, and the safety of workers at the power station.¹⁴

¹⁴ Evidence, Hon Matt Kean MP, Minister for Energy and Environment, 6 March 2020, p 20.

- 1.19** After Minister Kean's appearance at the hearing held on 6 March 2020, the Committee wrote to the Minister on two separate occasions, on 10 and 16 March 2020, to request a copy of the draft of the Liddell Taskforce report and advice provided to the Liddell Taskforce by the Australian Energy Market Operator.¹⁵
- 1.20** In the first instance, Minister Kean declined the request, noting that all related documents will be made public once the Government receives the final report of the Taskforce.¹⁶ In the second instance, Minister Kean sought the committee's assurance that if he was to produce the requested documents, the committee would afford the same level of protection to them as that afforded to documents produced under standing order 52.¹⁷ In response, the committee determined that the most appropriate way to satisfy the Minister's request was to make an order for the production of the documents under standing order 208. Pursuant to the sessional order adopted by the House on 8 May 2019, correspondence was subsequently sent to the Secretary of the Department of Premier and Cabinet to this effect.
- 1.21** On 1 April 2020, Mr Tim Reardon, Secretary of the Department of Premier and Cabinet, wrote to the Clerk, declining to produce the documents, citing commercial sensitivities. In the correspondence, Mr Reardon also questioned the committee's power to order the production of documents but indicated that the Department would comply with an order made by the House under standing order 52.¹⁸ A copy of this correspondence is at Appendix 1. On 24 March 2020, Mr Justin Field MLC gave a notice of motion in the House for an order for the production of documents relating to the Liddell Taskforce.
- 1.22** The committee expresses its strong dissatisfaction at the response of Mr Reardon in this matter, and asserts its view, as previously expressed by the Solicitor General, that committees of the Legislative Council have the power to order the production of State papers. Although the committee did not pursue this matter on this occasion – Mr Field instead pursuing the matter through the House – should such a matter arise again, the committee retains the right to report the matter to the House by way of special report to enable the House to take further action.

¹⁵ *Minutes*, Legislative Council Portfolio Committee No. 7 – Planning and Environment, 6 March 2020, p 3.

¹⁶ Correspondence, from the Hon Matt Kean MP, Minister for Energy and Environment to Ms Cate Faehrmann MLC, Chair, Legislative Council Portfolio Committee No. 7, received 10 March 2020.

¹⁷ Correspondence, from the Hon Matt Kean MP, Minister for Energy and Environment to Ms Cate Faehrmann MLC, Chair, Legislative Council Portfolio Committee No. 7, received 16 March 2020.

¹⁸ Correspondence, from Mr Tim Reardon, Secretary, Department of Premier and Cabinet to Mr David Blunt, Clerk of the Parliaments, Legislative Council, received 1 April 2020.

Chapter 2 Issues raised during hearings

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

Energy and Environment

2.1 A hearing examining the portfolio of Energy and Environment was held on Friday 13 September 2019. The following issues were raised during the committee's examination of this portfolio:

- Job cuts at Essential Energy
- Climate Change Fund spending and pollution reduction targets
- Koala habitats
- Murray Valley National Park
- Wild horse management in Kosciusko National Park
- Land clearing investigations and prosecutions for illegal land clearing
- Ban on plastic bags
- Natural Resources Commission and its reviews of water sharing plans
- Liddell Power Station
- Replacement of the Smart Energy scheme with the Empowering Homes scheme
- Operation of the kangaroo meat industry
- Environmental Protection Authority review of the licensing procedure for hazardous chemicals.

2.2 A supplementary hearing examining the portfolio of Energy and Environment was held on Thursday 31 October 2019. The following issues were raised during the committee's examination of this portfolio:

- The New South Wales transmission strategy and the recently announced Queensland-NSW interconnector
- The Government's climate change emissions strategy to deliver net zero emissions by 2050, including approaches for different sectors
- Resources, staffing and independence of the Environmental Protection Authority
- Strategies for managing fires in national parks and preservation of high value natural assets, including rainforests
- The Government's undertakings to preserve regional jobs at Essential Energy
- The Government's koala habitats mapping
- Enclosures in national parks for the re-introduction or re-building of threatened native species

- Land contamination at various airports
- Snowy Hydro 2.0 proposal, including lease fees, interconnector infrastructure and financial viability
- Allocation of money from the EPA Waste Levy
- Wild horse management in the Kosciusko National Park
- Development of a plastics management policy.

2.3 A further hearing examining the portfolio of Energy and Environment was held on Friday 6 March 2020. The following issues were raised during the committee's examination of this portfolio:

- Ausgrid staffing levels, including employment guarantees monitored by IPART
- Quantities of national park/state forest/ private land lost during bushfires
- Success of aerial food drops in burnt areas
- Staffing at National Parks and Wildlife Service, including efficiency dividend and staff lost
- Liddell Taskforce, especially draft report
- Batemans Marine Park, including recent grant of access to recreational fishers
- PC4 report on the implementation of the recommendations contained in the NSW Chief Scientist's Independent Review of Coal Seam Gas Activities in New South Wales
- Salvage logging of burnt areas and effect on koala populations
- Government policy on Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019
- Grant of licence to harm to Albury Golf Club, permitting destruction of corellas and wood ducks
- Lendlease development at Figtree Hill
- NSW Bushfire Recovery Plan
- Staffing of Rural Fire Service, including numbers and whether it should remain voluntary
- Effectiveness of preparation for bushfire season, including hazard reduction
- Impact of efficiency dividend savings across the department
- Closure of the Liddell Power Station
- Implementation of recommendations regarding coal seam gas by the Chief Scientist and Legislative Council Portfolio Committee No. 4 – Industry
- Treatment of injured wildlife after the bushfire season
- Role of the Minister in providing concurrence for Water Resource Plans
- Plans to clean-up hazardous waste following the bushfire season
- Impact of animal agriculture on climate change.

Local Government

2.4 A hearing examining the portfolio of Local Government was held on Monday 2 September 2019. The following issues were raised during the committee's examination of this portfolio:

- Forced local council mergers in the previous Parliament and the Government's policy of ruling out any further amendments in this Parliament
- The status of the Office of Local Government in Nowra, including staffing level and functions
- Climate emergency declarations by local councils and assistance to local councils to reduce carbon emissions
- Complaints of alleged animal cruelty in companion animal breeding facilities and the power of local government rangers to investigate such matters
- Pet registration, de-sexing, rehoming and adoption practices of animals in local councils
- Independent pricing and regulatory tribunal (IPART) report's recommendations for local government election costs
- Organisational structure of the Office of Local Government, including roles, responsibility and measurement of the performance
- Statistics on animals killed in council pounds
- Number of the Government Information (Public Access) Act (GIPAA) requests
- Impact of efficiency dividends on staffing
- Financial review of amalgamated councils.

2.5 A supplementary hearing examining the portfolio of Local Government was held on Thursday 31 October 2019. The following issues were raised during the committee's examination of this portfolio:

- Stockton beach as a significant open coastal location
- IPART report recommendations relating to costs of local government elections
- Audit of Snowy Valley Council accounts
- Superannuation as a barrier to election of women as Councillors
- Administration of Central Darling Shire, Singleton and Hilltops councils.

2.6 A further hearing examining the portfolio of Local Government was held on Wednesday 4 March 2020. The following issues were raised during the committee's examination of this portfolio:

- Coastal erosion at Stockton Beach
- Ban on property developers and real estate agents sitting on local councils
- Council rating review
- Rate subsidy in bushfire affected local government areas

- Impact of the closure of Liverpool Animal Shelter
- Bushfire Affected Coastal Waterways grants program
- Opening of entrance to Lake Conjola
- Impact of the bushfires on local government areas
- The management of coastal erosion at Stockton Beach
- Implementation of disability inclusion action plans within local government
- Current demerger processes, the work of the Boundaries Commission, and the need for demerger provisions to be included in the *Local Government Act 1993*
- Dog attack data and the legislative framework for first preventing and then penalising dog attacks
- Whether property developers should be allowed to serve in local government
- Processes for dealing with potential criminal acts, as defined in the *Local Government Act 1993*, and making reports to the police.

Planning and Public Spaces

2.7 A hearing examining the portfolio of Planning and Public Spaces was held on Wednesday 11 September 2019. The following issues were raised during the committee's examination of this portfolio:

- Menangle Park development - special infrastructure contributions
- Greater Macarthur draft special infrastructure contributions rates
- Tallawong development
- Darling River Meats abattoir, Bourke
- State Environmental Planning Policy 44 – Koala Habitat Protection, the Koala Strategy and protection of the koala habitat in Campbelltown and other areas
- Review of UrbanGrowth and Landcom
- Kaldas review of planning process
- Independent Expert Panel on Mining in the Catchment
- Rushcutters Bay Park green corridor
- Tree Preservation Orders
- Planning controls in Ultimo
- Recruitment into the CEO role in Landcom and allegations of workplace bullying in Landcom
- Progress of initiatives to improve access to quality public spaces

- Protection of old growth trees in the proposed housing subdivision at Castle Hill and adjacent to the Cumberland State Forest
- Planning measures to mitigate sea level rise
- Measures to prevent windfall gains arising from planning decisions
- Gender pay gap in the planning cluster
- Targets for return of funds to Treasury via land sales.

2.8 A supplementary hearing examining the portfolio of Planning and Public Spaces was held on Thursday 31 October 2019. The following issues were raised during the committee's examination of this portfolio:

- Landcom Chair
- Pymont Review
- Independent Assessment Panel Review
- Campbell's Cove leases
- Koalas
- New housing developments – Wilton.

2.9 A further hearing examining the portfolio of Planning and Public Spaces was held on Friday 13 March 2020. The following issues were raised during the committee's examination of this portfolio:

- Plans for the protection of koala habitat after the bushfires
- Biodiversity status report commissioned for the Gilead region
- Land to be protected under the Aerotropolis plan
- Protection or development plans for the Riverstone Wetlands in Marsden Park
- Current status of the Environmental Planning and Assessment (Territorial Limits) Bill
- Housing development plans in Manyana
- Status and implementation of the Medium Density Housing Code
- Chief Scientist's report and parliamentary committee recommendations on coal seam gas activities in NSW
- Global perception of Australia's action on climate change following the bushfires
- Yarra Bay Cruise Terminal proposal
- Projections for Housing growth in Camden
- Implementation of the E-planning system platform
- Progress on the development of precincts, including council-led precincts

- Findings and recommendations of the independent expert panel report on specific coal mining activities at the Metropolitan and Dendrobium coal mines in the Greater Sydney Water Catchment Special Areas
- Progress on SEPP 70 affordable housing contribution schemes
- Progress in respect of the 5 million trees target for the Greater Sydney Area by 2030 and other measures to address the urban heat island effect
- Waste to energy proposals
- Net profit reduction and other financial indicators for Landcom, as reflected in its Annual Report
- Efficiency dividends – how they have been achieved in Planning and Public Spaces and how they are reflected in the forward estimates
- Provision for independent assessment of Boral's application to modify the Dunmore sandmining quarry near the Minnamurra River.

Appendix 1 Correspondence from Mr Tim Reardon responding to the committee's order for papers relating to the Liddell Taskforce



Ref: A3513369

Mr David Blunt
Clerk of the Parliaments
Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Blunt

Liddell Taskforce report and related papers

I refer to the resolution of the Portfolio Committee No. 7 – Planning and Environment made on 19 March 2020 as part of its inquiry into Budget Estimates 2019-2020, and your correspondence of that date, concerning the Liddell Taskforce report and related papers.

I am advised that the documents contain information some of which is inappropriate to be provided voluntarily as disclosure of this information would prejudice the commercial interests of third parties and/or the State and is subject to privilege. For example, I am advised that the documents contain significant internal financial information of corporate entities and information which may impact the position of corporate entities in the markets in which they operate.

While the High Court has held that the Legislative Council has the power to compel the Executive Government to produce State papers, it is arguable that it is not 'necessary' to give such a power to a Committee. The extent of this power is therefore uncertain and may be challenged where necessary.

Given this uncertainty, it would only be appropriate for these documents to be provided pursuant to a formal order made by the Legislative Council under Standing Order 52. I note that on 24 March 2020, Mr Justin Field, MLC gave notice of a motion under Standing Order 52 for the production of the Liddell Taskforce report and related papers.

Should you require any clarification or further assistance, please contact Ms Kate Boyd, General Counsel, on telephone

Yours sincerely

Tim Reardon
Secretary

1 April 2020

52 Martin Place, Sydney NSW 2000 ■ GPO Box 5341, SYDNEY NSW 2001
Tel: (02) 9228 5555 ■ www.dpc.nsw.gov.au

Appendix 2 Witnesses at hearings

Local Government – Monday 2 September 2019

Name	Position and Organisation
The Hon Shelley Hancock MP	Minister for Local Government
Mr Jim Betts	Secretary, Department of Planning, Industry and Environment
Mr Tim Hurst	Deputy Secretary, Local Government, Planning and Policy, Department of Planning, Industry and Environment
Ms Jane Gibbs	Director, Planning and Risk, Department of Planning, Industry and Environment
Mr James Hay	Deputy Secretary, Energy, Climate Change and Sustainability, Department of Planning, Industry and Environment

Planning and Public Spaces – Wednesday 11 September 2019

Name	Position and Organisation
The Hon Rob Stokes MP	Minister for Planning and Public Spaces
Mr Jim Betts	Secretary, Department of Planning, Industry and Environment
Mr Marcus Ray	Group Deputy Secretary, Planning and Assessment, Department of Planning, Industry and Environment
Ms Alison Frame	Group Deputy Secretary, Housing and Property, Department of Planning, Industry and Environment
Ms Alex O'Mara	Group Deputy Secretary, Place, Design and Public Spaces, Department of Planning, Industry and Environment
Mr Shaun Smith	Deputy Secretary, Corporate Services, Department of Planning, Industry and Environment
Mr John Brogden	Chief Executive Officer, Landcom
Ms Suzanne Jones	Chair, Landcom
Professor Hugh Durrant-Whyte	NSW Chief Scientist and Engineer

Energy and Environment – Friday 13 September 2019

Name	Position and Organisation
The Hon Matt Kean MP	Minister for Energy and Environment
The Hon Ben Franklin MLC	Parliamentary Secretary for Energy and the Arts
Mr James Griffin MP	Parliamentary Secretary for the Environment and Veterans
Ms Anissa Levy	Coordinator-General, Environment, Energy and Science, Department of Planning, Industry and Environment
Mr Mark Gifford	A/Chief Executive Officer, Environmental Protection Authority, Department of Planning, Industry and Environment
Ms Michelle Dumazel	Executive Director, Policy Division, Department of Planning, Industry and Environment
Mr Shaun Smith	A/Deputy Secretary, Corporate Services, Department of Planning, Industry and Environment
Professor Hugh Durrant-Whyte	NSW Chief Scientist and Engineer
Dr Atticus Fleming	A/Deputy Secretary, National Parks and Wildlife Service, Department of Planning, Industry and Environment
Dr John Keniry AM	Commissioner, Natural Resources Commission
Mr Bryce Wilde	Executive Director, Natural Resources Commission
Ms Naomi Stephens	A/Executive Director, Park Operations, National Parks and Wildlife Service, Department of Planning, Industry and Environment
Mr Robert Quirk	Executive Director, Park Programs, National Parks and Wildlife Service, Department of Planning, Industry and Environment
Mr Alan Goodwin	A/Chief Executive Officer, Biodiversity Conservation Trust, Department of Planning, Industry and Environment
Ms Sharon Molloy	A/Executive Director, Biodiversity and Conservation, Department of Planning, Industry and Environment
Mr Mick Pettitt	Director, Southern Ranges, National Parks and Wildlife Service, Department of Planning, Industry and Environment

Mr David Fowler	A/Chief Environmental Regulator, NSW Environment Protection Authority, Department of Planning, Industry and Environment
Mr Stephen Beaman	Executive Director, Hazardous Incidents and Environmental Health, NSW Environment Protection Authority, Department of Planning, Industry and Environment
Ms Carmen Dwyer	A/Executive Director, Waste Operations and Programs, NSW Environment Protection Authority, Department of Planning, Industry and Environment
Dr Kar Mei Tang	A/Executive Director Waste Strategy and Policy, NSW Environment Protection Authority, Department of Planning, Industry and Environment
Mr James Hay	A/Deputy Secretary, Energy, Climate Change and Sustainability, Department of Planning, Industry and Environment
Mr John Cleland	Chief Executive Officer, Essential Energy
Dr Kate Wilson	Executive Director, Climate Change and Sustainability, Department of Planning, Industry and Environment

Planning and Public Spaces – Thursday 31 October 2019 (supplementary hearing)

Name	Position and Organisation
The Hon Rob Stokes MP	Minister for Planning and Public Spaces
Mr Jim Betts	Secretary, Department of Planning, Industry and Environment
Ms Alison Frame	Group Deputy Secretary, Housing and Property, Department of Planning, Industry and Environment
Mr Marcus Ray	Group Deputy Secretary, Planning and Assessment, Department of Planning, Industry and Environment
Professor Mary O'Kane	Chair, Independent Planning Commission of New South Wales
Mr John Brogden	Chief Executive Officer, Landcom
Ms Suzanne Jones	Chair, Landcom

Dr Kar Mei Tang	A/Executive Director, Waste Policy and Strategy, Environment, Energy and Science Group, NSW Environment Protection Authority, Department of Planning, Industry and Environment
Mr Atticus Fleming	Deputy Secretary, National Parks and Wildlife Service, Department of Planning, Industry and Environment
Ms Naomi Stephens	A/Executive Director, Park Operations, National Parks and Wildlife Service, Department of Planning, Industry and Environment
Mr Robert Quirk	Executive Director, Park Programs, National Parks and Wildlife Service, Department of Planning, Industry and Environment
Mr Mick Pettitt	Director, Southern Ranges, National Parks and Wildlife Service, Department of Planning, Industry and Environment
Mr James Hay	Deputy Secretary, Energy, Climate Change and Sustainability, Department of Planning, Industry and Environment
Dr Kate Wilson	Executive Director, Climate Change and Sustainability, Department of Planning, Industry and Environment
Ms Sharon Molloy	A/Executive Director, Biodiversity and Conservation, Department of Planning, Industry and Environment
Ms Michelle Dumazel	Executive Director, Policy, Strategy & Science, Department of Planning, Industry and Environment

Local Government – Wednesday 4 March 2020 (further hearing)

Name	Position and Organisation
The Hon Shelly Hancock MP	Minister for Local Government
Mr Tim Hurst	Deputy Secretary, Local Government, Planning and Policy, Department of Planning, Industry and Environment
Ms Jane Gibbs	Director, Planning and Risk, Department of Planning, Industry and Environment.

Energy and Environment – Friday 6 March 2020 (further hearing)

Name	Position and Organisation
The Hon Matt Kean MP	Minister for Energy and Environment
Mr James Griffin MP	Parliamentary Secretary for the Environment and Veterans
Mr Jim Betts	Secretary, Department of Planning, Industry and Environment
Ms Tracy Mackey	Coordinator-General, Environment, Energy and Science, Department of Planning, Industry and Environment
Mr James Hay	Deputy Secretary, Energy , Climate Change and Sustainability, Department of Planning, Industry and Environment
Dr Kate Wilson	Executive Director, Climate Change and Sustainability, Department of Planning, Industry and Environment
Dr Atticus Fleming	Deputy Secretary, National Parks and Wildlife Service, Department of Planning, Industry and Environment
Ms Naomi Stephens	A/Executive Director, Park Operations, National Parks and Wildlife Service, Department of Planning, Industry and Environment
Mr Robert Quirk	Executive Director, Park Programs, National Park and Wildlife Service, Department of Planning, Industry and Environment
Ms Sharon Molloy	Executive Director, Biodiversity and Conservation, Department of Planning, Industry and Environment
Ms Carmen Dwyer	A/Executive Director, Regulatory Operations Regional, NSW Environment Protection Authority
Mr Stephen Beaman	Executive Director, Bushfire Operations and Recovery, Department of Planning, Industry and Environment
Mr Andrew Lewis	Executive Director, Energy Strategy, Department of Planning, Industry and Environment
Mr Richard Bean	A/Chief Executive Officer, NSW Environment Protection Authority
Mr Paul Elton	Chief Executive Officer, Biodiversity Conservation Trust, Department of Planning, Industry and Environment

Mr David Fowler	A/Executive Director, Regulatory Operations Metro, NSW Environment Protection Authority
Mr Sanjay Sridher	Executive Director, Circular Economy, Department of Planning, Industry and Environment
Ms Melanie Hawyes	Deputy Secretary, Policy, Strategy and Science, Department of Planning, Industry and Environment
Mr Justin Hillier	Chief Financial Officer, Essential Energy
Mr Luke Jenner	General Manager, Customer and Network Services, Essential Energy

Planning and Public Spaces – Friday 13 March 2020 (further hearing)

Name	Position and Organisation
The Hon Rob Stokes MP	Minister for Planning and Public Spaces
Mr Jim Betts	Secretary, Department of Planning, Industry and Environment
Mr Marcus Ray	Group Deputy Secretary, Planning and Assessment, Department of Planning, Industry and Environment
Mr John Brogden	Chief Executive Officer, Landcom
Ms Alex O'Mara	Group Deputy Secretary, Place, Design and Public Spaces, Department of Planning, Industry and Environment
Mr Shaun Smith	Chief Financial Officer, Department of Planning, Industry and Environment
Ms Sarah Hill	Deputy Secretary, Strategic Directions and Integration, Department of Planning, Industry and Environment
Mr Brett Whitworth	Deputy Secretary, Greater Sydney, Place and Infrastructure, Department of Planning, Industry and Environment
Mr Peter Duncan	Acting Chair, Independent Planning Commission

Appendix 3 Minutes

Minutes no. 2

Tuesday 18 June 2019

Portfolio Committee No. 7 – Planning and Environment

Room 1254, Parliament House, Sydney, at 1.15 pm

1. Members present

Ms Faehrmann, *Chair*
 Mr Pearson, *Deputy Chair*
 Mr Buttigieg
 Ms Cusack
 Mr Franklin
 Mr Mallard
 Ms Sharpe

2. Draft minutes

Resolved, on the motion of Mr Pearson: That draft minutes no. 1 be confirmed.

3. Inquiry into Budget Estimates 2019-2020 – procedural resolutions

The committee noted the Budget Estimates timetable for 2019-2020 agreed to by the House for Portfolio Committee No. 7 hearings:

Date	Time	Portfolio
Monday 2 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Local Government (Hancock)
Wednesday 11 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Planning and Public Spaces (Stokes)
Friday 13 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Energy and Environment (Kean)

3.1 Allocation of question time

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

3.2 Order for examination of portfolios

Resolved, on the motion of Ms Sharpe: That consideration of the order for examination of portfolios be postponed until a future meeting.

3.3 Witness requests

Resolved, on the motion of Ms Cusack: That the secretariat write to the ministers named in the budget estimates resolution to request that they nominate witnesses to appear at each estimates hearing, for the committee's consideration.

Resolved, on the motion of Ms Sharpe: That, in writing to the Minister for Energy and Environment, the secretariat note the committee's request that the representatives from the NSW Environment Protection Authority and National Parks and Wildlife Services appear at the Energy and Environment hearing.

Resolved, on the motion of Ms Sharpe: That the committee consider whether to invite parliamentary secretaries to appear at the budget estimates hearings at a future meeting.

4. ***

5. **Adjournment**

The committee adjourned at 1.24 pm, *sine die*.

Jenelle Moore

Clerk to the Committee

Minutes no. 4

Wednesday 7 August 2019

Portfolio Committee No. 7 – Planning and Environment

Room 1043, Parliament House, Sydney at 1.32 pm

1. **Members present**

Mr Pearson, *Deputy Chair*

Mr Buttigieg

Ms Cusack

Mr Franklin

Mr Mallard

Ms Sharpe

2. **Apologies**

Ms Faehrmann, *Chair*

3. **Previous minutes**

Resolved, on the motion of Ms Cusack: That draft minutes no. 3 be confirmed.

4. **Correspondence**

The committee noted the following items of correspondence:

Received

- ***
- 23 July 2019 – Email from Mr Richard Hodge, Policy Advisor, Office of the Hon Matt Kean MP, to the secretariat, providing a witness list for the Budget Estimates initial hearings
- 23 July 2019 – Email from Mr Justin Field MLC to the Chair, to the secretariat, requesting that he participate in the hearings for Energy and Environment on Friday 13 September 2019
- 25 July 2019 – Email from Mr Tom Loomes, Parliamentary Director, Office of the Hon Rob Stokes MP, Minister for Planning and Public Spaces, to the secretariat, providing a witness list for the Budget Estimates initial hearings
- 26 July 2019 – Email from Ms Jane Boag, Parliamentary Liaison Officer, Office of the Hon Shelley Hancock MP, to the secretariat, providing a witness list for the Budget Estimates initial hearings
- 5 August 2019 – Email from the Hon Emma Hurst MLC to the secretariat, requesting that she participate in the hearings for Local Government.

Sent

- 28 June 2019 – Letter from the secretariat to the Hon Shelley Hancock MP, Minister for Local Government, inviting the Minister to Budget Estimates initial hearings

- 28 June 2019 – Letter from the secretariat to the Hon Rob Stokes MP, Minister for Planning and Public Spaces, inviting the Minister to Budget Estimates initial hearings
- 28 June 2019 – Letter from the secretariat to the Hon Matt Kean, Minister for Energy and Environment, inviting the Minister to Budget Estimates initial hearings.

5. Inquiry into Budget Estimates 2019-2020 – procedural resolutions

5.1 Allocation of question time

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

5.2 Government questions

The committee deferred consideration of government questions until a future meeting.

5.3 Order of examination of portfolios and witnesses

Resolved, on the motion of Mr Mallard: That the witnesses proposed to answer questions relating to the portfolios allocated to the following ministers be invited to appear for the duration of each session:

- Minister Hancock on Monday 2 September 2019
- Minister Stokes on Wednesday 11 September 2019
- Minister Kean on Friday 13 September 2019.

5.4 Additional witnesses

The committee noted each minister's list of proposed witnesses, as per the table below, and that members have until 1.30 pm Thursday 8 August 2019 to provide any additional witness requests.

Minister	Portfolio	Witness	Position and Department
Hancock	Local Government	Mr Jim Betts	Secretary, Department of Planning, Industry and Environment
		Mr Tim Hurst	Deputy Secretary, Local Government, Planning and Policy, Department of Planning, Industry and Environment
		Ms Jane Gibbs	Director, Planning and Risk, Department of Planning, Industry and Environment
Stokes	Planning and Public Spaces	Mr Jim Betts	Secretary, Department of Planning, Industry and Environment
		Mr Marcus Ray	Group Deputy Secretary, Planning and Assessment, Department of Planning, Industry and Environment
		Ms Alison Frame	Group Deputy Secretary, Housing and Property, Department of Planning, Industry and Environment
		Ms Alex O'Mara	Group Deputy Secretary, Places, Design & Public Spaces, Department of Planning, Industry and Environment
		Ms Sarah Hill	Deputy Secretary, Strategic Direction & Integration, Department of Planning, Industry and Environment
		Mr Shaun Smith	Deputy Secretary, Corporate Services, Department of Planning, Industry and Environment

		Mr John Brogden	Chief Executive Officer, Landcom
Kean	Energy and Environment	Mr Jim Betts	Secretary, Department of Planning, Industry and Environment
		Ms Anissa Levy	Coordinator-General, Environment, Energy and Science, Department of Planning, Industry and Environment
		Mr Mark Gifford	A/ Chief Executive Officer, Environmental Protection Authority, Department of Planning, Industry and Environment
		Mr James Hay	A/ Deputy Secretary, Energy, Climate Change and Sustainability, Department of Planning, Industry and Environment
		Dr Atticus Fleming	A/ Deputy Secretary, National Parks and Wildlife Service, Department of Planning, Industry and Environment

Resolved, on the motion of Ms Sharpe: That the following witnesses be invited to appear:

- Ms Kristy Allen, Deputy Secretary, Strategy and Reform, Department of Planning, Industry and Environment, to the Local Government hearing
- Mr Hugh Durrant-Whyte, NSW Chief Scientist & Engineer, to the Planning hearing
- Mr John Cleland CEO of Essential Energy, to the Energy and Environment hearing.

5.5 Parliamentary secretaries

Resolved, on the motion of Ms Sharpe: That the committee invite the Hon Ben Franklin MLC, Parliamentary Secretary for Energy and the Arts, and the Hon James Griffin MP, Parliamentary Secretary for the Environment and Veterans to the Energy and Environment hearing on Friday 13 September 2019.

6. Adjournment

The committee adjourned at 1.54 pm, *sine die*.

Jenelle Moore
Committee Clerk

Minutes no. 6

Thursday 29 August 2019

Portfolio Committee No. 7 - Planning and Environment

Room 1136, Parliament House, Sydney, at 5.15 pm

1. Members present

Ms Faehrmann, *Chair*
Mr Buttigieg
Ms Cusack
Mrs Maclaren-Jones (substituting for Mr Franklin)
Mr Mallard
Ms Sharpe

2. Apologies

Mr Pearson

3. Correspondence

Received:

- 28 August 2019 – Email from Ms Jane Boag, Office of the Hon Shelley Hancock MP, Minister for Local Government, to the secretariat, declining the committee's additional witness requests as they are not relevant to the Local Government portfolio and withdrawing the minister's nomination of Mr Jim Betts, Secretary, Department of Planning, Industry and Environment as a witness.
- 28 August 2019 – Email from Mr Richard Hodge, Office of the Hon Matt Kean MP, Minister for Energy and Environment, to the secretariat, advising that the Minister's office have requested that the NSW Chief Scientist appear at the Budget Estimates hearing, and that Mr Paul Elton, Executive Director, Biodiversity Conservation Trust, Department of Planning, Industry and Environment is no longer available to appear but that Mr Alan Goodwin who is acting in his place is available to attend if required
- 29 August 2019 – Email from Mr Richard Hodge, Office of the Hon Matt Kean MP, Minister for Energy and Environment, to the secretariat, clarifying that the NSW Chief Scientist is unavailable between 11.00 am and 3.00 pm.

Sent:

- 29 August 2019 – Email from the secretariat to Mr Tom Loomes, Office of the Hon Rob Stokes MP, Parliamentary Director, Minister for Planning and Public Spaces, requesting that Ms Suzanne Jones, Chair, Landcom, appear at the Budget Estimates hearing, and re-inviting the NSW Chief Scientist to the hearing
- 29 August 2019 – Email from the secretariat to Mr Richard Hodge, Policy Advisor, Office of the Hon Matt Kean MP, Minister for Energy and Environment, requesting that Dr John Keniry AM, Commissioner, Natural Resources Commission, appear at the Budget Estimates hearing

4. Inquiry into Budget Estimates 2019-2020

4.1 Witnesses for Local Government hearing, Monday 2 September 2019

The committee considered correspondence from Ms Jane Boag, Office of the Hon Shelley Hancock MP, Minister for Local Government, to the secretariat, withdrawing the minister's nomination of Mr Jim Betts, Secretary, Department of Planning, Industry and Environment as a witness.

Ms Sharpe moved: That the committee write to Mr Betts to request that he attend the Local Government hearing scheduled for Monday 2 September 2019 and notify the committee of his response by Friday 30 August 2019 at 12.00 pm.

Question put.

The committee divided.

Ayes: Mr Buttigieg, Ms Faehrmann, Ms Sharpe.

Noes: Ms Cusack, Mrs Maclaren-Jones, Mr Mallard.

Question resolved in the affirmative on the casting vote of the Chair.

4.2 Witness for Planning and Public Spaces hearing, Wednesday 11 September 2019 and Energy and Environment hearing, Friday 13 September 2019

The committee considered correspondence from Mr Richard Hodge, Office of the Hon Matt Kean MP, Minister for Energy and Environment, to the secretariat, clarifying that the NSW Chief Scientist is unavailable between 11.00 am and 3.00 pm.

Resolved, on the motion of Ms Sharpe: That the NSW Chief Scientist be invited to attend the evening session of the Energy and Environment hearing on Friday 13 September 2019 from 6.00 pm.

5. Adjournment

The committee adjourned at 5.30 pm until 9.15 am, Monday 2 September 2019, Jubilee Room (*Local Government*).

Jenelle Moore
Committee Clerk

Minutes no. 7

Monday 2 September 2019

Portfolio Committee No. 7 - Planning and Environment

Jubilee Room, Parliament House, Sydney, at 9.15 am

1. Members present

Ms Faehrmann, *Chair*

Mr Pearson, *Deputy Chair*

Mr Buttigieg

Ms Cusack

Mr Franklin

Ms Hurst (*participating*) (*from 10.00 am until 11.00 am*)

Mr Mallard

Mr Primrose (*substituting for Ms Sharpe*)

Mr Shoebridge (*Participating*) (*from 10.14 am until 10:48 am and from 3.10 pm to 3.46 pm*)

2. Previous minutes

Resolved, on the motion of Mr Franklin: That draft minutes no. 5 and 6 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 13 August 2019 – Email from Mr Daniel Rubenach, Electorate Officer, Office of the Mr James Griffin MP, Parliamentary Secretary for the Environment and Veterans, to the secretariat, advising that Mr Griffin will attend the Budget Estimates hearing for Energy and Environment.
- 15 August 2019 – Email from Ms Jane Boag, Parliamentary Liaison Officer, Office of the Hon Shelley Hancock MP, Minister for Local Government, to the secretariat, advising that an additional invited witness can attend the Budget Estimates Local Government hearing on 2 September 2019 and nominating an additional witness for that hearing.
- 15 August 2019 – Email from Mr Tom Loomes, Parliamentary Director, Office of the Hon Rob Stokes MP, Minister for Planning and Public Spaces, to the secretariat, confirming additional witnesses can attend the Budget Estimates Planning and Public Spaces hearing on 11 September 2019.
- 16 August 2019 – Email from Ms Leah Gibbons, Advisor, Office of the Hon Ben Franklin MLC, Parliamentary Secretary for Energy and the Arts, to the secretariat, advising the Parliamentary Secretary will attend the Budget Estimates Energy and Environment hearing on 13 September 2019.
- 19 August 2019 – Email from Mr Richard Hodge, Policy Advisor, Office of the Hon Matt Kean MP, Minister for Energy and Environment, to the secretariat, advising whether certain witnesses will attend the Budget Estimates Energy and Environment hearing on 13 September 2019 and proposing some alternative witnesses.
- 20 August 2019 – Email from Mr Richard Hodge, Policy Advisor, Office of the Hon Matt Kean MP, Minister for Energy and Environment, to the secretariat, advising the Office of Environment and Heritage has been dissolved and that the functions of directors of this office are covered by other witnesses in attendance.

- 30 August 2019 – Email from Mr Mahmoud El-Hussein, A/Director, OSEC Government Services, Department of Planning, Industry and Environment, to the secretariat, advising Mr Jim Betts will attend the Budget Estimates Local Government hearing on 2 September 2019.

Sent

- 12 August 2019 – Email from the secretariat to Ms Jane Boag, Parliamentary Liaison Officer, Office of the Hon Shelley Hancock MP, providing an additional witness request for Budget Estimates.
- 12 August 2019 – Email from the secretariat to Mr Tom Loomes, Parliamentary Director, Office of the Hon Rob Stokes MP, Minister for Planning and Public Spaces, providing a list of additional witness requests for Budget Estimates.
- 12 August 2019 – Email from the secretariat to Mr Richard Hodge, Policy Advisor, Office of the Hon Matt Kean MP, providing a list of additional witness requests for Budget Estimates.
- 13 August 2019 – Email from the secretariat to the Hon Ben Franklin MLC, Parliamentary Secretary for Energy and the Arts, inviting the Parliamentary Secretary to the Budget Estimates hearing for Energy and Environment on 13 September 2019.
- 13 August 2019 – Email from the secretariat to Mr James Griffin MP, Parliamentary Secretary for the Environment and Veterans, inviting the Parliamentary Secretary to the Budget Estimates hearing for Energy and Environment on 13 September 2019.
- 30 August 2019 – Email from the secretariat to Mr Richard Hodge, Policy Advisor, Office of the Hon Matt Kean MP, Minister for Energy and Environment, requesting that Chief Scientist and Engineer Professor Hugh Durrant-Whyte appear at the Budget Estimates hearing in the evening session, from 6.00 pm to 8.30 pm.

4. Inquiry into Budget Estimates 2019-2020

4.1 Questions

Resolved on the motion of Mr Franklin: That the portfolio of Local Government be examined:

- in the morning session, from 9.30 am to 11.30 am, with no questions asked by government members,
- in the afternoon session from 2.00 pm to 5.00 pm, with no questions asked by government members, and
- in the evening session from 6.00 pm to 7.00 pm, with no question asked by government members from 6.00 pm to 6.40 pm and questions asked by government members from 6.40 pm to 7.00 pm.

4.2 Allocation of questioning

Resolved, on the motion of Mr Primrose: That for the morning session, the afternoon session, and for the evening sessions from 6.00 pm to 6.40 pm, the opposition and crossbench be allocated 20 minutes of questioning each and any time remaining be divided between the two groups equally.

4.3 Budget Estimate hearing: Witness panels for Energy and Environment, Friday 13 September 2019.

Resolved, on the motion of Mr Buttigieg: That there be three witness panels at the Energy and Environment hearing on Friday 13 September 2019: Conservation Panel, EPA/ Waste Panel and Energy Panel.

4.4 Public hearing: Budget Estimates 2019-2020 – Local Government

Witnesses, the public and the media were admitted.

The Hon Shelley Hancock MP, Minister for Local Government was 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 following witnesses were sworn:

- Mr Jim Betts, Secretary, Department of Planning, Industry and Environment
- Mr Tim Hurst, Deputy Secretary, Local Government, Planning and Policy, Department of Planning, Industry and Environment
- Ms Jane Gibbs, Director Planning and Risk, Department of Planning, Industry and Environment
- Mr James Hay, Deputy Secretary, Energy, Climate Change and Sustainability, Department of Planning, Industry and Environment

The Chair declared the proposed expenditure for the portfolio of Local Government open for examination.

The Minister and departmental witnesses were examined by the committee.

The Minister withdrew at 11.30 am.

The public hearing continued.

Mr Hurst, on behalf of the Honourable Shelley Hancock MP, Minister for Local Government, tendered the following document:

- Letter from Ms Steph Cooke MP, Member for Cootamundra, NSW Legislative Assembly, requesting for an independent review of the Cootamundra Gundagai Council merger.

Resolved, on the motion of Mr Primrose: That the committee to conduct a private deliberative meeting to consider whether the witnesses are required for the hearing scheduled at 6.00 pm this day.

Witnesses, media and the public withdrew.

Resolved, on the motion of Mr Franklin: That as members have no further questions for witnesses, witnesses be advised that they will not be required to attend the hearing scheduled to commence at 6.00 pm today.

Witnesses, the public and the media were re-admitted.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.08 pm.

The public and media withdrew.

Mr Buttigieg, Ms Cusack, Mr Franklin and Mr Pearson left the meeting.

4.5 Tendered documents

Resolved, on the motion of Mr Mallard: That the committee accept and publish a letter tendered by Mr Hurst, on behalf of the Honourable Shelley Hancock MP, Minister for Local Government, during the Local Government hearing held on Monday 2 September 2019, regarding a request for an independent review of the Cootamundra Gundagai Council merger.

4.6 Supplementary hearings

Resolved, on the motion of Mr Primrose: That the committee defer its decision on whether to hold supplementary hearings for the portfolio of Local Government until after the return of answers to supplementary questions.

5. Adjournment

The committee adjourned at 6.02 pm until Wednesday 11 September 2019, Macquarie Room (*Planning and Public Spaces*).

Stephen Frappell/Shu-Fang Wei
Clerk to the Committee

Minutes no. 8

Thursday 12 September 2019

Portfolio Committee No. 7 – Planning and Environment

Macquarie Room, Parliament House, Sydney, at 9.17 am

1. Members present

Ms Faehrmann, *Chair*

Mr Pearson, *Deputy Chair*

Ms Cusack

Mr Franklin

Mr Mallard

Mr Searle (substituting for Mr Buttigieg)

Ms Sharpe (until 5.05 pm)

Mr Shoebridge (participating from 2.15 pm until 4.03 pm)

Mr Primrose (substituting for Ms Sharpe from 6.00 pm)

2. Correspondence

The committee noted the following items of correspondence:

Received

- 2 September 2019 – Email from Mr Tom Loomes, Parliamentary Director, Office of the Hon-Rob Stoke MP, Minister for Planning and Public Spaces, to the secretariat, advising that Professor Hugh Durrant-Whyte, NSW Chief Scientist and Engineer and Ms Suzanne Jones, Landcom Chair are available to appear at the Budget Estimates hearing for Planning and Public Spaces.
- 11 September 2019 – Email from Mr Tom Loomes, Director of Parliamentary Business, Office of the Hon Rob Stokes MP, Minister for Planning and Public Spaces, to the secretariat, advising that Dr Sarah Hill is unable to attend the hearing for Planning and Public Spaces due to unforeseen circumstances.

Sent

- 5 September 2019 – Email from the secretariat to Ms Jane Boag, Parliamentary Liaison Officer, Office of the Hon Shelley Hancock MP, Minister for Local Government, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions.

3. Inquiry into Budget Estimates 2019-2020**3.1 Allocation of questioning**

Resolved, on the motion of Mr Franklin: That the portfolio of Planning and Public Spaces be examined as follows:

- from 9.30 am until 11.30 am, there be no government questions, and the opposition and crossbench be allocated 20 minutes of questioning each, and any time remaining be divided between the two groups equally
- from 2.00 pm to 5.00 pm, there be no government questions, and the opposition and cross bench be allocated 20 minutes each, and any time remaining be divided between the two groups equally

- from 6.00 pm to 7.00 pm, with the opposition, crossbench and government allocated 20 minutes of questioning each, such that government questions take place between 6.40 pm and 7.00 pm.

3.2 Proposed change of venue for the Regional New South Wales, Industry and Trade hearing

Resolved, on the motion of Ms Cusack: That the committee hold the Energy and Environment hearing on Friday 13 September 2019 in the Macquarie Room.

3.3 Public hearing: Budget Estimates 2019-2020 – Planning and Public Spaces

Witnesses, the public and the media were admitted.

The Hon Rob Stokes MP, Minister for Planning and Public Spaces was 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 Mr Jim Betts, Secretary of the Department of Planning, Industry and Environment that he did not need to be sworn, as he had been sworn at another Budget Estimates hearing for the same committee.

The following witnesses were sworn:

- Mr Marcus Ray, Group Deputy Secretary, Planning and Assessment, Department of Planning, Industry and Environment
- Ms Alison Frame, Group Deputy Secretary, Housing and Property, Department of Planning, Industry and Environment
- Ms Alex O'Mara, Group Deputy Secretary, Place, Design and Public Spaces, Department of Planning, Industry and Environment
- Mr Shaun Smith, Deputy Secretary, Corporate Services, Department of Planning, Industry and Environment
- Mr John Brogden, Chief Executive Officer, Landcom
- Ms Suzanne Jones, Chair, Landcom
- Professor Hugh Durrant-Whyte, NSW Chief Scientist & Engineer.

The Chair declared the proposed expenditure for the portfolio of Planning and Public Spaces open for examination.

The Minister and departmental witnesses were examined by the committee.

Mr Searle tendered the following documents:

- Floor plan of the Landcom office in the MLC Centre
- Email from Ms Carolyn McNally to Mr John Brogden on selection of Landcom CEO, sent 9 August 2017.

The Minister withdrew at 11.30 am.

The public hearing continued.

The evidence concluded and the witnesses withdrew.

The public and media withdrew.

Mr Searle tendered the following documents:

- 'Dahur Group's \$1.5bn Masterplan in Sydney's South West', The Urban Developer, 17 July 2018

- 'Land Parcel Acquisition Paves Way for Masterplanned Community Growth in South West growth corridor', The Urban Developer, 9 September 2016
- Press release, Menangle Park Dahua Group, 'Dahua Group Australia Sells Over 120 Lots of South West Sydney Master Planned Development – Menangle Park'
- Briefing note, Landcom and Office of Hon Anthony Roberts, Minister for Planning, Minister for Housing, Special Minister of State, 'Menangle Park - potential financial impacts of proposed Special Infrastructure Contribution and Voluntary Planning Agreement'.

3.4 Evening session witnesses

Resolved, on the motion of Mr Searle: That all witnesses except Mr Brogden and Ms Jones be released, noting that Mr Betts and other witnesses be advised that they are welcome to stay if they wish.

3.5 Tended documents

Resolved, on the motion of Mr Searle: That the committee accept and publish the following documents tendered during the Planning and Public Spaces hearing held on Wednesday 11 September 2019:

- Floor plan of the Landcom office in the MLC Centre, tendered by Mr Searle
- Email from Ms Carolyn McNally to Mr John Brogden on selection of Landcom CEO, sent 9 August 2017, tendered by Mr Searle.

Resolved, on the motion of Ms Sharpe: That the committee accept the following documents tendered during the Planning and Public Spaces hearing held on Wednesday 11 September 2019:

- 'Dahur Group's \$1.5bn Masterplan in Sydney's South West', The Urban Developer, 17 July 2018, tendered by Mr Searle
- 'Land Parcel Acquisition Paves Way for Masterplanned Community Growth in South West growth corridor', The Urban Developer, 9 September 2016, tendered by Mr Searle
- Press release, Menangle Park Dahua Group, 'Dahua Group Australia Sells Over 120 Lots of South West Sydney Master Planned Development – Menangle Park', tendered by Mr Searle
- Briefing note, Landcom and Office of Hon Anthony Roberts, Minister for Planning, Minister for Housing, Special Minister of State, 'Menangle Park - potential financial impacts of proposed Special Infrastructure Contribution and Voluntary Planning Agreement', tendered by Mr Searle.

4. ***

5. Inquiry into Budget Estimates 2019-2020

5.1 Public hearing: Budget Estimates 2019-2020 – Planning and Public Spaces

Mr Brogden, Ms Jones and Mr Betts were admitted.

The public hearing resumed.

The evidence concluded and the witnesses withdrew.

The public and media withdrew.

The public hearing concluded at 6.32 pm.

5.2 Supplementary hearings

Resolved, on the motion of Mr Searle: That the committee defer its decision on whether to hold supplementary hearings for the portfolio of Planning and Public Spaces, until after the return of answers to supplementary questions.

6. Adjournment

The committee adjourned at 6.33 pm, until 9.15 am, Friday 13 September 2019, Macquarie Room (*Energy and Environment*).

John Young/Merrin Thompson
Committee Clerk

Minutes no. 9

Friday 13 September 2019

Portfolio Committee No. 7 - Planning and Environment

Macquarie Room, Parliament House, Sydney, at 9.16 am

1. Members present

Ms Faehrmann, *Chair*

Mr Pearson, *Deputy Chair* (until 5.00 pm)

Mr Blair (*substituting for Mr Franklin*)

Mr Buttigieg (*participating*)

Ms Cusack

Mr Field (*participating*) (from 10.44 am until 11.33 am and from 3.48 pm)

Mr Latham (*participating*) (until 5.00 pm)

Mr Mallard

Mr Searle (*substituting for Mr Buttigieg*)

Ms Sharpe

Mr Shoebridge (*participating*) (from 11.05 am until 11.33 am and from 2.15 pm until 2.50 pm)

2. Inquiry into Budget Estimates 2019-2020

2.1 Government questions and allocating of questioning

Resolved on the motion of Mr Blair: That the portfolio of Energy and Environment be examined as follows:

- (a) from 9.30 am to 11.30 am, with no government questions, and the opposition and cross bench allocated 20 minutes of questioning each and any time remaining divided evenly
- (b) from 2.00 pm to 5.00 pm, with no government questions, and the opposition and cross bench allocated 20 minutes of questioning each and any time remaining divided evenly
- (c) 6.00 pm to 7.00 pm, with the opposition, crossbench and government allocated 20 minutes of questioning each, such that government questions take place between 6.40 pm and 7.00 pm.

2.2 Public hearing: Budget Estimates 2019-2020 – Energy and Environment

Witnesses, the public and the media were admitted.

The Hon Matt Kean MP, Minister for Energy and Environment was admitted.

Hon Ben Franklin MLC, Parliamentary Secretary for Energy and the Arts was admitted.

Mr James Griffin MP, Parliamentary Secretary for the Environment and Veterans was 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 the following witness that he did not need to be sworn, as he had been sworn at another Budget Estimates hearing for the same committee:

- Mr James Hay, A/Deputy Secretary, Energy, Climate Change and Sustainability, Department of Planning, Industry and Environment.

The following witnesses were sworn:

- Ms Anissa Levy, Coordinator-General, Environment, Energy and Science, Department of Planning, Industry and Environment
- Mr Shaun Smith, A/Deputy Secretary, Corporate Services, Department of Planning, Industry and Environment
- Mr Mark Gifford, A/Chief Executive Officer, Environmental Protection Authority, Department of Planning, Industry and Environment
- Ms Michelle Dumazel, Executive Director, Policy Division, Department of Planning, Industry and Environment
- Mr Atticus Fleming, A/Deputy Secretary, National Parks and Wildlife Service, Department of Planning, Industry and Environment
- Ms Sharon Molloy, A/Executive Director, Biodiversity and Conservation, Department of Planning, Industry and Environment
- Mr Mick Pettitt, Director Southern Ranges, National Parks and Wildlife Service, Department of Planning, Industry and Environment

The Chair declared the proposed expenditure for the portfolio of Energy and Environment open for examination.

The Minister and departmental witnesses were examined by the committee.

The Minister and Parliamentary Secretaries withdrew at 11.33 am.

The public hearing continued.

The following witnesses were sworn:

- Dr John Keniry AM, Commissioner, Natural Resources Commission
- Mr Bryce Wilde, Executive Director, Natural Resources Commission
- Ms Naomi Stephens, A/Executive Director Park Operations, National Parks and Wildlife Service, Department of Planning and Environment
- Mr Robert Quirk, Executive Director Park Programs, National Parks and Wildlife Service, Department of Planning, Industry and Environment
- Mr Alan Goodwin, A/Chief Executive Officer, Biodiversity Conservation Trust, Department of Planning, Industry and Environment
- Mr David Fowler, A/Chief Environmental Regulator, NSW Environment Protection Authority, Department of Planning, Industry and Environment
- Mr Stephen Beaman, Executive Director Hazardous Incidents and Environmental Health, NSW Environment Protection Authority, Department of Planning, Industry and Environment
- Ms Carmen Dwyer, A/Executive Director Waste Operations and Programs, NSW Environment Protection Authority, Department of Planning, Industry and Environment
- Dr Kar Mei Tang, A/Executive Director Waste Strategy and Policy, NSW Environment Protection Authority, Department of Planning, Industry and Environment
- Mr John Cleland, Chief Executive Officer, Essential Energy
- Dr Kate Wilson, Executive Director, Climate Change and Sustainability, Department of Planning, Industry and Environment.

The Conservation (with the exception of Mr Fleming) and Waste panel witnesses, as well as Mr Hay and Dr Wilson withdrew.

The evidence continued.

The Chair noted that Professor Hugh Durrant-Whyte, NSW Chief Scientist and Engineer did not need to be sworn as he had been sworn at another Budget Estimates hearing for the same committee.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 6.41 pm.

The public and media withdrew.

2.3 Supplementary hearings

Resolved, on the motion of Ms Sharpe: That the committee defer its decision on whether to hold supplementary hearings for the portfolio of Energy and Environment, until after the return of answers to supplementary questions.

3. Adjournment

The committee adjourned at 6.41 pm, until Friday 18 October 2019, Ballina (*Koala populations and habitat*).

Beverly Duffy and Sam Griffith

Committee Clerk

Minutes no. 10

Wednesday 16 October 2019

Portfolio Committee No. 7 - Planning and Environment

Members' Lounge, Parliament House, Sydney, at 1.30 pm

1. Members present

Ms Faehrmann, *Chair*
Mr Buttigieg
Ms Cusack
Mr Franklin
Ms Hurst (*substituting for Mr Pearson*)
Mr Mallard
Ms Sharpe

2. Apologies

Mr Pearson

3. Draft minutes

Resolved, on the motion of Mr Mallard: That draft minutes nos. 7, 8 and 9 be confirmed.

4. Correspondence

Received:

- 26 September 2019 – Letter from the Hon Shelley Hancock MP, Minister for Local Government, to the Chair, providing clarification to her evidence from the hearing for the portfolio of Local Government on Monday 2 September 2019 (*attached – dealt with at 4.2*)
- 16 October 2019 – Email from the Hon Emma Hurst MLC advising that she will be substituting for the Hon Mark Pearson MLC for the meeting on 16 October 2019.

Sent:

- 16 September 2019 – Email from the secretariat to Mr Tom Loomes, Director of Parliamentary Business, Office of the Hon Rob Stokes MP, Minister for Planning and Public Spaces, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions
- 18 September 2019 – Email from the secretariat to Mr Richard Hodge, Office of the Hon Matt Kean MP, Minister for Environment and Energy, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions.

5. Inquiry into Budget Estimates 2019-2020**5.1 Answers to questions on notice and supplementary questions**

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice and supplementary questions from Hon Shelley Hancock MP, Minister for Local Government, received 26 September 2019
- answers to questions on notice and supplementary questions from Hon Rob Stokes, Minister for Planning and Public Spaces, received 4 October 2019.
- answers to questions on notice and supplementary questions from Hon Matt Kean, Minister for Energy and Environment, received 14 October 2019.

5.2 Clarification to evidence

Resolved, on the motion of Mr Mallard:

- That the committee authorise the publication of the correspondence from the Hon Shelley Hancock MP, Minister for Local Government, correcting and clarifying evidence she provided to the committee on 2 September 2019
- That the committee authorise the addition of a footnote to the evidence of the Hon Shelley Hancock MP, 2 September 2019 reflecting her clarification of evidence.

5.3 Supplementary hearings

Resolved, on the motion of Ms Sharpe: That the committee hold a supplementary hearing over one day to consider matters relating to the portfolios of Local Government (Hancock), Planning and Public Spaces (Stokes) and Energy and Environment (Kean), on a date to be determined by the Chair in consultation with members during the week set aside for supplementary estimates.

6. Adjournment

The committee adjourned at 1.55 pm until 6.30 am, Friday 18 October 2019, Sydney Airport (*Koala habitats in New South Wales hearing - Ballina*).

Jenelle Moore
Committee Clerk

Minutes no. 12

Friday, 25 October 2019

Portfolio Committee No. 7

Parliament House, Hospital Road, Sydney, at 6.50 am

1. Members present

Ms Faehrmann, *Chair*
Mr Buttigieg
Ms Cusack

Mr Franklin
Mr Mallard
Mr Pearson
Ms Sharpe (until 1.00 pm)

2. Confirmation of draft minutes

Resolved, on the motion of Mr Franklin: That draft minutes no. 11 be confirmed.

3. ***

4. ***

5. Budget Estimates 2018-2019

5.1 Transcript corrections

The committee to consider transcript corrections made by:

- Ms Michelle Dumazel, Executive Director, Policy Division, Environment, Energy and Science Group, Department of Planning, Industry and Environment, for the Energy and Environment hearing on Friday 13 September 2019
- Ms Anissa Levy, Coordinator-General, Environment, Energy and Science, Department of Planning, Industry and Environment for the Energy and Environment hearing on Friday 13 September 2019

Resolved, on the motion of Mr Franklin: That the committee authorise corrections to:

- Ms Michelle Dumazel's transcript of evidence for the Energy and Environment hearing on 13 September 2019 at p 55
- Ms Anissa Levy's transcript of evidence for the Energy and Environment hearing on 13 September 2019 at p 85.

6. Adjournment

The committee adjourned at 5. pm 05 until 9.15 am, Thursday 31 October 2019 in the Macquarie Room, Parliament House, Sydney (Budget Estimates supplementary hearing – Planning).

Jenelle Moore
Clerk to the Committee

Minutes no. 13

Thursday 31 October 2019

Portfolio Committee No. 7 – Planning and Environment

Jubilee Room, Parliament House, Sydney, at 9.15 am

1. Members present

Ms Faehrmann, Chair
Mr Pearson, Deputy Chair
Mr Franklin
Mr Graham (*participating*)
Mr Mallard
Mr Searle (*substituting for Mr Buttigieg*)
Ms Sharpe
Mr Shoebridge (*participating*)

2. Previous minutes

Resolved, on the motion of Mr Franklin: That draft minutes no. 10 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 23 October 2019 - Email from Mr Tom Loomes, Director of Parliamentary Business, Office of the Hon Rob Stokes MP, Minister for Planning and Public Spaces, to the secretariat, advising the availability of witnesses for the supplementary hearing for the portfolio of Planning and Public Spaces on 31 October 2019
- 23 October 2019 - Email from Ms Jane Boag, Parliamentary Liaison Officer, Office of the Hon Shelley Hancock MP, Minister for Local Government, to the secretariat, advising the availability of invited witnesses and an additional witness for the supplementary hearing for the portfolio of Local Government on 31 October 2019
- 23 October 2019 - Email from Mr Richard Hodge, Policy Advisor, Office of the Hon Matt Kean MP, Minister for Energy and Environment, to the secretariat, advising the availability of invited witnesses and proposing additional witnesses for the supplementary hearing for the portfolio of Energy and Environment on 31 October 2019
- 24 October 2019 - Email from Mr Tom Loomes, Director of Parliamentary Business, Office of the Hon Rob Stokes MP, Minister for Planning and Public Spaces, to the secretariat, proposing Ms Alison Frame, Group Deputy Secretary of the Department of Planning, Industry and Environment, as an additional witness to answer questions on Campbell Stores for the supplementary hearing for the portfolio of Planning and Public Spaces on 31 October 2019.
- 29 October 2019 - Email from Mr Tom Loomes, Director of Parliamentary Business, Office of the Hon Rob Stokes MP, Minister for Planning and Public Spaces, to the secretariat, advising that Minister Stokes is available to attend the supplementary hearing for the portfolio of Planning and Public Spaces from 9.30 am until 11.00 am on 31 October 2019.

Sent

- 21 October 2019 - Email from the secretariat to Mr Tom Loomes, Director of Parliamentary Business, Office of the Hon Rob Stokes MP, Minister for Planning and Public Spaces, advising of the time allocated to the Planning and Public Spaces supplementary hearing and providing a list of witness requests for Budget Estimates
- 21 October 2019 – Email from the secretariat to Ms Jane Boag, Parliamentary Liaison Officer, Office of the Hon Shelley Hancock MP, Minister for Local Government, advising of the time allocated to the Local Government supplementary hearing and providing a list of witness requests for Budget Estimates
- 21 October 2019 - Email from the secretariat to Mr Richard Hodge, Policy Advisor, Office of the Hon Matt Kean MP, Minister for Energy and Environment, advising of the time allocated to the Energy and Environment supplementary hearing and providing a list of witness requests for Budget Estimates.

4. Inquiry into Budget Estimates 2019-2020

4.1 Allocation of questioning

Resolved, on the motion of Mr Searle: That, with no government questions, the time for questions be allocated as follows:

- for the first hour, 20 minutes be allocated to the opposition, cross bench and then opposition;
- for the balance of the hearing, opposition questions have precedence.

4.2 Public hearing: Budget Estimates 2019-2020 – Planning and Public Spaces

Witnesses, the public and the media were admitted.

The Hon Rob Stokes MP, Minister for Planning and Public Spaces was 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 the following witnesses that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing for the same committee:

- Mr Jim Betts, Secretary, Department of Planning, Industry and Environment
- Ms Alison Frame, Group Deputy Secretary, Housing and Property, Department of Planning, Industry and Environment
- Mr Marcus Ray, Group Deputy Secretary, Planning and Assessment, Department of Planning, Industry and Environment
- Mr John Brogden, Chief Executive Officer, Landcom
- Ms Suzanne Jones, Chair, Landcom.

The following witness was sworn:

- Ms Sandra Lee, General Counsel, Landcom.

The Chair declared the proposed expenditure for the portfolio of Planning and Public Spaces open for examination.

The minister and departmental witnesses were examined by the committee.

The minister withdrew at 11.00 am.

The following witness was sworn:

- Prof Mary O'Kane, Chair, Independent Planning Commission

The public hearing continued.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 12:00 pm.

The public and media withdrew.

4.3 Further hearings

The committee noted that further hearings have been scheduled for February 2020.

5. Adjournment

The committee adjourned at 12:02 pm, until 1.55 pm, Thursday 31 October 2019 in the Macquarie Room, Parliament House, Sydney (Budget Estimates supplementary hearing – Local Government).

Stewart Smith
Committee Clerk

Minutes no. 14

Thursday 31 October 2019

Portfolio Committee No. 7 – Planning and Environment

Macquarie Room, Parliament House, Sydney, at 1.55 pm

1. Members present

Ms Faehrmann, Chair
 Mr Pearson, Deputy Chair
 Mr Buttigieg
 Ms Cusack
 Mr Franklin
 Mr Primrose (*substituting for Ms Sharpe*)
 Mr Shoebridge (*participating from 2.15 pm to 2.42 pm*)

2. Apologies

Mr Mallard

3. Inquiry into Budget Estimates 2019-2020

3.1 Allocation of questioning

Resolved, on the motion of Mr Pearson: That, with no government questions, the time for questions be allocated as follows:

Total hearing time	1 hour
Opposition:	40 minutes (consisting of two 20 minute segments)
Crossbench:	
Ms Faehrmann / Mr Shoebridge	20 minutes
Mr Pearson	Nil

3.2 Public hearing: Budget Estimates 2019-2020 – Local Government

Witnesses, the public and the media were admitted.

The Hon Shelley Hancock MP, Minister for Local Government was 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 the following witnesses that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing for the same committee:

- Mr Tim Hurst, Deputy Secretary, Local Government, Planning and Policy, Department of Planning, Industry and Environment
- Ms Jane Gibbs, Director, Planning and Risk, Department of Planning, Industry and Environment

The Chair declared the proposed expenditure for the portfolio of Local Government open for examination.

The minister and departmental witnesses were examined by the committee.

The evidence concluded and the minister and witnesses withdrew.

The public hearing concluded at 3.00 pm.

The public and media withdrew.

3.3 Further hearings

The committee noted that further hearings have been scheduled for February 2020.

4. Adjournment

The committee adjourned at 3.01 pm, until 3.25 pm, Thursday 31 October 2019 in the Macquarie Room, Parliament House, Sydney (Budget Estimates supplementary hearing – Energy and Environment).

Liz Clark

Committee Clerk

Minutes no. 15

Thursday 31 October 2019

Portfolio Committee No. 7 – Planning and Environment

Macquarie Room, Parliament House, Sydney, 3.25 pm

1. Members present

Ms Faehrmann, *Chair*

Mr Pearson, *Deputy Chair*

Mr Buttigieg

Ms Cusack

Mr Franklin

Mr Searle (*participating until 4.40 pm*)

Ms Sharpe

Mr Shoebridge (*participating from 5.15 pm until 5.45 pm*)

2. Apologies

Mr Mallard

3. ***

4. Inquiry into Budget Estimates

4.1 Allocation of questioning

Resolved, on the motion of Ms Sharpe: That, with no government questions, the time for questions be allocated as follows: opposition and cross bench allocated 20 minutes of questioning each and any time remaining divided evenly.

4.2 Public hearing: Budget Estimates 2019-2020 – Energy and Environment

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The Chair also reminded the following witnesses that they did not need to be sworn, as they had been sworn at the previous Budget Estimates hearing for the same committee:

- Ms Anissa Levy, Coordinator-General, Environment, Energy and Science Group, Department of Planning, Industry and Environment
- Mr John Cleland, Chief Executive Officer, Essential Energy
- Mr Mark Gifford, Chief Environmental Regulator, NSW Environment Protection Authority
- Mr Stephen Beaman, Executive Director, Hazardous Incidents and Environmental Health, NSW Environment Protection Authority
- Ms Carmen Dwyer, Executive Director, Waste Operations and Programs, NSW NSW Environment Protection Authority
- Dr Kar Mei Tang, A/Executive Director, Waste Policy and Strategy, Environment, Energy and Science Group, NSW Environment Protection Authority

- Mr Atticus Fleming, Deputy Secretary, National Parks and Wildlife Service, Department of Planning, Industry and Environment
- Ms Naomi Stephens A/Executive Director, Park Operations, National Parks and Wildlife Service, Department of Planning, Industry and Environment
- Mr Robert Quirk, Executive Director, Park Programs, National Parks and Wildlife Service, Department of Planning, Industry and Environment
- Mr Mick Pettitt, Director, Southern Ranges, National Parks and Wildlife Service, Department of Planning, Industry and Environment
- Mr James Hay, Deputy Secretary, Energy, Climate Change and Sustainability, Department of Planning, Industry and Environment (*from 4.05 pm*)
- Dr Kate Wilson, Executive Director, Climate Change and Sustainability, Department of Planning, Industry and Environment
- Ms Sharon Molloy, A/Executive Director, Biodiversity and Conservation Department of Planning, Industry and Environment
- Ms Michelle Dumazel, Executive Director, Policy, Strategy & Science, Department of Planning, Industry and Environment.

The following witness was sworn:

- Ms Tracy Mackey, Chief Executive Officer, NSW Environment Protection Authority.

The Chair declared the proposed expenditure for the portfolio of Energy and Environment open for examination.

The witnesses were examined by the committee.

Ms Levy tendered the following documents:

- Correspondence from Hon Matt Kean MP, Minister for Energy and Environment, to Mr Michael Bowan, General Counsel and Company Secretary, Essential Energy, regarding the issuing of a Direction under section 20N of the *State Owned Corporations Act 1989* to Essential Energy seeking comments on the proposed direction, dated 22 August 2019
- Correspondence from Hon Matt Kean MP, Minister for Energy and Environment, to Mr Michael Bowan, General Counsel and Company Secretary, Essential Energy, further regarding the issuing of a Direction under section 20P of the *State Owned Corporations Act 1989*, dated 31 October 2019

The public hearing continued.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 6.49 pm.

The public and media withdrew.

4.3 Tendered documents

Resolved on the motion of Mr Buttigieg: That the committee accept and publish the following documents tendered during the Energy and Environment hearing held on Thursday 31 October 2019:

- Correspondence from Hon Matt Kean MP, Minister for Energy and Environment, to Mr Michael Bowan, General Counsel and Company Secretary, Essential Energy, regarding the issuing of a Direction under section 20N of the *State Owned Corporations Act 1989* to Essential Energy seeking comments on the proposed direction, dated 22 August 2019
- Correspondence from Hon Matt Kean MP, Minister for Energy and Environment, to Mr Michael Bowan, General Counsel and Company Secretary, Essential Energy, further regarding the issuing of a Direction under section 20P of the *State Owned Corporations Act 1989*, dated 31 October 2019

4.4 Further hearings

The committee noted that further hearings have been scheduled for February 2020.

5. Adjournment

The committee adjourned at 6.52 pm, *sine die*.

Stephen Frappell
Committee Clerk

Minutes no. 19

Monday 3 February 2020

Portfolio Committee No. 7

Glasshouse, Port Macquarie at 2.00 pm

1. Members present

Ms Faehrmann (*Chair*)

Mr Pearson (*Deputy Chair*)

Mr Buttigieg

Ms Cusack

Mr Franklin

Mr Mallard

Ms Sharpe

2. Previous minutes

Resolved, on the motion of Mr Pearson: That draft minutes no. 12 and no. 18 be confirmed

3. Correspondence

The Committee noted the following items of correspondence:

- ***
- 27 November 2019 – Letter from Ms Anissa Levy, Coordinator General, Environment Energy and Science Group, Department of Planning, Industry and Environment to the Chair, providing clarification to her evidence at the supplementary hearing for Energy and Environment on 31 October 2019.
- ***

Sent:

- 5 November 2019 – Email from the secretariat to Mr Richard Hodge, Office of the Hon Matt Kean MP, Minister for Environment and Energy, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions.
- 5 November 2019 – Email from the secretariat to Ms Jane Boag, Office of the Hon Shelley Hancock MP, Minister for Local Government, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions.
- 5 November 2019 – Email from the secretariat to Mr Tom Loomes, Office of the Hon Rob Stokes MP, Minister for Planning and Public Spaces, 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. Budget Estimates 2019-2020 – supplementary hearings

The committee noted that the following answers to questions on notice and answers to supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice and supplementary questions from Hon Rob Stokes MP, Minister for Planning and Public Spaces, received 22 November 2019.
- answers to questions on notice and supplementary questions from Hon Shelley Hancock MP, Minister for Local Government, received 26 November 2019.
- answers to questions on notice and supplementary questions from Hon Matt Kean MP, Minister for Environment and Energy, received 26 November 2019.

5. *****6. Adjournment**

The committee adjourned at 4.17 pm until 9.00 am, Tuesday 4 February 2020 at the Great Koala National Park Headquarters Bellingen St, Urunga.

Laura Ismay

Clerk to the Committee

Minutes no. 20

Tuesday 4 February 2020

Portfolio Committee No. 7

Rainbow Room, C.Ex Coffs, Coffs Harbour, at 12.18 pm

1. Members present

Ms Faehrmann (*Chair*)

Mr Pearson (*Deputy Chair*)

Mr Buttigieg

Ms Cusack

Mr Franklin

Mr Mallard

Ms Sharpe

2. Budget Estimates 2019-2020 – procedural resolutions – further hearings

The committee noted that the 2019-2020 Budget Estimates timetable for further hearings was agreed to by the House. Below is a table of Portfolio Committee No. 7 hearings:

Date	Portfolio
Wednesday 4 March 2020	Local Government (Hancock)
Friday 6 March 2020	Energy and Environment (Kean)
Friday 13 March 2020	Planning and Public Spaces (Stokes)

2.1 Total hearing time

Resolved, on the motion of Ms Cusack: That depending on whether questions will be asked by government members, the total hearing time for the portfolios of Local Government (Ms Hancock), Energy and Environment (Mr Kean) and Planning and Public Spaces (Mr Stokes) be as follows:

With Government questions (Equal question time allocated to opposition, crossbench and government members)		Without Government questions (Equal question time allocated to opposition and crossbench)	
9.30am–12.30 pm	Minister appearing	9.30am–11.30 am	Minister appearing
		11.30am–11.40am	Break
		11.40am–12.40pm	Departmental staff
12.30pm–2.00pm	Lunch	12.40 pm–1.40 pm	Lunch
2.00pm–5.00pm	Departmental staff	1.40pm–2.40pm	Departmental staff
		2.40pm–2.50pm	Break
		2.50pm–4.20pm	Departmental staff
5.00pm–6.00pm	Dinner		
6.00pm–8.00pm	Departmental staff		

Resolved, on the motion of Ms Sharpe: That the committee invite the following witnesses:

Local Government

- Mr Tim Hurst, Deputy Secretary, Local Government, Planning and Policy, Department of Planning, Industry and Environment
- Mr Jim Betts, Secretary, Department of Planning, Industry and Environment
- Ms Kirstie Allen, Deputy Secretary of Strategy and Reform, Department of Planning, Industry and Environment
- Ms Sarah Hill, Deputy Secretary, Strategic Directions and Integration, Department of Planning, Industry and Environment
- Mr Marcus Ray, Group Deputy Secretary, Planning and Assessment, Department of Planning, Industry and Environment
- Mr Jim Bentley, Chief Executive Officer of Water, Department of Planning, Industry and Environment

Planning

- Mr Jim Betts, Secretary, Department of Planning, Industry and Environment
- Mr Marcus Ray, Group Deputy Secretary, Planning and Assessment, Department of Planning, Industry and Environment
- Mr John Brogden, Chief Executive Officer, Landcom
- Professor Mary O'Kane, Chair, Independent Planning Commission
- Ms Kirstie Allen, Deputy Secretary of Strategy and Reform, Department of Planning, Industry and Environment
- Ms Sarah Hill, Deputy Secretary, Strategic Directions and Integration, Department of Planning, Industry and Environment

Energy

- Ms Tracey Mackey (or any individual who is acting in or assumed the role of ...), Co-ordinator General, Environment, Energy and Science Group, Department of Planning, Industry and Environment
- Mr John Cleland, Chief Executive Officer, Essential Energy
- Mr James Hay, Deputy Secretary, Energy, Climate Change and Sustainability, Department of Planning, Industry and Environment
- Dr Kate Wilson, Executive Director, Climate Change and Sustainability, Department of Planning, Industry and Environment
- Mr Anthony Keon, Executive Director, NSW Resources Regulator

3. ***

4. **Adjournment**

The committee adjourned at 3.50 pm until 9.15 am, Thursday 6 February 2020 in the Macquarie Room, Parliament House, Sydney (Territorial Limits hearing)

Laura Ismay

Clerk to the Committee

Minutes no. 25

Wednesday 4 March 2020

Portfolio Committee No. 7 - Planning and Environment

Macquarie Room, Parliament House, Sydney, at 9.15 am

1. **Members present**

Mr Pearson, *A/Chair*

Mr Buttigieg, *A/Deputy Chair*

Ms Cusack (*from 9.21 am*)

Mr Franklin

Mr Mallard

Mr Primrose (*substituting for Ms Sharpe*)

Mr Field (*participating until 11.30 am*)

Ms Sharpe (*participating from 1.40 pm to 2.00 pm*)

Mr Shoebridge (*participating from 11.00 am to 3.33 pm*)

2. **Apologies**

Ms Faehrmann

3. **Election of Deputy Chair for the purposes of the meeting**

In the absence of the Chair, the Deputy Chair took the Chair for the purpose of the meeting.

The Acting Chair called for nominations for a member to act as Deputy Chair for the purposes of this meeting only.

Mr Primrose moved: That Mr Buttigieg be elected as Deputy Chair of the committee for the purposes of this meeting only.

There being no further nomination, the Acting Chair declared Mr Buttigieg elected Deputy Chair for the purposes of this meeting only.

4. **Confirmation of draft minutes**

Resolved, on the motion of Mr Mallard: That draft minutes no. 24 be confirmed.

5. **Correspondence**

The committee noted the following items of correspondence:

Received

- 13 February 2020 – Email from Office of Mr James Griffin MP, Parliamentary Secretary for the Environment and Veterans, to the secretariat, confirming his attendance at the Budget Estimates hearing for Energy and Environment on 6 March 2020

- 14 February 2020 – Email from Hon Shelley Hancock MP, Minister for Local Government, to the secretariat, confirming the list of witnesses attending the Budget Estimates further hearing for Local Government on 4 March 2020
- 14 February 2020 – Email from Office of Hon Rob Stokes MP, Minister for Planning and Public Spaces, to the secretariat, confirming the list of witnesses attending the Budget Estimates further hearing for Planning and Public Spaces on 13 March 2020
- 17 February 2020 – Email from Office of Hon Matt Kean MP, Minister for Energy and Environment, to the secretariat, confirming the list of witnesses attending the Budget Estimates further hearing for Energy and Environment on 6 March 2020
- 21 February 2020 – Email from Office of Hon Rob Stokes MP, Minister for Planning and Public Spaces, to the secretariat, advising the Acting Chair of the Independent Planning Commission is unable to attend the hearing on 13 March 2020
- 25 February 2020 – Email from Office of Hon Rob Stokes MP, Minister for Planning and Public Spaces, to the secretariat, advising that the Acting Chair of Independent Planning Commission is available to attend the morning session of the hearing on 13 March 2020
- 2 March 2020 – Email from Office of Hon Matt Kean MP, Minister for Energy and Environment, to the secretariat, providing amended list of Essential Energy witnesses for the Energy and Environment hearing on 6 March 2020.

Sent

- 11 February 2020 – Letter from the secretariat, to Mr James Griffin MP, Parliamentary Secretary for Environment and Veterans, inviting him to appear as a witness at the Budget Estimates hearing for Energy and Environment on 6 March 2020
- 11 February 2020 – Email from the secretariat, to Hon Rob Stokes MP, Minister for Planning and Public Spaces, attaching witness invitation for the Budget Estimates further hearing into Planning and Public Spaces on 13 March 2020
- 11 February 2020 – Email from the secretariat, to Hon Matt Kean MP, Minister for Energy and Environment, attaching witness invitation for the Budget Estimates further hearing into Energy and Environment on 6 March 2020
- 11 February 2020 – Email from the secretariat, to Hon Shelly Hancock MP, Minister for Local Government, attaching witness invitation for the Budget Estimates further hearing into Local Government on 4 March 2020
- 20 February 2020 – Email from the secretariat, to Office of Hon Rob Stokes MP, Minister for Planning and Public Spaces, requesting that the Acting Chair of the Independent Planning Commission attend the hearing on 13 March 2020
- 24 February 2020 – Email from the secretariat, to Office of Hon Rob Stokes MP, Minister for Planning and Public Spaces, requesting that the next most senior representative from the Independent Planning Commission attend the hearing on 13 March 2020
- 28 February 2020 – Email from the secretariat, to Office of Hon Matt Kean MP, Minister for Energy and Environment, requesting witnesses from Essential Energy attend the Budget Estimates hearing for Energy and Environment on 6 March 2020.

6. *****7. Inquiry into Budget Estimates 2019-2020 – further hearings****7.1 Order for examination of portfolios**

With no questions being asked by government members, the committee noted that it had previously resolved that the portfolio of Local Government is to be examined from 9.30 am to 11.30 am with the Minister, then with departmental witnesses only from 11.40 am to 12.40 pm, 1.40 pm to 4.20 pm with a ten minute break from 2.40 pm to 2.50 pm.

7.2 Allocation of question time

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

7.3 Supplementary questions

Resolved, on the motion of Mr Franklin: That further to the resolution of the House, members may lodge supplementary questions with the committee clerk by 5.00 pm within two days, except Saturday and Sunday, of the day of receipt of the transcript of a hearing.

7.4 Public hearing: Local Government

Witnesses, the public and the media were admitted.

The Hon Shelly Hancock MP, Minister for Local Government, was 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 the following witnesses that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing for the same committee:

- Mr Tim Hurst, Deputy Secretary, Local Government, Planning and Policy, Department of Planning, Industry and Environment
- Ms Jane Gibbs, Director, Planning and Risk, Department of Planning, Industry and Environment.

The Chair declared the proposed expenditure for the portfolio of Local Government open for examination.

The Minister and departmental witnesses were examined by the committee.

The Minister was excused to partake in a division in the Legislative Assembly at 10.44 am.

The Minister re-joined the meeting at 10.56 am

The Minister withdrew at 11.30 am.

Mr Hurst tendered the following documents:

- Correspondence from Mr Chris Allen, Director, Sector Performance and Intervention, Office of Local Government, regarding increase of Emergency Services Levy, dated 4 February 2020
- Office of Local Government circular to councils entitled “Changes to emergency services funding arrangements” dated May 2019.

Mr Primrose tabled the following document:

- Part E – candidate information sheet – made under the Local Government Act 1993 – pertaining to Mr Antoine Doueihy.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.20 pm.

The public and media withdrew.

7.5 Tended documents

Resolved, on the motion of Mr Mallard: That the committee accept and publish the following documents tendered during the Local Government hearing held on Wednesday 4 March 2020:

- Correspondence dated 4 February 2020 from Mr Chris Allen, Director, Sector Performance and Intervention, Office of Local Government regarding increase of Emergency Services Levy, tendered by Mr Hurst
- Office of Local Government circular to councils entitled “Changes to emergency services funding arrangements” dated May 2019, tendered by Mr Hurst
- Part E – candidate information sheet – made under the Local Government Act 1993 – pertaining to Mr Antoine Doueihy, tendered by Mr Primrose.

8. Adjournment

The committee adjourned at 4.21 pm, until 9.15 am, Friday 6 March 2020, Jubilee Room, Budget Estimates hearing (*Energy and Environment*).

Sharon Ohnesorge/Alex Stedman

Committee Clerk

Minutes no. 26

Friday 6 March 2020

Portfolio Committee No. 7 - Planning and Environment

Jubilee Room, Parliament House, Sydney, at 9.15 am

1. Members present

Ms Faehrmann, *Chair*
Mr Pearson, *Deputy Chair*
Mr Buttigieg
Ms Cusack (*from 9.25 am*)
Mr Franklin
Mr Mallard (*from 9.58 am*)
Ms Sharpe
Mr Field (*participating*)
Mr Searle (*participating from 9.25 am*)
Mr Shoebridge (*participating from 11.00 am to 12.40 pm*)

2. Inquiry into Budget Estimates 2019-2020 – further hearings

2.1 Order for examination of portfolios

Resolved, on the motion of Ms Sharpe: That the portfolios of Energy and Environment be examined, with the Minister and Parliamentary Secretary, from 9.30 am to 12.40 pm with a 10 minute break. The portfolios will then be examined without the Minister and Parliamentary Secretary present from 1.40 pm to 4.20 pm with a 10 minute break.

2.2 Allocation of question time

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

Ms Cusack and Mr Searle joined the meeting.

2.3 Public hearing: Energy and Environment

Witnesses, the public and the media were admitted.

The Hon Matt Kean MP, Minister for Energy and Environment, was admitted.

Mr James Griffin MP, Parliamentary Secretary for the Environment and Veterans, was 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 the following witnesses that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing for the same committee:

- Mr Jim Betts, Secretary, Department of Planning, Industry and Environment
- Ms Tracy Mackey, Coordinator-General, Environment, Energy and Science, Department of Planning, Industry and Environment
- Mr James Hay, Deputy Secretary, Energy , Climate Change and Sustainability, Department of Planning, Industry and Environment
- Dr Kate Wilson, Executive Director, Climate Change and Sustainability, Department of Planning, Industry and Environment
- Dr Atticus Fleming, Deputy Secretary, National Parks and Wildlife Service, Department of Planning, Industry and Environment
- Ms Naomi Stephens, A/Executive Director, Park Operations, National Parks and Wildlife Service, Department of Planning, Industry and Environment
- Mr Robert Quirk, Executive Director, Park Programs, National Park and Wildlife Service, Department of Planning, Industry and Environment
- Ms Sharon Molloy, A/Executive Director, Biodiversity and Conservation, Department of Planning, Industry and Environment
- Ms Carmen Dwyer, A/Executive Director, Regulatory Operations Regional, NSW Environment Protection Authority
- Mr Stephen Beaman, Executive Director, Bushfire Operations and Recovery, Department of Planning, Industry and Environment.

The following witnesses were sworn:

- Mr Andrew Lewis, Executive Director, Energy Strategy, Department of Planning, Industry and Environment
- Mr Richard Bean, A/Chief Executive Officer, NSW Environment Protection Authority
- Mr Paul Elton, Chief Executive Officer, Biodiversity Conservation Trust, Department of Planning, Industry and Environment
- Mr David Fowler, A/Executive Director, Regulatory Operations Metro, NSW Environment Protection Authority
- Mr Sanjay Sridher, Executive Director, Circular Economy, Department of Planning, Industry and Environment
- Ms Melanie Hawyes, Deputy Secretary, Policy, Strategy and Science, Department of Planning, Industry and Environment
- Mr Justin Hillier, Chief Financial Officer, Essential Energy
- Mr Luke Jenner, General Manager, Customer and Network Services, Essential Energy.

The Chair declared the proposed expenditure for the portfolios of Energy and Environment open for examination.

The Minister, the Parliamentary Secretary and departmental witnesses were examined by the committee.

Minister Kean tendered the following documents:

- Direction to the Board of Essential Energy under the State Owned Corporations Act 1989, dated 28 February 2020.

- Table of firefighter staffing numbers 2011 – 2020.

The Parliamentary Secretary withdrew at 11.40 am.

Resolved, on the motion of Ms Sharpe: That the Minister continue to appear alongside departmental witnesses from 1.40 pm to 2.40 pm.

The Minister withdrew at 2.40 pm.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.22 pm.

The public and media withdrew.

2.4 Tendered documents

Resolved, on the motion of Mr Pearson: That the committee accept and publish the following documents tendered during the Energy and Environment hearing held on Friday 6 March 2020:

- Direction to the Board of Essential Energy under the State Owned Corporations Act 1989, dated 28 February 2020, tendered by Minister Kean
- Table of firefighter staffing numbers 2011 - 2020, tendered by Minister Kean.

2.5 Request for documents: Liddell taskforce documents

Resolved, on the motion of Ms Sharpe: That the committee write to Minister Kean to request that he provide the following documents in the Minister's possession, custody or control by 5.00 pm, Tuesday 10 March 2020:

- A copy of the draft of the Liddell Taskforce report, and its covering briefing, provided to the Minister for Energy and Environment in December 2019; and
- A copy of advice provided to the Liddell Taskforce by the Australian Energy Market Operator.

3. Adjournment

The committee adjourned at 4.26 pm, until 9.15 am, Friday 13 March 2020, Macquarie Room, Budget Estimates hearing (*Planning and Public Spaces*).

Laura Ismay/Sam Griffith

Committee Clerk

Minutes no. 27

Friday 13 March 2020

Portfolio Committee No. 7 - Planning and Environment

Macquarie Room, Parliament House, Sydney, at 9.15 am

1. Members present

Ms Faehrmann, *Chair*

Mr Pearson, *Deputy Chair*

Mr Amato (*substituting for Mr Mallard*)

Ms Cusack (*until 3.56 pm*)

Mr Graham (*participating from 3.15 pm to 3.43 pm*)

Mr Martin (*substituting for Mr Franklin*)

Mr Searle (*substituting for Mr Buttigieg*)

Ms Sharpe

Mr Shoebridge (*participating from 10.17 am to 10.57 am*)

2. Correspondence:

The committee noted the following items of correspondence:

Received:

- 10 March 2020 – Letter from Hon Matt Kean MP, Minister for Energy and Environment, declining committee's request for documents related to the Liddell Taskforce report and related papers.

Sent:

- 6 March 2020 – Letter from the Chair, to Hon Matt Kean MP, Minister for Energy and Environment, requesting documents related to the Liddell Taskforce report and related papers.

3. Inquiry into Budget Estimates 2019-2020 – further hearings

3.1 Further request for documents: Liddell taskforce documents

Resolved, on the motion of Mr Searle: That the committee write to Minister Kean to request that he provide the following documents in the Minister's possession, custody or control by 5.00 pm, Monday 16 March 2020:

- A copy of the draft of the Liddell Taskforce report, and its covering briefing, provided to the Minister for Energy and Environment in December 2019; and
- A copy of advice provided to the Liddell Taskforce by the Australian Energy Market Operator.

3.2 Order for examination of portfolios and allocation of question time

Resolved on the motion of Mr Searle: That the the portfolios of Planning and Public Spaces be examined from:

- 9.30 am to 12.30 pm with the Minister and departmental representatives, with equal time allocated between opposition and crossbench and with last half hour being reserved for government questions; and
- 1.40 pm to 4.20 pm with departmental representatives, with equal time allocated between opposition and crossbench.

3.3 Public hearing: Planning and Public Spaces

Witnesses, the public and the media were admitted.

The Hon Rob Stokes MP, Minister for Planning and Public Spaces, was 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 the following witnesses that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing for the same committee:

- Mr Jim Betts, Secretary, Department of Planning, Industry and Environment
- Mr Marcus Ray, Group Deputy Secretary, Planning and Assessment, Department of Planning, Industry and Environment
- Mr John Brogden, Chief Executive Officer, Landcom
- Ms Alex O'Mara, Group Deputy Secretary, Place, Design and Public Spaces, Department of Planning, Industry and Environment
- Mr Shaun Smith, Chief Financial Officer, Department of Planning, Industry and Environment.

The following witnesses were sworn:

- Ms Sarah Hill, Deputy Secretary, Strategic Directions and Integration, Department of Planning, Industry and Environment
- Mr Brett Whitworth, Deputy Secretary, Greater Sydney, Place and Infrastructure, Department of Planning, Industry and Environment
- Mr Peter Duncan, Acting Chair, Independent Planning Commission.

The Chair declared the proposed expenditure for the portfolios of Planning and Public Spaces open for examination.

The Minister and departmental witnesses were examined by the committee.

The Minister withdrew at 12.06 pm.

Mr Searle tendered the following document:

- Landcom – Investigation Report into Bullying Complaints made against Ms Suzanne Jones, March 2019, prepared by Mark Werman, Managing Director.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.02 pm.

The public and media withdrew.

3.4 Tendered documents

Resolved, on the motion of Mr Searle: That the committee accept the following documents tendered during the Planning and Public Spaces hearing held on Friday 13 March 2020:

- Landcom – Investigation Report into Bullying Complaints made against Ms Suzanne Jones, March 2019, prepared by Mark Werman, Managing Director.

4. Adjournment

The committee adjourned at 4.03 pm, *sine die*.

Rebecca Main/Merrin Thompson

Committee Clerk

Minutes no. 28

Thursday 19 March 2020

Portfolio Committee No. 7 – Planning and Environment

via teleconference, Redfern, at 11.03 am

1. Members present

Ms Faehrmann (*Chair*)

Mr Pearson (*Deputy Chair*) (from 11.06 am) *via teleconference*

Mr Buttigieg *via teleconference*

Ms Cusack *via teleconference*

Mr Franklin *via teleconference*

Mr Mallard (until 11.08 am) *via teleconference*

Ms Sharpe *via teleconference*

2. Correspondence

The Committee noted the following items of correspondence:

Received:

- 12 March 2020 – Email from Mr Tom Loomes, Director of Parliamentary Business, Office of the Hon Rob Stokes MP, Minister for Planning and Public Spaces, to the secretariat, advising that Ms Sandra Lee and Mr James Hebron were unavailable to attend the Budget Estimates hearing on 13 March 2020
- 16 March 2020 – Letter from the Hon Matt Kean MP, Minister for Energy and Environment, to the Chair, providing response to committee's second request for documents relating to Liddell Taskforce report.

Sent:

- 10 March 2020 – Email from the secretariat, to Ms Jane Boag, Parliamentary Liaison Officer and Communications Manager, Office of the Hon Shelley Hancock MP, Minister for Local Government, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions
- 11 March 2020 – Email from the secretariat, to Mr Tom Loomes, Director of Parliamentary Business, Office of the Hon Rob Stokes MP, Minister for Planning and Public Spaces, to the secretariat, inviting additional witnesses to attend the Budget Estimates hearing on 13 March 2020
- 13 March 2020 – Letter from Chair, to Hon Matt Kean MP, Minister for Energy and Environment, requesting documents related to the Liddell Taskforce report and related papers for a second time
- 16 March 2020 – Email from the secretariat, to Mr Richard Hodge, Policy Advisor, Office of the Hon Matt Kean MP, Minister for Energy and Environment, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions.

Mr Pearson joined the meeting.

Mr Mallard left the meeting.

Ms Cusack moved: That the following proposal as set out in the letter from Minister Matt Kean MP, Minister for Energy and Environment, dated 18 March 2020, be adopted:

'any document over which privilege is claimed will be dealt with in the same manner as a privileged document is dealt with when produced under standing order 52'

Question put.

The committee divided.

Ayes: Ms Cusack, Mr Franklin, Mr Mallard

Noes: Mr Buttigieg, Ms Fachrmann, Mr Pearson, Ms Sharpe

Question resolved in the negative.

Mr Buttigieg moved:

1. That, under standing order 208, the following documents in the possession, custody or control of Minister Matt Kean, MP, Minister for Energy and Environment, previously requested by the committee, be produced to the Clerk of the Parliaments by 5.00 pm Monday 23 March 2020 for the purposes of the inquiry into Budget Estimates 2019-2020:
 - (a) A copy of the draft of the Liddell Taskforce report, and its covering briefing, provided to the Minister for Energy and Environment in December 2019, and

- (b) A copy of advice provided to the Liddell Taskforce by the Australian Energy Market Operator.
2. That the correspondence note that:
- (a) the committee has the power to compel the production of the documents under standing order 208 and as reasonably necessary to carry out its function of scrutinising the executive,
 - (b) the documents sought fall within the inquiry terms of reference and is necessary to the conduct of the inquiry,
 - (c) the reasons given by Minister Matt Kean MP, Minister for Energy and Environment, in his letter dated 16 March 2020 do not justify non-compliance with the committee's requests for the document,
 - (d) the documents produced will be held in the custody of the Clerk and a claim or claims of privilege may be made over them, and
 - (e) for any documents produced as a result of this order, the procedure under the sessional order relating to committee orders for documents adopted on 8 May 2019 will apply, including the process for dealing with documents over which a claim of privilege is made, and the appointment of an independent legal arbiter to evaluate and report on the validity of a privilege claim if this claim is disputed.
3. That the committee authorise the publication of this letter and all previous correspondence to and from Minister Matt Kean MP, Minister for Energy and Environment, relating to the Liddell Taskforce.

Question put.

The committee divided.

Ayes: Mr Buttigieg, Ms Faehrmann, Mr Pearson, Ms Sharpe

Noes: Ms Cusack, Mr Franklin, Mr Mallard

Question resolved in the affirmative.

3. ***

4. **Adjournment**

The committee adjourned at 11.14 am, *sine die*.

Stewart Smith

Clerk to the Committee

Draft minutes no. 29

Thursday 14 May 2020

Portfolio Committee No. 7 – Planning and Environment

via teleconference, at 11.00 am

1. **Members present**

Ms Faehrmann, *Chair*

Mr Buttigieg
 Ms Cusack
 Mr Franklin
 Mr Mallard
 Ms Sharpe

2. Apologies

Mr Pearson

3. Previous minutes

Resolved, on the motion of Mr Mallard: That draft minutes nos 25, 26, 27 and 28 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 30 March 2020 – Email from Ms Jane Boag, Parliamentary Liaison Officer, Office of the Minister for Local Government to the secretariat, requesting an extension to provide post hearing responses
- 31 March 2020 – Email from Mr Richard Hodge, Policy Advisor, Office of the Minister for Energy and Environment to the secretariat, requesting an extension to provide post hearing responses
- 1 April 2020 – Letter from Mr Tim Reardon, Secretary, Department of Premier and Cabinet to Mr David Blunt, Clerk of the Parliaments, declining to provide the Liddell Taskforce report and related papers
- 2 April 2020 – Email from Mr Tom Loomes, Director of Parliamentary Business, Office of Minister for Planning and Public Spaces to secretariat, requesting an extension to provide post hearing responses
- 12 May 2020 – Email from Ms Jane Boag, Parliamentary Liaison Officer, Office of the Minister for Local Government to the secretariat, providing additional clarification on answers to questions on notice.

Sent:

- 19 March 2020 – Letter from Mr David Blunt, Clerk of the Parliaments to Mr Tim Reardon, Secretary, Department of Premier and Cabinet, requesting production of papers relating to the Liddell Taskforce report and related papers
- 20 March 2020 – Email from the secretariat to Mr Tom Loomes, Director of Parliamentary Business, Office of Minister for Planning and Public Spaces, attaching transcript of evidence with questions on notice highlighted and supplementary questions.

5. Inquiry into Budget Estimates 2019-2020 – further hearings

5.1 Answers to questions on notice and supplementary questions

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution establishing the inquiry:

- answers to questions on notice and supplementary questions from the Hon Shelley Hancock MP, Minister for Local Government, received 8 April 2020
- answers to questions on notice and supplementary questions from the Hon Rob Stokes MP, Minister for Planning and Public Spaces, received 17 April 2020
- answers to questions on notice and supplementary questions from the Hon Matt Kean MP, Minister for Energy and Environment, received 20 April 2020.

5.2 Extension for the return of post-hearing responses

Resolved, on the motion of Mr Mallard: That the committee:

- grant a two week extension to the due date for the return of answers to questions on notice and supplementary questions for witnesses appearing at the hearing for the portfolio of Local Government to Wednesday 8 April 2020, and
- upon their request, grant up to a two week extension for the return to answers to questions on notice and supplementary questions to any other departments who appeared before Portfolio Committee No. 7- Planning and Environment for its inquiry into Budget Estimates 2019-20 further hearings.

5.3 Consideration of Chair's draft report

Resolved, on the motion of Mr Franklin: That, notwithstanding the resolution of the House dated 20 November 2019 requiring the Chair's draft report be circulated at least 7 calendar days prior to the scheduled report deliberative, the committee consider the Chair's draft report entitled *Budget Estimates 2019-2020* circulated on Wednesday 13 May 2020.

The Chair submitted her draft report, entitled *Budget Estimates 2019-2020*, which, having been previously circulated, was taken as being read.

Resolved, on the motion of Ms Sharpe: 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 20 May 2020.

6. Adjournment

The committee adjourned at 11.07 am, *sine die*.

Shu-fang Wei
Committee Clerk