

PORTFOLIO COMMITTEE NO. 6 – PLANNING AND ENVIRONMENT

Friday, 1 September 2017

Examination of proposed expenditure for the portfolio area

ENVIRONMENT, HERITAGE, AND LOCAL GOVERNMENT

UNCORRECTED PROOF

The Committee met at 9.00 a.m.

MEMBERS

The Hon. P. Green (Chair)

The Hon. L. Amato

Dr M. Faruqi

The Hon. S. Mallard

The Hon. M. Mason-Cox

The Hon. M. Pearson

The Hon. P. Primrose

The Hon. P. Sharpe

Mr D. Shoebridge

PRESENT

The Hon. Gabrielle Upton, [*Minister for the Environment, Minister for Local Government, and Minister for Heritage*]

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 812
Parliament House
Macquarie Street
SYDNEY NSW 2000**

The CHAIR: . Welcome to the public hearing of budget estimates 2017-2018 of Portfolio Committee No. 6—Planning and Environment. Before I commence I acknowledge the Gadigal people who are the traditional custodians of this land. I also pay respect to elders past and present of the Eora nation and extend that respect to other Aborigines present today or listening via the parliamentary webcast. I welcome Minister Upton and her accompanying officials to this hearing. The Committee will examine the proposed expenditure for the portfolio of the Environment, Heritage and Local Government. Today's hearing is open to the public and is being broadcast live via the parliamentary website. In accordance with the Legislative Council's *Guidelines for the Broadcast of Proceedings*, only Committee members and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photography. In reporting the proceedings of this Committee, the media must take responsibility for what it publishes. The guidelines are available from the secretariat and on the table at the back of the room.

There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In those circumstances witnesses are advised that they can take the question on notice and provide an answer within 21 days. Any messages from advisers or the members of staff seated in the public gallery should be delivered through the secretariat. Minister, you and the officers accompanying you at the table are free to pass notes and refer to your advisers seated directly behind you. The transcript of this hearing will be available on the parliamentary website tomorrow morning. All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

VIVIAN EVATT RUSSELL MAY, Administrator, Cumberland Council, sworn and examined

TIM OVERALL, Administrator, Queanbeyan-Palerang Regional Council, affirmed and examined

STEPHEN JONATHON ORR, Executive Director, Government, Corporate and Regional Coordination Group, Department of Premier and Cabinet, sworn and examined

TIMOTHY SIMON HURST, Acting Chief Executive, Office of Local Government, Department of Planning and Environment, sworn and examined

ANTHONY JAMES LEAN, Chief Executive Officer, Office of Environment and Heritage, affirmed and examined

BARRY BUFFIER, Chair and Chief Executive Officer, NSW Environment Protection Authority, sworn and examined

MICHAEL WRIGHT, Executive Director, Park Programs, Office of Environment and Heritage, affirmed and examined

MARK GIFFORD, Chief Environmental Regulator, NSW Environment Protection Authority, affirmed and examined

PAULINE McKENZIE, Executive Director, Heritage, Office of Environment and Heritage, affirmed and examined

The CHAIR: I declare the proposed expenditure for the portfolios of Environment, Heritage and Local Government open for examination. Questions for the portfolio of Environment, Heritage and Local Government will run from 9.00 a.m. to 11.40 a.m. We will have a five-minute break somewhere in the middle of this morning's hearing. As there is no provision for a Minister to make an opening statement before the Committee commences questions we will begin with questions from the Opposition.

The Hon. PETER PRIMROSE: Minister, when are you going to apologise to the communities of New South Wales that have had their time, money and patience wasted by your Government's disastrous forced council merger policy?

Ms GABRIELLE UPTON: The reform program by this Government for local councils began in 2011. Let me make it clear, that reform program was very focused on ensuring that our councils delivered value for ratepayers and served their interests as best they could. That was the principle on which all of the reforms introduced by this Government were focused. They have delivered significant benefits to ratepayers and I am happy to take you through them. It is important to note that this Government has been in a position to reform local government because of our fiscal probity. The good management of our finances has made sure that we have been able to invest in that reform, and as part of the reform package to make a dedicated commitment of more than \$375 million to back those reforms.

The merged councils were given the opportunity to have anywhere between \$10 million and \$15 million to enable them to deal with some of the infrastructure backlogs communities served by those councils had. It enabled them to give grants to local communities for the work that its members undertake—and are an essential part of those local communities—for the benefit of their local areas. There was also a \$10 million dedicated commitment given to the councils that merged to help them do the things that are required to be done when there are changes to business practice—to integrate their information technology [IT] systems to have those mergers settle.

This is only part of a reform program that this Government is undertaking. Since 2013 some really important pieces of work have been done—introducing further integrity measures, enabling performance improvement orders [PIOs] to be introduced to councils when they were not performing and serving their ratepayers, which, as I said, is the governing principle behind the reforms. There are further integrity measures that we introduced allowing financial controllers to be placed into those councils where PIOs were issued by the Minister. There were further integrity measures that relate to the performance and behaviour of councillors on those councils. It is important that those councillors recognise the responsibility they have to their local communities—serving their local communities and exercising their judgements in the interests of all of those communities. For example, there were changes to the—

The Hon. PETER PRIMROSE: May I ask you a question on that integrity measure? I appreciate you giving us information but you have raised, for example, integrity. You support developers and real estate agents continuing to sit on local councils, do you not?

Ms GABRIELLE UPTON: Mr Primrose, I know you have a keen interest in this.

The Hon. PETER PRIMROSE: Absolutely, as does the rest of the community.

Ms GABRIELLE UPTON: The important thing is you and I are at one on that—there may be many other things on which we are not at one, but in relation to that it is important that all members who sit on councils exercise the highest integrity that they can. I again come back to the principle that they are representing their local communities on those councils; they are aware of those duties and that is why the Government introduced some strong penalties and new laws that ensure that all councillors act in the interests of all their ratepayers.

The Hon. PETER PRIMROSE: But your policy is to allow developers and real estate agents to continue to sit on local councils.

Ms GABRIELLE UPTON: I refute that, Mr Primrose. I make the point that many people come from different backgrounds. People who stand for election have a diversity of skills and talents. All of them should be subject to probity and all of them should be subject to the highest expectations of integrity.

The Hon. PETER PRIMROSE: I appreciate that. Are you suggesting, Minister, that you do not support real estate agents and developers being able to sit on local councils? Is that correct?

Ms GABRIELLE UPTON: Your question is a bit confusing, but let me put it positively. Everyone who is elected to council must exercise the highest integrity and probity. That is why the Government introduced a candidate information sheet that needs to be signed by each councillor. But in relation to the issue you specifically raise, which is about property developers, it must be completed—it is a declaration that is made by any candidate that stands. That integrity measure was introduced by this Government. The Electoral Commissioner can then, if there is an issue, investigate and prosecute any false declaration that is made with that integrity measure.

The Hon. PETER PRIMROSE: Now I am confused, Minister. I introduced a private member's bill which proposed that property developers and real estate agents not be allowed to take up their positions on local councils. The Government voted against it. I am just trying to understand and be crystal clear on this. I apologise if the question may have seemed confusing. Do you support property developers and real estate agents being able to take their positions on local councils?

Ms GABRIELLE UPTON: Everybody who is on a council and elected must exercise the highest possible probity and integrity. The Government has introduced codes, has introduced expectations by way of candidate information sheets that make it absolutely clear who is standing for council. We expect that integrity. Where there are breaches of that there are strong penalties that this Government has brought into the Local Government Act that enable those people to be held to account. I come back to where I started before you began questioning me. The reforms that this Government has undertaken are all focused on ensuring that the highest possible integrity is upheld by councillors and that councils serve their ratepayers faithfully and in the interests of the broader community.

The Hon. PETER PRIMROSE: You indicated in your answer that we are one on this. I totally oppose, as does my party, developers and real estate agents being able to take up their positions on councils. Do you support the Labor Party's policy on this?

Ms GABRIELLE UPTON: Mr Primrose, I would never support a Labor Party policy.

The Hon. PETER PRIMROSE: That is what I thought.

Ms GABRIELLE UPTON: I would never support a Labor Party policy. If you want to get me going on that—

The Hon. PETER PRIMROSE: Absolutely, please. Tell us more about your position.

Ms GABRIELLE UPTON: I can call Labor Party members out as being hypocrites when it comes to our council reform. But the point that I will make, just so you are absolutely clear, is that everybody who is on a council, regardless of what position, background, talent or skill they hold, must exercise the highest integrity. They are subject to strong penalties if they do not. It is not a matter of what profession, skill or background they hold—

The Hon. PETER PRIMROSE: We do not let them donate, we do not let them sit on planning panels but they can sit on local councils.

Ms GABRIELLE UPTON: —it is a question of the probity they exercise. This Government expects that of everybody regardless of the background they have.

The Hon. PETER PRIMROSE: Okay, I have got it. I am sure the community will read that too. Do you still support your policy of forcibly merging councils?

Ms GABRIELLE UPTON: There have been 20 mergers, which—

The Hon. PETER PRIMROSE: Have been so successful, obviously.

Ms GABRIELLE UPTON: Let me tell you how successful they have been.

The Hon. PETER PRIMROSE: Do you support them?

Ms GABRIELLE UPTON: They have been so successful that—

The Hon. PETER PRIMROSE: You have abandoned them.

Ms GABRIELLE UPTON: —your colleagues have been involved in accepting the benefits of those.

The Hon. PETER PRIMROSE: You, the Deputy Premier and the Premier have all abandoned those mergers.

Ms GABRIELLE UPTON: We have backed the reforms in with strong packages of financing to make sure that those mergers are embedded on the ground. You were involved in 2004 under the Carr Government when there were forced mergers—40 councils into 20 councils then. You are at one with us in understanding there is sometimes better value to be delivered to communities by the mergers of councils.

The Hon. PETER PRIMROSE: Do you still support your policy of forcibly merging councils?

Ms GABRIELLE UPTON: What your Government did not do is put any resourcing behind those councils. So it is a bit hypocritical for you to talk about forced mergers in the way that you talk about them—disparagingly.

The Hon. PETER PRIMROSE: I am not going to refer back to the Lang or Askin governments either.

Ms GABRIELLE UPTON: In 2004 you were part of the Carr Government that brought those mergers forward and you did not support them in a practical way, which this Government did.

The Hon. PETER PRIMROSE: Do you still support your policy?

Ms GABRIELLE UPTON: As I said at the commencement of estimates, the policy and the reforms that this Government has introduced have been about focusing on community—making the councils serve the best interests of ratepayers.

The Hon. PETER PRIMROSE: Do you still think that forced council mergers are a good idea?

Ms GABRIELLE UPTON: Part of that reform were the mergers that will go to the poll next Saturday. They were consolidations of a number of councils.

The Hon. PETER PRIMROSE: Just tell me whether you still think forced council mergers are a good idea.

Ms GABRIELLE UPTON: Let me take you through the benefits that merged councils are delivering for their community.

The Hon. PETER PRIMROSE: Yes or no?

Ms GABRIELLE UPTON: Those mergers will go to the poll next Saturday. There are many community projects—in fact, just under 700—

The Hon. PETER PRIMROSE: Strathfield, Hunters Hill—let us run through them all. You abandoned them.

Ms GABRIELLE UPTON: Those community projects would not have happened were it not for those mergers.

The Hon. PETER PRIMROSE: Are they still a good idea?

Ms GABRIELLE UPTON: There are 251 major projects—infrastructure that those communities did not have that this Government has made sure will happen because of the packages it is putting behind those mergers.

The Hon. PETER PRIMROSE: You are not backing them, Minister.

The Hon. SHAYNE MALLARD: Point of order—

The Hon. PETER PRIMROSE: I am just seeking an answer. What is the point of order?

The Hon. SHAYNE MALLARD: It is the badgering of the Minister. Allow her to answer the question.

The Hon. PENNY SHARPE: That is not a point of order.

The Hon. PETER PRIMROSE: What is the point of order?

The Hon. SHAYNE MALLARD: My point of order is that you should allow the Minister to answer the question.

The Hon. PETER PRIMROSE: To the point of order: I am simply asking the Minister, and I think it is quite reasonable, whether she still supports that policy?

The CHAIR: You very well know, with your great experience, that the Minister can answer the question that you ask her how she chooses.

The Hon. PETER PRIMROSE: I still seek an answer.

The CHAIR: She can do that. I think she is trying to do that. If it is not the answer you are after you should move on. I know you have a lot of other questions.

The Hon. PETER PRIMROSE: I have many.

Ms GABRIELLE UPTON: The benefits of those mergers have been evidenced in the fact that your colleagues have stood behind them. Your colleagues are on the assessment panels for the grants that have been rolled out—

The Hon. PETER PRIMROSE: Do you stand behind them?

Ms GABRIELLE UPTON: Your colleagues have been happy to accept—and this is reflected in the papers—the checks that this Government has backed in those reforms to local councils.

The Hon. PETER PRIMROSE: Moving on as requested by the Chair, I ask the Minister whether she will rule out any more forced council mergers?

Ms GABRIELLE UPTON: There are no plans at this time.

The Hon. PETER PRIMROSE: At this time. Can you rule them out for the remainder of this term?

Ms GABRIELLE UPTON: I said there are no plans at this time.

The Hon. PETER PRIMROSE: Will you rule them out as a policy issue?

Ms GABRIELLE UPTON: I have answered the question, Mr Primrose.

The Hon. PETER PRIMROSE: So you will not rule them out?

Ms GABRIELLE UPTON: I have said there are no plans at this stage.

The Hon. PETER PRIMROSE: There were no plans before the last election either. You, Premier Berejiklian and Deputy Premier Barilaro all stood up and told their community that there were no plans before the last election. I am asking you, as the Minister for Local Government, whether you will rule them out. I am not asking you whether there are any plans. Will you rule them out for at least the remainder of this term?

Ms GABRIELLE UPTON: Let me put it another way: I will not rule them in and I will not rule them out. There are no plans.

The Hon. PETER PRIMROSE: You will not rule them out. Given that you believe they are such wonderful ideas, you have already ruled them out, as have the courts all over New South Wales. In which communities are you considering future mergers?

Ms GABRIELLE UPTON: I must correct something that you stated. The court cases have not ruled mergers in or out; there have been some legal decisions. As you know, a number of weeks ago the Government

made the decision, again in the interests of ratepayers, that the metropolitan mergers would not proceed. Again, that was a result of a decision the Government made that it was in the best interests of ratepayers, given the uncertainty about when those court cases would come to a conclusion, that the communities that are going to the polls next Saturday would have the certainty of who they were voting for and for what term. I just wanted to correct the record there.

The Hon. PETER PRIMROSE: I appreciate that, Minister. Do you support a policy of allowing communities that have already been forcibly merged to voluntarily de-merge if the majority of voters in a former council area support this taking place?

Ms GABRIELLE UPTON: As I said, there have been vast benefits to the communities that have been the beneficiaries of those mergers. I was telling you, before I was interrupted, about the number of community projects and the savings that have been identified. I will take you through some of the benefits of those communities.

The Hon. PETER PRIMROSE: You are not concerned about a voluntary de-merger vote?

Ms GABRIELLE UPTON: We have halved the development application [DA] time that the Central Coast Council otherwise would have taken to approve DAs.

The Hon. PETER PRIMROSE: That would be part of the campaign.

Ms GABRIELLE UPTON: There has been infrastructure that has been delivered to communities. For example, there was a new library in Armidale that they had wanted for a long time. I understand the point you are trying to make here. The things that you raise are hypotheticals. The councils are going to the polls next Saturday. The issue I am trying to make clear here is that were there to be, hypothetically, the mergers unwound, the benefits that have been demonstrated in those local communities would have to be taken back and your colleagues would have to fund them.

The Hon. PETER PRIMROSE: I will give you three instances. Gloucester, the community of the former Tumbaramba, and the former Gundagai, and many others, have indicated they would like the opportunity to voluntarily de-merger. The Government would then say there have been all these wonderful opportunities and great achievements and would put that to the local community. My question is, will you allow a process that allows those communities that are requesting to voluntarily de-merge to consider all those issues and then make a decision as to whether they should be demerged or not, on the basis of evidence?

Ms GABRIELLE UPTON: There is always the opportunity for local councils to put proposals to the Minister and to the Office of Local Government and I would welcome that.

The Hon. PETER PRIMROSE: So that is a "no". One of the Government's parliamentary secretaries, Mr John Sidoti, the member for Drummoyne, has given notice of a motion in the Legislative Assembly that says:

That this House:

(1) Recognises the importance of qualified engineers and calls on the Government to introduce a requirement for all local government authorities to have a suitably qualified engineer.

Do you support Mr Sidoti's proposal?

Ms GABRIELLE UPTON: So that I can be clear, what role would these engineers serve?

The Hon. PETER PRIMROSE: I am asking you. Mr Sidoti has proposed:

That this House:

(1) Recognises the importance of qualified engineers and calls on the Government to introduce a requirement for all local government authorities to have a suitably qualified engineer.

Do you support his proposal? He is your Parliamentary Secretary.

Ms GABRIELLE UPTON: He is not my Parliamentary Secretary.

The Hon. PETER PRIMROSE: Well, the Government's Parliamentary Secretary.

Ms GABRIELLE UPTON: So I am clear on the proposal, it is engineers within councils, engineers on councils as elected representatives?

The Hon. PETER PRIMROSE: The motion says, "To introduce a requirement for all local government authorities to have a suitably qualified engineer". I do not want to verbal your Parliamentary Secretary. This is a motion that he has put up. I presume he has discussed it with other members of the

Government. I am asking your views as Minister for Local Government and as one of his parliamentary colleagues. It is not a backbencher, it is not the Opposition, it is not a crossbencher; it is one of your parliamentary secretaries. I am just asking your views, Minister. It is not a trap. It is your colleague. I am genuinely asking your views.

Ms GABRIELLE UPTON: He is not a Local Government parliamentary secretary. He is a colleague of mine, absolutely. I welcome all good ideas and he can put that forward. I make the point that he is also a local member, as am I, and I am always open to new ideas. I thank you for bringing that to my attention.

The Hon. PETER PRIMROSE: What is your view on his proposal?

Ms GABRIELLE UPTON: I have not fully considered it but I am happy to take it on notice.

The Hon. PETER PRIMROSE: He did not discuss it with you first?

Ms GABRIELLE UPTON: He is a local member with good ideas. You have brought it to my attention and I am happy to consider it.

The Hon. PETER PRIMROSE: I have learnt something about how you people operate today. Why have you not amended section 685 of the Local Government Act, as recommended by Chief Justice Tom Bathurst?

Ms GABRIELLE UPTON: Would you like to explain what your question means?

The Hon. PETER PRIMROSE: You are the Minister. I thought you would have been aware of the issue of signs in relation to certain allegations and information. The Chief Justice has made a specific recommendation. I am sure if you wish to take advice from Mr Orr or Mr Hurst they could advise you. This was a recommendation made by the Chief Justice to the Government.

Ms GABRIELLE UPTON: The Chief Justice makes lots of recommendations. He is a fine man; he leads our judiciary in New South Wales.

The Hon. PETER PRIMROSE: I agree, that is why we take his views seriously.

Ms GABRIELLE UPTON: Absolutely. I am happy to take that on notice.

The Hon. PETER PRIMROSE: You are not aware of that?

Ms GABRIELLE UPTON: I am happy to take that on notice.

The Hon. PETER PRIMROSE: When will you respond to the recommendations in the rating review report, Minister?

Ms GABRIELLE UPTON: Thank you for your question on that issue. That is an Independent Pricing and Regulatory Tribunal [IPART] report. That is with me and the Government for consideration and we will respond when we have fully considered the recommendations.

The Hon. PETER PRIMROSE: You do not know?

Ms GABRIELLE UPTON: I did not say that. I said I was considering the recommendations and the Government is considering the recommendations.

The Hon. PETER PRIMROSE: But you do not know when you are going to respond?

Ms GABRIELLE UPTON: In due course.

The Hon. PETER PRIMROSE: IPART provided the former Minister with its final report into the review of reporting and compliance burdens on local government in April 2016. Can you tell us why the Government has not responded for over 16 months?

Ms GABRIELLE UPTON: Those matters are still being considered by the Government.

The Hon. PETER PRIMROSE: Sixteen months later?

Ms GABRIELLE UPTON: Those matters are still being considered by the Government. That is appropriate. We will respond when we are in a position to do so.

The Hon. PETER PRIMROSE: In due course, in the fullness of time, in the effluxion of time—

Ms GABRIELLE UPTON: Mr Primrose, we act in the interests of all communities and at times that will take full consultation and consideration and we will respond in due course.

The Hon. PETER PRIMROSE: Any indicative time frame? Before the next election?

Ms GABRIELLE UPTON: I have answered your question. We will respond in due course.

Dr MEHREEN FARUQI: I am going to go to your other portfolio, Minister, the Environment portfolio. I will start off with some questions on the land clearing laws. Have you read the Local Land Services Amendment Act 2016 and would you say that you are very familiar with it?

Ms GABRIELLE UPTON: Thank you, Dr Faruqi, for your question. I know that you have a keen interest in biodiversity. Let me go back and explain why these changes were made and why large scale reform was required.

Dr MEHREEN FARUQI: I understand what the reforms are. Would you answer my question? Are you very familiar with the Local Land Service Amendment Act? A "yes" or "no" will do, thank you, Minister.

Ms GABRIELLE UPTON: The existing system was not working. There was land clearing, there are more than 100 species that were added to the threatened species list, and there was an expert independent panel report that made the case that we needed to make a change to the law.

Dr MEHREEN FARUQI: You do not want to answer my question. I will move on to the next one.

Ms GABRIELLE UPTON: New laws, new maps, new codes. Let me state this for the record: the current system was not working, the current laws were not working. That is why we introduced that law, that Act, to better protect the biodiversity of this State.

Dr MEHREEN FARUQI: Minister, you told Fairfax Media—

Ms GABRIELLE UPTON: That was the purpose and we are responding to the independent expert panel's report.

Dr MEHREEN FARUQI: Is this how it is going to run, that we talk over each other? On August 26 you told Fairfax Media:

The land classifications for farmers and landholders are already set out in the new Local Land Services Act. It is mischievous to represent otherwise. The maps will be an additional guide.

The very Act itself says that the definition of category 1-exempt and category 2-regulated is set by the Native Vegetation Regulatory Maps. So how can you say that these maps are an additional guide because they are the basic tool for determining what clearing is regulated and what is not. Can you explain how you can say that they are an additional guide and how will anyone know what has been cleared until the maps come into place?

Ms GABRIELLE UPTON: The maps are an additional guide. They did not exist under the former biodiversity package of legislation regulations and they are an important addition to this new framework to protect biodiversity.

Dr MEHREEN FARUQI: But the maps are not there yet. Although the Act and the regulations have come into place, we will not know what land has been cleared from now until those maps are in existence and produced in detail. How will we measure the land that is cleared?

Ms GABRIELLE UPTON: Dr Faruqi, a number of those maps have been published. They were published when the new laws were turned on. There are some still under discussion.

Dr MEHREEN FARUQI: The vast majority of the State has not been mapped.

Ms GABRIELLE UPTON: You have made statements about the fact that you are concerned about the way this is operating. Let me assure you there are strong penalties and there is a high level of monitoring by government of those reforms. These reforms are prefaced on the basis of providing a high level of biodiversity protection across New South Wales and they are responding to an expert panel's report that said the old laws were not working. It is incumbent upon this Government to respond to that and provide a system that is sophisticated and takes advantage of new technologies to provide better protection for biodiversity across New South Wales. The chief executive officer—

Dr MEHREEN FARUQI: I have heard enough.

The CHAIR: Order! Hansard finds it hard when members are having two conversations at once. If we can have courtesy when asking questions and when the Minister answers. I also advise the Minister that if a member wants to change a line of questioning they have a right to do so and I ask you to cease the previous answer at that time.

Dr MEHREEN FARUQI: Minister, let us say I own land at 308 Country Boundary Road, Moree. As of today, 1 September, how would I know whether the land is regulated or not regulated?

Ms GABRIELLE UPTON: Dr Faruqi, that certainty, that indication, that framework is within the laws, rules and codes that have been switched on as of 25 August.

Dr MEHREEN FARUQI: I am afraid to say it is not there.

Ms GABRIELLE UPTON: I will ask the Environment and Heritage Chief Executive Officer to comment further.

Mr LEAN: The transitional provisions that relate to the commencement of the new legislation and the various instruments that sit under that define what land will be regulated land and what land will be unregulated land. Landholders will be able to work with Local Land Services if they are unsure about what falls within the definitions and what does not. The Government has made it clear that in relation to the categorisation of regulated and unregulated land draft maps would be released for a period of consultation to give landholders the opportunity to question the maps, to perhaps challenge the categorisation of particular pieces of land. Whilst that process is under way, which will run for at least six months, there are clear transitional provisions in the legislation.

Dr MEHREEN FARUQI: Mr Lean, the transitional provisions refer back to the native vegetation regulatory map. It says clearly, "Category 1 exempt land means areas of the State to which this part applies designated as Category 1 exempt land on the native vegetation regulatory maps". If those maps are not in a detailed final position how will people know if the cleared land was category 1 or 2? How will compliance measures be applied? It is a problematic situation. This is a question for the Minister: Why has the Act come into play when we do not have the basic tools?

Ms GABRIELLE UPTON: Dr Faruqi, there was an extensive period of consultation with stakeholders over a number of years conducted by the Office of Environment and Heritage. We needed to make a change. I made that point when you asked the first question. The current system was not working. There are interests to be balanced here such as biodiversity and social and economic objectives. I have met with many stakeholders in the process of reform over the six or seven months I have been the Minister. The current system was not working and the work of government is acting in the interests of all people in the State, to make reform, change the laws, codes and regulations and respond to the concern expressed by an independent expert panel. We have also backed this with a record commitment to conservation management on privately owned land. There is a dedicated \$240 million over five years. That is a feature of biodiversity that has not been there previously. It is bolstered by \$70 million over the next five years as well.

Dr MEHREEN FARUQI: Minister, thank you for that long answer but it is not answering my question. I will move on to the next one. Last month Glen Turner's family, including his widow, Alison McKenzie, and sister Fran Pearce, wrote to you and the Premier urging you to honour Glen's memory and delay the introduction of the laws. She stated, "I lost my life partner, our children lost their father and Glen's parents lost their only son. Glen lost his life upholding the laws of our State to preserve habitat for future generations. With the diminishing of these laws the value of his life is further diminished". In your media comments you stated, "I can assure them that the new goals and laws in no way diminish Glen's work or life". On what basis did you make those comments and can you assure us today that with these laws there will be more environment protected than less? Can you give that guarantee to us today?

Ms GABRIELLE UPTON: Members of Glen's family wrote to me, his partner included, and to the Premier. They are important matters and their advocacy is always welcome. Glen Turner, although I did not meet him personally, I know by reputation was an experienced compliance officer within the department and was murdered doing his job. It is a tragedy for our State when any officer is murdered in pursuit of their duties on behalf of the whole community. It is a tragedy for the State and the family and it is on that basis that I considered the advocacy that his family has made clear to me. I am happy to meet with Glen's family. I am of the view, as I stated in the media, that these new laws will not diminish his work or life.

Dr MEHREEN FARUQI: Can you give us a guarantee today that they will result in less land clearing than is happening at the moment?

Ms GABRIELLE UPTON: These new laws and reforms are responding to an expert panel's comment that the old laws were not working and will not diminish his work or life.

The Hon. PENNY SHARPE: Plenty of evidence says they were.

Dr MEHREEN FARUQI: Who were they not working for?

Mr DAVID SHOEBRIDGE: Large land-clearing subcontractors.

The CHAIR: Order! Minister, thank you for appearing. In terms of the local government inquiry, one of the great concerns was cost shifting and the impact that is having on local government's bottom line. Will the Government transfer responsibility for providing services assets, such as regional road concessions or other regulatory functions, to local government and provide full cost recovery for those responsibilities?

Ms GABRIELLE UPTON: There have been discussions and I have had this issue raised with me by stakeholders in the local government sector about their concern. In relation to the merger proposals put forward, part of that reform, which was focused on ratepayers and serving their best interests, was to back that in with anywhere between \$10 million and \$15 million to address the infrastructure backlogs that the councils have. There continues to be discussion. Local government is an important part of our government framework in New South Wales and those discussions continue federally about where the right balance is in terms of State and Federal government making sure local government has what it needs to do its job and represent ratepayers best. For the specifics I will ask the Acting Chief Executive Officer of Local Government to make a comment.

Mr HURST: The issue of cost shifting has been raised by the sector in a number of forums over a number of years. The Independent Local Government Review Panel noted it in its 2013 report. At that time they feel the issue had been potentially overstated by the sector. The Independent Pricing and Regulatory Tribunal [IPART] rating review, which we have had a question on today, dealt with parts of cost shifting in its report. IPART also had a look at the regulatory burden imposed on local government. There was a question about that today, and as part of those reports, IPART was looking at different approaches that the Government could potentially take in the making of regulations as to how costs are potentially imposed on local government through the way that regulations or legislative change is considered.

The CHAIR: The question was not about imposing costs; it was about cost-shifting. How will councils make a full cost recovery when they implement the State's legislation?

Mr DAVID SHOEBRIDGE: Let them get the money to pay for it.

The CHAIR: That is what I am saying. We always want to be a part of the solution. There has been some scandal relating to section 94 contributions. Councils are stockpiling section 94 contributions because they cannot deliver particular assignments due to timing and collection and regulatory requirements. Will the Government allow councils to access the interest collected on section 94 contributions so that they can clear the backlog of maintenance across other sectors of council?

Ms GABRIELLE UPTON: I welcome the suggestion that you have raised and would like to consider that. Would you like to make a comment?

Mr HURST: Through my participation in some working groups that supported the housing affordability announcements that were made by the Premier in June this year I am aware that that was a significant group of reforms that tackled a number of different aspects of the housing affordability issue. Naturally section 94 contributions, because of the media reports on the balances that councils are holding, were part of that. The question of whether the interest on those restricted funds can be applied to other purposes is one of the issues that has been worked through as part of the ongoing section 94 work. I am aware that the Minister is a member of a ministerial task force which is meeting to address each of those initiatives in turn as part of her consolidated approach.

The CHAIR: When are we likely to see some sort of decision on this? I know it has been in the pipeline or there have been discussions.

Mr HURST: The task force reports regularly on its progress of implementing each of the initiatives that were announced by the Premier. The Minister for Planning has oversight of the consolidated recommendations.

The CHAIR: How are the pilot joint organisations [JOs] going? When will we have a decision on that? Those councils that are participating in this pilot study have proven that they are wanting to move on.

Ms GABRIELLE UPTON: I have met with a number of joint organisational groups. In fact, one of them is in this room. Some of these joint organisations have made a strong case for the benefits to their local communities, but also to enable communities beyond individual councils to advocate for strategic projects and for the State and Federal governments to work on a regional basis to combine their resources to get the benefits of that and to have a stronger voice to State and Federal governments. There are others who do not believe they are returning the benefits of the five pilots that were set up to demonstrate or not demonstrate. The Government is considering all feedback from the JOs, but I have heard many and varied views on how the JOs are travelling. The Regional Organisation of Councils [ROCs] made a case to me that perhaps that is a better and more

desirable model than the JO. As I said, the Government has not made a decision but it is taking all those views on board.

The CHAIR: We know that local government is not a one size fits all. We know that some ROCs would rather stay as ROCs and others like the idea of JOs. Why can we not do both and have an opt-in system for the JOs?

Ms GABRIELLE UPTON: All those ideas are under consideration.

The CHAIR: Are we likely to have a decision by the end of the year?

Ms GABRIELLE UPTON: All those issues are under consideration. I take from what you are saying that you have an interest in the variety of ways in which councils can work together. Again, it is about serving the ratepayers better through whatever structural framework.

The CHAIR: I understand.

Ms GABRIELLE UPTON: In direct answer to your question, there is no date for which a decision will be made, but those issues are under active consideration by the Government at the moment.

The CHAIR: The more favourable JOs that are willing to move on need a tick. While we are not giving them the power to move on, it is obviously holding that area back when they could be doing good work. Is it anticipated that we will have a decision by Christmas?

Mr DAVID SHOEBRIDGE: We will have the boys on by then.

The CHAIR: That is the last time I will ask that question.

Ms GABRIELLE UPTON: I cannot guarantee a date by which a decision will be made, but I can assure you it is under active consideration.

The CHAIR: Thank you.

Ms GABRIELLE UPTON: As I said, I have heard different views about the success or otherwise of that model.

The CHAIR: As you know, one of our favourite topics is the section 88 waste levy.

The Hon. MATTHEW MASON-COX: Hear, hear!

The CHAIR: You are probably aware by now that Shoalhaven, and I declare I was the former mayor, has paid \$33 million to the section 88 waste levy and since 2013 has received back only 5.2 per cent, which is about \$1.7 million. Given the fact that we are trying to redirect waste from landfill, do you not think it is time that the Government changes its position on the section 88 waste levy and hypothecate at least a reasonable percentage back to regional councils to enable them to have a network of waste resource recovery centres?

Ms GABRIELLE UPTON: The purpose behind the waste levy is to encourage recycling and reduce landfill. That is the policy behind the waste levy. I have visited with the Shoalhaven City Council to hear its views. It has been the benefactor of a number of recycling-based projects that have been funded through that waste levy. I understand that a community recycling centre was approved with a grant under the waste levy program that is run under Waste Less, Recycle More—an \$800 million program over nine years that is focused on waste and many aspects of it. Shoalhaven City Council has been the benefactor of a community recycling centre that was backed in by the funding of the Waste Less, Recycle More program. There are contestable and non-contestable grounds that councils can apply for that come under the program from which the waste levy is funded. If there are better ways of doing this, I am always open to that, which is why I was happy to meet with the council to hear what it had to say.

The Hon. PENNY SHARPE: Hello Minister and welcome, Mr Lean, to your first estimates for Environment. The New South Wales Government response to the 2013 inquiry into the management of public land committed to updating the 2008 New South Wales National Parks Establishment Plan by 2014. I understand that a direction statement was drafted in 2014 and in April 2015 the Government undertook a public consultation on this direction statement. Arising from the estimates committee last year there was a commitment to get this finalised in 2016. Given that the directions plan was supposed to cover the years 2015 to 2020 in national parks acquisition, why is this plan still incomplete?

Ms GABRIELLE UPTON: National parks are an extraordinary asset and feature of amenity for our community across New South Wales. As you know, there are more than 800 national parks and reserves. There is a strong commitment by the Government to increase those. Nine new national parks have been proclaimed

since 2011. In the budget for this coming year, of course, there has been a dedication to upgrades within some of those national parks at—

The Hon. PENNY SHARPE: I am aware of all of that and I can read that. My question is clear: There is supposed to be a plan that guides the acquisition of national parks. You committed to it in 2013. It is now 2017. Where is the plan?

Ms GABRIELLE UPTON: There are nine new national parks—

The Hon. PENNY SHARPE: Yes, I have heard that. I know there are nine new national parks. I take a very close interest in what you declare. It is very slow and we are taking a long time. Where is the plan for acquisition that your Government committed to in 2013? It is now 2017. Last year your predecessor told this Committee that it was going to be available as soon as possible; 12 months on there is still no plan. Can Mr Lean perhaps tell us where the plan is?

Ms GABRIELLE UPTON: I was not Minister last time, but I am happy to take the question and ask Anthony Lean to respond.

Mr LEAN: We are continuing to work on the direction statement for national park establishment. What I would say is that as well as the seven million hectares of parks that are within national parks, there is already about two million hectares of land under private conservation arrangements. The direction statement will be released with the biodiversity conservation trust investment strategy for public consultation shortly,.

The Hon. PENNY SHARPE: Are you now saying that the national park direction statement is going out for consultation again?

Mr LEAN: That is correct. We will be releasing it with the investment strategy for the biodiversity conservation companion document.

The Hon. PENNY SHARPE: That is on private land, but this is an issue about our national parks estate. Why is it being conflated with private-land holdings?

Mr LEAN: The two documents speak to each other, because they are both directed at the same objective of ensuring that we have adequate and representative areas within protective areas. The two documents will be separate, but they will be released together because that will provide for a more informed consultation.

The Hon. PENNY SHARPE: The international Convention on Biological Diversity, which Australia has adopted, sets a target of 17 per cent of each of the countries' bio-regions to be represented in reserve systems. In New South Wales it is currently around 8 per cent. Minister, what do you believe is the appropriate percentage for New South Wales national parks to be covering, regarding reservation for biological diversity?

Ms GABRIELLE UPTON: That is an international, aspirational standard. As I said, we have over 800 national parks and reserves. Since 2011, this Government has—

The Hon. PENNY SHARPE: Yes, I know that, as well as four world heritage listed areas. I know that.

The Hon. SHAYNE MALLARD: Point of order. Earlier the chairman asked us to not speak over each other for the benefit of Hansard.

The CHAIR: I remind members to be thoughtful that Hansard cannot record if they hear two voices at once.

Ms GABRIELLE UPTON: There has been a strong commitment from this Government to increase national parks across our State. Since 2011, there have been nine new national parks.

The Hon. PENNY SHARPE: There has been a paltry 74,000 hectares out of the 7 million hectares already there. I would not say that it has been a great start.

Ms GABRIELLE UPTON: Since 2011, there have been nine new national parks, including Dharawal National Park.

The Hon. PENNY SHARPE: If you are just going to list this I am going to move on, because this is actually unhelpful. My question to you, and I am happy for you to take it on notice if you do not want to answer it now, is: What do you believe is the adequate percentage of land that should be reserved under the national parks estate, given Australia's aspirational sign up to the Convention on Biological Diversity and given that we currently have only 8 per cent of our land in national parks and reserves and that your own direction statement says, "Nearly half of the terrestrial ecosystems in new South Wales remain poorly reserved and many are not in

protected reserves at all"? If you do not want to answer the question now, I ask you to take it on notice and I will move on.

Ms GABRIELLE UPTON: It is an aspirational target. This Government has done work to improve the national parks estate and we will continue to do that.

The Hon. PENNY SHARPE: In the 2016-17 budget papers the budget for the National Parks and Wildlife Service was \$503.1 million. The revised figures provided to us for 2016-17 came to \$448.1 million, which is a \$57.5 million underspend. The 2017-18 budget allocates only \$445 million dollars, which is the equivalent of a further cut of \$58.1 million, compared to 2016-17. When you add the efficiency dividends for 2016-17 and 2017-18 to National Parks and Wildlife Service, which, under your figures, come to a further \$5.6 million, that equates to a cut over the previous year and the coming year of \$120 million to the National Parks and Wildlife Service. During the fiftieth anniversary year of the National Parks and Wildlife Service, how do you justify this cut?

Ms GABRIELLE UPTON: Are you referring to Budget Paper No.3?

The Hon. PENNY SHARPE: I am referring to your budget papers, yes.

Ms GABRIELLE UPTON: What page would you like me to look at to be able to explain those figures?

The Hon. PENNY SHARPE: I do not have the page here.

Ms GABRIELLE UPTON: You have not?

The Hon. PENNY SHARPE: I can get you the page if you do not want to do it. These are your figures, straight out of the budget. I am not making it up. You have got this right in front of you in Budget Paper No.3.

Ms GABRIELLE UPTON: I am asking you what page it is.

The Hon. PENNY SHARPE: It is page 824, Budget Estimates Paper No. 3, 2016-17 if you really need it. I would have thought you would have read them before now.

Ms GABRIELLE UPTON: I have, let me assure you of that. I am glad you have as well.

The Hon. PENNY SHARPE: How do you justify a \$121 million cut to the National Parks and Wildlife Service in New South Wales, given your so-called commitment, your lack of direction plan, and your minimal additions to the national parks estate?

Ms GABRIELLE UPTON: You have made some assertions there. As I said in answers to previous questions, there were dedicated commitments in this budget to upgrading facilities and there has been \$40 million worth of fire risk-management plans and \$35 million for the management of weeds and pests, which are the biggest threats to our national parks. I will ask the Chief Executive of the Office of Environment and Heritage to make a comment on previous years.

Mr LEAN: There has been a significant change in the way budget figures are reported—

The Hon. PENNY SHARPE: It is not a cut?

Mr LEAN: No, it is certainly not a cut. The budget numbers that you are referring to from 2016-17 would have included an allocation for corporate services. In the 2017-18 budget those were reported separately, and that accounts for most of the change in the numbers that you have referred to. As well as that, there have been a few programs that have come to an end in 2016-17. It is not correct to say that there has been a budget reduction in the order that you have specified there.

The Hon. PENNY SHARPE: Are you able to advise the Committee what the budget reduction will be? I am happy for you to take the question on notice.

Mr LEAN: I do not believe there has been a budget reduction.

The Hon. PENNY SHARPE: Are you saying that the efficiency dividends of \$3.4 million and \$2.2 million are incorrect, even though that is what you have provided to me through questions on notice?

Mr LEAN: No, that is not what I am saying at all. If you look at the budget numbers there is a significant decrease as a result of the reporting difference that I mentioned. We would be happy to take the question on notice.

The Hon. PENNY SHARPE: In answers to questions on notice in July this year, it was stated that there was an average of 1,631 full-time equivalent employees in 2016-17, which was down from 1,877. Minister, can you confirm that there has been a cut of at least 246 full-time equivalent staff in just one year?

Ms GABRIELLE UPTON: There is a strong commitment from this Government to ensure that our National Parks and Wildlife Service is staffed well and provides the best amenities and experiences to people in our community who go into our national parks. We are pleased that there has been an uptake in visitations to our parks.

The Hon. PENNY SHARPE: Yes, I know that. There has been a 30 per cent uptake. It is terrific. But I want to know if you have sacked 246 staff.

Ms GABRIELLE UPTON: What we have done, as we have in other areas of Government since 2011, is ensure that there is more frontline staff. We have done that in our hospitals, in our schools—

The Hon. PENNY SHARPE: You are cutting visitor information staff and you are cutting program officers who are running programs such as the brush-tailed rock wallaby program and a range of shorebird programs. You do not consider them to be frontline staff. Can you confirm that 246 staff have gone in the last year?

Ms GABRIELLE UPTON: I will ask Anthony Lean to make a comment, but the point I would make is that we have had an increase in visitations, which is a wonderful—

The Hon. PENNY SHARPE: Would you like them to see some people who can show them around?

Ms GABRIELLE UPTON: Consistent with Government policy, we are serving the community by ensuring that there are frontline people doing frontline jobs.

The Hon. PENNY SHARPE: Can you confirm that there has been a reduction of 49 rangers, nearly 20 per cent of the rangers, since 2011?

Ms GABRIELLE UPTON: Frontline staff have been increased.

The Hon. PENNY SHARPE: There are 49 fewer rangers. Are they not frontline staff?

Ms GABRIELLE UPTON: To comment on the specific numbers I will ask Anthony Lean, the chief executive officer.

The Hon. PENNY SHARPE: I am working off figures the department has given me.

Mr LEAN: The 240 reduction that you referred to again relates to the reporting arrangements around corporate services staff. They are no longer—

The Hon. PENNY SHARPE: Are you saying the whole 246 are corporate services staff?

Mr LEAN: Largely, yes.

The Hon. PENNY SHARPE: Do you want to provide a breakdown on notice to the Committee, please?

Mr LEAN: I can certainly do that.

The Hon. PENNY SHARPE: Can you confirm you have 49 fewer rangers, or 20 per cent fewer rangers, since 2011?

Mr LEAN: I would need to take that on notice.

The Hon. PENNY SHARPE: This is from answers that you gave to questions on notice from the member for Blue Mountains.

Mr LEAN: The restructure that we are doing at the moment is not about cutting staff. It is actually about increasing the overall number of staff. Based on the draft structures that we released for consultation we expect that there will be an additional around 87 staff, based on current budgeted positions. I think some of the numbers that you have referred to is current headcount, which is highly seasonal.

The Hon. PENNY SHARPE: No, it is full-time equivalent.

Mr LEAN: But it is actually based on an average which is seasonal and goes up and down throughout the year.

The Hon. PENNY SHARPE: Can you confirm that under the current restructure 150 staff will have their employment classification downgraded—that is, take a pay cut or lose their job?

Mr LEAN: Overall the restructure is looking at increasing the number of staff that we are able to deploy.

The Hon. PENNY SHARPE: But is it true that current staff are being asked to downgrade their positions from 3-4 to 1-2? I have reports of Aboriginal staff being downgraded and of women at visitor information centres losing access to part-time work and being asked to take a pay cut or basically lose their job. Can you tell me this is not happening?

Mr LEAN: This is part of a broader restructure where the end goal is to increase the total number providing services on the ground. We are reinvesting all of our current salary budget to enable us to do that. Part of this is getting a more flexible workforce. We have a number of challenges that we need to respond to.

The Hon. PENNY SHARPE: Do you not accept that National Parks and Wildlife Service staff are highly trained, have an immense amount of corporate knowledge about their areas and are quite specialised? Is it the idea that just putting more people in generalist positions is going to improve the way in which we deal with national parks? Is that what you are putting to me?

Mr LEAN: No. If you let me finish my answer, there are a number of challenges that we are seeking to respond to. One is the increased visitation; another is an ageing workforce. We need to make changes so that we have appropriate career paths and training opportunities in place so new staff are able to enter the workforce and we are able to train them up to deliver the services we need to deliver so that we can create a great experience for people who visit our parks. I absolutely accept and value the experience, knowledge and skill of National Parks and Wildlife Service staff.

The Hon. PENNY SHARPE: We have lost 14 area managers who have decades of experience. They are gone; you just let them walk out the door. Minister, on 1 August your colleague The Nationals Minister and member for Oxley put out a media release in which she made a range of allegations around the mismanagement of national parks, including that the national parks estate is under-managed for key threatening processes of wild dogs, wildfire, scrub invasion and eucalypt decline. She also made serious allegations about its ability to protect and look after the iconic species the koala. How do you respond to Ms Pavey's allegations? I am happy to give you a copy of her media release if you have not seen it.

Ms GABRIELLE UPTON: Let me say that the resourcing that has been put behind the National Parks and Wildlife Service network for this coming financial year demonstrates that this Government is indeed addressing the issues that the member for Oxley has raised.

The Hon. PENNY SHARPE: I would still argue there is a \$120 million cut. I am not at all convinced by your answer.

Ms GABRIELLE UPTON: As I said before, one of the issues that I think you are saying the member for Oxley raised is about the impact of weeds and pests, which is the biggest threat to our national parks estate.

The Hon. PENNY SHARPE: Your department has refused to provide me with information about how much is being spent on weeds and pests in national parks after my asking through Government Information (Public Access) Act requests and through questions on notice.

Ms GABRIELLE UPTON: We have spent \$35 million on the management of weeds and pests in this current financial year.

The Hon. PENNY SHARPE: Can you provide that broken down by area, please? You can take it on notice. I do not need it now.

Ms GABRIELLE UPTON: We are happy to take that on notice.

The Hon. PENNY SHARPE: You have one of your Ministers saying that there is a problem with the management of national parks. We have massive cuts to national parks, a declining number of staff and people all over the State raising issues around pest and weed management. How are you addressing the issues, particularly those raised by Ms Pavey?

Ms GABRIELLE UPTON: As I said, there is a commitment to the issue that she has raised around pests and management of weeds in this year's budget. As with all my colleagues, as local members they will raise issues for my consideration, which of course is something they must do and something that I welcome.

The Hon. PENNY SHARPE: Do you know about the press release?

Ms GABRIELLE UPTON: I speak with the member for Oxley on regular occasions, as I do with all my colleagues about matters that concern them as local members. That is appropriate. They are serving their communities well. I always welcome those ideas. Very good ideas come from local members about how they

believe their electorates can be better served. It is a matter for the broader Government and the Minister to decide in fact whether that is only one perspective; there are sometimes other perspectives. But let me make clear that national parks have my focus and the focus of the Chief Executive Officer of the Office of Environment and Heritage.

The Hon. PENNY SHARPE: Under the new land clearing laws, would the Turnbull family's land clearing have been legal?

Ms GABRIELLE UPTON: You heard me say that Glen Turner was a valued member—

The Hon. PENNY SHARPE: I am not talking about Glen Turner. I am talking about the farmer who murdered him who was involved in illegal clearing. Would that clearing be legal under your new regime? You can take it on notice if you do not know.

Ms GABRIELLE UPTON: I would say that nothing that has been done diminishes the work that he did.

The Hon. PENNY SHARPE: Can you just take it on notice, Minister? You clearly do not know the answer.

Ms GABRIELLE UPTON: The fact that he died was an absolute tragedy. He died doing his job and making sure that the compliances, the monitoring and the enforcement under our biodiversity laws were enforced across the State.

The Hon. PENNY SHARPE: We are running out of time. If you do not know, would you agree to take on notice whether an assessment has been done and whether you can provide this Committee with information about whether the land clearing that Mr Turner was investigating on the land owned by the Turnbolls would be considered legal under the new regime?

Ms GABRIELLE UPTON: I am happy to take that on notice.

The Hon. PENNY SHARPE: Have any land clearing enforcement officers inspected the properties owned by the Harris family?

Ms GABRIELLE UPTON: Which Harris family are we talking about?

The Hon. PENNY SHARPE: The Harris family in the north-west. There has been a *Lateline* program about illegal clearing and some allegations about the properties owned by the Harris family. The family is very famous; they are big donors to The Nationals. I want to know whether any land clearing enforcement officers have inspected those properties. If you do not know that is fine but I ask you to take the question on notice and provide an answer to the Committee.

Ms GABRIELLE UPTON: I think the matter you are referring to has been referred for consideration by the Independent Commission Against Corruption and it would be inappropriate for me to comment.

The Hon. PENNY SHARPE: That is water, not land clearing.

Ms GABRIELLE UPTON: On that matter it would be inappropriate for me to comment. They are allegations.

Dr MEHREEN FARUQI: Is the New South Wales Government considering allowing hotels to be built adjacent to or within the Entertainment Quarter and Moore Park Sporting Precinct as part of the Moore Park Master Plan 2040?

Ms GABRIELLE UPTON: As you know, a master plan has been released. There were two years of consultation. The focus of that plan is to increase and add to the green space.

Dr MEHREEN FARUQI: What about hotels? Is there a plan to build hotels?

Ms GABRIELLE UPTON: Centennial Park and Moore Park are the lungs of our city. They are a great resource.

Dr MEHREEN FARUQI: This is a very simple question. I know they are the lungs of the city.

The Hon. MATTHEW MASON-COX: Point of order: The Minister should be given a chance to respond. If we deal with this respectfully it will go a lot better.

The Hon. PENNY SHARPE: If the Minister could get within a bull's roar of answering the question it would help.

Mr DAVID SHOEBRIDGE: She can tell us how she is going to build a hotel on the lungs of the city.

The Hon. MATTHEW MASON-COX: Give her a chance to respond. Hansard cannot follow it when you are screaming over the top.

The Hon. PETER PRIMROSE: We cannot follow the Minister either.

Ms GABRIELLE UPTON: The purpose with the master plan, which was released in May this year, was delivering more passive green space. A number of things are raised there for consideration but, as I say, that is a wonderful resource. The focus of it should be providing passive green space for the benefit of our community.

Dr MEHREEN FARUQI: As I understand it, it opens up that precinct for hotels to be built. That is how I understand it. You have not said no, so I will go on with that presumption.

Ms GABRIELLE UPTON: I am happy to take on notice your question. I am not sure whether you have interpreted it correctly. I am happy to come back to you. But the purpose of that master plan was to open up more passive green space. That is the purpose of the master plan.

Dr MEHREEN FARUQI: But you are the environment Minister. You should know there is a report in the *Wentworth Courier*—and I think you would get it because you represent that area—which says the master plan opens up the building of bars, hotels and theatres. Was the chair of the Centennial Park and Moore Park Trust, Mr Tony Ryan, involved in that plan in any capacity?

Ms GABRIELLE UPTON: Tony Ryan is chair of that trust board.

Dr MEHREEN FARUQI: So he was involved in some capacity?

Ms GABRIELLE UPTON: He is the chair of that trust board. It is on the public record.

Dr MEHREEN FARUQI: My question is was he involved in the preparation of that plan at any level?

Ms GABRIELLE UPTON: As the chair of the trust board it would be normal governance practice for the board and its chair to be involved in some of the work leading to the master plan.

Dr MEHREEN FARUQI: Did you know that Mr Ryan is also the Managing Director, Global Mergers and Acquisitions, Hotels and Hospitality Group, Jones Lang LaSalle Property Consultants?

Ms GABRIELLE UPTON: I am aware of that, but if there is something that you are trying to drive at here or if you are making an allegation or assertion then you should bring that forward.

Dr MEHREEN FARUQI: I am just asking questions. I see it as a conflict of interest for the chair of the trust. He is involved in a plan proposing hotels to be built and he is also involved in that industry. Do you see it as a conflict of interest?

Ms GABRIELLE UPTON: People who sit on trust boards have important governance responsibilities. They separate their own or commercial or private interests from those of the organisation or trust in which they are acting. That is proper governance. That is the way—

Dr MEHREEN FARUQI: How do they separate—

Ms GABRIELLE UPTON: —that boards will work.

Dr MEHREEN FARUQI: Sorry, you said they separate their interests. Did they declare a conflict of interest but were still part of that process of preparing the master plan? How was this separated in this particular instance?

Ms GABRIELLE UPTON: I am saying that the expectation of trust board members, of any member of any board of government, is that they apply probity. When they act in those roles they are acting in the interests of the stakeholders who they represent sitting around that board or trust table. That is the expectation of any person who sits on any board or trust across government. That is the duty that they have. I cannot be much more clearer than that. That is the expectation.

Dr MEHREEN FARUQI: The expectation is there but I am asking about this particular instance where there seems to be a conflict of interest. Were you aware of that? How did you deal with that?

Ms GABRIELLE UPTON: I am saying what my expectation is. I am saying what it is at law that people who sit around a board table—

Dr MEHREEN FARUQI: But you have some responsibility as well, Minister.

Ms GABRIELLE UPTON: —are required to do. In the ordinary course, a board would probably consider a master plan that concerns the asset with which they are charged in governing the interests of the stakeholders of New South Wales. I cannot be any clearer than that.

Dr MEHREEN FARUQI: I think what you are saying is that you have no idea of what happened in this instance because if you did you should clearly state that. What happened in this particular instance? Was a conflict of interest declared? Did they remove themselves from this particular planning?

The Hon. SHAYNE MALLARD: Point of order—

Dr MEHREEN FARUQI: Perhaps you could take that on notice and give me a clearer answer.

The Hon. SHAYNE MALLARD: Dr Faruqi has asked the question in a different way three or four times. The Minister has answered it each time.

Dr MEHREEN FARUQI: I am sorry, I have not really got an answer.

The Hon. SHAYNE MALLARD: The Government is very appreciative of a man of the calibre of Mr Ryan being on the board.

Mr DAVID SHOEBRIDGE: That is not a point of order.

The CHAIR: A point of order is allowed to be taken at any time. The Minister has tried to answer the member's question and has noted that she feels she has given an appropriate answer.

Dr MEHREEN FARUQI: I will move on.

The CHAIR: The Minister has also indicated that she will take the question on notice.

Ms GABRIELLE UPTON: Mr Chair, if Dr Faruqi has an allegation then she should put it forward. I welcome that.

Mr DAVID SHOEBRIDGE: She just did.

Dr MEHREEN FARUQI: I thought I had.

Ms GABRIELLE UPTON: Bring it forward formally.

Mr DAVID SHOEBRIDGE: This is budget estimates; it is formal.

Ms GABRIELLE UPTON: Thank you, Mr Shoebridge. I am well aware that this is budget estimates.

The CHAIR: Order! The crossbench is losing time.

Dr MEHREEN FARUQI: What is the plan for rehabilitating the Wallerawang, Sawyers Creek ash dam? It is my understanding that it is poisoning Sydney's drinking water on an ongoing basis?

Ms GABRIELLE UPTON: I will ask Mr Buffier, Chair and Chief Executive Officer, NSW Environment Protection Authority to respond.

Mr BUFFIER: Could you please provide some more details in your question?

Dr MEHREEN FARUQI: The Wallerawang Power Station, which was permanently retired in 2014, had an ash dam which, as I understand it, has never been cleaned up. A NSW Environment Protection Authority [EPA] report of July 2016 found that there was still water, with acid and sulphur, being discharged into the Coffs River, which flows into Sydney's drinking water catchment. My question is, what is being done to clean that up?

Mr BUFFIER: I am aware of the situation up there but I am not aware of the detail. I will take the question on notice.

Dr MEHREEN FARUQI: Sure. Minister, you are the fourth environment Minister to appear at budget estimates hearings in my five years as a member of this Parliament. Is this revolving door of Ministers symptomatic of the low priority of this Government for the environment? What are you doing to raise that priority?

Ms GABRIELLE UPTON: I refute your contention. I am very proud to be Minister for the Environment, Minister for Heritage, and Minister for Local Government. It is an absolute privilege to serve on behalf of the community of New South Wales in this role. I take my role very seriously, as any environment Minister would—a matter I know is of particular concern to you. This Government has undertaken a strong program of work. At the end of this year I will be proud to introduce a state-of-the-art container deposit recycling scheme, which will be an exemplar across our nation, to address the issue we have in the litter stream. We have more beverage containers in our litter stream than we should have; they represent about 50 per cent of

the litter that is currently in our litter stream. I announced not that long ago that we had a scheme coordinator to run that scheme, a network operator. From December we will not only give our community an opportunity to return their beverage containers that are eligible under the scheme but—

Dr MEHREEN FARUQI: Thank you, but my time is limited.

Ms GABRIELLE UPTON: —a very positive dimension of that is they will also be able to return those deposits to community groups.

Dr MEHREEN FARUQI: I did not ask a question about container deposit legislation [CDL].

Ms GABRIELLE UPTON: That is a new feature of this scheme, which will make it an exemplar across this nation.

Dr MEHREEN FARUQI: Minister, you just refuted my statement. Could I remind you that under the 2021 Strategic Plan the New South Wales Government had a goal to protect our environment and it had more than 20 individual measures. This was a few years ago, but it had measures to improve biodiversity, renewable energy, air quality, national parks and the list goes on. Now we have only one goal for the environment, that is, to reduce litter. How can you say that the environment has not been deprioritised?

Ms GABRIELLE UPTON: It makes a strong priority of government.

Dr MEHREEN FARUQI: How?

Ms GABRIELLE UPTON: The wonderful part of the fiscal probity responsibility, the dividend to our community that comes from the fact that we have managed our finances well, unlike our predecessors, is that we have record amounts of investment to make into our environment by the purchasing of national parks—

Dr MEHREEN FARUQI: Where have you made that investment?

Ms GABRIELLE UPTON: —a koala habitat. Let me take you to the issue of koalas, which I think you or one of your colleagues raised. We have had the capacity and ability to invest strongly in the environment, which former governments have not been able to do—

Dr MEHREEN FARUQI: Why are you clearing koala habitats?

Ms GABRIELLE UPTON: —because they have not been able to manage their finances, they have not had the ability to make that investment into the environment. Let me take you to our koala strategy. We had the opportunity, with a dedicated commitment of \$100 million over five years, to protect all our threatened species—

The Hon. PENNY SHARPE: That is not just for koalas.

Dr MEHREEN FARUQI: Five years is like a drop in the ocean.

Ms GABRIELLE UPTON: It is all species. I take you to the fact that last week I was at the Tweed coast where we took from private hands into public hands a koala habitat on the Tweed coast—

The Hon. PENNY SHARPE: But you also sold the Mambo Wetlands.

Ms GABRIELLE UPTON: —as an example of how, having managed our finances well, we are in a position where we can invest back into communities and back into the environment. I mentioned the container deposit scheme because it was this Government that brought it—

Dr MEHREEN FARUQI: It is 30 years after South Australia introduced it.

Ms GABRIELLE UPTON: —forward. We have a strong budget position that continues to invest in all aspects of the environment. I know that there are certain aspects of it that are of concern to you. Let me address your contention that there are other issues. There is a strong commitment on the part of this Government. For example, we reformed biodiversity, which we have already covered, off the back of an expert report. We have been able to—

The Hon. PENNY SHARPE: Where the very experts walked away from it.

Dr MEHREEN FARUQI: It is about clearing, landfill and not protecting the environment.

The CHAIR: Order!

Ms GABRIELLE UPTON: —put \$240 million, an amazing amount of money, to go into private land conservation. The dimension of biodiversity protection has not been able to be dedicated to give farmers, to give those people in the community who know the land very well, the opportunity to invest in their own land to

protect that biodiversity for the whole community. These are very strong multimillion-dollar commitments to our community that represent my Government's commitment to the environment. So I refute completely the contention that you put to me at the start of this question.

The CHAIR: There is a passage in the *Bible* that says "even a dog is worthy of the crumbs that fall from the table". Shoalhaven's situation is 5.2 per cent of \$33 million. That means that 94.8 per cent went to the Government when a local government area scored 92 in Socio-Economic Indexes for Areas [SEIFA] in a very high unemployment area. Do you think it is fair that the Government collects \$33 million from the section 88 waste levy when, in comparison, the Blue Mountains and Wollondilly—both clearly closer in distance to Sydney and more economically empowered—are classified as being in the regional levy area and charge a levy of only 60 cents per tonne, and Eurobodalla, which is southern to Shoalhaven, on the other hand, is considered to be outside the levy-regulated area?

Ms GABRIELLE UPTON: The question flows from our discussion earlier about the question you asked me.

The CHAIR: I ran out of time, that is why.

Ms GABRIELLE UPTON: It is about a sharing of the waste levy with local community. I make the point that I was happy to receive the reflections of Shoalhaven council on those matters. But the purpose of the waste levy is to reinvest in communities.

The CHAIR: I understand, Minister. Will you consider revisiting the boundaries and definition of the section 88 waste levy?

Ms GABRIELLE UPTON: I am always happy to consider good ideas, and I welcome those ideas that I heard a number of weeks ago when I met with the council.

The CHAIR: Can you provide an update on the status of field trials with 1080 cyanide for the control of deer and feral goats including what welfare issues have been identified by the Office of Environment and Heritage Animal Ethics Committee? What secondary poisoning risks are there to humans and animals, and does the department intend to undertake widespread use of 1080 cyanide for controlling deer and feral goats and, if so, when? I am happy to reiterate those questions as you need them.

Ms GABRIELLE UPTON: I will ask Anthony Lean to comment.

Mr LEAN: We do use 1080, as I understand it, as part of our pest control program. We obviously have an animal ethics committee within the agency that provides us with advice on ethics issues in relation to animal welfare. I would need to take on notice whether they have been consulted in relation to that particular program, but it is part of our program. We obviously act in accordance with all legal requirements in running those programs, and I would be happy to provide more detail on notice.

The CHAIR: Are you aware that a release gained under the Government Information (Public Access) Act noted in the response about feral goats that "ingestion of small amounts of cyanide paste may also pose risks for non-targeted species. Goats were observed shaking their heads, coughing and salivating once exposed to the cyanide paste. The cyanide paste is present in gel form coated with highly palatable feed". Are you aware of that document?

Mr LEAN: Not that specific document, no, but I am happy to have a look at that.

The CHAIR: Obviously there is a great concern about the implications it is having and, particularly, further on the document talks about "if poisoned animals are experiencing pain whether the symptoms simply reflect central nervous system disturbances". So there is obviously a bit of a concern there. Can you take that on notice and get back to us? I note that that question is on behalf of the Shooters, Fishers and Farmers Party.

I want to ask about heritage housing. Regarding heritage listings, does the current legislation require written consent from an owner before the listed property is made local heritage?

Ms GABRIELLE UPTON: By "local heritage" do you mean classifications by local government—State councils?

The CHAIR: Yes, LEPs. I will give you the thought behind the theme. Some time ago people were able to drive by a house and basically take a photo and register it as heritage. I am wondering how much say the owners get in whether their property is heritage listed and is that in the legislation?

Ms GABRIELLE UPTON: It is a good question. We have our expert here.

The CHAIR: I know the answer. I am trying to find out if it has been changed since I last asked the question.

Ms GABRIELLE UPTON: Through Mr Lean perhaps Ms McKenzie would comment as head of heritage.

Mr LEAN: I would just make the comment that we obviously look after the State Heritage Register. The addition of matters to local heritage registers within LEPs is a matter for the local councils.

The CHAIR: Let us revert it to State. Would you require the owner's consent before you listed their property as being a State significant heritage item? Ms McKenzie, they are all pointing at you.

Ms McKENZIE: The Heritage Act does not require owner's consent. However, there is a process by which any listing requires notification to owners and consultation with those owners and it is a significant part of the consideration of the Heritage Council. The Heritage Council makes recommendations on listing to the Minister and that will be one of the significant matters they will take into account, as would the Minister when that recommendation was made, and all owners would have the opportunity to make formal submissions as well for that process.

The CHAIR: Further to this, do you have the power to correct erroneous decisions where a council has not provided any evidence of an adequate consent or consultation prior to local heritage listing? If not, why not? Basically it has been all presented, the State has ticked it off and it is in error because the full history of the property is that it is not heritage, it has been built 20 years ago because it may have burnt down in the 1930s and all that information has not flowed through to the Government, but it looks heritage so they have ticked it off. How would you reverse that?

Mr LEAN: Certainly from OEH's perspective and the role of the Heritage Council we do not have a role in relation to the listing by councils of items on their local heritage registers. It may be something that is considered by the Department of Planning and Environment when they are considering local environmental plans, so it is probably a question that is more appropriately directed to the Minister for Planning.

The CHAIR: Minister, concerns have been raised with my office regarding the placement of the main entrance to the Wild Play Garden in Centennial Park, Sydney, opening onto Grand Drive, the only path that can currently be used to exercise horses. The use of Grand Drive as an entrance places approximately 250,000 children at risk from the exercising horses. How was the main entrance chosen given the potential risk to children from the horse track?

Ms GABRIELLE UPTON: That is a matter that I have knowledge of. There are different views about exactly how that perceived risk will be resolved and I would like Anthony Lean to comment on that as head of the department.

Mr LEAN: My understanding is that the trust in making those decisions has commissioned at least one study, which has assessed the risks around the location of the main entrance. They have made a number of modifications to the entrance to put in place chicanes and other things to mitigate the risks that arise there. It is fair to say that there are a number of places around the park where people cross the horse track and they do not have similar protections in place that will be in place in front of the Wild Play Garden. The trust has sought expert advice and has sought to actively manage the risks around the location of the entrance.

Ms GABRIELLE UPTON: Obviously it would be a great concern to me if anybody's life was endangered through what has been a dedication of an additional recreational facility there for young people. It is a matter that we must treat with great seriousness, which is why, as Mr Lean outlined, there have been expert reports and consultations to be able to resolve it, because no-one should be put at risk.

The CHAIR: Some of these children are potentially unsupervised from what I understand. In October 2016 Minister Speakman wrote to the Clerk of the Legislative Assembly that Safety in Focus was engaged to undertake a risk assessment of operational controls on the horse track crossing. The NSW Office of Premier and Cabinet wrote to the stakeholders on 1 August 2017, saying:

Following the March stakeholder meeting at Moore Park Golf, the Trust has been working with an independent safety control consultant to carefully review the recommendations and feedback in relation to the crossing.

How can this be true when the independent consultant for safety controls has not provided any advice to the Centennial Park Trust since submitting her report dated 27 January 2017 and given the fact that not only will some of these children not be supervised but also many of them would have no previous dealings with horses, which is a real concern for their safety. You can take that on notice if you like.

Ms GABRIELLE UPTON: I will take that on notice. But let me be clear: This is a recreational facility with shared uses. It is important that anybody who is there feels safe, and their safety is not in any way compromised. The new facility there was to provide another dimension of enjoyment and recreational play and facilities for young people. There is existing use, of course, for horses and other recreational activities. Sorting through that is very important because it is such a magnificent, wonderful recreational facility, but no-one should feel as though their safety is going to be compromised. On the specific details you have raised, I am happy to take that on notice on behalf of the Office of Environment and Heritage.

The CHAIR: That would be great, thank you. We now move to the Opposition members, and to the Hon. Peter Primrose.

The Hon. PETER PRIMROSE: Mr May and Mr Overall, thank you for coming today. I have a couple of issues I would like to clear up. This question is to Mr May. Cumberland Council is a large council now located in Western Sydney, is that correct?

Mr MAY: Yes.

The Hon. PETER PRIMROSE: During your time as administrator, how many people have lost their jobs at the council.

Mr MAY: Through voluntary redundancy, in the order of 50.

The Hon. PETER PRIMROSE: And as part of your forward planning over the next, say, two or three years—I am not sure about the time frame—how many would you expect would lose their jobs over the next two to three years, whatever the appropriate time frame is?

Mr MAY: The council will have to employ more people.

The Hon. PETER PRIMROSE: So you would expect there to be no more job losses at all at the council?

Mr MAY: I cannot control voluntary redundancies—even the general manager—as that is up to the individual. But in relation to the structure of the organisation, that is growing because we have taken over a large part of Parramatta. So there will be more people employed.

The Hon. PETER PRIMROSE: Do you expect to offer any more voluntary redundancies at council?

Mr MAY: I cannot answer that question; it is better addressed to the general manager, who handles the operational side.

The Hon. PETER PRIMROSE: Would a reduction in staff be a good thing?

Mr MAY: I have already said that we are going to need more staff. It is a big area, a lot to maintain.

The Hon. PETER PRIMROSE: The Government's own policy papers, when it produced them in relation to its forced council mergers and which I obtained through the Government Information (Public Access) Act—GIPA—indicate that 83 per cent of savings would come from staff reductions. Are you familiar with that?

Mr MAY: Will you repeat that for me?

The Hon. PETER PRIMROSE: Some 83 per cent of the proposed savings in the Government's policy documents would come from staff reductions in the merged councils. Is that a good or a bad thing?

Mr MAY: There is no question that there have been staff reductions in the senior staff. I think Cumberland is now doing things smarter.

The Hon. PETER PRIMROSE: Can I ask you, in relation to your superannuation, who pays your superannuation while you are an administrator?

Mr MAY: The superannuation comes out of the money I get paid as an administrator the same as anyone else. It is funded.

The Hon. PETER PRIMROSE: Can you tell me what fund it is paid into?

Mr MAY: It would be the local government fund.

The Hon. PETER PRIMROSE: Could I ask if you could take on notice to tell us what the actual name of the fund is?

Mr MAY: It is Local Government Super.

The Hon. PETER PRIMROSE: In your time as administrator, has council voted to provide you with any additional benefits?

Mr MAY: No.

The Hon. PETER PRIMROSE: Mr Overall, can I ask you the same questions in relation to your time as administrator. How many people have lost their jobs in your council, a regional council?

Mr OVERALL: I am not sure of the exact number. I have a recollection that the general manager indicated to me, perhaps a month or two ago, that it was in the order of between five and six at that time. But the offer of voluntary redundancy was continuing.

The Hon. PETER PRIMROSE: Could you take that on notice please—to give us an exact figure when you talk to the general manager?

Mr OVERALL: Certainly.

The Hon. PETER PRIMROSE: Over the next two or three years, in terms of your forward planning—the same as I have just asked Mr May—how many voluntary redundancies or other staff cuts do you expect the council to be making? Please feel free to take that on notice too.

Mr OVERALL: As far as I am aware with the forward planning, we do not have numbers as such but I will take that on notice. The point I would make is that Queanbeyan is a high-growth area from a residential development point of view, as are parts of the former Palerang. So, looking forward, we have always approached it on the basis that we are going to need more staff rather than less, being a high-growth area.

The Hon. PETER PRIMROSE: Thank you. Your answers are obviously very interesting given, as I said, the Government's own policy papers that indicate 83 per cent of cost savings will come from staff reductions. We might revisit this later. I will ask you the same questions. I presume the council pays for your superannuation, the same as Mr May?

Mr OVERALL: That is not correct. I receive an allowance as administrator and from that allowance it is up to me whether I elect to pay a proportion into a super fund.

The Hon. PETER PRIMROSE: Do you pay a proportion into your super fund?

Mr OVERALL: Yes, I do.

The Hon. PETER PRIMROSE: Could you tell me the name of that fund?

Mr OVERALL: It is a private super fund—the Overall Super Fund.

The Hon. PETER PRIMROSE: During the current local election campaign period, how many leave applications have you submitted and for how many days?

Mr OVERALL: As administrator, I am not an employee; I receive an allowance. I can add that, at my own election, a week ago I have elected to forego my allowance for a period leading up to the election.

The Hon. PETER PRIMROSE: Who have you informed of that?

Mr OVERALL: I have informed our human resources director that I wish to forego over the two weeks of the pre-poll period, with a copy to the general manager.

The Hon. PETER PRIMROSE: There is no leave prior to that period?

Mr OVERALL: There is no leave entitlement as an administrator and I also make the point that in other councils mayors and councillors receive their allowance right up to the declaration of the poll of a new council. But I, as administrator, decided to do the right thing and forego during the two-week pre-poll period up to the election.

The Hon. PETER PRIMROSE: Minister, notorious developer and Liberal Party councillor Tony Doueihi was fined almost \$60,000 after Burwood Council, where he was deputy mayor, took him to court for building an extra floor at a Burwood Road property without council consent. More recently, he twice failed to declare a pecuniary interest and voted to approve a \$26 million development in Victoria Street, Burwood, in which his son purchased a unit. Mr Doueihi has obviously decided to diversify his property interest and has now nominated for Strathfield Council and has again been endorsed by the Liberal Party. I have a copy of his candidate information sheet here and he has ticked that he is neither a developer nor a close associate of a corporation that is a property developer. As the Liberal Minister for Local Government, you must surely think this whole thing stinks and Mr Doueihi should stand down, do you not?

Ms GABRIELLE UPTON: Mr Primrose, you are making allegations. I have not seen the candidate information sheet you are talking about.

The Hon. PETER PRIMROSE: I will provide it.

Ms GABRIELLE UPTON: I would like to see that and take it on notice. With regard to expectations of people standing for council and serving as councillors, as I said on the record this morning, the expectations and what has been the motivating force behind the series of integrity measures introduced across our period of government is to increase the expectation and make very strong laws that enable the Office of Local Government, or the Minister and others, to act where there are breaches. They set codes of conduct to ensure that when people stand as councillors they have the highest expectations placed on them about serving the interests of their whole community and not their own private interests.

The Hon. PETER PRIMROSE: Minister, he has been found guilty. He is under investigation again. He is running for council as a Liberal Party councillor in another council. This is the official form to the Electoral Commission that he has ticked saying he is not a developer nor a close associate of a property developer and you still insist and support the policy of having developers and real estate agents on councils.

Ms GABRIELLE UPTON: The requirement is for people to disclose on candidate information sheets whether they are a property developer or not. You have made allegations about whether that is correct or not.

The Hon. PETER PRIMROSE: There it is.

The Hon. PENNY SHARPE: Hear no evil, see no evil.

Ms GABRIELLE UPTON: If there is something that concerns you bring it forward, as you are now.

The Hon. PETER PRIMROSE: You are the Minister and I am bringing it forward to you.

Ms GABRIELLE UPTON: Bring it to the Electoral Commissioner. The matter, in part, is one for the party for whom he is standing, the Liberal Party.

The Hon. PETER PRIMROSE: Your party, the Liberal Party, which supports developers and real estate agents on councils.

Ms GABRIELLE UPTON: If you have allegations of inappropriate behaviour bring it forward.

The Hon. PETER PRIMROSE: Raise it with the Minister.

Ms GABRIELLE UPTON: You have raised it with the Minister. You need to raise the issues that relate to party candidature—

The Hon. SHAYNE MALLARD: This from the party of Tripodi and Obeid.

The Hon. PETER PRIMROSE: What are you going to do about it?

Ms GABRIELLE UPTON: —with the Liberal Party.

The CHAIR: Order!

Ms GABRIELLE UPTON: If this person is a Liberal Party candidate, that is a matter for the party. If there is a matter of concern, you should raise it with the Electoral Commissioner and the Liberal Party. If there is a matter relating to his conduct as a councillor it should be raised with the Office of Local Government.

The Hon. PETER PRIMROSE: But not the Minister for Local Government? You are washing your hands of it.

Ms GABRIELLE UPTON: Not at all. That is why, as I explained to you, since 2011 there has been a program of reform setting up codes of conduct.

The Hon. PENNY SHARPE: It is working well then, isn't it?

The Hon. PETER PRIMROSE: It is going well.

Ms GABRIELLE UPTON: It introduced the candidate's information sheet, which means the Electoral Commissioner, if there are concerns, can investigate and prosecute.

The Hon. PENNY SHARPE: You do not have any concerns?

The Hon. PETER PRIMROSE: Do you have concerns, Minister?

Ms GABRIELLE UPTON: You have put allegations and I am happy to consider them. If it relates to candidature for the elections that is a matter for the Liberal Party.

The Hon. PETER PRIMROSE: It is the policy of keeping developers and real estate agents on council.

Ms GABRIELLE UPTON: If there are issues that need to be raised with the Office of Local Government, raise them with Tim Hurst as Acting Chief Executive Officer of the Office of Local Government.

The CHAIR: Order!

Ms GABRIELLE UPTON: The expectation of this Government is clear. That is why it began the integrity reform program. It means when people do act in their own interests and do not declare their interests or make false disclosures the full force of the law will be thrown upon them.

Mr DAVID SHOEBRIDGE: Let us get him elected first. That is the position: get him elected Saturday week and then maybe we will do something. That is outrageous.

The CHAIR: Order!

The Hon. SHAYNE MALLARD: I know you do not support democracy.

The Hon. PETER PRIMROSE: Minister, do you stand by the assumptions in the KPMG report entitled, "Outline of financial modelling assumptions for local government merger proposals"?

Ms GABRIELLE UPTON: I am not hearing a question. What are you asking, Mr Primrose?

The Hon. PETER PRIMROSE: Do you stand by the assumptions in the KPMG report your Government released entitled, "Outline of financial modelling assumptions for local government merger proposals"?

Ms GABRIELLE UPTON: Do I stand by the outline of assumptions in that document?

The Hon. PENNY SHARPE: Have you read it?

The Hon. PETER PRIMROSE: Have you read it?

Ms GABRIELLE UPTON: I have read the KPMG report. Let me be clear, you are creating mischief. The KPMG report is something I have seen. It is represented by a suite of work over time. There are parts of that, as a member of Cabinet, I am privy to that the public domain is not. The notion of there being an issue around the report that you are alluding to is not an issue.

The Hon. PETER PRIMROSE: Minister, I apologise. I am not talking about the report that you guys are keeping secret.

Ms GABRIELLE UPTON: I contend it is not and that is the point I am making.

The Hon. PETER PRIMROSE: This is a different report.

Ms GABRIELLE UPTON: What can be on the public record is on the public record. The only part of the KPMG report, which is a suite of analyses over time, that is not public is properly confidential because it was put before Cabinet. It has Cabinet confidentiality.

The Hon. PETER PRIMROSE: I will let the Court of Appeal sort that out. This is a report that was made public by your predecessor. The Government said these are the assumptions. I am sorry if you are not familiar with it. Do you still stand by the assumptions that you acted upon in forcibly merging and causing the dog's breakfast all over the State of forced council mergers? Are those assumptions still applicable?

Ms GABRIELLE UPTON: I do not think some of your colleagues, who have been willingly part of these mergers—

The Hon. PETER PRIMROSE: Yes or no?

Ms GABRIELLE UPTON: —and the delivery of further value by way of infrastructure and community programs into the electorates would line up with you, Mr Primrose.

The Hon. PETER PRIMROSE: Your colleagues certainly have not lined up with you, Minister.

Ms GABRIELLE UPTON: They have been talking to me secretly.

Mr DAVID SHOEBRIDGE: Who?

The Hon. PENNY SHARPE: Have you disclosed these in your diaries, Minister?

The CHAIR: Order! I call the Hon. Penny Sharpe to order.

The Hon. PETER PRIMROSE: I am happy to have the Hon. Penny Sharpe interject.

The CHAIR: I do not want people shouting over each other.

The Hon. PENNY SHARPE: Do all the discussions you have had in relation to local government mergers feature in your public diary disclosures?

The Hon. SHAYNE MALLARD: They are not in yours, as you do not disclose yours.

Ms GABRIELLE UPTON: Unlike your leader, Ms Sharpe, every quarter Ministers of the Crown make a declaration. Mine are all on the public record.

The Hon. PENNY SHARPE: You can guarantee that every secret discussion you have had with people is in your diary?

Ms GABRIELLE UPTON: You are making mischief, Ms Sharpe.

The Hon. PENNY SHARPE: You said you had secret discussions; I didn't.

Ms GABRIELLE UPTON: Your colleagues have been sharing with me how they like our mergers.

The Hon. PENNY SHARPE: You called them secret discussions.

Ms GABRIELLE UPTON: They have been happy to accept the cheques. The member for Granville and the member for Prospect have lined up in the local papers accepting cheques. They are beneficiaries of the resourcing we put through behind these mergers. They have lined up with their local communities to accept those cheques on behalf of their local communities. Many of your colleagues are on the record as supporting the mergers.

The Hon. PETER PRIMROSE: Secret meetings, Minister?

Ms GABRIELLE UPTON: There were no secret meetings.

The Hon. PETER PRIMROSE: You just said that there were.

Ms GABRIELLE UPTON: Your colleagues have had fireside chats with me telling me how they are happy with the mergers.

The Hon. PETER PRIMROSE: Secret discussions that you have now repudiated and say did not happen.

Ms GABRIELLE UPTON: Ask your colleagues. They are not standing behind some of your contentions. They are happy beneficiaries, on behalf of their communities, of the resourcing put behind the mergers.

Mr DAVID SHOEBRIDGE: Name them.

Ms GABRIELLE UPTON: The member for Granville.

Mr DAVID SHOEBRIDGE: Point of order—

Ms GABRIELLE UPTON: The member for Kogarah. I could go on.

The CHAIR: Order!

Mr DAVID SHOEBRIDGE: This is a scurrilous position from the Minister, making anonymous allegations. If the Minister is going to make allegations she should put up and name the members.

The CHAIR: There is no point of order.

The Hon. PETER PRIMROSE: Before this ministerial flight of fancy about secret meetings that have not been disclosed, because the Minister says now that they did not happen—

Ms GABRIELLE UPTON: All my meetings as Minister are on the record.

The Hon. PETER PRIMROSE: Except your secret ones.

Ms GABRIELLE UPTON: Your colleagues have been talking to me and they are saying, "We like the mergers, Minister. We like the benefits to our local community."

The Hon. PETER PRIMROSE: If I look at your diaries they will be there?

Ms GABRIELLE UPTON: Those members have been happy to front local media to accept the cheques and back the reforms.

The Hon. PETER PRIMROSE: Minister, are all of these meetings listed?

Ms GABRIELLE UPTON: They have been part of the assessment panels that have actually delivered these benefits to the local community. Your leader himself has been part of an assessment panel that has delivered benefits.

The Hon. PETER PRIMROSE: I will return to my original question. Clearly the Minister is having meetings that she is not prepared to disclose or did not take place.

Ms GABRIELLE UPTON: All my meetings are declared on the record.

Mr DAVID SHOEBRIDGE: Except for the secret ones.

Ms GABRIELLE UPTON: There are no secret meetings. Let me clear the record. It is a turn of phrase. The point I would like to clarify for the member is that his colleagues have backed this reform. They have stood in the public domain and been happy to stand and have photographs taken.

The Hon. PETER PRIMROSE: You spoke about secret meetings.

The Hon. PENNY SHARPE: Secret discussions.

The Hon. PETER PRIMROSE: Secret discussions.

Ms GABRIELLE UPTON: They have accepted the cheques on behalf of their local communities and that is something they are happy to back in.

Mr DAVID SHOEBRIDGE: She is not going to tell us about the secret discussions.

The Hon. PENNY SHARPE: They are going to be thrilled with you talking about it.

The Hon. PETER PRIMROSE: Let me get this clear, all of your meetings and discussions are appropriately in your ministerial diary, as they are required to be?

Ms GABRIELLE UPTON: They are.

The Hon. PETER PRIMROSE: You have also had secret meetings and discussions about amalgamations that are not in your diary?

Ms GABRIELLE UPTON: Absolutely not. You know the rules that apply to me with disclosures.

The Hon. PETER PRIMROSE: Yes, I do.

Ms GABRIELLE UPTON: When you have discussions in the Houses of Parliament, attend Parliament here, there are discussions you have with colleagues, and your colleagues have offered up to me the benefits.

The Hon. PETER PRIMROSE: Who?

Ms GABRIELLE UPTON: I will not embarrass you by naming them.

Mr DAVID SHOEBRIDGE: Go ahead.

The Hon. PENNY SHARPE: We are not embarrassed. We want to know who the secret meetings are with.

Ms GABRIELLE UPTON: Colleagues of yours—

Mr DAVID SHOEBRIDGE: Name them.

Ms GABRIELLE UPTON: —as I have said, have appeared in local papers accepting those cheques.

Mr DAVID SHOEBRIDGE: Name them.

The Hon. PETER PRIMROSE: This clearly is flight of fantasy stuff. I am not talking about your secret \$400,000 KPMG report, which you still will not release.

Ms GABRIELLE UPTON: It is not secret. It is on the public record, except for Cabinet-in-confidence documents.

The Hon. PETER PRIMROSE: The document you are refusing to release, the subject of the Ku-ring-gai case.

Ms GABRIELLE UPTON: That is subject to Cabinet-in-confidence.

The Hon. PETER PRIMROSE: Again, read the Ku-ring-gai decision. The report entitled "Outline of Financial Modelling Assumptions for Local Government Merger Proposals" was released by the Government. I am simply asking: Do you still stand by the assumptions that are in that report?

Ms GABRIELLE UPTON: The focus of the Government's reform of local government has been on delivering better value to ratepayers. That is at the heart of all the reforms this Government has achieved. It is evidenced by the benefits that have flowed to the merged councils. I have alluded to a number of those benefits, such as enabling infrastructure that was a backlog for councils to be delivered. There are some great examples of that. A skate park in Greystanes that was talked about for ages has now been delivered by Cumberland Council. Residents can now pay their rates by EFTPOS. Before they had to do it in person.

The Hon. PETER PRIMROSE: Do you still stand by the report that was released by your predecessor and the assumptions in that report?

Ms GABRIELLE UPTON: As I said, all the reforms are purposed by delivering better value, better services, better infrastructure, better value to local communities.

The Hon. PETER PRIMROSE: The administrator of the Inner West Council—

Ms GABRIELLE UPTON: That has been a part of all this reform.

The Hon. PETER PRIMROSE: —publicly stated recently there were discrepancies between the actual budget savings and the alleged KPMG cost savings. Are you sure that you still stand by that KPMG report?

Ms GABRIELLE UPTON: I am saying to you, Mr Primrose, that the benefits of these mergers have been demonstrated in what has happened since the mergers have taken place.

The Hon. PETER PRIMROSE: Your own administrator is saying there is a variation.

Ms GABRIELLE UPTON: There is investment in local communities—

The Hon. PETER PRIMROSE: The Government appointed him.

Ms GABRIELLE UPTON: —they have not been able to have before. This Government has been able to invest in those mergers with infrastructure, better services, better value.

The Hon. PETER PRIMROSE: I am going to put this everywhere.

The CHAIR: We will take a five minute convenience break.

(Short adjournment)

Mr DAVID SHOEBRIDGE: Minister, when are you going to apologise to the entire local government sector and the people of New South Wales for the botched and horribly expensive failure of your forced amalgamation process?

The Hon. SHAYNE MALLARD: We have already had that question today.

The Hon. PETER PRIMROSE: It was not answered.

Mr DAVID SHOEBRIDGE: When you are going to apologise? It is easy. Just say sorry.

Ms GABRIELLE UPTON: The reform that this Government has taken since 2011, which has been—

Mr DAVID SHOEBRIDGE: A basket case.

Ms GABRIELLE UPTON: It has involved a number of parts. It has been about ensuring there is the highest level of integrity that can be forced against councils and councillors. It has involved merger reform. It has all been for the benefit of ratepayers to make sure that they are served best by their councils. That is evidenced by the mergers and how their communities are being better resourced to build the infrastructure that was not otherwise being built, community programs on the ground, and small community grant allocations about which local members of Parliament have been able to have a say. It is about ensuring that the councils are acting in the best interests of those ratepayers, and that has been the focus of this reform.

Mr DAVID SHOEBRIDGE: How much, to the nearest million, has the Government spent on council amalgamations in this financial year?

Ms GABRIELLE UPTON: To support the merger process, \$375 million.

Mr DAVID SHOEBRIDGE: When was the \$375 million spent?

Ms GABRIELLE UPTON: Anywhere between \$10 million and \$15 million, depending on the size of the councils that were merged, and then \$10 million to each new council to ensure their systems were integrated so that operationally they were supported in those mergers. The \$375 million has been a strong commitment by this Government—

Mr DAVID SHOEBRIDGE: Is that this financial year?

Ms GABRIELLE UPTON: —to back in those mergers.

Mr DAVID SHOEBRIDGE: Is that \$375 million in this financial year?

Ms GABRIELLE UPTON: It has been to back in those mergers over time.

Mr DAVID SHOEBRIDGE: It is a simple question. In this financial year, how much are you spending on amalgamations?

Ms GABRIELLE UPTON: The \$375 million has backed in those mergers over time. Those moneys have been allocated to the councils. Some of them have already delivered benefits of that package—

Mr DAVID SHOEBRIDGE: If you do not know, it is okay to say you do not know.

Ms GABRIELLE UPTON: —to deliver services.

Mr DAVID SHOEBRIDGE: No idea is a perfectly fine answer.

Ms GABRIELLE UPTON: There are great examples I will cite for you of money being spent on upgrades of infrastructure such as skate park, libraries, boulevards in the larger council areas—a dedication to infrastructure. Some good services were introduced to the councils, but, again, it is a strong package that has been able to be delivered in those councils because the Government has taken care of its finances. It is able to back the reforms in through assisting the councils in bedding them down.

Mr DAVID SHOEBRIDGE: This is budget estimates. How much are you spending in this financial year on council amalgamations?

Ms GABRIELLE UPTON: Mr Shoebridge, thank you for your question.

Mr DAVID SHOEBRIDGE: It is the third time I have asked so we might get an answer now.

Ms GABRIELLE UPTON: I want to share with you the benefits and the fact there is a total package—

Mr DAVID SHOEBRIDGE: I just want you to answer the question.

Ms GABRIELLE UPTON: —of \$375 million. I will ask the acting—

Mr DAVID SHOEBRIDGE: I think the people of New South Wales expect you to answer the question in budget estimates as well, so answer it.

The Hon. SHAYNE MALLARD: Point of order—

The CHAIR: The member was not here earlier.

Mr DAVID SHOEBRIDGE: I watched it.

The CHAIR: Then Mr Shoebridge will know that I have ruled. I do not want people talking over each other. I ask the Minister to stop talking if you interrupt.

Mr DAVID SHOEBRIDGE: We might get an answer.

Ms GABRIELLE UPTON: I will ask the Acting Chief Executive of the Office of Local Government to comment on that.

Mr HURST: As I understand it, you are looking for the amount that was expensed in the 2017-18 year or the 2016-17 year?

Mr DAVID SHOEBRIDGE: How much are you budgeted to spend this year?

Mr HURST: In 2017-18?

Mr DAVID SHOEBRIDGE: Correct. Then you can give me 2016-17.

Mr HURST: The \$375 million that the Minister mentioned was spread across two financial years—2015-16 and 2016-17.

Mr DAVID SHOEBRIDGE: Has that all been expended?

Mr HURST: All the amount has been spent across the two financial years.

Mr DAVID SHOEBRIDGE: What about the other costs for council amalgamations, including staffing costs, KPMG and the consultants? I am not interested in only the \$375 million; I am also interested in the entire cost of the forced amalgamations.

Mr HURST: All of the amounts are reflected in the annual reports of the respective agencies, for example, the consultancy reports and so on.

Mr DAVID SHOEBRIDGE: How much is it?

Mr HURST: All that information has been published and is publicly available.

Mr DAVID SHOEBRIDGE: We are in budget estimates, so how much is it?

Mr HURST: You can go to the annual report.

Mr DAVID SHOEBRIDGE: No, I am asking you. You are the acting chief executive. I do not expect to hunt through the annual reports. You are in charge of it all, so how much is it?

Mr HURST: With your indulgence, I would be happy to add up those amounts now from the annual reports.

Mr DAVID SHOEBRIDGE: I am happy for you to take the question on notice, or you can add them up while we ask some questions and then come back to me when you have the figure. Mr Hurst, how long have you now been acting chief executive?

Mr HURST: I have been acting in the role since November 2015.

Mr DAVID SHOEBRIDGE: Minister, how long do you think it is appropriate to have an acting chief executive? Is two years appropriate?

Ms GABRIELLE UPTON: A recruitment process is taking place and an appointment will be made at the appropriate time.

Mr DAVID SHOEBRIDGE: Is the reason you have not recruited a permanent chief executive that nobody wants the job; it is an absolute disaster of an area to work for in the New South Wales Government?

Ms GABRIELLE UPTON: As I said, there is an active recruitment process and an appointment will be made at an appropriate time.

Mr DAVID SHOEBRIDGE: How much has the Government spent on legal costs in the forced amalgamation fiasco in the past financial year? You must have come to budget estimates with the figure. You knew you were going to be asked. How much have you spent on legal costs?

Ms GABRIELLE UPTON: A number of councils did contest the mergers, as you know.

Mr DAVID SHOEBRIDGE: Every council that did contest won. How much have you spent on legal costs?

Ms GABRIELLE UPTON: As you know, the Government made a decision not to proceed with the metropolitan mergers. The cases are still before the courts and have not concluded. The cases have been brought by the councils, and it is a matter for them what the final costs will be for those proceedings.

Mr DAVID SHOEBRIDGE: Point of order: The Minister is not even pretending to be generally relevant. She is talking about the councils' costs. I asked a simple question. How much did this Government spend on legal costs in the last financial year? The Minister is not even being generally relevant. I ask the Chair to direct her to answer the question.

The CHAIR: I cannot direct the Minister to answer the question in the way that the member wants; I can only ask her to answer the question in a way that she thinks is relevant to what the member has asked. I would suggest it is reasonably relevant. The member might want to ask another question; it might be a better use of his time.

Mr DAVID SHOEBRIDGE: How much did you spend in the last year on legal costs, and why will you not tell us?

Ms GABRIELLE UPTON: There were councils that contested the mergers. There are multiple cases before the courts. They were council decisions to take those cases to court. The Government was a respondent to

those actions. Legal costs were incurred as a result of being respondents to the court actions that have been taken. I am happy to take the question on notice.

Mr DAVID SHOEBRIDGE: How much have you spent this financial year and how much have you budgeted to spend this financial year on legal costs?

Ms GABRIELLE UPTON: I am happy to take those questions on notice.

Mr DAVID SHOEBRIDGE: Why did you not come to budget estimates prepared with that obvious piece of information?

Ms GABRIELLE UPTON: I have taken some questions on notice.

Mr DAVID SHOEBRIDGE: Why did you come here without the most obvious piece of information? You knew you would be asked about the legal costs. Is it because you are uninterested?

Ms GABRIELLE UPTON: I am focused on delivering better local councils in New South Wales for the benefit of ratepayers. There is publicly available information in the annual report of the Office of Local Government, the office for which I am the Minister, that refers to some of the questions you have asked. The Acting Chief Executive of the Office of Local Government has committed to provide you with some of the information you have requested. Your questions will be answered on notice.

Mr DAVID SHOEBRIDGE: My colleague the Hon. Peter Primrose raised the issue of one Strathfield Liberal candidate who is clearly a property developer. But we also have Con Hindi, the Liberal candidate for Georges River Council, who is a notorious property developer, and Lachlan Stronach, the Liberal candidate for Newcastle, who is the son and a close associate of a notorious property developer. All those candidates have signed declarations that state they are not property developers and they are all participating in the election on 9 September. Minister, what are you doing to ensure that the people of New South Wales, particularly those in those council areas, are not being grossly misled when they go to cast their vote?

Ms GABRIELLE UPTON: The Government introduced a requirement that those information sheets be completed. If you have any matters of concern or any allegations the Electoral Commissioner is the person with whom to raise those matters. The Electoral Commissioner has strong powers to investigate and to prosecute.

Mr DAVID SHOEBRIDGE: I suppose you do not care about property developer Doug Eaton, the Independent candidate for the Central Coast, or Anthony Mustaca, the Independent candidate for Willoughby West Ward?

The Hon. LOU AMATO: Point of order—

Mr DAVID SHOEBRIDGE: They are both developers. They are all fine in your eyes?

The CHAIR: Does the Minister want to answer any of that?

Ms GABRIELLE UPTON: There is a process to be gone through. There are strong laws that this Government confirmed recently.

Mr DAVID SHOEBRIDGE: "Get the developers elected first and then we'll do something about it." That is your position, Minister, and it is disgraceful.

Ms GABRIELLE UPTON: I refute that. Laws were brought into this Parliament in the last week we were sitting to confirm that the Electoral Commissioner has the power to investigate and to prosecute false declarations on those candidate information sheets.

The Hon. PETER PRIMROSE: They are on the ballot paper on 9 September.

Ms GABRIELLE UPTON: If you have particular concerns you need to raise them with the Electoral Commissioner.

Mr DAVID SHOEBRIDGE: I have just raised them all with you as the Minister.

The Hon. PENNY SHARPE: What are you going to do about it? Are you going to refer it to the Electoral Commission?

The CHAIR: The Opposition will have more time in a moment. Minister, what is your view on the sculpture proposed by the City of Sydney council? Given the fact that it will cost \$11 million, do you think it is an appropriate use of ratepayer funds?

Ms GABRIELLE UPTON: As I have made clear today, I would urge any council to make sure that ratepayer funds are used for the benefit of those ratepayers. Councils are independent of a local government Minister and of the Office of Local Government but the clear focus must be on delivering value to their ratepayers. In that case that is what I have said publicly, that the expenditure of any funds on behalf of ratepayers must be properly purposed to their amenity and for the benefit of ratepayers.

The CHAIR: Pending the High Court decision there will be an upcoming plebiscite on same-sex marriage. Have you issued any instructions to councils across New South Wales that they need to be fair and equal in granting access to local buildings and whether they can or cannot contribute to either side of the campaign?

Ms GABRIELLE UPTON: I am happy to take that question and to ask whether the chief executive has any comments to offer.

Mr HURST: Each year prior to local government elections the Office of Local Government provides detailed guidance to councils and to candidates. That includes their use of facilities. Irrespective of whether they are used by a candidate who is a current councillor or seeking to become a councillor that has to be at full market value and negotiated at arms-length from the council.

The CHAIR: But if a council was to waive a fee as they sometime do it would be appropriate that they waive that fee for both sides, not just one side?

Mr HURST: The guidance from the Office of Local Government is that the council should be recovering the costs for the use of their facilities if they are being provided for those purposes.

The CHAIR: In light of the recent debate about statues and their rebadging, will you be protecting the statues across New South Wales that represent our history?

Ms GABRIELLE UPTON: My position on this is that there is a wonderful, proud Indigenous history as part of our history as a nation and a State. The defacing of statues that represent people of colonial history is inappropriate. In fact, it is possibly criminal activity. But we must be proud of all those narratives in our community and we must celebrate them both.

The CHAIR: The budget included \$44 million to be invested into facilitating biodiversity on private land in New South Wales. The Christian Democratic Party supports improvement of biodiversity throughout New South Wales, as long as we are not just locking up land for the sake of it. The National Vegetation Information System [NVIS] is supposed to assist with identifying key areas of biodiversity and is to be completed by 2018. What is the role of the Office of Environment and Heritage in this process, how accurate is the completed mapping and is it possible to get an accurate picture of native vegetation through aerial images, given that a recent research papers suggested the accuracy was as low as 17 per cent?

Ms GABRIELLE UPTON: I will have Anthony Lean comment as the chief executive officer.

Mr LEAN: I am not sure I followed all aspects of the question, but certainly the native vegetation regulatory maps that we are developing as part of the biodiversity reforms have been developed in accordance with a rigorous scientific methodology. They use satellite imagery. That methodology has been peer reviewed. We are also going through the process of consulting on the outcomes of that mapping process with individual landholders to ensure that it is valid. As part of the reforms we are also doing work to establish a baseline for biodiversity which will be able to be used to measure the impacts of the reforms. I will need to take on notice the part of the question about the native vegetation.

The CHAIR: We obviously do not want the lives of farmers to be made more difficult through increased red tape due to an inaccurate NVIS. What assurance can you give to farmers that the monitoring of land and its vegetation will be accurately done?

Mr LEAN: Built into the process of developing the maps is the process that enables individual landholders to seek a review of the map that applies to their property.

The CHAIR: Who pays for the review?

Mr LEAN: The fees are being waived during the initial period to enable landholders to come forward. That is why the maps are being promulgated as draft maps only and not as final maps.

The CHAIR: Where people have laid out significant money what compensation is in place? If farmers have outlaid a lot of money are they able to access compensation if they are out of pocket?

Mr LEAN: I am not following the question. As a result of what?

The CHAIR: Decisions made on the mapping that could limit or impact them because of the fact it only has 17 per cent accuracy at this point in time?

Mr LEAN: We would dispute the assertion that the maps have 17 per cent accuracy. In our view, that is just not correct. It is also important to understand the purpose of the maps, which is to distinguish between land which is regulated and land which is not regulated. There is the opportunity to review the map if it is incorrect before decisions are made on that. I would expect in those circumstances that no issues of compensation should arise.

The CHAIR: Minister, thank you for your recent visit to Collingwood Beach. Can you advise if the Bellerive plan was considered and why it cannot perhaps be applied to Collingwood Beach?

Ms GABRIELLE UPTON: I am happy to take that question on notice but there may be something that Mr Lean wants to offer as chief executive.

Mr LEAN: We will take that on notice.

The CHAIR: Are you able to provide any further advice on whether an agreement or recommendation has been made to restore the sand dunes after your meeting with Shoalhaven City Council during your visit to the region?

Ms GABRIELLE UPTON: I welcomed the opportunity to visit with local residents, walk on the beach, see the adjacent vegetation and hear their perspectives as concerned community members. It is always important for Ministers to cite issues themselves in locations where they can. I did make an undertaking to that local community that I would bring that work back and we would consider their position. I then met with Shoalhaven City Council. They had some views they wanted to share with me. It is fair to say that I am considering all of those views at the moment.

The Hon. MARK PEARSON: Minister, you have powers under the Biodiversity Conservation Act to establish any particular species to be protected. Conservation science is increasingly pointing to the importance of dingoes as our top order mammalian predator, helping to control both introduced red foxes and free-living cats and fulfilling critical ecosystem functions, yet a recent CSIRO analysis described the dingo as a near threatened species. Given it is now clear that dingoes do not belong to the *canis canid* species but to its own species—*canis dingo*—will the Minister actively advocate and commit to amending the Biodiversity Conservation Act to list the dingo as a protected species, thereby protecting the dingo from any pest control orders directed by the Minister for Primary Industries?

Ms GABRIELLE UPTON: Mr Pearson, I thank you for raising an important issue that is of concern to you. I am happy to consider the matter. There may be other views in respect to the dingo but I appreciate your thoughts on the matter. I will ask the Chief Executive, Office of Environment and Heritage, to comment.

Mr LEAN: I would just add that decisions to list particular species as threatened species are made by the scientific committee in accordance with the criteria under the legislation. It is something that could be referred to it for consideration.

The Hon. MARK PEARSON: If it is considered not to make a broad classification across New South Wales it has been communicated to my office that some livestock farmers would support a pilot program for protecting the dingo in national parks adjacent to their land. Would the Minister consider conducting such pilot programs to analyse the impact in those areas?

The CHAIR: Order! The Minister might wish to give a short answer but then we will have to move on because of time allocations.

Ms GABRIELLE UPTON: I am happy to take that question on notice.

The Hon. PENNY SHARPE: The first part of my questions relate to Williamstown. Mr Buffier, we have dealt with this for the past two years—in fact, it is almost two years to the day that the contamination at Williamstown RAAF base was revealed. It is my understanding that Hunter Water has detected contaminants in its bores outside the red zone. Are you aware of that?

Mr BUFFIER: I am aware of some level of detection but I think it is extremely low-level detection.

The Hon. PENNY SHARPE: But contaminants have been found?

Mr BUFFIER: As I said, I am aware of some level but I think they are extremely low levels.

The Hon. PENNY SHARPE: Are you aware that there are families living outside the red zone who sought advice from the EPA when this issue was first raised and who were told that there was no problem with them eating eggs, fruit and vegetables or drinking water if they were outside the zone?

Mr BUFFIER: I am not aware of that specific advice. I am aware of the advice that we have provided generally to people in that area and that advice has been modified slightly as those standards have changed over the two years that this incident has been there. The advice now, based on the advice of NSW Health and Food Standards Australia New Zealand [FSANZ] standards, is around being cautious about eating any produce that is produced using contaminated water. That would apply whether you are in the red zone or outside the red zone.

The Hon. PENNY SHARPE: That is a significant departure from the advice they were given in the first place, is it not?

Mr BUFFIER: It is a modification of what was given in the first place, yes.

The Hon. PENNY SHARPE: You are aware that people outside the red zone have been having blood tests and they have now been found to have significant levels of perfluorooctane sulfonate [PFOS] in their bloodstreams, well above what is recommended?

Mr BUFFIER: I am aware that NSW Health says that is very difficult to correlate any blood testing results with contamination and it is very difficult to interpret those results. That is a question for NSW Health.

The Hon. PENNY SHARPE: Not really. People sought advice from the EPA. They took that advice. We have a family who has moved out of the area. Their house is mortgaged and they cannot sell it. They are paying rent. Their baby has double the level of PFOS in its blood and they have been advised by their doctors not to return to the area. Are you saying this is not a concern to the EPA?

Mr BUFFIER: Certainly not. We have put a lot of resources into dealing with the issue at Williamstown. The Government has provided us with \$10 million over two years to precisely address the issue that you are talking about—that is, giving people the best advice that we can, even providing counselling services and—

The Hon. PENNY SHARPE: Does that mean that you are now testing—

Mr BUFFIER: —providing reticulated water. But the point I would make is, those advisories are the best advice that EPA, NSW Health and the food authority have developed.

The Hon. PENNY SHARPE: Sure, and they have developed over time.

Mr BUFFIER: They are nationally agreed figures.

The Hon. PENNY SHARPE: Yes, and there is some disagreement there. My question is: Now that the blood tests of those outside the red zone are showing concern, is the EPA testing the creeks, bores and rainwater tanks of those properties outside the red zone?

Mr BUFFIER: We have been doing extensive testing.

The Hon. PENNY SHARPE: Whereabouts?

Mr BUFFIER: In Williamstown and across New South Wales in relation to PFOS. As you would know—

The Hon. PENNY SHARPE: There is an issue up in the Tweed as well. My specific question is: What is happening outside the red zone at Williamstown? I am happy for you to take it on notice if you can tell us the testing regime the EPA is taking outside the red zone in Williamstown.

Mr BUFFIER: What I would point out to you is that the polluter in Williamstown is Defence.

The Hon. PENNY SHARPE: We are well aware of that.

Mr BUFFIER: We have worked assiduously to make sure that Defence is doing the human health risk assessment—

The Hon. PENNY SHARPE: Just to clarify, EPA is not doing that testing on the areas outside the base?

Mr BUFFIER: Are you asking me are we doing that today? In what time period?

The Hon. PENNY SHARPE: At all.

Mr BUFFIER: Certainly in the early stages we stepped in and did testing. I have to take on notice—

The Hon. PENNY SHARPE: I want to know what is happening outside the red zone. I want to know whether there has been testing, whether there is testing planned or there is testing currently being done by the EPA in the areas outside the red zone, knowing full well that everything on base is Defence's problem but everything off base is the responsibility of the EPA?

Mr BUFFIER: It is not the responsibility of the EPA. That has been made very clear—

The Hon. PENNY SHARPE: So you are still flicking it back to Defence?

Mr BUFFIER: It has been made very clear that we do not have any regulatory power over Defence. I have stated that on numerous occasions.

The Hon. PENNY SHARPE: What remediation is being done to stop stormwater coming off the RAAF base since you have known about this? Since 2012?

Mr BUFFIER: What we have been talking with Defence about is what remediation can be done.

The Hon. PENNY SHARPE: You are still talking about it? You have known about this since 2012—

Mr BUFFIER: I am trying to demonstrate—

The Hon. PENNY SHARPE: —and there is still contaminated water coming off that base.

The Hon. SHAYNE MALLARD: Point of order: Mr Buffier is trying to answer the question but he is not being given a fair chance to do so.

Mr BUFFIER: I am trying to indicate to you that we do not have any powers to direct; despite that, there is water remediation occurring on Lake Cochran.

The Hon. PENNY SHARPE: Can you provide on notice to the Committee what is happening there?

Mr BUFFIER: I can provide what Defence is doing, yes.

The Hon. PENNY SHARPE: Can you provide what the EPA is doing to stop contaminated water in the areas where it is flowing outside the base—

Mr BUFFIER: I certainly can.

The Hon. PENNY SHARPE: —or are you saying nothing.

Mr BUFFIER: We have established an expert committee under the Chief Scientist to advise us and Defence on this whole issue.

The Hon. PENNY SHARPE: It is four years since you have known about it. My question is: Is contaminated water still coming off the base?

Mr BUFFIER: That was not your question.

The Hon. PENNY SHARPE: It is my question now.

Mr BUFFIER: You were asking me what we were doing about issues on the base and I was telling you. Is contaminated water still coming off the base? Yes, it is.

Ms GABRIELLE UPTON: Can I just make the point?

The Hon. PENNY SHARPE: I am ready to move on. I have not got much time left.

Ms GABRIELLE UPTON: The final Taylor report, which was issued recently on the public record—

The Hon. PENNY SHARPE: I have got it.

Ms GABRIELLE UPTON: The recommendation and observation made in that report by Professor Mark Taylor is that the actions of NSW EPA have been responsive, timely and appropriate.

The Hon. PENNY SHARPE: That is terrific. There are people living around that site who were told by the EPA that it was fine to eat their eggs and vegetables and drink their water. They have now got high levels of PFOS in their blood. There is still contaminated water coming off the site, which the EPA has known about since 2012. I do not think they care about whether it is Defence's problem or New South Wales's problem. They want to know that the New South Wales Government, through the EPA, which claims it is trying to coordinate this and take some action, is doing something about it. Instead, four years later water is still coming off the base.

Mr BUFFIER: Can I respond to that please?

The Hon. PENNY SHARPE: I want to move on.

Mr BUFFIER: I want to refute the allegation that we have done nothing. Right from the start we got into the public arena, we issued advisories, we said the clear way—

The Hon. PENNY SHARPE: Tell that to the people whose baby has got PFOS in its blood.

Mr BUFFIER: We helped people by indicating to them that removing the exposure avenues was the way to protect themselves from PFOS. That has been from day one. We have refined that advice and we have consistently gone out of our way to make sure that everyone understands that advice.

The Hon. PENNY SHARPE: Thank you. Minister, I refer you to the two attacks that are happening on our national parks. Have you told the Minister for Roads, Maritime and Freight that you will not allow a tollway to go through our oldest national park—the Royal National Park?

Ms GABRIELLE UPTON: That is a speculative matter. There is no decision. I have nothing further to say.

The Hon. PENNY SHARPE: So you have no view about a tollway going through our oldest national park that possibly should be World Heritage listed?

Ms GABRIELLE UPTON: There is no proposal; it is speculative.

The Hon. PENNY SHARPE: Are you concerned that the National Party has established a Nationals River Red Gum Branch at Deniliquin, whose sole aim is to revert the Murray Valley National Park to State forest and allow it to be commercially logged?

The Hon. SHAYNE MALLARD: You seem to take a lot of interest in National Party branches.

The Hon. PENNY SHARPE: We should probably pay some more.

Mr DAVID SHOEBRIDGE: When they are doing major environmental damage we do.

The Hon. PENNY SHARPE: This is a very significant national park.

The Hon. SHAYNE MALLARD: Do you attend the meetings?

The Hon. PENNY SHARPE: Are you concerned about the National Party's branch whose stated aim is to revert the Murray Valley National Park to State forest and open it up for commercial logging?

Ms GABRIELLE UPTON: That is a matter for the National Party.

The Hon. PENNY SHARPE: You are the Minister in charge of national parks. Have you spoken to Deputy Premier Barilaro, who was out there chest beating with that branch recently about opening that up for commercial logging? Have you said to the Deputy Premier, "This is a national park. We are not reverting it back to State forest"?

Ms GABRIELLE UPTON: I think you are being mischievous. You are referring there to an ecological thinning trial—

The Hon. PENNY SHARPE: No, I am not talking about that.

Ms GABRIELLE UPTON: —which was for the health of that national park. Whether indeed there has been a group or is a group that has been considered to be formed—

The Hon. PENNY SHARPE: A National Party branch. I can direct you to it.

Ms GABRIELLE UPTON: I have no knowledge of it.

The Hon. PENNY SHARPE: The president of it is a local sawmiller.

Ms GABRIELLE UPTON: Groups form all over the State for various interests, that is their right—we live in a democracy here in New South Wales. There is nothing more I can say.

The Hon. PENNY SHARPE: I want to ask some questions about heritage. I understand that there is a significant backlog in relation to the assessment of items being listed for heritage and I refer you to the minutes of the State Heritage Register Committee on 7 June. They state, "The time and resources required to work through the list is significant and not currently available." This is the advice in the minutes: "The Heritage Division is at maximum capacity in managing its nominations process. With the Heritage Division's current funding, at most 30 nominations can be assessed annually. With the current nominations and the deferred nominations list it would take approximately 10 years with current funding levels to assess nominations without accounting for new nominations that may be submitted." How do you respond to that, Minister?

Ms GABRIELLE UPTON: I want to commend first and foremost the work which the Heritage Council does. It is a strong commitment on the part of this State to honour and to conserve the heritage that represents our story.

The Hon. PENNY SHARPE: Except the Sirius building.

Ms GABRIELLE UPTON: There is resourcing that is put behind the Heritage Council to ensure that work can be done. There are programs that allow local communities to invest in local heritage that they hold dear.

The Hon. PENNY SHARPE: Minister, how are you going to address the backlog? You can take it on notice. I do not want a long blurb about how great the council is. I like the council too. I want to know how you are going to deal with the 10 year backlog that has been given to you as advice.

Ms GABRIELLE UPTON: I am happy to take on notice the first part of your question, but I would say that any proposal for heritage listing or modifications that has been put to me for decisions has already been gazetted.

The Hon. PENNY SHARPE: Last week, I noticed. They also say, "Delays experienced in the final endorsement and gazettal of nominations at a ministerial level have also affected achieving targets and providing clear indication of thematic success." Will you commit to this Committee that you will be more punctual in your dealings with the paperwork and the recommendations from the State Heritage Council?

Ms GABRIELLE UPTON: I welcome working with the Heritage Council; they do a good job, they offer up for consideration listings and modifications of listings and I attend to those as they come up and, as I said, every decision—

The Hon. PENNY SHARPE: You are supposed to do them in 14 days. It took you more than 200 days to do the last round of gazettals.

Ms GABRIELLE UPTON: Every decision that has been offered up to me has been gazetted.

The Hon. PENNY SHARPE: Why are you appealing the Sirius decision of the Land and Environment Court?

Ms GABRIELLE UPTON: That is a matter before the courts at the moment. I am not going to comment any further.

The Hon. SHAYNE MALLARD: Why do you not look at the heritage process for Cliefden Caves? That was a great decision.

The Hon. PENNY SHARPE: I have already said Cliefden Caves was great, but it took many, many, many weeks. We got a 200 day—I have run out of time; I am not surprised.

Mr DAVID SHOEBRIDGE: Minister, when are you going to tell Hornsby council they have to pay Parramatta council the \$22 million they are unlawfully withholding from them—money that has been paid by Parramatta residents and Hornsby is refusing to hand over?

Ms GABRIELLE UPTON: As a result of the end of the metropolitan mergers decision that was made by the Government there are some matters to be worked through. They are being worked through, and in the fullness of time—

Mr DAVID SHOEBRIDGE: At the appropriate juncture; in due course.

Ms GABRIELLE UPTON: At the appropriate juncture those matters will be resolved.

Mr DAVID SHOEBRIDGE: This is not Hornsby council's money; it is the money that has been paid by residents of Parramatta, and they have every expectation that the money will go to their own council and not be unlawfully withheld by Hornsby. For you to simply sit there and say in the fullness of time and at the appropriate juncture you may do something about it is an abdication of your responsibility as a Minister. When are you going to do something?

Ms GABRIELLE UPTON: I disagree with your characterisation of what is happening.

Mr DAVID SHOEBRIDGE: So you are okay with one council unlawfully holding \$22 million of another council's money? You are okay with just sitting there and doing nothing?

Ms GABRIELLE UPTON: No, I did not say that. I said these matters have my attention; they are being worked through.

Mr DAVID SHOEBRIDGE: Minister, can you give us an update on the \$24.6 million claim that Cumberland Council has made against Parramatta council, or are you just waiting for that to go to court?

Ms GABRIELLE UPTON: These are matters within my knowledge. I am not at liberty to comment any further, but perhaps the Acting Chief Executive Officer of the Office of Local Government would like to comment.

Mr DAVID SHOEBRIDGE: And then we might get Mr May. We will just work our way up the food chain.

Mr HURST: There is a procedure laid out in the proclamation establishing the new councils for dealing with issues of the division of assets and liabilities including funds in the bank account. It is about the staff, the resources, that are available between the former councils and how they are divided.

Mr DAVID SHOEBRIDGE: Where is it up to is the question?

Mr HURST: The proclamation sets out the process for the councils to work together—

Mr DAVID SHOEBRIDGE: I have read the proclamation. Where is it up to between Cumberland and Parramatta? It is a simple question.

Mr HURST: I can confirm it is still in the process between the two councils.

Mr DAVID SHOEBRIDGE: What part of the process?

Mr HURST: The process where they are engaging with each other about their competing concerns, about how to divide the money between the two.

Mr DAVID SHOEBRIDGE: Mr May, are you in court yet for your \$24.6 million claim?

Mr MAY: No.

Mr DAVID SHOEBRIDGE: How much of the \$24.6 million have they paid you? Your council has been basically robbed by Parramatta. All the high-rating land has been taken from Auburn, you have been given all the low-rating land from Parramatta—you need the money. When are you going to get it?

Mr MAY: The council is not in court. The councils have agreed to binding arbitration. That arbitration concluded yesterday. The arbitrator reserved his decision.

Mr DAVID SHOEBRIDGE: Can you give us on notice the costs of that arbitration? Unless you know it off the top of your head now can you tell us what the costs have been to the council for that arbitration?

Mr MAY: I do not know the costs of the arbitration.

Mr DAVID SHOEBRIDGE: Will you give it to us on notice?

Mr MAY: I can.

Mr DAVID SHOEBRIDGE: Minister, are you satisfied with a forced amalgamation process—that is the politest description I can give to it—where two councils have now had to go to a binding arbitration with all of the legal costs and other costs associated with that to sort out your own Government's mess?

Ms GABRIELLE UPTON: These are matters that are still being worked through. You have heard that from me, you have heard that there are processes—

Mr DAVID SHOEBRIDGE: Just because you are wallowing through large cow pats does not mean it is good.

Ms GABRIELLE UPTON: These are matters to be worked through. There are competing interests, there are processes that are being gone through and they will be resolved in the fullness of time.

Mr DAVID SHOEBRIDGE: This is another "in the fullness of time" and "at the appropriate juncture" at an endless multimillion-dollar cost to residents and ratepayers. That is your answer: they will be resolved in the fullness of time, at the appropriate juncture, costing millions and millions of dollars to State and local residents and taxpayers. Is that your answer, Minister?

Ms GABRIELLE UPTON: That may or may not be the case, but, as I said, we are working through the processes and councils themselves, independent from State Government, are often in a position to better resolve that between themselves.

Mr DAVID SHOEBRIDGE: Mr Overall, what is your allowance as an administrator? How much?

Mr OVERALL: It is \$225,000, I believe.

Mr DAVID SHOEBRIDGE: When do you think the campaigning started in Queanbeyan-Palerang Council for the local council election? It did not start at pre-poll. When do you think it started? Two months ago? Three months ago?

Mr OVERALL: Perhaps around the nomination time.

Mr DAVID SHOEBRIDGE: How long ago was that?

Mr OVERALL: I think nominations closed on 9 August.

Mr DAVID SHOEBRIDGE: You do not think campaigning started earlier? You announced you were going to run before then. When did you announce you were going to run?

Mr OVERALL: Shortly after nominations opened. I think it was end of July, early August, around that period. I cannot quite recall the date.

Mr DAVID SHOEBRIDGE: Assuming that the campaign period started about three months ago when people started saying they were running for council, how much have you been paid, in the last three months, as a council administrator?

Mr OVERALL: The last three months, it would be one quarter of the administrator's allowance.

Mr DAVID SHOEBRIDGE: We are talking \$60,000?

Mr OVERALL: If that is one quarter.

Mr DAVID SHOEBRIDGE: You have received from local residents \$60,000—is it taxed or untaxed, your allowance?

Mr OVERALL: It is an allowance.

Mr DAVID SHOEBRIDGE: Is it taxed or untaxed?

Mr OVERALL: It is taxable.

Mr DAVID SHOEBRIDGE: Did you get it gross or did you get it net?

Mr OVERALL: You get it gross, it is an allowance, I am not an employee.

Mr DAVID SHOEBRIDGE: Do you not think it is grossly unfair that you have received \$60,000 from local residents and ratepayers during this council election campaign? Do you not think that is unconscionable, to be receiving that kind of money and then to be using your position as administrator to run as a candidate?

Mr OVERALL: Mr Shoebridge, I have been devoting my time to my administration duties and spending very little time, and what time it has been with the election campaign has been in my own time or during the period of the pre-poll.

Mr DAVID SHOEBRIDGE: You said you could do what you like, you are not an employee, you can spend the amount of time you like.

Mr OVERALL: During the pre-poll I have forgone, at my election, the allowance. If you are a mayor or a councillor, they never did it. I have elected to do that.

Mr DAVID SHOEBRIDGE: Will you will give us the legal advice that you can forego it? Most councils, when they have said this, have been told they cannot. [*Time expired*]

The CHAIR: I refer to the Ian Potter Children's Wild Play Garden. In late 2016 the Safety in Focus assessor confirmed that the capacity is 253,000 and prepared a full risk assessment and stakeholders were advised by phone that there would be a recommendation to eliminate risk by moving the entrance away from the horse track and to face Loch Avenue. Why was Safety in Focus "directed" in late 2016 not to submit its comprehensive risk assessment that would meet the requirements of the Work Health and Safety Act 2011?

Ms GABRIELLE UPTON: I will have to take that on notice, it is not within my knowledge.

The CHAIR: The second question you may also want to take on notice is: Why was Safety in Focus restricted to merely suggesting controls to mitigate the newly introduced dangers on the horse track when the playground opened?

Ms GABRIELLE UPTON: I will take that on notice, thank you.

The CHAIR: Further to that, in response to a query about unsafe and modern horse track chicanes and fences, correspondence from the Office of Premier on 12 July said:

The construction of the Children's Wild Play Garden in Centennial Park has been carried out in full accordance with conditions approved by the NSW Heritage Council in 2015.

The Premier's office was unable to cite any heritage assessment for the construction of fences and chicanes stretching across the historic horse track. Senior Assessment Officer Ed Beebe of the NSW Office of Environment and Heritage [OEHL], admitted to stakeholders during a phone call a fortnight ago that the NSW Office of Environment and Heritage had not received any documents about the chicanes and fences constructed across the horse track from Centennial Trust. At no stage has there been an approval for significant changes to the heritage horse track, a facility which is essential for proper exercise of Centennial Park horses and which is one of only two such facilities left in the world. At no stage has there been consideration of the impact on the horse track which is officially listed as "exceptional heritage". Do you have a comment on that? Or does the heritage side have a comment?

Ms GABRIELLE UPTON: Not at this time, unless there is any comment to be offered up through Mr Lean or Ms McKenzie.

Mr LEAN: No, I think, given the detail of the question we will have to take that on notice and look into it.

The CHAIR: One question finally on that issue is: How could your department grant an approval in 2015 for a playground and then pretend that such approval included permission to radically change the nature and usage of a different part of the park which is the exceptional heritage horse track?

I return to the coastal management issues. Are you able to give an update on the status of the Shoalhaven Coastal Zone Management Plan?

Ms GABRIELLE UPTON: Obviously the coastal zone management plans [CZMP] are a way in which councils put together a strategic plan about how they will manage their coastal and ocean risks. Councils, by doing that, get access to a certain amount of funding and also an indemnity for claims that might be brought against them in certain circumstances. Hotspots have CZMPs that have been offered up. I will ask Mr Lean, as Chief Executive Officer, to comment on the status of that particular CZMP.

Mr LEAN: My recollection is that that is still being considered at the moment. I will need to check that.

The CHAIR: I think council may have deferred its issue but I want to know where it was with the State.

The Hon. MARK PEARSON: I have been traveling around regional areas of New South Wales looking at local councils and their pounds. Some are excellent and have a very good relationship with organisations that are willing to adopt and hopefully rehome companion animals. My concern is that some of the council pounds may, at times, be in breach of the Prevention of Cruelty to Animals Act. For example, section 9 is about exercise and says that a person in charge of an animal must provide exercise for that animal each day. Some of the council pounds stated clearly to me that the dogs that were impounded in quite small enclosures were not exercised each day. They were hoping for them to be rehomed soon. Some were there as part of a police investigation into attack on stock.

In the meantime I ask the Minister to turn her mind to the fact that these councils could be in breach of aspects of the Prevention of Cruelty to Animals Act [POCTA] also in relation to exposing animals to excessive heat or excessive cold. I have pointed this out to the council managers. It has been a bit of an alarming situation for them because it seemed to me that they were not aware of their requirements to protect these animals in this way or care for them in that way under POCTA, as opposed to the Companion Animals Act.

Ms GABRIELLE UPTON: As you will appreciate well, the Minister for Primary Industries looks after POCTA and companion animals come under the local government Minister. If you are concerned, I urge you to take up some of those matters with Minister Blair. From the council side, if there is anything we need to do to ensure councils are better educated to understand their responsibilities, I am happy to take that on notice and ensure that they are informed about that and also if there are specific concerns that you have about specific pounds and councils, to raise that with me.

The Hon. MARK PEARSON: I will. I will send it in more detail in writing. Thank you.

The CHAIR: That concludes the budget estimates hearing for Portfolio Committee No. 6. I thank the witnesses.

(The witnesses withdrew)

The Committee proceeded to deliberate.