



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 7

Budget Estimates 2020-2021

Report 7

May 2021

7



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Portfolio Committee No. 7 - Planning and Environment

Budget Estimates 2020-2021

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Terms of reference

1. That the Budget Estimates and related papers for the financial year 2020-2021 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 calendar¹, the 2020-2021 initial budget estimates hearings be scheduled as follows:

Day One: Thursday 25 February 2021

PC 6 Transport and Roads

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

Day Two: Friday 26 February 2021

PC 4 Deputy Premier, Regional New South Wales, Industry and Trade

PC 5 Families, Communities and Disability Services

Day Three: Monday 1 March 2021

PC 3 Tertiary Education and Skills

PC 4 Water, Property and Housing

PC 1 The Legislature

Day Four: Tuesday 2 March 2021

PC 5 Attorney General and Prevention of Domestic Violence

PC 7 Energy and Environment

Day Five: Wednesday 3 March 2021

PC 3 Education and Early Childhood Learning

PC 4 Agriculture and Western New South Wales

Day Six: Thursday 4 March 2021

PC 2 Health and Medical Research

PC 1 Premier

Day Seven: Friday 5 March 2021

PC 5 Sport, Multiculturalism, Seniors and Veterans

PC 6 Better Regulation and Innovation

Day Eight: Monday 8 March 2021

PC 1 Treasury

PC 6 Customer Service

¹ *Minutes*, NSW Legislative Council, 11 November 2020, p 1563.

Day Nine: Tuesday 9 March 2021
 PC 5 Counter Terrorism and Corrections
 PC 7 Planning and Public Spaces

Day Ten: Wednesday 10 March 2021
 PC 1 Jobs, Investment, Tourism and Western Sydney
 PC 6 Regional Transport and Roads

Day Eleven: Thursday 11 March 2021
 PC 7 Local Government
 PC 2 Mental Health, Regional Youth and Women

Day Twelve: Friday 12 March 2021
 PC 5 Police and Emergency Services
 PC 1 Finance and Small Business

3. That for the purposes of the Budget Estimates inquiry 2020-2021:
- (a) each scheduled day for the initial round of hearings will begin at 9.30 am and conclude by 8.30 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 2021.

The terms of reference were referred to the committee by the Legislative Council on Wednesday 18 November 2020.²

² *Minutes*, NSW Legislative Council, 18 November 2020, pp 1693-1695.

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

Ms Abigail Boyd MLC	The Greens
Mr Justin Field MLC	Independent
The Hon John Graham MLC	Australian Labor Party
The Hon Trevor Khan MLC	The Nationals
The Hon Daniel Mookhey MLC	Australian Labor Party
The Hon Shaoquett Moselmane MLC	Australian Labor Party
The Hon Adam Searle MLC	Australian Labor Party
Mr David Shoebridge MLC	The Greens

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Chair's foreword

I am pleased to present this report on the Inquiry into Budget Estimates 2020-2021. 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](#).

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.

Budget Estimates 2020-2021

- 1.1 The Inquiry into Budget Estimates 2020-2021 ('the Inquiry') was referred to the portfolio committees for inquiry and report on 11 November 2020 by the Legislative Council.³ The budget estimates resolution establishing the Inquiry, which sets out the rules for the Inquiry, is reproduced on pages iv and v.
- 1.2 The resolution authorised the committees to conduct one round of initial hearings, from 9.30 am to 8.30 pm, to examine all portfolios for each minister.⁴
- 1.3 In previous estimates inquiries, three rounds of hearings (initial, supplementary and further) were conducted and portfolios under the same minister were examined for six hours duration per hearing. Given the COVID-19 pandemic, hearings were delayed this year with no provision for supplementary or further hearings.
- 1.4 The budget estimates resolution stated that the committee could seek explanations from ministers, parliamentary secretaries or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure.⁵ Each committee was free to determine the time and allocation of questions for each hearing within the parameters set by the resolution.
- 1.5 Initial hearings were held over 12 days from 25 February to 26 February 2021, 1 March to 5 March 2021, and 8 March to 12 March 2021.⁶

Hearings

- 1.6 The committee held 3 public hearings as follows:
 - Tuesday 2 March 2021 – Energy and Environment
 - Tuesday 9 March 2021 – Planning and Public Spaces

³ *Minutes*, NSW Legislative Council, 11 November 2020, pp 1563.

⁴ *Minutes*, NSW Legislative Council, 11 November 2020, pp 1563.

⁵ *Minutes*, NSW Legislative Council, 18 November 2020, pp 1681-1683.

⁶ *Minutes*, NSW Legislative Council, 11 November 2020, p 1563.

- Thursday 11 March 2021 – Local Government

Transcripts, questions on notice and supplementary questions

- 1.7 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/budget-estimates.

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 2 March 2021. The following issues were raised during the committee's examination of this portfolio:

- Target to double Koala population in Australia
- Renewable Energy Plan
- Biomass
- Target to phase out single use plastics
- Managing native vegetation
- AusGrid redundancy and regional job losses
- Snowy Hydro Scheme 2.0
- Drone and technology advances for counting wildlife populations
- Asbestos strategy plan
- Water Sharing Plans
- Climate Change fund
 - Reducing NSW emissions
 - Clean technology program
 - Bushfire Management Fund
 - Energy rebate scheme
- Clean Air Strategy
- Environment Protection Authority compliance activities
- Number of rangers in National Parks
- Biodiversity offsets
- Waste levy
- Wood smoke pollution
- Fugitive greenhouse gas emissions.

Planning and Public Spaces

- 2.2** A hearing examining the portfolio of Planning and Public Spaces was held on Tuesday 2 March 2021. The following issues were raised during the committee's examination of this portfolio:
- Koala SEPP 2021 remaking the SEPP 2019, compliance with the new SEPP and implications for koala habitat protection
 - Management of the Western Sydney Parklands
 - The proposed route of the M9 and the purchase of land by Country Garden and referral of matters to the ICAC
 - The Critical State Infrastructure application process and timeline
 - Landcom project at North Wilton and Greater Wilton
 - Movement of staff from Minister Stokes' office
 - Approval of synthetic ovals
 - The proposal to raise the Warragamba Dam wall
 - The value of residential land surrounding the Sydney Aerotropolis
 - Dendrobium coal mine
 - The operation of the e-planning portal including the proposal to charge for services.

Local Government

- 2.3** A hearing examining the portfolio of Local Government was held on Thursday 11 March 2021. The following issues were raised during the committee's examination of this portfolio:
- Model Code of Conduct Framework (Local Government) and the OLG's resourcing and management of reported code of conduct incidents
 - Government grants - approval processes and application of guidelines & amended guidelines
 - NSW \$250m COVID-19 Job Retention Economic Stimulus Program for Local Government entities facilitated by TCorp
 - Investigation of Code of Conduct complaints by the Office of Local Government and the role of the Minister
 - Whether property developers should be allowed to run in local council elections
 - Referral of Georges River Councillors to ICAC
 - Councils not publishing their register of interests
 - Support for the Australian Local Government Association being on National Cabinet
 - Role of the Minister in approving grants and the administration of grants
 - Ministerial announcement on superannuation for councillors.

Appendix 1 Witnesses at hearings

Energy and Environment – Tuesday 2 March 2021

Name	Position and Organisation
Hon Matt Kean MP	Minister for Energy and Environment
Mr Jim Betts	Secretary, Department of Planning, Industry and Environment
Ms Tracy Mackey	Chief Executive Officer, NSW Environment Protection Authority
Mr James Hay	Deputy Secretary, Energy, Climate Change and Sustainability, Department of Planning, Industry and Environment
Ms Sharon Molloy	Acting Deputy Secretary, Biodiversity, Conservation and Science, Department of Planning, Industry and Environment
Mr Andrew Lewis	Executive Director, Energy, Department of Planning, Industry and Environment
Dr Paul Grimes	Coordinator-General, Environment, Energy and Science, Department of Planning, Industry and Environment
Dr Atticus Fleming	Deputy Secretary, National Parks and Wildlife Service, 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
Mr Paul Elton	Chief Executive Officer, Biodiversity Conservation Trust, Department of Planning, Industry and Environment
Ms Michelle Dumazel	Executive Director, Biodiversity and Conservation Division, Department of Planning, Industry and Environment
Ms Naomi Stephens	Acting 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 Stephen Beaman	Executive Director, Regulatory Operations Metro, NSW Environment Protection Authority
Ms Carmen Dwyer	Executive Director, Regulatory Operations Regional, NSW Environment Protection Authority

Name	Position and Organisation
Dr Georgina Kelly	Executive Director, Science, Economics and Insights, Department of Planning, Industry and Environment
Mr Andrew Nicholls	Executive Director, Business Delivery, National Parks and Wildlife Service, Department of Planning, Industry and Environment
Mr Brendan Bruce	Executive Director, Office of the Coordinator-General, Environment, Energy and Science, Department of Planning, Industry and Environment
Mr David Fowler	Executive Director, Regulatory Practice and Environmental Solutions, NSW Environment Protection Authority
Ms Nancy Chang	Executive Director, Regulatory Policy Initiatives and Advice, NSW Environment Protection Authority
Ms Rayne de Gruchy AM PSM	Chairperson, NSW Environment Protection Authority

Planning and Public Spaces – Tuesday 9 March 2021

Name	Position and Organisation
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 Alex O'Mara	Group Deputy Secretary, Place, Design and Public Spaces., Department of Planning, Industry and Environment
Mr Brett Whitworth	Deputy Secretary, Greater Sydney, Place and Infrastructure, Department of Planning, Industry and Environment
Mr Shaun Smith	Group Deputy Secretary, Corporate Services, Department of Planning, Industry and Environment
Professor Mary O'Kane	Chair, Independent Planning Commission
Mr John Brogden	Chief Executive Officer, Landcom

Local Government - Thursday 11 March 2021

Name	Position and Organisation
Hon Shelley Hancock MP	Minister for Local Government
Ms Sharon Molloy	Acting Deputy Secretary, Biodiversity, Conservation and Science, Department of Planning, Industry and Environment
Mr Tim Hurst	Deputy Secretary Local Government Planning and Policy, Department of Planning, Industry and Environment
Mr Derek Rutherford	Acting Executive Director, Biodiversity and Conservation Division, Environment, Energy and Science, Department of Planning, Industry and Environment
Ms Gabrielle Pietrini	Director Marine Coastal Estuary and Flood Branch, Environment, Energy and Science, Department of Planning, Industry and Environment
Mr James Hebron	Group Deputy Secretary, Governance and Legal, Department of Planning, Industry and Environment
Mr Luke Walton	Executive Director Local Government and Economic Policy, Department of Planning, Industry and Environment

Appendix 2 Minutes

Minutes no. 40

Monday 1 February 2021

Portfolio Committee No. 7 – Planning and Environment

Room 1254, Parliament House, Sydney at 10.00 am

1. Members present

Ms Faehrmann, *Chair*

Mr Pearson, *Deputy Chair* (from 10.02 am, via Webex)

Mr Buttigieg

Ms Cusack (from 10.05 am, via Webex)

Mr Franklin

Mr Martin (substituting for Mr Mallard via Webex)

Ms Sharpe (via Webex)

2. Inquiry into Budget Estimates 2020-2021 – procedural resolutions

The committee noted the Budget Estimates timetable for 2020-2021 agreed to by the House, with hearings commencing at 9.30 am and concluding by 8.30 pm, for Portfolio Committee No. 7:

Date	Portfolio
Tuesday 2 March 2021	Energy and Environment (Kean)
Tuesday 9 March 2021	Planning and Public Spaces (Stokes)
Thursday 11 March 2021	Local Government (Hancock)

2.1 Allocation of question time and witness appearance time

Resolved, on the motion of Mr Buttigieg: That in correspondence to the Ministers, the committee advise that:

- Ministers will be invited to appear as a witness during the morning session, likely from 9.30 am until 12.30 pm, and may be invited for a further 1 hour, from 2.00pm until 3.00 pm, if needed
- Departmental staff will be invited to appear from 9.30 am until 8.00 pm.

2.2 Witness requests

Resolved, on the motion of Ms Sharpe: That the committee invite the following witnesses as per last year in addition to witnesses requested by Mr Buttigieg:

Energy and Environment

- Hon Matt Kean MP, Minister for Energy and Environment
- Mr Jim Betts, Secretary, Department of Planning, Industry and Environment
- Ms Tracy Mackey, Chief Executive Officer, NSW Environment Protection Authority
- Mr James Hay, Deputy Secretary, Energy, Climate Change and Sustainability, Department of Planning, Industry and Environment
- Dr Kate Wilson, Deputy Secretary Policy, Strategy & Science, Department of Planning, Industry and Environment
- Mr Andrew Lewis, Executive Director, Energy Consumers & Programs, Department of Planning, Industry and Environment

- Mr Paul Grimes, Coordinator-General, Environment, Energy and Science, Department of Planning, Industry and Environment
- Dr Atticus Fleming, Deputy Secretary, National Parks and Wildlife Service, Department of Planning, Industry and Environment
- Mr John Cleland, Chief Executive Officer, Essential Energy
- Mr Justin Hillier, Chief Financial Officer, Essential Energy
- Mr Luke Jenner, General Manager, Customer and Network Services, Essential Energy
- Executive Director, Climate Change & Sustainability, Department of Planning, Industry and Environment
- Ms Reyne de Gruchy AP PSM, Chair, NSW Environment Protection Authority
- Mr Paul Elton, Chief Executive Officer, Biodiversity Conservation Trust, Department of Planning, Industry and Environment
- Ms Sharon Molloy, Executive Director, Biodiversity and Conservation, 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
- 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 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.

Planning and Public Spaces

- 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
- Professor Mary O'Kane, Chair, Independent Planning Commission
- 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 Brett Whitworth, Deputy Secretary, Greater Sydney, Place and Infrastructure, Department of Planning, Industry and Environment
- Chief Financial Officer, Department of Planning, Industry and Environment
- Deputy Secretary, Strategic and Integration, Department of Planning, Industry and Environment.

Local Government

- Hon Shelley 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
- Mr James Hebron, Chief Legal Counsel, Department of Planning, Industry and Environment.

Resolved, on the motion of Mr Buttigieg: That the committee invite the following parliamentary secretaries to appear as a witness at the hearings:

- Hon Ben Franklin MLC, Parliamentary Secretary for Energy and the Arts
- Mr James Griffin MP, Parliamentary Secretary for the Environment and the Veterans.

3. ***

4. **Adjournment**

The committee adjourned at 10.21 am, until Tuesday 9 February 2021 (water infrastructure site visit and hearing)

Emma Rogerson
Committee Clerk

Minutes no. 43

Tuesday 2 March 2021

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 (until 12.11 pm)

Mr Franklin

Mr Mallard

Ms Sharpe (participating from 11.30 am until 12.40 pm)

Ms Boyd (participating from 11.53 am until 12.35 pm)

Mr Field (participating)

Mr Searle (participating) (substituting for Ms Sharpe from 11.30 am until 12.40 pm)

Mr Shoebridge (participating from 10.59 am until 11.42 am)

2. **Previous minutes**

Resolved, on the motion of Ms Cusack: That draft minutes no. 42 be confirmed.

3. **Correspondence**

The committee noted the following items of correspondence:

Received

- 29 January 2021 - Email from Hon Natasha Maclaren-Jones MLC, Government Whip to secretariat, advising of Government substitutions for Budget Estimates 2020-2021 initial meetings
- 12 February 2021 - Email from Ms Kaelee Aboud, Office of the Hon Natasha Maclaren-Jones MLC, Government Whip to secretariat, advising of Government substitutions for Budget Estimates 2020-2021 initial hearings
- 15 February 2021 - Email from Ms Abigail Boyd MLC to secretariat, advising of Greens Crossbench substitutions and participating members for Budget Estimates 2020-2021 initial hearings
- 17 February 2021 - Email from Mr Peter Poulos, Office of Minister Kean to secretariat, confirming witness attendance for the Energy and Environment hearing on 2 March 2021
- 17 February 2021 - Email from Ms Fiona Gibson, Office of Minister Stokes to secretariat, confirming witness attendance for the Planning and Public Spaces hearing on 9 March 2021
- 17 February 2021 – Letter from Minister Hancock to secretariat, confirming witness attendance for the Local Government hearing on 11 March 2021

- 19 February 2021 – Letter from the Hon Natasha Maclaren-Jones MLC, Government Whip to secretariat, advising of Government substitutions for PC7 Budget Estimates Local Government hearing on 11 March 2021
- 23 February 2021 - Email from Mr Peter Poulos, Office of Minister Kean to secretariat, confirming attendance of witnesses requested by committee and providing explanation for the non-attendance of certain witnesses for the Energy and Environment hearing on Tuesday 2 March 2021
- 23 February 2021 - Email from Ms Jane Boag, Office of Minister Hancock to secretariat, providing explanation for the non-attendance of certain witnesses for the Local Government hearing on Thursday 11 March 2021
- 26 February 2021 – Email from Ms Maree Mccaskill, General Manager, Timber NSW providing the Timber NSW submission to the inquiry into the Local Land Services Amendment (Miscellaneous) Bill 2020.
- 1 March 2021 – Email from Ms Kaelee Aboud, Office of the Hon Natasha Maclaren-Jones MLC, Government Whip to secretariat, advising Hon Ben Franklin MLC will attend the Energy and Environment hearing on Tuesday 2 March 2021 and no longer requires a substitution by Hon Sam Farraway MLC
- 2 March 2021 - Email from Ms Cara Punch, Office of Hon Mark Buttigieg MLC, Opposition Whip to secretariat, advising the Hon Adam Searle MLC will be substituting for Hon Penny Sharpe MLC from 11.30 am to 12.45 pm, and Hon Penny Sharpe will be participating from 11.30 am – 12.45 pm but will return as a substantive member from 2.00 pm for the Energy and Environment hearing on 2 March 2021.

Sent

- 4 February 2021 - Letter from secretariat to Hon Matt Kean MP, Minister Energy and Environment, attaching witness invitation for Budget Estimates 2020 - 2021 initial hearings
- 4 February 2021 - Letter from secretariat to Hon Shelly Hancock MP, Minister Local Government, attaching witness invitation for Budget Estimates 2020 - 2021 initial hearings
- 4 February 2021 - Letter from secretariat to Hon Rob Stokes MP, Minister Planning and Public Spaces, attaching witness invitation for Budget Estimates 2020 - 2021 initial hearings
- 19 February 2021 – Email from secretariat to Mr Peter Poulos, Office of Minister Kean, requesting attendance of certain witnesses
- 19 February 2021 - Email from secretariat to Ms Jane Boag, Office of Minister Hancock, requesting attendance of certain witnesses.

4. ***

5. **Inquiry into Budget Estimates 2020-2021 – initial hearings**

5.1 Order for examination of portfolios

The committee noted that it had previously resolved that the portfolios of Energy and Environment be examined concurrently by Opposition and Crossbench members only, from 9.30 am to 12.30 pm, and from 2.00 pm to 5.00 pm, with an additional 15 minutes reserved for Government questions for each of the morning and afternoon sessions.

Resolved, on the motion of Mr Pearson: That the hearing adjourn for 10 minutes at 11.00 am and 3.30 pm and that as a consequence, the morning session allocated for questions by Opposition and Crossbench members conclude at 12.40 pm and the afternoon session conclude at 5.10 pm.

5.2 Public hearing: Energy and Environment

Minister, departmental witnesses, the public and the media were admitted.

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

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

The following witnesses were sworn:

- Mr Jim Betts, Secretary, Department of Planning, Industry and Environment
- Ms Tracy Mackey, Chief Executive Officer, NSW Environment Protection Authority
- Mr James Hay, Deputy Secretary, Energy, Climate Change and Sustainability, Department of Planning, Industry and Environment
- Ms Sharon Molloy, Acting Deputy Secretary, Biodiversity, Conservation and Science, Department of Planning, Industry and Environment
- Mr Andrew Lewis, Executive Director, Energy, Department of Planning, Industry and Environment
- Dr Paul Grimes, Coordinator-General, Environment, Energy and Science, Department of Planning, Industry and Environment
- Dr Atticus Fleming, Deputy Secretary, National Parks and Wildlife Service, 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
- Mr Paul Elton, Chief Executive Officer, Biodiversity Conservation Trust, Department of Planning, Industry and Environment
- Ms Michelle Dumazel, Executive Director, Biodiversity and Conservation Division, 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 Stephen Beaman, Executive Director, Regulatory Operations Metro, NSW Environment Protection Authority
- Ms Carmen Dwyer, Executive Director, Regulatory Operations Regional, NSW Environment Protection Authority
- Dr Georgina Kelly, Executive Director, Science, Economics and Insights, Department of Planning, Industry and Environment.

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.

Mr Pearson tendered the following document:

- Open letter to world leaders from various world scientists regarding use of forests for bio energy, dated 11 February 2021.

The Minister withdrew at 12.40 pm.

The public hearing continued.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.08 pm.

The public and media withdrew.

6. Adjournment

The committee adjourned at 5.10 pm, until 9.15 am, Tuesday 9 March 2021, Jubilee Room, Budget Estimates hearing — Planning and Public Spaces.

Beverly Duffy and Stewart Smith

Committee Clerks

Minutes no. 44

Tuesday 9 March 2021

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*

Ms Cusack (until 4.08 pm)

Mr Franklin

Mr Mallard (from 2.58 pm)

Mr Searle (substituting for Mr Buttigieg)

Ms Sharpe

Mr Field (participating until 4.05 pm)

Mr Shoebridge (participating from 11.14 am until 11.50 am)

Mr Daniel Mookhey (participating from 10.35 am until 11.32 am, and from 3.17 pm until 4.15pm)

2. Correspondence

The committee noted the following items of correspondence:

Received

- 25 February 2021 - Email from Mr Ben Cronly, Office of Ms Cate Faehrmann MLC, to secretariat, advising that Mr Shoebridge MLC will be a participating member for the Planning and Public Spaces hearing on 9 March 2021
- 8 March 2021 - Email from Ms Cara Punch, Office of the Hon Mark Buttigieg MLC, Opposition Whip to secretariat, advising that the Hon Daniel Mookhey MLC will be a participating member for the Planning and Public Spaces hearing on 9 March 2021.

3. ***

4. Inquiry into Budget Estimates 2020-2021 – initial hearings

4.1 Order for examination of portfolios

The committee noted that it had previously resolved that the portfolios of Planning and Public Spaces be examined concurrently by Opposition and Crossbench members only, from 9.30 am to 12.30 pm, and from 2.00 pm to 8.00 pm.

Resolved, on the motion of Mr Searle: That, with no government questions being asked, the Planning and Public Spaces portfolios be examined concurrently by Opposition and Cross Bench members only, from

9.30 am to 12.30 pm, and from 2.00 pm to 5.00 pm, with an additional 15 minutes reserved for Government questions for each of the morning and afternoon sessions.

4.2 Public hearing: Planning and Public Spaces

Minister, departmental witnesses, the public and the media were admitted.

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

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

The Chair also reminded Mr Jim Betts, Secretary, 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 Alex O'Mara, Group Deputy Secretary, Place, Design and Public Spaces., Department of Planning, Industry and Environment
- Mr Brett Whitworth, Deputy Secretary, Greater Sydney, Place and Infrastructure, Department of Planning, Industry and Environment
- Mr Shaun Smith, Chief Financial Officer, Department of Planning, Industry and Environment
- Professor Mary O'Kane, Chair, Independent Planning Commissioner
- Mr John Brogden, Chief Executive Officer, Landcom.

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.

Ms Faehrmann tendered the following document:

- Email trail titled Department of Planning responses to Questions – SEPP, dated 16 September 2020.

Mr Mookhey tendered the following documents:

- Email trail ending with an email from Rick Graf, Billbergia Group, dated 2 May 2019, concerning the Rhodes Revised Draft Precinct Plan
- Letter from Mr John Kinsella, Managing Director, Billbergia Group, and Mr Joseph Jacob, Managing Director, Prolet, to the Minister for Planning and Public Spaces, copied to the Hon John Sidoti MP, dated 1 May 2019, concerning the Rhodes revised draft precinct plan, and attaching various articles appearing in the Telegraph.

Mr Field tendered the following document:

- Document titled NSW Government Holding Lines regarding the Warragamba Dam wall, undated.

Ms Faehrmann tendered the following document:

- Email from Minister Stokes' Office to the Deputy Premier's Office, dated 20 August 2020, attaching a letter from the Hon Rob Stokes MP, Minister for Planning and Public Spaces, to the Hon John Barilaro MP, Deputy Premier, undated, regarding finalisation of the new Koala Habitat Protection SEPP and Koala Habitat Protection Guideline.

The Minister withdrew at 12.40 pm.

The public hearing continued.

Ms Faehrmann tendered the following document:

- Email trail ending with an email from Ms Kate Wilson, Office of the Minister for Minister for Planning and Public Spaces, dated 28 September 2020, concerning koala habitat categories and associated land management actions.

Mr Mookhey tendered the following documents:

- Department of Planning and Environment, Business Contact Form, dated 3 September 2018.
- Department of Planning and Environment, Business Contact Form, dated 9 October 2018.
- Email trail ending with an email from Mr Simon Babbage, Chief of Staff to the Minister for Planning and Public Spaces, dated 10 October 2018, concerning Rhodes East school.
- Email trail ending with an email from Rick Graf, Billbergia Group, dated 2 May 2019, concerning the Rhodes revised draft precinct plan.
- Letter from Mr John Kinsella, Managing Director, Billbergia Group, and Mr Joseph Jacob, Managing Director, Prolet, to the Minister for Planning and Public Spaces, copied to the Hon John Sidoti MP, dated 1 May 2019, concerning the Rhodes revised draft precinct plan, and attaching various articles appearing in the Telegraph.
- Minutes of meeting at the DPE Office, 320 Pitt St, Sydney, concerning the Rhodes East Billbergia and Prolet Proposed Development and Public Benefit Offer, dated 6 July 2018.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.09 pm.

The public and media withdrew.

4.3 Tendered documents

Resolved, on the motion of Mr Pearson: That the committee accept and publish the following documents tendered during the Planning and Public Spaces hearing held on Tuesday 9 March 2021:

- Email trail titled Department of Planning responses to Questions – SEPP, dated 16 September 2020, tendered by Ms Cate Faehrmann MLC
- Email trail ending with an email from Rick Graf, Billbergia Group, dated 2 May 2019, concerning the Rhodes Revised Draft Precinct Plan, tendered by Mr Daniel Mookhey MLC
- Letter from Mr John Kinsella, Managing Director, Billbergia Group, and Mr Joseph Jacob, Managing Director, Prolet, to the Minister for Planning and Public Spaces, copied to the Hon John Sidoti MP, dated 1 May 2019, concerning the Rhodes revised draft precinct plan, and attaching various articles appearing in the Telegraph, tendered by Mr Daniel Mookhey MLC
- Document titled NSW Government Holding Lines regarding the Warragamba Dam wall, undated, tendered by Mr Justin Field MLC
- Email from Minister Stokes' Office to the Deputy Premier's Office, dated 20 August 2020, attaching a letter from the Hon Rob Stokes MP, Minister for Planning and Public Spaces, to the Hon John Barilaro MP, Deputy Premier, undated, regarding finalisation of the new Koala Habitat Protection SEPP and Koala Habitat Protection Guideline, tendered by Ms Cate Faehrmann MLC
- Email trail ending with an email from Ms Kate Wilson, Office of the Minister for Minister for Planning and Public Spaces, dated 28 September 2020, concerning koala habitat categories and associated land management actions, tendered by Ms Cate Faehrmann MLC
- Department of Planning and Environment, Business Contact Form, dated 3 September 2018, tendered by Mr Daniel Mookhey MLC
- Department of Planning and Environment, Business Contact Form, dated 9 October 2018, tendered by Mr Daniel Mookhey MLC

- Email trail ending with an email from Mr Simon Babbage, Chief of Staff to the Minister for Planning and Public Spaces, dated 10 October 2018, concerning Rhodes East school, tendered by Mr Daniel Mookhey MLC
- Minutes of meeting at the DPE Office, 320 Pitt St, Sydney, concerning the Rhodes East Billbergia and Prolet Proposed Development and Public Benefit Offer, dated 6 July 2018, tendered by Mr Daniel Mookhey MLC.

5. ***

6. **Adjournment**

The committee adjourned at 5.17 pm, until 9.15 am, Thursday 11 March 2021, in the Macquarie Room, for the Budget Estimates hearing into Local Government.

Merrin Thompson and Stephen Frappell
Committee Clerks

Minutes no. 45

Thursday 11 March 2021

Portfolio Committee No. 7 - Planning and Environment
Macquarie Room, Parliament House, Sydney, at 9.15 am

1. **Members present**

Ms Faehrmann, *Chair* (until 9.35 am)

Mr Pearson, *Deputy Chair* (from 9.30 am)

Mr Buttigieg (until 3.11 pm, and from 3.26 pm until 4.45 pm)

Ms Cusack (until 3.02 pm)

Mr Graham (substituting for Ms Sharpe)

Mr Khan (substituting for Mr Franklin, from 2.00 pm until 2.35 pm, and from 3.08 pm to 4.45 pm)

Mr Mallard (from 9.35 am)

Ms Boyd (participating from 10.55 am until 11.50 am)

Mr Moselmane (substituting for Mr Buttigieg from 3.11 pm to 3.26 pm)

Mr Shoebridge (participating from 9.30 am until 10.15 am, and from 10.35 am)

2. **Correspondence**

The committee noted the following items of correspondence:

Received

- 5 March 2021 – Letter from Minister Hancock to secretariat, advising of additional nominated witnesses to attend the afternoon session only of the Local Government hearing on Thursday 11 March 2021
- 10 March 2021 – Email from Ms Cara Punch, Office Hon Mark Buttigieg MLC, to secretariat, advising that Hon John Graham MLC will be substituting for Hon Penny Sharpe MLC at the Local Government hearing on 11 March 2021
- 11 March 2021 - Email from Ms Cara Punch, Office of Hon Mark Buttigieg MLC, Opposition Whip to secretariat, advising that Hon Shaoquett Moselmane MLC will be substituting for the Hon Mark Buttigieg MLC for part of the PC7 Local Government hearing held on 11 March 2021.

3. ***

4. Inquiry into Budget Estimates 2020-2021 – initial hearings

4.1 Order for examination of portfolios

The committee noted that it had previously resolved that the portfolio of Local Government be examined concurrently by Opposition and Crossbench members only, from 9.30 am to 12.30 pm, and from 2.00 pm to 5.00 pm, with an additional 15 minutes reserved for Government questions for each of the morning and afternoon sessions.

4.2 Election of Acting Deputy Chair

Resolved, on the motion of Mr Khan: That, in the absence of the Chair, Mr Buttigieg be elected as Acting Deputy Chair for the duration of the hearing on 11 March 2021, at any time when the Chair is not present.

4.3 Public hearing: Local Government

Minister, departmental witnesses, the public and the media were admitted.

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

The Hon Shelley Hancock MP, Minister for Local Government, was admitted.

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

- Ms Sharon Molloy, Acting Deputy Secretary Biodiversity and Conservation Directorate, Department of Planning, Industry and Environment.

The following witness was sworn:

- Mr Tim Hurst, Deputy Secretary Local Government Planning and Policy, 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 12.40 pm.

The public hearing continued.

The following witnesses were sworn and examined:

- Mr Derek Rutherford, Acting Executive Director, Biodiversity and Conservation Division, EES, Department of Planning, Industry and Environment
- Ms Gabrielle Pietrini, Director Marine Coastal Estuary and Flood Branch, EES, Department of Planning, Industry and Environment
- Mr James Hebron, Group Deputy Secretary Governance and Legal, Department of Planning, Industry and Environment
- Mr Luke Walton, Executive Director Local Government and Economic Policy, Department of Planning, Industry and Environment

Mr Graham tendered the following document:

- NSW Council grants program funding allocation table

Mr Hurst tendered the following document:

- Letter from Mr Tim Hurst, Deputy Secretary Local Government to Legislative Council dated 19 October 2020 regarding Office of Local Government's process for the approval of grants from the Stronger Communities Fund – tied grants round.

Mr Shoebridge tendered the following documents:

- Response letter from Mr Chris Allen, Director Sector Performance and Innovation OLG, to Ms Gail Connolly, General Manager, Georges River Council, regarding Council's request for OLG and ICAC to undertake and investigation regarding breach of legislation dated 20 June 2019
- Media article from The Sydney Morning Herald 'Sydney councillors unaware of alleged referral to corruption watchdog over China trip' by Angus Thompson dated 2 April 2019.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.45 pm.

The public and media withdrew.

4.4 Tendered documents

Resolved, on the motion of Mr Graham that the committee accept the following documents tendered during the Local Government hearing held on Thursday 11 March 2021:

- NSW Council grants program funding allocation table, **tendered by Mr John Graham MLC**
- Letter from Mr Tim Hurst, Deputy Secretary Local Government to Legislative Council dated 19 October 2020 regarding Office of Local Government's process for the approval of grants from the Stronger Communities Fund – tied grants round, tendered by Mr Tim Hurst, Deputy Secretary Local Government Planning and Policy, Department of Planning, Industry and Environment
- Response letter from Mr Chris Allen, Director Sector Performance and Innovation OLG, to Ms Gail Connolly, General Manager, Georges River Council, regarding Council's request for OLG and ICAC to undertake and investigation regarding breach of legislation dated 20 June 2019, tendered by Mr David Shoebridge MLC
- Media article from The Sydney Morning Herald 'Sydney councillors unaware of alleged referral to corruption watchdog over China trip' by Angus Thompson dated 2 April 2019, tendered by Mr David Shoebridge MLC

5. Adjournment

The committee adjourned at 4.46 pm, *Sine die*.

Sam Griffith and Stewart Smith

Committee Clerks

Draft minutes no. 50

Thursday 13 May 2021

Portfolio Committee No. 7 – Planning and Environment

Members' Lounge, Parliament House, 1.41 pm

1. Members present

Ms Faehrmann, *Chair*

Mr Pearson, *Deputy Chair* (from 1.43 pm)

Mr Buttigieg

Ms Cusack

Mr Franklin

Mr Mallard (from 1.50 pm)

Ms Sharpe (from 1.43 pm)

Ms Boyd (from 1.42 pm, participating for the inquiry into Protection of the Environment Operations Amendment (Clean Air) Bill 2021)

2. Previous minutes

Resolved, on the motion of Mr Franklin: That draft minutes nos. 43, 44 and 45 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 26 March 2021 – Email from Mr Peter Poulos, Office of Minister Kean to secretariat, requesting an extension until 29 March 2021 for post hearing responses for the Energy and Environment portfolio
- 29 March 2021 – Letter from Dr Georgina Kelly, Executive Director, NSW Department Planning Industry and Environment, to secretariat, clarifying evidence given during the hearing on 2 March 2021
- 8 April 2021 – Letter from Mr Steve Beaman PSM, Acting Chief Executive Officer, NSW Environment Protection Authority to secretariat, clarifying evidence given during the hearing on 2 March 2021
- 8 April 2021 – Letter from Dr Atticus Fleming, Deputy Secretary, National Parks and Wildlife Service to secretariat, clarifying evidence given during the hearing on 2 March 2021
- 8 April 2021 – Letter from Professor Mary O'Kane, Chair, Independent Planning Commission to secretariat, clarifying evidence given during the hearing on 9 March 2021.
- ***

Sent:

- 5 March 2021 – Email from the secretariat to the Hon Matt Kean MP, Minister for Energy and Environment, attaching transcript of evidence with questions on notice highlighted and supplementary questions
- 12 March 2021 – Email from the secretariat to the Hon Rob Stokes MP, Minister for Planning and Public Spaces, attaching transcript of evidence with questions on notice highlighted and supplementary questions
- 16 March 2021 – Email from the secretariat to the Hon Shelley Hancock MP, Minister for Local Government, attaching transcript of evidence with questions on notice highlighted and supplementary questions
- 29 March 2021 – Email from the secretariat to Mr Peter Poulos, Office of Minister Kean, confirming extension until 29 March 2021 for post hearing responses for the Energy and Environment portfolio
- 31 March 2021 – Email from the secretariat to Ms Sarah Wademan, Office of Minister Kean, seeking formal letter from Mr Steve Beaman PSM, Acting Chief Executive Officer, NSW Environment Protection Authority and Dr Atticus Fleming, Deputy Secretary, National Parks and Wildlife Service clarifying evidence given at the Energy and Environment hearing on 2 March 2021.

4. Inquiry into Budget Estimates 2020-2021

4.1 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 Matt Kean MP, Minister for Energy and Environment, received 29 March 2021
- answers to questions on notice and supplementary questions from the Hon Rob Stokes MP, Minister for Planning and Public Spaces, received 6 April 2021

- answers to questions on notice and supplementary questions from the Hon Shelley Hancock MP, Minister for Local Government, received 6 April 2021.

4.2 Consideration of Chair's draft report

The Chair submitted her draft report entitled *Budget Estimates 2020-2021*, which, having been previously circulated, was taken as being read.

Resolved, on the motion of Ms Cusack: That:

- a) The draft report be the report of the committee and that the committee present the report to the House;
- b) 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;
- c) 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;
- d) The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- e) That the report be tabled on 18 May 2021.

5. ***

6. ***

7. ***

8. Adjournment

The committee adjourned at 2.10 pm, *sine die*.

Stewart Smith
Committee Clerk

