



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 7

Budget Estimates 2021-2022

Report 14

June 2022

7



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Portfolio Committee No. 7 - Planning and Environment

Budget Estimates 2021-2022

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Budget Estimates 2021-2022.

"June 2022"

Acting Chair: Hon Mark Pearson, MLC.



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Terms of reference

1. That the Budget Estimates and related papers for the financial year 2021-2022 presenting the amounts to be appropriated from the Consolidated Fund be referred to the Portfolio Committees for inquiry and report.
2. That, further to the resolution of the House of 11 November 2020 adopting the 2021 sitting calendar, the 2021-2022 initial budget estimates hearings be scheduled as follows:

Day One: Monday 16 August 2021

PC 5 Counter Terrorism and Corrections
PC 7 Planning and Public Spaces

Day Two: Tuesday 17 August 2021

PC 2 Health and Medical Research
PC 1 Special Minister of State, Public Service and Employee Relations, Aboriginal Affairs and the Arts

Day Three: Wednesday 18 August 2021

PC 3 Education and Early Childhood Learning
PC 4 Agriculture and Western New South Wales
PC 1 The Legislature

Day Four: Thursday 19 August 2021

PC 7 Local Government
PC 2 Mental Health, Regional Youth and Women

Day Five: Friday 20 August 2021

PC 1 Treasury
PC 6 Customer Service and Digital

Day Six: Monday 23 August 2021

PC 7 Energy and Environment
PC 5 Attorney General and Prevention of Domestic and Sexual Violence

Day Seven: Tuesday 24 August 2021

PC 1 Jobs, Investment, Tourism and Western Sydney
PC 6 Regional Transport and Roads

Day Eight: Wednesday 25 August 2021

PC 3 Skills and Tertiary Education
PC 5 Sport, Multiculturalism, Seniors and Veterans

Day Nine: Thursday 26 August 2021

PC 6 Transport and Roads
PC 1 Premier

Day Ten: Friday 27 August 2021

PC 4 Water, Property and Housing
 PC 5 Families, Communities and Disability Services

Day Eleven: Monday 30 August 2021

PC 6 Better Regulation and Innovation
 PC 4 Regional New South Wales, Industry and Trade

Day Twelve: Tuesday 31 August 2021

PC 5 Police and Emergency Services
 PC 1 Finance and Small Business

3. That for the purposes of the Budget Estimates inquiry 2021-2022:
- (a) for each scheduled day of the initial and further rounds of hearings:
 - (i) each portfolio, except The Legislature, be examined concurrently by Opposition and Crossbench members only, from 9.30 am to 12.30 pm, and from 2.00 pm to 5.45 pm, with an additional 15 minutes reserved for government questions for each of the morning and afternoon sessions,
 - (ii) the portfolio of The Legislature be examined concurrently by Opposition, Crossbench and Government members from 9.30 am until 12.30 pm,
 - (b) the committees must hear evidence in public,
 - (c) 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,
 - (d) witnesses, including ministers, may not make an opening statement before the committee commences questions,
 - (e) members may lodge supplementary questions with the committee clerk by 5.00 pm within two business days following a hearing, and
 - (f) 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.
4. That the committees present a final report to the House by 30 June 2022.

The terms of reference were referred to the committee by the Legislative Council on 23 June 2021.¹

¹ *Minutes*, NSW Legislative Council, 23 June 2021, pp 2348-2349. The Terms of reference were further amended - *Minutes*, NSW Legislative Council, 12 October 2021, pp 2401-2404; *Minutes*, NSW Legislative Council, 14 October 2021, p 2488; *Minutes*, NSW Legislative Council, 21 October 2021, p 2579; *Minutes*, NSW Legislative Council, 16 November 2021, p 2713; *Minutes*, NSW Legislative Council, 23 February 2022, pp 2969-2970; *Minutes*, NSW Legislative Council, 29 March 2022, pp 3121-3122; *Minutes*, NSW Legislative Council, 30 March 2022, p 3146.

Committee details

Committee members

| | | |
|-------------------------------------|------------------------|---------------------|
| The Hon Mark Pearson MLC | Animal Justice Party | <i>Deputy Chair</i> |
| The Hon Scott Barrett MLC | The Nationals | |
| The Hon Catherine Cusack MLC | Liberal Party | |
| The Hon Rose Jackson MLC | Australian Labor Party | |
| The Hon Shayne Mallard MLC | Liberal Party | |
| The Hon Penny Sharpe MLC | Australian Labor Party | |

* Ms Cate Faehrmann MLC resigned as a committee member and Chair on 20 June 2022.

Non-substantive members who attended the hearings

| | |
|-----------------------------------|-----------------------------|
| The Hon Lou Amato MLC | Liberal Party |
| Ms Abigail Boyd MLC | The Greens |
| The Hon Mark Buttigieg MLC | Australian Labor Party |
| Ms Cate Faehrmann MLC | The Greens |
| The Hon Scott Farlow MLC | Liberal Party |
| Mr Justin Field MLC | Independent |
| The Hon Ben Franklin MLC | The Nationals |
| The Hon Mark Latham MLC | Pauline Hanson's One Nation |
| The Hon Taylor Martin MLC | Liberal Party |
| The Hon Adam Searle MLC | Australian Labor Party |
| The Hon Walt Secord MLC | Australian Labor Party |
| Mr David Shoebridge MLC | The Greens |

Contact details

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Chair's foreword

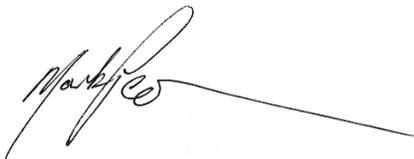
I am pleased to present this report on the Inquiry into Budget Estimates 2021-2022. This annual inquiry into the Budget Estimates ensures parliamentary oversight of the Budget, and provides an important mechanism for the accountability of the executive government to the Legislative Council.

Portfolio Committee No. 7 is responsible for the scrutiny of the following portfolio areas:

- Environment and Heritage
- Local Government
- Planning, Homes.

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](#).

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



The Hon Mark Pearson MLC
Acting Committee 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.

Budget Estimates 2021-2022

- 1.1 On 11 November 2020 the House resolved that for the purposes of the Budget Estimates inquiry 2021-2022, initial hearings be scheduled over 12 days from 16 August to 20 August 2021, 23 August to 27 August 2021, and 30 to 31 August 2021, and that supplementary hearings be scheduled over five days from 25 October to 29 October 2021.²
- 1.2 The Budget Estimates resolution and schedule was subsequently agreed to by the House on 23 June 2021, referring the Budget Estimates and related papers for 2021-2022 to the Portfolio Committees for inquiry and report.² The budget estimates resolution establishing the Inquiry, which sets out the rules for the Inquiry, is reproduced on pages iv and v.
- 1.3 However, upon nearing the commencement of the initial hearings, the impact of the Delta variant of the Covid 19 virus was being felt through the community, and members of the Legislative Council agreed to defer the initial round of hearings and replace it with fully virtual hearings for eight key portfolio areas. These were: Premier, Treasury, Health, Customer Service and Digital, Education and Early Childhood Learning, Regional NSW, Industry and Trade, Police, and Transport and Roads. The House subsequently retrospectively resolved these arrangements on Tuesday 12 October 2021.³ On the same day, the House also resolved to hold supplementary hearings over 9 days commencing 26 October 2021.⁴
- 1.4 In November 2021, the House resolved that for the purposes of the Budget Estimates inquiry 2021-2022 additional hearings be scheduled over 12 days from 28 February to 4 March 2022, 7 March to 11 March 2022, and 14 March to 15 March 2022.⁵ The House subsequently resolved to hold the hearings over 13 days, commencing 28 February.⁶ Due to significant flooding events affecting northern New South Wales occurring during this time, three hearings – Deputy Premier, Regional NSW and Police, Premier, and Emergency Services and Resilience were postponed. On 29 March 2022 the House resolved new hearing dates for these portfolios, and

² *Minutes*, NSW Legislative Council, 11 November 2020, p 1547; *Minutes*, NSW Legislative Council, 23 June 2021, p 2349.

³ *Minutes*, NSW Legislative Council, 12 October 2021, p 2401.

⁴ *Minutes*, NSW Legislative Council, 12 October 2021, p 2402.

⁵ *Minutes*, NSW Legislative Council, 16 November 2021, p 2713.

⁶ *Minutes*, NSW Legislative Council, 23 February 2022, p 2970.

also authorised each of the Portfolio Committees to hold further additional budget estimate hearings up to 30 May 2022.⁷

Hearings

1.5 The committee held 6 public hearings as follows:

- Tuesday 26 October 2021 – Energy and Environment
- Thursday 28 October 2021 – Planning and Public Spaces
- Monday 1 November 2021 – Local Government
- Tuesday 1 March 2022 – Environment & Heritage
- Tuesday 8 March 2022 – Local Government
- Friday 11 March 2022 – Planning, Homes

Transcripts, questions on notice and supplementary questions

1.6 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.

⁷ *Minutes*, NSW Legislative Council, 29 March 2022, p 3121.

Chapter 2 Issues raised during hearings

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

Energy and Environment

2.1 A hearing examining the portfolio of Energy and Environment was held on Tuesday 26 October 2021. The following issues were raised during the committee's examination of this portfolio:

- Protection of koala habitat and the government's koala strategy
- The integrity of the Biodiversity Offsets Scheme
- Regulation of commercial and non-commercial killing of kangaroos, and the government response to the committee's report on kangaroos
- The government's carbon emissions reduction strategy
- Regulation and compliance monitoring of private native forestry
- Horses in Kosciuszko National Park
- Protection of endangered species.

Environment and Heritage

2.2 A hearing examining the portfolio of Environment and Heritage was held on Tuesday 1 March 2022. The following issues were raised during the committee's examination of this portfolio:

- NSW Koala Strategy
- Kangaroo management
- Logging operations
- Water sharing plans and floodplain harvesting
- Whitehaven Coal
- Aboriginal heritage
- NSW Plastics Action Plan

Local Government

2.3 A hearing examining the portfolio of Local Government was held on 1 November 2021. The following issues were raised during the committee's examination of this portfolio:

- Former Strathfield Mayor Antoine Doueihi
- Office of Local Government organisational structure
- Tomerong Quarry and Shoalhaven Council

- Women in local government
- Council pounds and dog deaths
- Prevention of Cruelty to Animals Act
- Greyhound rehoming and whole of life tracking
- Protections and conditions for workers in local government
- Council mergers and demergers
- Infrastructure contributions
- Impending local elections
- Impact of COVID restrictions on Local Government Areas
- Allegations against former Dubbo Mayor.

2.4 A hearing examining the portfolio of Local Government was held on Tuesday 8 March 2022. The following issues were raised during the committee's examination of this portfolio:

- Misconduct referrals and investigations, the Model Code of Conduct for Local Councils in NSW and progress of Review of the Councillor Misconduct Framework
- Property developers and real estate agents as councillors and their proposed disqualification from holding civic office in the Local Government Amendment (Disqualification from Civic Office) Bill 2020
- Response and assistance to the Northern NSW floods in March 2022
- Implementation of the recommendations from the Auditor-General report into the integrity of grant program administration
- Amalgamation and de-amalgamation of councils
- Animal welfare issues including greyhounds under the Companion Animals Act and the review of animal rehoming practices in council pounds.

Planning and Public Spaces

2.5 A hearing examining the portfolio of Planning and Public Spaces was held on Thursday 28 October 2021. The following issues were raised during the committee's examination of this portfolio:

- Greater Sydney Parklands Trust Bill, including activities in Callan Park
- Preliminary Regional Issues Assessment for Hawkins-Rumker and Ganguddy-Kelgoola coal exploration areas
- West Culburra development
- Sydney Science Park development
- Approval of Eastlakes Shopping Centre modification

- Fast-track assessment program
- Housing affordability and supply, including supply projections
- Koala conservation and corridors in south-western Sydney
- Staff culture and values within the Department of Planning, Industry and Environment
- Short-term rental accommodation registration.

Planning, Homes

2.6 A hearing examining the portfolio of Planning, Homes was held on Friday 11 March 2022. The following issues were raised during the committee's examination of this portfolio:

- Role of Department of Planning and Environment in flood repair
- Independent Review of flood response – Chair and terms of reference
- Provisions of planning framework that affect rebuilding post-floods
- Areas of Hawkesbury/Nepean Valley prone to flooding
- Waterloo public housing estate
- Land and Housing Corporation
- Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021
- Kamay Ferry Wharf Project – Environmental impact statement
- Regional Housing Strategy for Regional NSW
- Community Plus Program status
- Net Zero Plan Stage 1 – Policy Guidance
- Rezoning flood risk for Blacktown LGA.

Appendix 1 Witnesses at hearings

| Date | Name | Position and Organisation |
|---|---|--|
| Tuesday 26 October 2021 Jubilee Room Parliament House, Sydney | Hon Matt Kean MP | Treasurer and Minister for Energy and Environment |
| | Ms Tracy Mackey | Chief Executive Officer, NSW Environment Protection Authority |
| | Dr Paul Grimes | Coordinator-General, Environment, Energy and Science, Department of Planning, Industry and Environment |
| | Mr Atticus Fleming | Deputy Secretary, National Parks and Wildlife Service, Department of Planning, Industry and Environment |
| | Mr James Hay | Deputy Secretary, Energy, Climate Change and Sustainability and Chief Executive Officer of Energy Corporation of NSW, Department of Planning, Industry and Environment <i>(via Webex)</i> |
| | Ms Nancy Chang | Executive Director, Regulatory Policy Initiatives and Advice, NSW Environment Protection Authority <i>(via Webex)</i> |
| | Mr Dean Knudson | Deputy Secretary, Biodiversity, Conservation and Science, Department of Planning, Industry and Environment <i>(via Webex)</i> |
| | Ms Sharon Molloy | Executive Director, Biodiversity and Conservation Division, Department of Planning, Industry and Environment <i>(via Webex)</i> |
| Dr Kate Wilson | Executive Director, Climate Change and Sustainability, Department of Planning, Industry and Environment <i>(via Webex)</i> | |

| Date | Name | Position and Organisation |
|------|---------------------|---|
| | Ms Michelle Dumazel | Executive Director, Biodiversity and Conservation Division, Department of Planning, Industry and Environment (<i>via Webex</i>) |
| | Mr Andrew Lewis | Executive Director, Energy, Department of Planning, Industry and Environment (<i>via Webex</i>) |
| | Mr Paul Elton | Chief Executive Officer, Biodiversity Conservation Trust, Department of Planning, Industry and Environment (<i>via Webex</i>) |
| | Ms Naomi Stephens | Executive Director, Park Operations (Coastal), National Parks and Wildlife Service, Department of Planning, Industry and Environment (<i>via Webex</i>) |
| | Mr Andrew Nicholls | Executive Director, Business Delivery, National Parks and Wildlife Service, Department of Planning, Industry and Environment (<i>via Webex</i>) |
| | Dr Georgina Kelly | Executive Director, Science, Economics and Insights, Department of Planning, Industry and Environment (<i>via Webex</i>) |
| | Ms Carmen Dwyer | Executive Director, Regulatory Operations Regional, NSW Environment Protection Authority (<i>via Webex</i>) |
| | Mr Stephen Beaman | Executive Director, Regulatory Operations Metro, NSW Environment Protection Authority (<i>via Webex</i>) |
| | Mr David Fowler | Executive Director, Regulatory Practice and Environmental Solutions, NSW Environment Protection Authority (<i>via Webex</i>) |

| Date | Name | Position and Organisation |
|---|------------------------|---|
| Thursday 28 October 2021 Macquarie Room Parliament House, Sydney | Hon Rob Stokes MP | Minister for Planning and Public Spaces and Minister for Transport and Roads |
| | Ms Kiersten Fishburn | Acting Secretary, Department of Planning, Industry and Environment, and Coordinator General, Planning Delivery Unit, Department of Planning, Industry and Environment |
| | Ms Alex O'Mara | Group Deputy Secretary, Place, Design and Public Spaces, Department of Planning, Industry and Environment (<i>via Webex</i>) |
| | Mr Marcus Ray | Group Deputy Secretary, Planning and Assessment, Department of Planning, Industry and Environment (<i>via Webex</i>) |
| | Mr John Brogden | Chief Executive Officer, Landcom (<i>via Webex</i>) |
| | Mr Brett Whitworth | Deputy Secretary, Greater Sydney, Place and Infrastructure, Department of Planning, Industry and Environment (<i>via Webex</i>) |
| Monday 1 November 2021 Jubilee Room Parliament House, Sydney | Hon Shelley Hancock MP | Minister for Local Government |
| | Ms Kiersten Fishburn | Secretary, Department of Planning, Industry and Environment |
| | Ms Sharon Molloy | Executive Director, Biodiversity and Conservation, Department of Planning, Industry and Environment |
| | Mr James Hebron | Deputy Secretary, Legal Services, Department of Planning, Industry and Environment (<i>via Webex</i>) |
| | Ms Michelle Fletcher | Director, Marine, Coastal, Estuaries and Flood, Department of Planning, Industry and Environment (<i>via Webex</i>) |

| Date | Name | Position and Organisation |
|---|--|---|
| Tuesday 1 March 2022 Jubilee Room Parliament House, Sydney | Hon James Griffin MP | Minister for Environment and Heritage |
| | Mr Atticus Fleming | Acting Coordinator-General, Environment, Energy and Science, Department of Planning and Environment |
| | Ms Jacqueline Moore | Acting Chief Executive Officer, NSW Environment Protection Authority |
| | Mr David Fowler | Executive Director, Regulatory Practice and Environmental Solutions, NSW Environment Protection Authority |
| | Mr Dean Knudson | Deputy Secretary, Biodiversity, Conservation and Science, Department of Planning and Environment |
| | Mr Andrew Nicholls | Acting Deputy Secretary, National Parks and Wildlife Service, Department of Planning and Environment (<i>via Webex</i>) |
| | Mr Sam Kidman | Executive Director, Heritage NSW, Department of Premier and Cabinet |
| | Ms Michelle Dumazel | Executive Director, Biodiversity and Conservation Division, Department of Planning and Environment |
| | Ms Sharon Molloy | Executive Director, Biodiversity and Conservation Division, Department of Planning and Environment |
| | Professor Hugh Durrant-Whyte | NSW Chief Scientist and Engineer and NRC Commissioner, Natural Resources Commission |
| | Mr Bryce Wilde | Executive Director, Natural Resources Commission |
| Mr Paul Elton | CEO, Biodiversity Conservation Trust, Department of Planning and Environment | |

| Date | Name | Position and Organisation |
|---|---------------------------|--|
| | Mr Frank Howarth | Chair, Heritage Council of NSW |
| | Hon Robyn Parker | Deputy Chair, Heritage Council of NSW (<i>via Webex</i>) |
| | Ms Naomi Stephens | Executive Director, Park Operations (Coastal), National Parks and Wildlife Service, Department of Planning and Environment |
| | Ms Trish Harrup | Acting Executive Director, Conservation and Aboriginal Partnerships, National Parks and Wildlife Service, Department of Planning and Environment |
| | Mr Stephen Beaman | Executive Director, Regulatory Operations Metro, NSW Environment Protection Authority |
| | Ms Nancy Chang | Executive Director, Regulatory Policy Initiatives and Advice, NSW Environment Protection Authority |
| | Ms Rachel Parry | Deputy, Secretary, Energy, Climate Change and Sustainability, Department of Planning and Environment |
| | Ms Cristien Hickey | Acting Executive Director, Climate Change and Sustainability, Department of Planning and Environment |
| Tuesday 8 March 2022 Macquarie Room Parliament House, Sydney | Hon Wendy Tuckerman MP | Minister for Local Government |
| | Mr Michael Cassel | Secretary, Department of Planning and Environment |
| | Ms Melanie Hawyes | Deputy Secretary, Crown Lands and Local Government, Planning and Environment |
| | Ms Ally Dench | Executive Director, Local Government, Planning and Environment |

| Date | Name | Position and Organisation |
|---|------------------------|---|
| | Ms Sharon Molloy | Executive Director, Biodiversity and Conservation, Planning and Environment |
| | Ms Michelle Fletcher | Director, Marine, Coastal, Estuaries and Flood, Planning and Environment |
| Friday 11 March 2022 Macquarie Room Parliament House, Sydney | Hon Anthony Roberts MP | Minister for Planning and Homes |
| | Mr Michael Cassel | Secretary, Department of Planning and Environment |
| | Mr Marcus Ray | Group Deputy Secretary, Planning & Assessment, Department of Planning and Environment |
| | Mr John Brogden | CEO, Landcom |
| | Ms Deborah Brill | Acting Chief Executive, NSW Land and Housing Corporation |
| | Mr Michael Wright | Group Deputy Secretary, Housing and Property, Department of Planning and Environment |
| | Mr Brett Whitworth | Deputy Secretary, Planning Policy, Department of Planning and Environment |
| | Mr Leon Walker | Deputy Secretary, Property and Development, Department of Planning and Environment |
| | Mr Tim Raimond | Deputy Secretary, Strategic Land Use Planning, Department of Planning and Environment |
| | Ms Anthea Sargeant | Acting Deputy Secretary, Development Assessment, Department of Planning and Environment |
| | Ms Anita Mitchell | Chief Executive, Placemaking NSW |

Appendix 2 Minutes

Minutes no. 56

Wednesday 7 July 2021

Portfolio Committee No. 7 – Planning and Environment

Via videoconference at 11.33 am

1. Members present

Ms Faehrmann, *Chair*

Mr Pearson, *Deputy Chair*

Ms Cusack

Mr Franklin

Ms Jackson

Mr Mallard

Ms Sharpe

2. Apologies

Mr Pearson, *Deputy Chair*

Ms Cusack

3. Inquiry into Budget Estimates 2021-2022 – procedural resolutions

The committee noted the Budget Estimates timetable for 2021-2022 agreed to by the House, with hearings commencing at 9.30 am and concluding by 6.00 pm, for Portfolio Committee No. 7:

| Date | Portfolio |
|-------------------------|-------------------------------------|
| Monday 16 August 2021 | Planning and Public Spaces (Stokes) |
| Thursday 19 August 2021 | Local Government (Hancock) |
| Monday 23 August 2021 | Energy and Environment (Kean) |

3.1 Allocation of question time and witness appearance time

The committee noted that under the Budget Estimates 2021-2022 resolution each portfolio, except The Legislature, will be examined concurrently by Opposition and Crossbench members only, from 9.30 am to 12.30 pm, and from 2.00 pm to 5.45 pm, with an additional 15 minutes reserved for government questions for each of the morning and afternoon sessions.

3.2 Witness requests

Resolved, on the motion of Ms Sharpe: That:

- The committee provide witness requests to the secretariat by 12.00 pm, Thursday 8 July 2021
- the secretariat circulate via email a final witness list for each portfolio for the committee's agreement.

Resolved, on the motion of Mr Franklin: That the committee not invite parliamentary secretaries to appear as a witness at the hearings.

3.3 Witness appearance time

Resolved, on the motion of Ms Sharpe: That:

- the Minister appear from 9.30 am until 12.45 pm
- departmental staff appear from 9.30 am until 6.00 pm.

4. Inquiry into the health and wellbeing of kangaroos and other macropods in NSW

4.1 Draft correspondence to Minister Kean

Resolved, on the motion of Ms Sharpe: That:

- the secretariat contact the Department of Planning, Industry and Environment to ascertain any likely impacts, were the new five year NSW kangaroo management plan to be delayed until after the committee reports in October 2021
- the committee consider draft correspondence to Minister Kean, in light of this information, via email.

5. Inquiry into the NSW Biodiversity Conservation Scheme

Resolved, on the motion of Ms Sharpe: That the inquiry title and terms of reference be amended by omitting any reference to 'NSW Biodiversity Conservation Scheme' and inserting instead 'NSW Biodiversity Offsets Scheme'.

6. Adjournment

The committee adjourned at 11.47 am, until Friday 16 July 2021, Macquarie Room, Parliament House, (Environmental Planning Assessment Bill – Hearing).

Emma Rogerson
Committee Clerk

Minutes no. 61

Thursday 12 August 2021

Portfolio Committee No. 7 – Planning and Environment

Via Webex, 11.32 am

1. Members present

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

2. Correspondence

The committee noted the following items of correspondence:

Received

- 23 July 2021 - Email from Ms Alexandra Tooth, Office of Hon Rob Stokes MP, Minister for Planning and Public Spaces, confirming witness list for Budget Estimates 2021- 2022 initial hearing on 16 August 2021
- 27 July 2021 - Email from Ms Dimitry Palmer, Office of Hon Matt Kean MP, Minister for Energy and Environment to secretariat, confirming witness list for Budget Estimates 2021-2022 initial hearing on 23 August 2021
- 27 July 2021 - Email from Mr Clayton Hopper, Office of Hon Shelley Hancock MP, Minister for Local Government to secretariat, seeking extension until Monday 2 August to provide witness list
- 29 July 2021 - Email from Ms Alysha Hardy, Office of Ms Abigail Boyd MLC, The Greens, advising that Ms Boyd will be a participating member for PCs 2, 3 4, 5 and 7 hearings
- 2 August 2021 - Email from Ms Jane Boag, Office of Hon Shelley Hancock MP, Minister for Local Government to secretariat, confirming witness list for Budget Estimates 2021-2022 initial hearing on 19 August 2021.

Sent

- 16 July 2021 - Email from the secretariat to the Hon Matt Kean MP, Minister for Energy and Environment, attaching witness invitation to Budget Estimates 2021-2022 - Initial Hearings
- 16 July 2021 - Email from the secretariat to the Hon Shelley Hancock MP, Minister for Local Government, attaching witness invitation to Budget Estimates 2021-2022 - Initial Hearings
- 16 July 2021 - Email from the secretariat to the Hon Rob Stokes MP, Minister for Planning, and Public Spaces, attaching witness invitation to Budget Estimates 2021-2022 - Initial Hearings
- 28 July 2021 – Email from the secretariat to Mr Clayton Hopper, Office of the Hon Shelley Hancock MP, Minister for Local Government, granting extension to Monday 2 August 2021 to provide witness list.

3. Inquiry into Budget Estimates 2021-2022**3.1 Postponement of scheduled hearings 16-31 August 2021**

The committee noted:

- the public health concerns around the COVID-19 Delta variant and current Public Health Orders in Greater Sydney
- that agreement has been reached amongst Members of the Legislative Council that, as a matter of necessity, on the next sitting a motion will be moved by leave and agreed to postponing until a date to be determined the in-person budget estimates hearings scheduled for 16-31 August 2021
- the importance of ongoing parliamentary accountability and scrutiny of the executive government
- that agreement has therefore also been reached on a series of fully virtual preliminary budget estimates hearings to be held with public servant witnesses from eight portfolios.

Resolved, on the motion of Ms Sharpe: That the committee postpone the following Budget Estimates 2021-2022 hearings:

- Monday 16 August 2021 – Planning and Public Spaces (Stokes)
- Thursday 19 August 2021 – Local Government (Hancock)
- Monday 23 August 2021 – Energy and Environment (Kean).

4. Adjournment

The committee adjourned at 11.34 am, until *sine die*.

Emma Rogerson
Committee Clerk

Minutes no. 64

Friday 15 October 2021

Portfolio Committee No. 7 – Planning and Environment

Via videoconference, 9.16 am

1. Members present

Mr Pearson, *Chair*

Ms Boyd (*substituting for Ms Faehrmann*)

Ms Cusack, *Deputy Chair (from 9.18 am until 3.10 pm)*

Mr Franklin (*until 9.23 am*)

Ms Jackson (*from 9.23 am*)

Mr Mallard

Mr Martin (*substituting for Mr Franklin*)

Ms Sharpe (*from 9.15 am until 9.30 am and from 11.42 am*)

Mr Buttigieg (*substituting for Ms Sharpe from 9.30 am to 11.43 am*)

2. Apologies

Ms Fachrmann

3. Previous minutes

Resolved, on the motion of Ms Cusack: That draft minutes no. 63 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 27 May 2021 – Letter from the Hon Natasha Maclaren-Jones MLC, Government Whip Legislative Council to secretariat, substitution of the Hon Ben Franklin MLC for the Hon Taylor Martin MLC for the inquiry into the Protection of the Environment Operations Amendment (Clean Air) Bill 2021.
- 1 June 2021 – Email from the Hon Cate Fachrmann MLC to secretariat, substitution of the Hon Cate Fachrmann MLC for Ms Abigail Boyd MLC for the inquiry into the Protection of the Environment Operations Amendment (Clean Air) Bill 2021.
- 30 June 2021 – Email from Mr Brad Smith, Campaigns Director, Nature Conservation Council of NSW, to secretariat, seeking an extension to make a submission to the inquiry into the Protection of the Environment Operations Amendment (Clean Air) Bill 2021.
- 5 July 2021 – Email from Ms Anna Hancock, Climate Change Strategy Principal, EnergyAustralia, to secretariat, declining invitation to attend the hearing for the inquiry into the Protection of the Environment Operations Amendment (Clean Air) Bill 2021.
- 6 July 2021 – Email from Ms Alison Cochrane, Executive Officer CEO's Office, NSW Environment Protection Authority, to secretariat, responding to invitation to attend the hearing for the inquiry into the Protection of the Environment Operations Amendment (Clean Air) Bill 2021.
- 19 July 2021 – Email from Vicki Callaway, General Manager, Clean Air Society of Australia and New Zealand, to secretariat, lodging late submission to the inquiry into inquiry into the Protection of the Environment Operations Amendment (Clean Air) Bill 2021.
- 20 July 2021 – Email from Hon Penny Sharpe MC, to secretariat, lodging late submission from Mr Sean Ambrose to the inquiry into inquiry into the Protection of the Environment Operations Amendment (Clean Air) Bill 2021.
- 23 July 2021 – Email from Dr Arthur Chesterfield-Evans, to secretariat, lodging late submission to the inquiry into inquiry into the Protection of the Environment Operations Amendment (Clean Air) Bill 2021.

Sent

- 30 June 2021 – Email to Mr Brad Smith, Campaigns Director, Nature Conservation Council of NSW, approving the request for an extension to make a submission to the inquiry into the Protection of the Environment Operations Amendment (Clean Air) Bill 2021 (*attached*).

5. Inquiry into Budget Estimates 2021 – 2022 – supplementary hearings procedural resolutions

The committee noted the Budget Estimates supplementary hearings timetable for 2021-2022 agreed to by the House, with hearings commencing at 9.30 am and concluding by 5.30 pm, for Portfolio Committee No. 7:

| Date | Portfolio | No. of possible witnesses in person |
|--------------------------|-------------------------------------|-------------------------------------|
| Tuesday 26 October 2021 | Energy and Environment (Kean) | 3 |
| Thursday 28 October 2021 | Planning and Public Spaces (Stokes) | 3 |
| Monday 1 November 2021 | Local Government (Hancock) | 3 |

5.1 Allocation of question time and total hearing time

The committee noted that under the Budget Estimates 2021-2022 resolution the below portfolios will be examined as follows:

- Energy and Environment – by Opposition and Crossbench members only, from 9.30 am to 11.00 am, and from 11.15 am to 12.45 pm, then from 2.00 pm to 3.30 pm, and from 3.45 pm to 5.15 pm, with 15 minutes reserved for Government questions at the end of each session, if required.
- Planning and Public Spaces – by Opposition and Crossbench members only, from 2.00 pm to 3.30 pm, and from 3.45 pm to 5.15 pm, with 15 minutes reserved for Government questions from 5.15 pm to 5.30 pm, if required.
- Local Government – by Opposition and Crossbench members only, from 2.00 pm to 3.30 pm, and from 3.45 pm to 5.15 pm, with 15 minutes reserved for Government questions from 5.15 pm to 5.30 pm, if required.

5.2 Witness requests

Resolved, on the motion of Ms Sharpe: That, in addition to the Minister, the committee invite the following witnesses:

PLANNING AND PUBLIC SPACES

| |
|--|
| Invited to appear from 2.00 pm until 5.30 pm in person with Minister |
| Ms Kiersten Fishburn, Secretary, Department of Planning, Industry and Environment |
| Ms Alex O'Mara, Group Deputy Secretary, Place, Design and Public Spaces, Department of Planning, Industry and Environment |
| Invited to appear from 2.00 pm until 5.30 pm via Webex |
| Mr Marcus Ray , Group Deputy Secretary, Planning and Assessment, Department of Planning, Industry and Environment |
| Mr John Brogden, Chief Executive Officer, Landcom |
| Mr Brett Whitworth, Deputy Secretary, Greater Sydney, Place and Infrastructure, Department of Planning, Industry and Environment |
| [Name unknown], Coordinator General, Planning Delivery Unit, Department of Planning, Industry and Environment |
| Professor Mary O'Kane AC, Chair, NSW Independent Planning Commission |

LOCAL GOVERNMENT

| |
|--|
| Invited to appear from 2.00 pm until 5.30 pm in person with Minister |
| [Name unknown], Coordinator General, Planning, Delivery and Local Government, Department of Planning, Industry and Environment |
| Mr Bob Sendt, Local Government Boundaries Commission Chair |
| Invited to appear from 2.00 pm until 5.30 pm via Webex |
| Ms Sharon Molloy, Executive Director, Biodiversity and Conservation, Department of Planning, Industry and Environment |
| [Name unknown], Deputy Secretary, Legal Services, Department of Planning, Industry and Environment |
| Mr Dean Knudson, Deputy Secretary, Biodiversity and Conservation, Department of Planning, Industry and Environment |
| Ms Michelle Fletcher, Director, Marine, Coastal, Estuaries and Flood, Department of Planning, Industry and Environment |
| Ms Kiersten Fishburn, Secretary, Department of Planning, Industry and Environment |

| |
|--|
| Mr Luke Walton, Executive Director, Local Government and Economic Policy, Department of Planning, Industry and Environment |
| Mr Allan Baptist, Local Government Grants Commission Chair |
| Ms Gabrielle Pietrini, Director Marine Coastal Estuary and Flood Branch, EES, Department of Planning, Industry and Environment |
| Mr James Hebron, General Counsel, Governance and Legal, Department of Planning, Industry and Environment |
| Ms Sharon Molloy, Acting Deputy Secretary, Biodiversity and Conservation Directorate, Department of Planning, Industry and Environment |
| Mr Derek Rutherford, Acting Executive Director, Biodiversity and Conservation Division, EES, DPIE |

ENERGY AND ENVIRONMENT

| |
|--|
| Invited to appear from 9.30 am until 5.30 pm in person (with Minister 9.30 am – 1.00pm) |
| Ms Kiersten Fishburn, Secretary, Department of Planning, Industry and Environment |
| Mr Atticus Fleming, Deputy Secretary, National Parks and Wildlife Service, Department of Planning, Industry and Environment |
| Invited to appear from 9.30 am until 5.30 pm via Webex |
| Ms Tracy Mackey, Chief Executive Officer, NSW Environment Protection Authority |
| Mr James Hay, Deputy Secretary, Energy, Climate Change and Sustainability and Chief Executive Officer of Energy Corporation of NSW, Department of Planning, Industry and Environment |
| Ms Nancy Chang, Executive Director, Regulatory Policy Initiatives and Advice, NSW Environment Protection Authority |
| Mr Dean Knudson, Deputy Secretary, Biodiversity, Conservation and Science, Department of Planning, Industry and Environment |
| Ms Sharon Molloy, Executive Director, Biodiversity and Conservation Division, Department of Planning, Industry and Environment |
| Dr Kate Wilson, Executive Director, Climate Change and Sustainability, Department of Planning, Industry and Environment |
| Dr Paul Grimes, Coordinator-General, Environment, Energy and Science, Department of Planning, Industry and Environment |
| Mr John Cleland, Chief Executive Officer, Essential Energy |
| Ms Michelle Dumazel, Executive Director, Biodiversity and Conservation Division, Department of Planning, Industry and Environment |
| Mr Andrew Lewis, Executive Director, Energy, Department of Planning, Industry and Environment |

Resolved, on the motion of Ms Sharpe: That:

- the list of witnesses suggested by the Opposition be circulated to the committee for comment
- the committee provide witness requests to the secretariat by 10 am, Monday 18 October 2021.

Resolved, on the motion of Ms Sharpe: That the committee not invite parliamentary secretaries to appear as a witness at the hearings.

5.3 Witness appearance time

Resolved, on the motion of Ms Sharpe: That:

- the Minister appear from 9.30 am until 1.00 pm for full day and half day morning hearings, with departmental staff to appear for the duration of the hearing
- the Minister appear from 2.00 pm until 5.30 pm for half day afternoon hearings, with departmental staff to appear for the duration of the hearing.

6. ***

7. **Adjournment**

8. **Next meeting**

Friday 22 October 2021, 9.15 am, via WebEx (Biodiversity Offset Scheme hearing).

Emily Treeby

Committee Clerk

Minutes no. 66

Tuesday 26 October 2021

Portfolio Committee No. 7 - Planning and Environment

Jubilee Room, Parliament House, Sydney, at 9.18 am

1. Members present

Ms Faehrmann, *Chair*

Mr Pearson, *Deputy Chair*

Ms Cusack (*until 3.34 pm*)

Mr Franklin

Ms Jackson (*until 4.49 pm*)

Mr Mallard (*until 3.30 pm*)

Ms Sharpe

Mr Field (*participating*)

Ms Boyd (*participating from 11.18 am until 11.56 am and from 3.04 pm until 3.45 pm*)

Mr Shoebridge (*participating from 10.30 am until 10.59 am, and from 4.00 pm until 4.30 pm, then from 5.00 pm*)

2. Correspondence

The committee noted the following items of correspondence:

Received

- 11 October 2021 - Email from Mr Justin Field MLC to the Chair advising that he will be a participating member for the Energy and Environment hearing on 26 October and the Planning and Public Spaces hearing on 28 October 2021
- 14 October 2021 - Email from Ms Nella Hall, Office of Hon Mark Latham to secretariat, advising Mr Latham will be a participating member for the Energy and Environment hearing on 26 October and the Planning and Public Spaces hearing on 28 October 2021, PC 1 on 27 October and 4 November and PC 6 on 2 November 2021
- 18 October 2021 - Email from Ms Abigail Boyd MLC, to the secretariat, advising she will be a participating member for the Energy and Environment hearing on 26 October and the Planning and Public Spaces hearing on 28 October 2021
- 19 October 2021 - Email from Ms Cara Punch, Office of the Hon Mark Buttigieg MLC, Opposition Whip, to the secretariat, providing Opposition substitutions and participation advice for Budget Estimates 2021-2022 supplementary hearings
- 25 October 2021 - Email from Ms Kym Chapple, Office of Mr David Shoebridge MLC advising that Mr Shoebridge will be a participating member for the PC6 Regional Transport and Roads and for the PC7 Energy and Environment hearings on 26 October 2021.

Sent

- 18 October 2021 - Email from the secretariat to Hon Matt Kean MP, Minister for Energy and Environment, forwarding witness invitation for supplementary Budget Estimates 2021-2022 Budget Estimates 2021-2022

- 18 October 2021 - Email from the secretariat to Hon Rob Stokes MP, Minister for Planning and Public Spaces, forwarding witness invitation for supplementary Budget Estimates 2021-2022 Budget Estimates 2021-2022
- 18 October 2021 - Email from the secretariat to Hon Shelley Hancock MP, Minister for Local Government, forwarding witness invitation for supplementary Budget Estimates 2021-2022 Budget Estimates 2021-2022.

3. Inquiry into Budget Estimates 2021-2022 – supplementary hearings

3.1 Order for examination of portfolios

The committee noted that under the Budget Estimates 2021-2022 resolution the portfolios of Energy and Environment, be examined by Opposition and Crossbench members only, from 9.30 am to 12.45 pm, and from 2.00 pm to 5.15 pm, with 15 minutes reserved for Government questions at the end of each session, if required.

3.2 Live streaming and recording of hearing

Resolved, on the motion of Ms Sharpe: That the committee publish all recordings of Budget Estimates 2021-2022 supplementary hearings on the Parliament's YouTube channel.

3.3 Public hearing: Energy and Environment

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

Departmental witnesses were admitted.

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

The following witnesses were sworn:

- Ms Tracy Mackey, Chief Executive Officer, NSW Environment Protection Authority (in person)
- Dr Paul Grimes, Coordinator-General, Environment, Energy and Science, Department of Planning, Industry and Environment (in person)
- Mr Atticus Fleming, Deputy Secretary, National Parks and Wildlife Service, Department of Planning, Industry and Environment (via WebEx until 1.00 pm, in person from 2.00 pm)
- Mr James Hay, Deputy Secretary, Energy, Climate Change and Sustainability and Chief Executive Officer of Energy Corporation of NSW, Department of Planning, Industry and Environment (via WebEx)
- Ms Nancy Chang, Executive Director, Regulatory Policy Initiatives and Advice, NSW Environment Protection Authority (via WebEx)
- Mr Dean Knudson, Deputy Secretary, Biodiversity, Conservation and Science, Department of Planning, Industry and Environment (via WebEx)
- Ms Sharon Molloy, Executive Director, Biodiversity and Conservation Division, Department of Planning, Industry and Environment (via WebEx)
- Dr Kate Wilson, Executive Director, Climate Change and Sustainability, Department of Planning, Industry and Environment (via WebEx)
- Ms Michelle Dumazel, Executive Director, Biodiversity and Conservation Division, Department of Planning, Industry and Environment (via WebEx)
- Mr Andrew Lewis, Executive Director, Energy, Department of Planning, Industry and Environment (via WebEx)
- Mr Paul Elton, Chief Executive Officer, Biodiversity Conservation Trust, Department of Planning, Industry and Environment (via WebEx)
- Ms Naomi Stephens, Executive Director, Park Operations (Coastal), National Parks and Wildlife Service, Department of Planning, Industry and Environment (via WebEx)

- Mr Andrew Nicholls, Executive Director, Business Delivery, National Parks and Wildlife Service, Department of Planning, Industry and Environment (via WebEx)
- Dr Georgina Kelly, Executive Director, Science, Economics and Insights, Department of Planning, Industry and Environment (via WebEx)
- Ms Carmen Dwyer, Executive Director, Regulatory Operations Regional, NSW Environment Protection Authority (via WebEx)
- Mr Stephen Beaman, Executive Director, Regulatory Operations Metro, NSW Environment Protection Authority (via WebEx)
- Mr David Fowler, Executive Director, Regulatory Practice and Environmental Solutions, NSW Environment Protection Authority (*via WebEx*).

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

The Minister and departmental witnesses were examined by the committee.

Ms Jackson tabled the following document:

- Page 12 of the New South Wales Electricity Infrastructure Roadmap.

Dr Grimes tendered the following document:

- OEH Prosecution Guidelines September 2016.

The Minister withdrew at 12.48 pm.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.17 pm.

3.4 Tendered documents

Resolved, on the motion of Ms Sharpe: That the committee accept and publish the following documents tendered during the Energy and Environment hearing held on Tuesday 26 October 2021:

- Page 12 of the New South Wales Electricity Infrastructure Roadmap, tabled by Ms Rose Jackson MLC.
- OEH Prosecution Guidelines September 2016, tendered by Dr Paul Grimes, Coordinator-General, Environment, Energy and Science, Department of Planning, Industry and Environment.

4. Inquiry into the Companion Animals Amendment (Puppy Farms) Bill 2021

Resolved, on the motion of Mr Pearson: That a statement be placed on the committee's website stating that due to capacity constraints and the number of inquiries the committee is currently managing, the committee is unable to undertake an inquiry into the Companion Animals Amendment (Puppy Farms) Bill 2021 and table a report advising the House as such.

5. Adjournment

The committee adjourned at 5.19 pm, until 9.15 am, Thursday 28 October 2021, Macquarie Room, Budget Estimates hearing — Planning and Public Spaces.

Peta Leemen
Committee Clerk

Minutes no. 67

Thursday 28 October 2021

Portfolio Committee No. 7 - Planning and Environment

Macquarie Room, Parliament House, Sydney, at 1.45 pm

1. Members presentMs Faehrmann, *Chair*Mr Pearson, *Deputy Chair*Mr Amato (*via Webex*)

Ms Cusack

Mr Franklin

Ms Jackson

Ms Sharpe

Mr Field (participating)

Mr Latham (participating)

Mr Shoebridge (participating)

2. Correspondence

The committee noted the following items of correspondence:

Received

- 12 October 2021 - Email from Ms Stacey McMasters, Office of the Hon Rob Stokes MP, Minister for Planning and Public Spaces and Minister for Transport and Roads, to the secretariat, confirming witnesses for the hearing on 28 October 2021
- 21 October 2021 - Email from Mr Clayton Hopper, Office of the Hon Shelley Hancock MP, Minister for Local Government, to the secretariat, confirming witnesses for the hearing on 1 November 2021
- 21 October 2021 - Email from Ms Shani Murphy, Office of the Hon Shayne Mallard MLC, Government Whip, to the secretariat, advising that Mr Farlow will be substituting for Mr Franklin for Local Government hearing on 1 November 2021
- 22 October 2021 - Email from Ms Cara Punch, Office of the Hon Mark Buttigieg MLC, Opposition Whip, to the secretariat, providing updated Opposition substitutions and participating member advice for Budget Estimates 2021-2022 supplementary hearings
- 23 October 2021 - Email from Ms Nella Hall, Office of Hon Mark Latham MLC, to the secretariat, providing updated participation advice for Mr Latham for Budget Estimates 2021-2022 supplementary hearings.

3. Inquiry into Budget Estimates 2021-2022 – supplementary hearings**3.1 Order for examination of portfolios**

The committee noted that under the Budget Estimates 2021-2022 resolution the portfolios of Planning and Public Spaces, be examined concurrently by Opposition and Crossbench members only, from 2.00 pm to 5.15 pm, with 15 minutes reserved for Government questions from 5.15 pm to 5.30 pm, if required.

3.2 Public hearing: Planning and Public Spaces

The Hon Rob Stokes MP, Minister for Planning and Public Spaces and Minister for Transport and Roads was admitted.

Departmental witnesses were admitted

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

The following witnesses were sworn:

- Ms Kiersten Fishburn, A/Secretary, Department of Planning, Industry and Environment and Coordinator General, Planning Delivery Unit, Department of Planning, Industry and Environment (in person)
- Ms Alex O'Mara, Group Deputy Secretary, Place, Design and Public Spaces, Department of Planning, Industry and Environment (via WebEx)
- Mr Marcus Ray, Group Deputy Secretary, Planning and Assessment, Department of Planning, Industry and Environment (via WebEx)
- Mr John Brogden, Chief Executive Officer, Landcom (via WebEx)
- Mr Brett Whitworth, Deputy Secretary, Greater Sydney, Place and Infrastructure, Department of Planning, Industry and Environment (via WebEx)

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 5.15 pm.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.15 pm.

4. **Adjournment**

The committee adjourned at 5.16 pm, until 1.45 pm, Monday 1 November 2021, Jubilee Room, Budget Estimates hearing — Local Government.

Stewart Smith
Committee Clerk

Minutes no. 68

Monday 1 November 2021
Portfolio Committee No. 7 - Planning and Environment
Jubilee Room, Parliament House, Sydney, at 1.49 pm

1. **Members present**

Ms Faehrmann, *Chair*
Mr Pearson, *Deputy Chair* (via WebEx, from 2.07 pm)
Mr Buttigieg (substituting for Ms Sharpe)
Ms Cusack (via WebEx)
Mr Farlow (substituting for Mr Franklin, from 2.01 pm)
Ms Jackson
Mr Mallard (via WebEx)
Ms Boyd (participating, from 2.44 pm until 3.28 pm)
Mr Field (participating via WebEx, from 2.18 pm until 2.38 pm, and from 4.48 pm until 5.16 pm)
Mr Shoebridge (participating, from 2.10 pm until 2.38 pm, and from 3.28 pm until 5.05 pm)

2. Correspondence

The committee noted the following items of correspondence:

Received

- 28 October 2021 - Email from Ms Shani Murphy, Office of the Hon Shayne Mallard MLC, to the secretariat, advising that Mr Amato will be substituting for Mr Mallard and will be participating via Webex for the Planning and Public Spaces hearing on 28 October 2021.

3. Inquiry into Budget Estimates 2021-2022 – supplementary hearings

3.1 Order for examination of portfolios

The committee noted that under the Budget Estimates 2021-2022 resolution the portfolio of Local Government, be examined by Opposition and Crossbench members only, from 2.00 pm to 5.15 pm, with 15 minutes reserved for Government questions from 5.15 pm to 5.30 pm, if required.

3.2 Public hearing: Local Government

Departmental witnesses 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:

- Ms Kiersten Fishburn, Acting Secretary, Department of Planning, Industry and Environment
- Ms Sharon Molloy, Executive Director, Biodiversity and Conservation Division, Department of Planning, Industry and Environment.

The following witnesses were sworn:

- Mr James Hebron, Deputy Secretary, Legal Services, Department of Planning, Industry and Environment (via WebEx)
- Ms Michelle Fletcher, Director, Marine, Coastal, Estuaries and Flood, Department of Planning, Industry and Environment (*via WebEx*)

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.

Mr Field tabled the following document:

- Correspondence – 'Request for investigation into Shoalhaven City Council's actions in relation to Tomerong Quarry'.

Mr Buttigieg tabled the following document:

- Document – 'Call Options Deed'.

The Minister withdrew at 5.16 pm.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.16 pm.

Tabled documents

Resolved, on the motion of Mr Mallard: That the committee accept and keep confidential the following documents tabled during the Local Government hearing held on Monday 1 November 2021:

- Correspondence – 'Request for investigation into Shoalhaven City Council's actions in relation to Tomerong Quarry', tabled by Mr Justin Field MLC
- Document – 'Call Options Deed', tabled by Mr Mark Buttigieg MLC.

4. Adjournment

The committee adjourned at 5.21 pm, until Thursday 9 December 2021, TBC, Jubilee Room, Inquiry into the integrity of the biodiversity offsets scheme – Public hearing.

Rhia Victorino
Committee Clerk

Minutes no. 73

Wednesday 23 February 2022

Portfolio Committee 7 – Planning and Environment

Room 1136, Parliament House, at 1.30 pm

1. Members present

Ms Faehrmann, *Chair*
Mr Pearson, *Deputy Chair*
Ms Cusack
Ms Jackson
Mr Mallard
Mr Poulos
Ms Sharpe

2. Apologies

Mr Poulos

3. Previous minutes

Resolved on the motion of Ms Cusack: That draft minutes 66, 67 and 68 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 23 November 2021 – Letter from Mr Andrew Lewis, Executive Director Energy Environment, Energy and Science Group, to the secretariat, clarifying evidence given on 26 October 2021 at the Energy and Environment hearing
- 30 November 2021 – Letter from Mr Atticus Fleming, Deputy Secretary National Parks and Wildlife Service, to the Chair, clarifying evidence given on 26 November 2021 at the Energy and Environment hearing.

Sent

- 2 November 2021 – Email from the secretariat, to the Hon Matt Kean MP, Treasurer and Minister for Energy and Environment, forwarding transcript of evidence with questions on notice highlighted and supplementary questions
- 4 November 2021 – Email from the secretariat, to the Hon Rob Stokes MP, Minister for Planning and Public Spaces, forwarding transcript of evidence with questions on notice highlighted and supplementary questions

- 8 November 2021 – Email from the secretariat, to the Hon Shelley Hancock MP, Minister for Local Government, forwarding transcript of evidence with questions on notice highlighted and supplementary questions.

5. **Inquiry into Budget Estimates 2021-2022**

The committee noted the Budget Estimates timetable for 2021-2022 as per the Notice of Motion for additional budget estimates hearings dated 11 February 2022 from the office of the leader of the Government, with hearings commencing at 9.30 am and concluding by 5.30 pm, for Portfolio Committee No. 7:

- Environment & Heritage, 1 March 2022, Jubilee Room
- Local Government, Tuesday 8 March 2022, Macquarie Room
- Planning, Homes, Friday 11 March 2022, Macquarie Room

5.1 **Witnesses, allocation of question time and total hearing time**

The committee noted as per the Notice of Motion for additional budget estimates hearings that each portfolio, except The Legislature, be examined concurrently by Opposition and Crossbench members only, from 9.30 am to 11.00 am, and from 11.15 am to 12.45 pm, then from 2.00 pm to 3.30 pm, and from 3.45 pm to 5.15 pm, with 15 minutes reserved for Government questions at the end of the morning and afternoon session.

5.2 **Witnesses to appear at hearings**

Resolved, on the motion of Ms Cusack: That

- The proposed list of witnesses from Ms Sharpe be circulated to the committee members and any additional witnesses be sent to the secretariat by 12.00 pm, Thursday, 24 February 2022
- the committee not invite parliamentary secretaries to appear as a witness at the hearings.

5.3 **Witness appearance time**

Resolved, on the motion of Mr Pearson: That:

- the Minister be invited to appear for the morning session from 9.30 am until 1.00 pm, accompanied by senior departmental staff if the Minister requires them,
- departmental staff be invited to appear from 9.30 am until 5.30 pm.

5.4 **Recording of hearing**

Resolved, on the motion of Ms Cusack: That the additional Budget Estimates hearings be recorded and that these recordings be placed on the inquiry webpage as soon as practicable after the hearing.

6. **Other business**

7. **Next meeting**

9.15 am on Tuesday 1 March 2022 – Budget Estimates Hearing – Portfolio Committee 7

Donna Glover
Committee Clerk

Minutes no. 74

Tuesday 1 March 2022

Portfolio Committee No. 7 - Planning and Environment

Jubilee Room, Parliament House, Sydney, at 9.19 am

1. Members presentMs Faehrmann, *Chair*Mr Pearson, *Deputy Chair (from 9.30 am)*Ms Boyd (*participating, from 11.56 am-12.32 pm; 4.09 pm – 4.28 pm*)Mr Field (*participating from 9.30 am*)Ms Jackson (*from 10.56 am – 12.10 pm; 2.45 pm – 3.14 pm*)

Mr Mallard

Mr Martin (*substituting for Ms Cusack*)Mr Secord (*substituting for Ms Sharpe, until 2.48 pm*)Ms Sharpe (*participating*)Mr Shoebridge (*participating, from 11.31 am – 11.59 am; 3.00 pm – 3.54 pm*)**2. Previous minutes**

Resolved, on the motion of Ms Sharpe: That draft minutes no. 73 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 27 February 2022 - Email from Ms Kim Preston-Hiney, Office of the Hon James Griffin MP, providing final list of departmental witnesses

Sent

- 24 February 2022 - Email from the secretariat, to the Hon James Griffin MP, Minister for Environment and Heritage, issuing witness invitations for the Budget Estimates 2021-2022 additional hearings
- 24 February 2022 - Email from the secretariat, to the Hon Wendy Tuckerman MP, Minister for Local Government, issuing witness invitations for the Budget Estimates 2021-2022 additional hearings
- 24 February 2022 - Email from the secretariat, to the Hon Anthony Roberts MP, Minister for Planning, and Minister for Homes, issuing witness invitations for the Budget Estimates 2021-2022 additional hearings.

4. Inquiry into Budget Estimates 2021-2022 – supplementary hearings**4.1 Order for examination of portfolios**

The committee noted that under the Budget Estimates 2021-2022 resolution each portfolio, except The Legislature, be examined concurrently by Opposition and Crossbench members only, from 9.30 am to 11.00 am, and from 11.15 am to 12.45 pm, then from 2.00 pm to 3.30 pm, and from 3.45 pm to 5.15 pm, with 15 minutes reserved for Government questions at the end of the morning and afternoon sessions, if required.

4.2 Public hearing: Environment and Heritage

Departmental witnesses were admitted.

Minister Griffin MP 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 Atticus Fleming, Mr David Fowler, Mr Dean Knudson, Mr Andrew Nicholls (via videoconference), Ms Michelle Dumazel, Ms Sharon Molloy, Mr Paul Elton, Mr Stephen Beaman, and

Ms Nancy Chang, that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing for the same committee.

The following witnesses were sworn:

- Ms Jacqueline Moore, Acting Chief Executive Officer, Department of Planning and Environment
- Mr Sam Kidman, Executive Director, Heritage NSW, Department of Premier and Cabinet
- Professor Hugh Durrant-Whyte, NSW Chief Scientist and Engineer and NRC Commissioner, Natural Resources Commission
- Mr Bryce Wilde, Executive Director, Natural Resources Commission, Natural Resources Commission
- Mr Frank Howarth, Chair, Heritage Council
- The Hon Robyn Parker, Chair, State Heritage Register Committee (via videoconference)
- Ms Trish Harrup, Acting Executive Director, Conservation and Aboriginal Partnerships, National Parks and Wildlife Service, Department of Planning and Environment
- Ms Rachel Parry, Deputy, Secretary, Energy, Climate Change and Sustainability, Department of Planning and Environment
- Ms Cristien Hickey, Acting Executive Director, Climate Change and Sustainability, Department of Planning and Environment
- Ms Naomi Stephens, Executive Director, Park Operations (Coastal), National Parks and Wildlife Service, Department of Planning and Environment.

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

The Minister and departmental witnesses were examined by the committee.

The Minister withdrew at 12.57 pm.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.07 pm.

5. Adjournment

The committee adjourned at 5.07 pm, until 9.15 am, Macquarie Room, Budget Estimates hearing — Local Government.

Rhia Victorino
Committee Clerk

Minutes no. 75

Tuesday 8 March 2022

Portfolio Committee No. 7 - Planning and Environment

Macquarie Room, Parliament House, Sydney, at 9.18 am

1. Members present

Ms Faehrmann, *Chair*

Mr Pearson, *Deputy Chair (until 12.48 pm)*

Mr Buttigeig, *Deputy Chair (substituting for Ms Sharpe)*

Ms Boyd (*participating*) (*from 12.00 pm until 12.20 pm*)

Ms Cusack (*until 10.57 am and from 11.57 am*)

Ms Jackson (*from 9.30 am*)

Mr Martin (*substituting for Mr Mallard*) (*until 2.20 pm and from 2.50 pm*)

Mr Shoebridge (*participating*) (*from 9.30 am until 12.00 pm and from 12.30 pm until 2.45 pm*)

2. Apologies

Mr Barrett

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 1 March 2022 - Email from Ms Nicola Anthony , Office of the Hon Wendy Tuckerman MP, nominating departmental witnesses
- 3 March 2022 - Email from Mr Dylan Whitelaw , Office of the Hon Anthony Roberts MP, nominating departmental witnesses

4. Inquiry into Budget Estimates 2021-2022 – supplementary hearings

4.1 Order for examination of portfolios

The committee noted that under the Budget Estimates 2021-2022 resolution each portfolio, except The Legislature, be examined concurrently by Opposition and Crossbench members only, from 9.30 am to 11.00 am, and from 11.15 am to 12.45 pm, then from 2.00 pm to 3.30 pm, and from 3.45 pm to 5.15 pm, with 15 minutes reserved for Government questions at the end of the morning and afternoon sessions, if required.

4.2 Deputy Chair for hearing on 8 March 2022

The Chair called for nominations for election of Deputy Chair for the afternoon session of the Budget Estimates hearing on 8 March 2022.

Mr Martin moved: That Mr Buttigieg be elected Deputy Chair for the afternoon session of the Budget Estimates hearing on 8 March 2022.

There being no further nominations, the Chair declared Mr Buttigieg elected Deputy Chair for the afternoon session the Budget Estimates hearing on 8 March 2022.

4.3 Public hearing: Local Government

Departmental witnesses were admitted.

The Honourable Wendy Tuckerman 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:

- Ms Sharon Molloy, Executive Director, Biodiversity and Conservation, Planning and Environment
- Ms Michelle Fletcher, Director, Marine, Coastal, Estuaries and Flood, Planning and Environment

The following witnesses were sworn:

- Mr Michael Cassel, Secretary, Planning and Environment
- Ms Melanie Hawyes, Deputy Secretary, Crown Lands and Local Government, Planning and Environment
- Ms Ally Dench, Executive Director, Local Government, Planning 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.

Mr Buttigieg tendered the following documents:

- ASIC, Current & Historical Company Extract, JHC Infrastructure Pty Ltd
- ASIC, Current & Historical Company Extract, Invecon Australia Pty Ltd
- ASIC, Current & Historical Company Extract, Driftwood Aust Pty Ltd
- ASIC, Current & Historical Company Extract, BCM Property Group Pty Ltd
- Kent Raymond Johns, candidate information sheet
- Hassan Awada, candidate information sheet
- Sarah Ann Richardson, candidate information sheet
- John Andrew Church, candidate information sheet

Mr Cassel tendered the following documents:

- Office of Local Government – Terms of reference, Review into the Local Government Boundaries Commission
- Office of Local Government – Circular to Councils, Office of Local Government and 'Guidelines for the preparation of an application for a special variation to general income' (7 March 2022)

Ms Molloy tendered the following document:

- Department of Planning, Industry & Environment – Coastal and Estuary Funding Project, Agency response

The Minister withdrew at 12.48 pm.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.33 pm.

4.4 Tendered documents

Resolved, on the motion of Ms Jackson: That the committee accept and publish the following documents tendered during the Local Government hearing held on Tuesday 8 March 2022:

- ASIC, Current & Historical Company Extract, JHC Infrastructure Pty Ltd
- ASIC, Current & Historical Company Extract, Invecon Australia Pty Ltd
- ASIC, Current & Historical Company Extract, Driftwood Aust Pty Ltd
- ASIC, Current & Historical Company Extract, BCM Property Group Pty Ltd
- Kent Raymond Johns, candidate information sheet
- Hassan Awada, candidate information sheet
- Sarah Ann Richardson, candidate information sheet
- John Andrew Church, candidate information sheet
- Office of Local Government – Terms of reference, Review into the Local Government Boundaries Commission
- Office of Local Government – Circular to Councils, Office of Local Government and 'Guidelines for the preparation of an application for a special variation to general income' (7 March 2022)
- Department of Planning, Industry & Environment – Coastal and Estuary Funding Project - Agency response

5. Adjournment

The committee adjourned at 4.35 pm, until 9.15 am, Friday 11 March 2022, Macquarie Room, Budget Estimates hearing — Planning, Homes

Emily Treeby
Committee Clerk

Minutes no. 76

Friday 11 March 2022

Portfolio Committee No. 7 - Planning and Environment

Macquarie Room, Parliament House, Sydney, at 9.15 am

1. Members presentMr Pearson, *Chair*Ms Sharpe, *Acting Deputy Chair*Ms Boyd (*participating from 11.48 am to 12.10 pm and from 3.21pm to 3.39pm*)

Ms Cusack

Ms Jackson

Mr Mallard

Mr Searle (*participating via Webex*)Mr Shoebridge (*participating until 11.15 am and from 12.06 pm to 12.45 pm*)**2. Apologies**

Ms Faehrmann

Mr Barrett

3. Correspondence

The committee noted the following items of correspondence:

Sent:

- 8 March 2022 - Email from the secretariat, to Minister Griffin, attaching questions on notice and supplementary questions

4. Election of Acting Deputy Chair

Resolved, on the motion of Mr Shoebridge: That Ms Sharpe act as Deputy Chair for the purposes of the Budget Estimates 2021-2022 – supplementary hearing for Planning and Environment on this day.

5. Inquiry into Budget Estimates 2021-2022 – supplementary hearings**5.1 Order for examination of portfolios**

The committee noted that under the Budget Estimates 2021-2022 resolution each portfolio, except The Legislature, be examined concurrently by Opposition and Crossbench members only, from 9.30 am to 11.00 am, and from 11.15 am to 12.45 pm, then from 2.00 pm to 3.30 pm, and from 3.45 pm to 5.15 pm, with 15 minutes reserved for Government questions at the end of the morning and afternoon sessions, if required.

5.2 Public hearing: Planning, Homes

Departmental witnesses were admitted.

The Hon. Anthony Roberts MP, Minister for Planning, and Minister for Homes 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 Mick Cassel, Secretary, Department of Planning and Environment
- Mr Marcus Ray, Group Deputy Secretary, Planning & Assessment, Department of Planning and Environment
- Mr John Brogden, CEO, Landcom
- Mr Brett Whitworth, Deputy Secretary, Planning Policy, Department of Planning and Environment

The following witnesses were sworn:

- Ms Deborah Brill, Acting Chief Executive, NSW Land and Housing Corporation
- Mr Michael Wright, Group Deputy Secretary, Housing & Property, Department of Planning and Environment
- Mr Leon Walker, Deputy Secretary, Property and Development, Department of Planning and Environment (via Webex)
- Mr Tim Raimond, Deputy Secretary, Strategic Land Use Planning, Department of Planning and Environment
- Ms Anthea Sargeant, Acting Deputy Secretary, Development Assessment, Department of Planning and Environment
- Ms Anita Mitchell - Chief Executive, Placemaking NSW

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

The Minister and departmental witnesses were examined by the committee.

The Minister withdrew at 12.45 pm.

The public hearing continued.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.02 pm.

6. **Adjournment**

The committee adjourned at 4.02 pm.

Laura Ismay

Committee Clerk

Draft minutes no. 79

Thursday 23 June 2022

Portfolio Committee No. 7 - Planning and Environment

Room 1254, Parliament House, Sydney, at 1.46 pm

1. **Members present**

Mr Pearson, *A/Chair*

Mr Barrett

Ms Cusack

Ms Jackson

2. **Apologies**

Mr Mallard

Ms Sharpe

3. **Previous minutes**

Resolved, on the motion of Ms Cusack: That draft minutes nos. 74, 75 and 76 be confirmed.

4. Inquiry into Budget Estimates 2021-2022 – further hearings

4.1 Answers to questions on notice and supplementary questions (*previously circulated*)

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- Hon James Griffin MP - Minister for Environment and Heritage - received 29 March 2022
- Answers to questions on notice and supplementary questions- Hon Wendy Tuckerman MP - Minister for Local Government - received 4 April 2022
- Answers to questions on notice and supplementary questions - Hon Anthony Roberts MP - Minister for Planning and Homes - received 7 April 2022.

4.2 Consideration of Chair's draft report

The A/Chair submitted his draft report entitled Budget Estimates 2021-2022, which, having been previously circulated, was taken as being read.

Resolved, on the motion of Ms Cusack: 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 by June 30 2022.

5. Adjournment

The committee adjourned at 1.46 pm, *sine die*.

Stewart Smith
Committee Clerk

