

Minutes no. 99

Thursday 23 February 2023

Portfolio Committee No. 7 – Planning and Environment

UNSW CBD Campus, Level 6, 1 O'Connell St Sydney at 9.47 am

1. Members present

Ms Higginson, *Chair*

Mr Barrett

Mr Graham (substituting for Ms Jackson)

Mrs MacDonald

Mr Rath

Ms Sharpe

2. Apologies

Ms Jackson

Mr Pearson

3. Draft minutes

Resolved, on the motion of Ms Sharpe: That draft minutes no. 98 be confirmed.

Resolved, on the motion of Ms Sharpe: That the committee authorise the publication of minutes no. 98.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 23 February 2023 – Email from Mr Jeremy Greenwood to secretariat, sending apologies for public hearing
- 22 February 2023 – Email from Mr David Reynolds, Acting General Manager, The Hills Shire Council to secretariat, declining the invitation to give evidence at a hearing and providing information on contact with Councillor Virginia Ellis
- 22 February 2023 – Email from Mr Jeff Egan, Toplace, declining the invitation to give evidence at a hearing
- 22 February 2023 – Email from Mr Rob McAskill, Executive Assistant to NSW Building Commissioner, to secretariat, declining the invitation for the Building Commissioner to give evidence at a hearing
- 22 February 2023 – Email from Ms Natasha Mann, Deputy Secretary, Better Regulation and Commissioner for Fair Trading NSW, to secretariat, declining the invitation to give evidence at a hearing
- 22 February 2023 – Email from Ms Carlie Bitz, Executive Officer to the Secretary, Department of Customer Service, to secretariat, advising that Ms Emma Hogan is declining the invitation to give evidence at a hearing
- 21 February 2021 – Email from Usher of the Black Rod to secretariat, providing an update on the attempt to serve Mr Jean-Claude Perrottet

Sent:

- 22 February 2023 – Letter from the Chair to Mr Jeff Egan, re-issuing the invitation to give evidence and noting the committee's powers to issue a summons

Resolved, on the motion of Mr Graham: That the committee authorise the publication of correspondence from the Usher of the Black Rod, regarding an attempt to serve Mr Jean-Claude Perrottet, dated 21 February 2023, subject to the redaction of identifying information.

Resolved, on the motion of Mr Graham: That the committee authorise the publication of correspondence from Mr Jeremy Greenwood, regarding apologies for the public hearing, dated 23 February 2023.

Resolved, on the motion of Ms Sharpe: That the committee authorise the publication of correspondence from Mr David Reynolds, Acting General Manager, The Hills Shire Council regarding contact with Councillor Virginia Ellis, dated 22 February 2023.

5. Inquiry into allegations of impropriety against agents of the Hills Shire Council and property developers in the region

5.1 Conflict of interest

Mrs MacDonald declared that she would recuse herself from today's hearing on the basis of a potential conflict of interest, having been a member of the Liberal Party State Executive at the time when the Hills Shire Council ticket for the 2021 local government election was determined.

Mr Rath declared that he would recuse himself from today's hearing on the basis of a potential conflict of interest, having been a member of the Liberal Party State Executive at the time when the Hills Shire Council ticket for the 2021 local government election was determined.

5.2 Public hearing

Mr Graham tabled the document titled 'The Men who Stole the Hills: Chapter One: The Reformers'.

The committee noted that it has previously resolved that witnesses be asked to return answers to questions on notice within three days of receipt of the transcript.

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings, the recusal of Mrs MacDonald and Mr Rath, and other matters.

The following witness was sworn and examined:

- Mr Alan Haselden, Former Councillor, The Hills Shire Council

The evidence concluded and the witness withdrew.

The public hearing concluded at 10.58 am. The public and the media withdrew.

Tendered documents

Mr Graham moved: That:

- the committee accept and publish the document titled 'The Men who Stole the Hills: Chapter One: The Reformers', tendered during the public hearing, and
- in accordance with the Procedural Fairness Resolution, private individuals named in the above document be invited to provide a written response in relation to potential adverse mention.

Question put.

The committee divided.

Ayes: Mr Graham, Ms Higginson, Ms Sharpe.

Noes: Mr Barrett, Mrs MacDonald, Mr Rath.

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

5.3 Report timeline

Resolved, on the motion of Mr Graham: That the following timeline for the inquiry be adopted:

- Chair's report to be distributed to members late Tuesday 28 February 2023 (less than 7 days under the standing orders)
- Report deliberative in the afternoon of Wednesday 1 March 2023 (via Webex)
- Report tabled late Thursday 2 March 2023.

5.4 Further public hearing

Resolved, on the motion of Ms Sharpe: That the committee hold a further hearing on Thursday 2 March 2023, and that efforts continued to serve a summons on those witnesses previously resolved.

Resolved, on the motion of Mr Graham: That the committee put questions on notice to the Office of Fair Trading and NSW Building Commissioner regarding the matters that led to Jean Nassif's licence being cancelled.

Resolved, on the motion of Ms Sharpe: That

- the Chair re-issue an invitation to Mr Dylan Whitelaw to attend the public hearing on 2 March 2023, noting that the committee has the power to issue him with a summons if he declines, and
- that if Mr Whitelaw does not respond to or declines this invitation, under the authority of s 4(2) of the *Parliamentary Evidence Act 1901*, the committee issue him a summons to attend and give evidence before the committee on 2 March 2023.

Resolved, on the motion of Ms Sharpe:

- the Chair re-issue an invitation to Mr Robert Assaf to attend the public hearing on 2 March 2023, noting that the committee has the power to issue him with a summons if he declines, and
- that if Mr Assaf does not respond to or declines this invitation, under the authority of s 4(2) of the *Parliamentary Evidence Act 1901*, the committee issue him a summons to attend and give evidence before the committee on 2 March 2023.

6. Adjournment

The committee adjourned at 11.22 am until Wednesday 1 March 2023 (report deliberative).

Arizona Hart
Committee Clerk