

Water, Property and Housing – Responses to Questions on Notice

Hearing: Tuesday 10 March 2020

Question #	Question #	Response
QoN #1 on Page 4	<p>The Hon. MICK VEITCH: Minister, with regard to the floodplain harvesting regulation, when did you instruct the department to commence drafting that regulation?</p> <p>Mrs MELINDA PAVEY: I will have to take that one on notice.</p>	<p>The Minister gave in-principle approval to amend the Water Management (General) Regulation 2018 to introduce temporary exemptions for floodplain harvesting licences and work approvals on 24 October 2019 enabling the department to give instructions to the Parliamentary Counsel's Office for the regulation amendment to be drafted.</p>
QoN #2 on Page 5	<p>The Hon. MICK VEITCH: So the embargo is lifted and then they ring the Minister or advise the Minister?</p> <p>Mrs MELINDA PAVEY: Or it is put on the website.</p> <p>The Hon. MICK VEITCH: So you find out from the website?</p> <p>Mrs MELINDA PAVEY: I actually do not recall where I heard it had been lifted, but it was through a process of public information.</p> <p>The Hon. MICK VEITCH: So you are the water Minister and you find out from your officials from a website?</p> <p>Mrs MELINDA PAVEY: I may have found out directly. I will have to take on notice how I was actually advised of it, but I do not recall getting a call from the panel.</p>	<p>An advisor in the Minister's office was first informed of the temporary lifting of the floodplain harvesting restriction on the 9th of February before a formal briefing was provided to Minister Pavey's Office the following day.</p>

The Hon. EMMA HURST: Good morning, Minister. I would like to talk to you about the wombat mange in Bendeela Recreation Area, which is managed by WaterNSW. The last time we were at budget estimates we talked about potentially allowing wildlife carers into the area to treat the ongoing problem of wombat mange. As you know, I have met with you and I have spoken a bit with your staff as well about the issue. I would like to go all the way back to the very beginning of the problem of wombat mange in that area. When did you personally first become aware of the problem of wombat mange in Bendeela?

Mrs MELINDA PAVEY: I think it was at budget estimates with you last year, Ms Hurst. I think there was a brief but it certainly was very much on my radar from the budget estimates where you raised it.

The Hon. EMMA HURST: Do you know when your department and WaterNSW first became aware of the problem?

Mrs MELINDA PAVEY: I will refer to Mr Harris.

Mr HARRIS: Years ago. It is not a new problem and it is a problem statewide.

The Hon. EMMA HURST: I saw a petition from some wildlife carers online about trying to get access to Bendeela back in 2015. Would you say it has been about five or six years, roughly?

Mr HARRIS: I would have to take that on notice but, yes, you could well be right.

Mange has been present within the Kangaroo Valley locality for decades. Mange is present in wombat populations throughout Australia. Anecdotal observations indicate that the number of mange affected wombats at Bendeela has been consistent for many years. WaterNSW and predecessor organizations have been working with National Parks and Wildlife, South Coast Wildlife Rescue and WIRES since 2015 to manage animal welfare at Bendeela

<p>QoN#4 on Page 8</p>	<p>The Hon. EMMA HURST: Do you know in the last five or six years what has been done by WaterNSW to help those wombats?</p> <p>Mr HARRIS: Yes. As you know, because we briefed your office only a week or so ago, we have taken a step forward on this in terms of seeking an Australian Research Council [ARC] linkage grant for an academic at the University of Tasmania to run a study on sarcoptic mange affecting the wombats in the Bendeela area, noting that our Bendeela site is only about 15 hectares of an estimated 280 hectare site. Up until that time we had been using National Parks and Wildlife Service [NPWS] to treat those wombats.</p> <p>Mr HARRIS: Coming on site to effectively manage them and if necessary to euthanise particularly sick animals.</p> <p>The Hon. EMMA HURST: Were they treating them for the mange?</p> <p>Mr HARRIS: I do not think they were, no, although I will take that on notice as well.</p>	<p>National Parks and Wildlife Services were not treating wombats for mange at Bendeela Recreation Area.</p>
<p>QoN#5 on Page 8</p>	<p>Mr HARRIS: For some period we did have local groups accessing that site. I will just look at my notes to tell you who they were: Wildlife Rescue South Coast and to a lesser extent Kangaroo Valley WIRES.</p> <p>The Hon. EMMA HURST: Do you know when they were given access and what they did?</p> <p>Mr HARRIS: In terms of detail I would have to come back to you and take that one on notice as well.</p> <p>The Hon. EMMA HURST: If you would not mind taking it on notice, what period of time they had access, what treatment they undertook on the wombats, and what the outcome of that treatment was?</p> <p>Mr HARRIS: Sure.</p>	<p>In 2016, WaterNSW held a workshop that included WaterNSW, National Parks and Wildlife Services, WIRES and Wildlife Rescue South Coast (WRSC).</p> <p>Since that time both WRSC and WIRES have been provided access to the site to euthanise animals or to take animals off site for treatment where appropriate.</p>

<p>QoN#6 on Page 8</p>	<p>The Hon. EMMA HURST: Do you have the number of wombats that have actually been killed since about 2014 or 2015?</p> <p>Mr HARRIS: Again, I would have to take that on notice.</p>	<p>Records since 2014 were not able to be ascertained, however the figure from 2016 is 51 wombats.</p>
<p>QoN#7 on Page 8</p>	<p>The Hon. EMMA HURST: And what about if the wombat has a young in the pouch? Do you know what happens in those situations?</p> <p>Mr HARRIS: Again I would have to take that on notice.</p>	<p>As is the practice of Wildlife Rescue South Coast and WIRES, females are checked for pouch young and the animals taken into care if needed</p>
<p>QoN#8 on Page 8/9</p>	<p>The Hon. EMMA HURST: And also if there are efforts made around a young at foot. What happens to those young wombats? Why are the wombats shot rather than being killed in a more humane way like through the lethal injection that is commonly used for cats and dogs? Do you know if any humane alternatives were considered?</p> <p>Mr HARRIS: Again I would have to take that on notice, but I am advised that is the method preferred by those three groups.</p>	<p>As is the practice of Wildlife Rescue South Coast and WIRES, females are checked for pouch young and the animals taken into care if needed.</p> <p>Shooting is the preferred methodology as it results in an instantaneous and stress-free death for the animal. There is no requirement for the animal to be captured or approached by the person undertaking the euthanasia. Lethal injection requires a person to be in close proximity and to hold the animal still for a period of time to allow for the injection.</p>

The CHAIR: What advice did you receive about the legality of the mechanism that applies a section 3 (24) embargo to Water Act 1912 activities that are not actually contained in the Water Management Act?

Mrs MELINDA PAVEY: We will take the question on notice about the advice we received. I am sure there are filing cabinets full of advice. This has been a process that has required a lot of consultation and a lot of legal work. We are at that point. We will have a licensing regime completed by 2021. That is our plan. We are able to create a mechanism through regulation to ensure that there was no take during this recent rain event.

The CHAIR: For the record, I am particularly interested in the legal advice and whether this does what it sets out to do.

Mrs MELINDA PAVEY: Do you want to narrow that down at all, Mr Banasiak?

The CHAIR: How would you like it narrowed?

Mrs MELINDA PAVEY: I am asking you.

The CHAIR: No. I just want the general legal advice that you sought regarding how this mechanism allows for these Water Act 1912 licences to be merged into the Water Management Act when they have not been for 19 years. I want to know whether it does what it says it does and whether it is actually legal.

Mrs MELINDA PAVEY: Okay.

Any legal advice that may have been received on the matter would be subject to legal professional privilege.

<p>QoN#10 on Page 10</p>	<p>[continued] The CHAIR: In the last budget estimates we spoke about the Barwon-Darling sharing plan and a lack of cap accreditation. I asked whether you thought it was illegal, given that it was running contrary to the Commonwealth Water Act. You said you would take the question on notice. Your answer came back and it said, "I do not subscribe to the view that the Barwon-Darling Water Sharing Plan is illegal." What advice did you seek from anyone in this room or anyone else to make that determination?</p> <p>Mrs MELINDA PAVEY: I will take that on notice and provide the information.</p>	<p>Any legal advice that may have been received on the matter would be subject to legal professional privilege.</p>
<p>QoN#11 on Page 11</p>	<p>The CHAIR: Thank you. Sticking with water sharing plans and accreditation, has the Commonwealth provided any feedback or instruction about the Murray-Darling Basin Authority agreement around national partnership funding being delayed or removed if the water sharing plans are not gazetted?</p> <p>Mrs MELINDA PAVEY: I understand that Minister Pitt was at Senate estimates this week and that he understood from our conversations that we will have water resource plans, which incorporate our water sharing plans, and that we will have those to them by the end of this financial year. After we finish, there will be a final round of consultation with our stakeholder advisory panel [SAP]. We published the dates of those SAP meetings. Mr Pitt understood New South Wales' position that we wanted to do another round of consultations. We will have them and he is happy with that. I think there was some reference to payments being made to New South Wales during that budget estimates hearing. I have not read the transcript, but I believe it is there.</p> <p>The CHAIR: Do you have a date for when the current agreement lapses?</p>	<p>The National Partnership Agreement on Implementing Water Reform in the Murray-Darling Basin expires on 30 June 2020, or on the acceptance of final performance reporting and processing of final payments against performance benchmarks or project milestones, and may be terminated earlier or extended if agreed in writing between the parties.</p>

Mrs MELINDA PAVEY: I will take that on notice.

QoN#12 on
Page 13

The Hon. PETER PRIMROSE: You can take this question on notice if you wish. Can you break that up into recurrent maintenance and capital maintenance for the last financial year and this financial year?

Mr CASSEL: I am happy to take that on notice.

2018-19
Recurrent maintenance \$324m
Capital maintenance \$128.5m
Total maintenance \$452.5m

2019-20
Data not available until release of the 2019-20 audited financial statements.

The Hon. PETER PRIMROSE: I understand but I am simply saying: How many properties for which the Minister is responsible are clad?

Ms FRAME: That is not information that is held by Property NSW. I am happy to take that on notice and we can get it from our Planning colleagues who are the repository of that.

The Hon. PETER PRIMROSE: So the property Minister does not know how many properties are clad with this potentially lethal substance?

Ms FRAME: That information is held within the department of DPIE but it is not a responsibility of Property NSW.

The Hon. PETER PRIMROSE: Is it a responsibility for the property Minister to know that?

Ms FRAME: At the moment, it is held within the department of planning.

The Hon. PETER PRIMROSE: I understand but I am putting it to Minister Pavey. The properties for which you are responsible—do you know how many there are?

Mrs MELINDA PAVEY: As the deputy secretary has commented, other agencies keep that information with the department of planning. I might refer to Mr Betts for further—

Ms FRAME: Can I also clarify that each cluster is responsible for their own buildings. So the department of planning holds that information but they also—and neither is Property NSW responsible for managing the risk related to buildings that each cluster might own that may or may not have cladding.

The Hon. PETER PRIMROSE: But it is not an unreasonable question that the property Minister would know what properties, or at least how many, are subject to possibly lethal cladding material, given that the assessment has been done. That is my question.

An interagency Cladding Taskforce was established as part of the Government's plan to address fire safety risks relating to external combustible cladding on buildings. Property NSW's role is largely transactional and includes providing advice to the Government on property-related matters. All State Government agencies with a property portfolio are reporting to the Taskforce about any buildings that may have combustible cladding including on investigations and assessments.

Property NSW do not have any owned properties in their portfolio with an identified risk following the review that was undertaken. Rectification works and the costs associated with the removal of cladding are the responsibility of the building owner.

There are 14 properties within the PNSW leased portfolio that were identified at risk by FRNSW and PNSW is working with the owners of these properties who have the responsibility to remediate these issues.

In relation to the Land and Housing Corporation:

- Approximately 57,000 units of LAHC owned and head leased properties were assessed.
- Site inspections were undertaken of all 42 high-rise buildings and other multi-unit complexes to confirm that no external aluminium cladding was present.
- This process also included privately owned properties where public housing tenants reside.
- The assessment confirmed that no aluminium composite cladding over any external façade was present.
- In relation to new buildings, LAHCs specifications do not allow the use of aluminium combustible cladding on external facades.

	<p>Ms FRAME: Certainly, we can take that on notice and provide that information.</p> <p>Mr BETTS: We can take that on notice. We can also answer that question in relation to the Land and Housing Corporation [LAHC].</p>	
<p>QoN#14 on Page 14</p>	<p>The Hon. PETER PRIMROSE: Minister, can you make available to the Committee which Property NSW assets and government buildings are, in fact, affected?</p> <p>Mrs MELINDA PAVEY: I will take that on notice.</p> <p>The Hon. PETER PRIMROSE: Are you taking on notice to provide the list or are you taking on notice to consider whether you will provide it?</p> <p>Mrs MELINDA PAVEY: Where the information is and how, in terms of cluster arrangements, that information is provided.</p>	<p>No PNSW-owned assets are affected by combustible cladding.</p>

<p>QoN#15 on Page 14</p>	<p>The Hon. PETER PRIMROSE: Thank you. We know that one building, for example, is the SafeWork NSW office in Liverpool. Have you made a plan to remove and replace the high-risk flammable cladding in this building?</p> <p>Mrs MELINDA PAVEY: I am not aware of the details of that. I have not made any commitments personally but it is important that we understand where it is and we have strategies going forward. But it is not a property that is under my direct control. The deputy secretary has some information to add to that.</p> <p>Ms FRAME: We will take that on notice and get back to you with more information.</p> <p>The Hon. PETER PRIMROSE: Thank you, because we raised it in budget estimates last year. Have you received rectification orders from any council in respect of a Property NSW asset with flammable cladding?</p> <p>Ms FRAME: Not that I am aware of but we will take that on notice and confirm that.</p> <p>The Hon. PETER PRIMROSE: How long do you anticipate it will take to remove flammable cladding from government buildings like Ultimo TAFE or SafeWork NSW?</p> <p>Ms FRAME: I would have to take that on notice. We would, obviously, be working with the relevant building owner, whichever cluster that is, to assist them where we can but I would need to take that on notice. It will be different for each circumstance and each building.</p>	<p>SafeWork NSW have an occupancy agreement with PNSW. PNSW in turn have a lease (head lease) with the private owners of the building. Rectification works are the responsibility of the building owner.</p> <p>PNSW does not have any information on Ultimo TAFE as it is not a PNSW asset - This should be referred to Skills and Tertiary Education.</p> <p>No rectification orders have been received by PNSW for their Freehold (owned) assets. PNSW would not receive rectification orders for leasehold assets as these would be issued to the private owner.</p>
<p>QoN#16 on Page 14</p>	<p>The Hon. PETER PRIMROSE: Let me talk specifically about Property NSW. Can you please take on notice what you anticipate it will cost to address all flammable cladding in relation to Property NSW assets?</p> <p>Ms FRAME: Certainly. As much as we are able to answer that question, we will take it on notice.</p>	<p>Nil. No PNSW owned assets are affected by combustible cladding.</p>

<p>QoN#17 on Page 15</p>	<p>The Hon. PETER PRIMROSE: Thank you, Minister. Can I ask without interrupting—you mentioned the Sirius building. I gather that the Government exchanged on that building in June 2019 for \$150 million. Is that correct? How much of this \$150 million will go towards new public housing stock?</p> <p>Mrs MELINDA PAVEY: It has gone into reinvesting in the public housing stock across New South Wales.</p> <p>The Hon. PETER PRIMROSE: The total of the \$150 million?</p> <p>Mrs MELINDA PAVEY: I will take that on notice. I am sure there were probably some fees on the way through but it was designed specifically to reinvest in more fit-for-purpose stock so that we have more stock and availability for older women. We have a strong focus, and I know Minister Ward has a strong focus, on our priority housing group.</p>	<p>The full \$150 is being reinvested in social housing.</p>
<p>QoN#18 on Page 16</p>	<p>The Hon. PETER PRIMROSE: In terms of cladding, how many properties are there that are affected by flammable cladding within your portfolio?</p> <p>Mrs MELINDA PAVEY: We will take that on notice.</p>	<p>An interagency Cladding Taskforce was established as part of the Government's plan to address fire safety risks relating to external combustible cladding on buildings. Property NSW's role is largely transactional and includes providing advice to the Government on property-related matters. All State Government agencies with a property portfolio are reporting to the Taskforce about any buildings that may have combustible cladding including on investigations and assessments.</p> <p>Property NSW do not have any owned properties in their portfolio with an identified risk following the review that was undertaken. Rectification works and the costs associated with the removal of cladding are the responsibility of the building owner.</p> <p>There are 14 properties within the PNSW leased portfolio that were identified at risk by FRNSW and PNSW is working with the owners of these properties who have the responsibility to remediate these issues.</p> <p>In relation to the Land and Housing Corporation:</p> <ul style="list-style-type: none"> Approximately 57,000 units of LAHC owned and head leased properties were assessed.

		<ul style="list-style-type: none"> • Site inspections were undertaken of all 42 high-rise buildings and other multi-unit complexes to confirm that no external aluminium cladding was present. • This process also included privately owned properties where public housing tenants reside. • The assessment confirmed that no aluminium composite cladding over any external façade was present. • In relation to new buildings, LAHCs specifications do not allow the use of aluminium combustible cladding on external facades.
<p>QoN#19 on Page 17</p>	<p>Dr BENTLEY: Indeed, so that Greater Sydney strategy will be a 20-year look ahead. It will set out what needs to be done, let us say, in the next five years and what would need to be done in the years beyond that. It would be a strategy for 20 years but it would also take a 40-year horizon.</p> <p>Ms CATE FAEHRMANN: What predicted temperature increases are you modelling in relation to climate change as part of that strategy?</p> <p>Dr BENTLEY: I would have to take the specifics of that on notice, but the climate change modelling is being included in the Greater Sydney strategy.</p> <p>Ms CATE FAEHRMANN: In terms of risks of, for example, what is being predicted under the business as usual scenario under the Paris climate agreement, which is three degrees, you would think something like that would be modelled for New South Wales?</p> <p>Dr BENTLEY: I do not want to mislead you, so I will take the specifics on notice. But the climate change modelling is being built into the work, both for our regional water strategies and for the Greater Sydney strategy, which is effectively like another regional water strategy.</p>	<p>The Greater Sydney Water Strategy will consider the potential impacts of climate change on both water consumption and the amount of water that will be available from dams in the future. The specific scenarios for climate change, and how they are considered within the strategy development are currently being assessed.</p>

<p>QoN#20 on Page 18</p>	<p>The Hon. EMMA HURST: Thank you, that was really useful. You said that the wildlife groups were allowed in 10 years ago and some more recently. Do you have any more information about those who were allowed access more recently?</p> <p>Mr HARRIS: I do not, but I will take it on notice.</p>	<p>In 2016, WaterNSW held a workshop that included WaterNSW, National Parks and Wildlife Services, WIRES and Wildlife Rescue South Coast (WRSC).</p> <p>Since that time both WRSC and WIRES have been provided access to the site to euthanise animals or to take animals off site for treatment where appropriate.</p>
<p>QoN#21 on Page 18</p>	<p>The Hon. EMMA HURST: Back to my question, do you know how many wombats will be included in this particular study going forward?</p> <p>Mr HARRIS: I will have to come back to you on that one.</p>	<p>The full number of wombats to be treated as part of developing the long term treatment guidelines will not be known until the benchmarking study is undertaken in May/June (now potentially delayed subject to COVID-19 restrictions). The aim of the project is to provide a sustainable treatment plan for the population as whole.</p>

QoN #22 on
Pages 22-23

Dr BENTLEY: Or it might be perfectly sensible for the Minister to decide. The reason for this remaking rather than putting up many amendments is just about being administratively simple and clear. It is nothing to do with trying to take a longer period of time before review. As I have said, the review of the Barwon-Darling was brought forward. All of the recommendations from the NRC review have been included and the draft water sharing plan that has been consulted with the community on and which will ultimately go up for consideration by the Murray-Darling Basin Authority. We have taken the review early, we have applied the lessons of the review as we said we that we would and there is nothing to say that we would not call for an early review or that the Minister would not call for an early review of these remaining plans. This is not about trying to push back the date of review, nor is it about not trying to learn. I think actually we have demonstrated the opposite. We have sought to learn, and we have learnt, and we have applied those learnings.

The Hon. MICK VEITCH: As a part of this process then, have we undertaken any assessment as to whether or not this process will expose the State to some sort of—

Dr BENTLEY: The choice to remake, rather than amend.

The Hon. MICK VEITCH: Yes.

Dr BENTLEY: To my knowledge—and I will take it on notice to confirm—it does not make any difference at all. It was an administrative choice between having a complicated amended process or remaking the plan.

The ability to remake or amend a plan is allowed under the Water Management Act 2000. There is no exposure for the state in choosing either of these options.

<p>QoN#23 on Pages 25-26</p>	<p>Mr JUSTIN FIELD: Minister, did your office drop the letter that you sent to the NRC outlining your concerns about that review to Kylar Loussikian from The Sydney Morning Herald before you actually sent it to the NRC?</p> <p>Mrs MELINDA PAVEY: I have no knowledge of that.</p> <p>Mr JUSTIN FIELD: Minister, I have been following up that process and that time line since—I think we discussed it at the last budget estimates. Since then I have made a Standing Order 52 request and tried to get a bit of a handle on how all of that happened. There are some very curious time lines. I have seen some emails and documents between the NRC and the journalist and certainly within WaterNSW. It is pretty clear that questions were being asked by the journalist of the NRC before the NRC received your letter. Was the letter prepared by your office or was it prepared by the department?</p> <p>Mrs MELINDA PAVEY: I will take that on notice.</p>	<p>The letter was drafted internally in the Ministerial office.</p>
<p>QoN#24 on Page 26</p>	<p>[continued]</p> <p>Mr JUSTIN FIELD: Minister, why was your letter not provided to me in response to the Standing Order 52 request?</p> <p>Mrs MELINDA PAVEY: I will take that on notice.</p>	<p>Searches did not identify any copy of the letter in the possession of the Minister's Office at the time the Order was made.</p>

<p>QoN#25 on Page 30</p>	<p>The Hon. DANIEL MOOKHEY: Minister Pavey, when did you first learn and how did you first learn that Mr Laurie was being dismissed?</p> <p>Mrs MELINDA PAVEY: I am sorry, what was that question again?</p> <p>The Hon. DANIEL MOOKHEY: When did you first learn and how did you learn that Mr Laurie was being dismissed?</p> <p>Mrs MELINDA PAVEY: I will have to take that on notice.</p> <p>The Hon. DANIEL MOOKHEY: Were you told by your chief-of-staff or were you told by your office that this had taken place?</p> <p>Mrs MELINDA PAVEY: I will have to take that on notice. I do not know where I was. But I think Dr Bentley was the one that advised me.</p>	<p>I heard about the decision when I was briefed by Dr Bentley.</p>
<p>QoN#26 on Page 30</p>	<p>[continued] The Hon. DANIEL MOOKHEY: Dr Bentley, did you advise the Minister?</p> <p>Dr BENTLEY: I did.</p> <p>The Hon. DANIEL MOOKHEY: How did you do that? Did you call her up? Did you have a meeting?</p> <p>Dr BENTLEY: From memory, we were together. We are often together. I brief the Minister on lots of things.</p> <p>The Hon. DANIEL MOOKHEY: Was that prior to the decision being announced?</p> <p>Dr BENTLEY: I would have to take that on notice.</p>	<p>The decision was not announced by the Department but I briefed the Minister before the decision was reported on.</p>

QoN #27 on
Page 31

The Hon. DANIEL MOOKHEY: Did anybody from your office have any conversations with the primary industries Minister about the decision to terminate Mr Laurie before or after?

Mrs MELINDA PAVEY: I cannot speak on behalf of conversations that people in my office may or may not have had.

The Hon. DANIEL MOOKHEY: Are you aware of any discussions that they may have had?

Mrs MELINDA PAVEY: I am not aware but I cannot speak on behalf of my policy advisers or senior people in my office.

The Hon. DANIEL MOOKHEY: Can you check and take that on notice?

Mrs MELINDA PAVEY: I will take that on notice.

The Hon. DANIEL MOOKHEY: Thank you. Did anyone from your office have any conversations with anyone from the Deputy Premier's office about this matter?

Mrs MELINDA PAVEY: I do not know.

The Hon. DANIEL MOOKHEY: Can you check?

Mrs MELINDA PAVEY: I will check.

My office were made aware of the decision following a media inquiry. My office discussed it with the Deputy Premier's office.

QoN #28 on
Page 31

The Hon. DANIEL MOOKHEY: Mr Betts, did you have any discussions with the Deputy Premier about this?

Mr BETTS: No.

The Hon. DANIEL MOOKHEY: Did Mr Bentley?

Dr BENTLEY: No.

"The Hon. DANIEL MOOKHEY: To the best of your knowledge, did anyone in your staff or leadership?

Mr BETTS: I am pretty confident that they would not have, but I cannot say under oath absolutely not.

The Hon. DANIEL MOOKHEY: Can you check, Mr Betts and Dr Bentley? Can you both check whether or not any discussions were had by the department and the Deputy Premier's office?

Mr BETTS: Prior to the decision?

The Hon. DANIEL MOOKHEY: Prior to, after, in any context whatsoever.

Mr BETTS: Okay. My understanding is that if any discussions did take place they would have taken place through Mr Barnes who is the Coordinator-General for Regions, Industry, Agriculture and Resources and I think he told budget estimates last week that he did not have any prior conversations with the Deputy Premier because he did not know about it

There were discussions between the DPIE Leadership Team and the Ministers.

The Hon. DANIEL MOOKHEY:
Minister, when media inquiries were
made of this matter a statement went
out from your office. That is correct?

Mrs MELINDA PAVEY: I will take that
on notice. I do not remember the
statement. There could have been a
comment made. I am not sure
whether it was a media release.
When you say "statement" what do
you—

The Hon. DANIEL MOOKHEY: Did
your office email radio programs,
among others, a statement attributed
to you explaining the decision to
dismiss Mr Laurie?

Mrs MELINDA PAVEY: They could
well have.

The Hon. DANIEL MOOKHEY: Did
your office draft that statement?

Mrs MELINDA PAVEY: I will have to
take that on notice.

The Hon. DANIEL MOOKHEY: Was
that statement drafted by the Deputy
Premier's office?

Mrs MELINDA PAVEY: Not to my
knowledge but I will take that on
notice. Can you table that for us?

The Hon. DANIEL MOOKHEY: I table
this. It is my only copy but if you could
give it to the Minister straightaway,
that would be good. Just as a matter
of preliminary comment, Jessica Cole
is your media secretary. Is that
correct?

Mrs MELINDA PAVEY: Yes.

The Hon. DANIEL MOOKHEY: Have
a look at the document. That is a
return under freedom of information.
It says that the senior media adviser
to the Deputy Premier drafted that
statement and provided it to your
office. The Deputy Premier's office
made the choice to attribute it to you
and it therefore went out under your
name. Why did that take place?

Mrs MELINDA PAVEY: I will need to
take that on notice.

The statement was issued by the Deputy Premier's
office.

QoN #30 on
Page 32

The Hon. DANIEL MOOKHEY: Did you see that statement before it was issued under your name?

Mrs MELINDA PAVEY: Let me just read the statement.

The Hon. DANIEL MOOKHEY: Please.

Mrs MELINDA PAVEY: Yes. That was forwarded to me at some point in the process.

The Hon. DANIEL MOOKHEY: Do you know when in the process it was forwarded to you?

Mrs MELINDA PAVEY: No, I do not but I will take that on notice.

The Hon. DANIEL MOOKHEY: Was it forwarded to you after it was sent to media organisations or prior?

Mrs MELINDA PAVEY: I will take that on notice.

I saw a version of the statement, but cannot confirm when that was in relation to when it was sent, or if it was the final version of the statement.

QoN #31 on
Page 35

The Hon. MICK VEITCH: Minister, in the time that I have left, at estimates last time I asked whether the State was going to remove itself from the Murray-Darling Basin Plan and if any legal work had been undertaken around what that would look like. Since estimates, has that work been done?

Mrs MELINDA PAVEY: There has been legal advice sought in relation to that, certainly. The Deputy Premier was very firm in the past couple of weeks in supporting, with my support, a royal commission that would need to be held at a Federal level. You and your communities know the stress that our towns and our farmers are under. I think 400 gigitalitres going over the barrages in South Australia is something that has created a lot of frustration, especially when you have the Commonwealth Environmental Water Holder dropping 22 gigitalitres from Wyangala. Now we are at, I think, 13.9 per cent at Wyangala even after all this rain. We have got some serious town water supply issues for Cowra, Forbes—

The Hon. MICK VEITCH: So you are getting legal advice or you have—

Mrs MELINDA PAVEY: We have had that.

The Hon. MICK VEITCH: You have advanced that since the last estimates. Does that legal advice include, if there would be any compensation or liability attained by the State in such an action?

Mrs MELINDA PAVEY: I would have to take that on notice.

The NSW Government will continue to assess and examine options to support NSW communities and water users impacted by the Basin Plan.

The NSW Government has a range of options available which have different risks associated with them.

Any legal advice that may have been received on the matter would be subject to legal professional privilege.

Mr JUSTIN FIELD: At the time, and I think in that interview as well, you said that the lifting of the embargo for certain valleys—only a couple of properties I think was the term you used—were affected and 99 per cent were not affected by the lifting of the embargo. Is that accurate?

Mrs MELINDA PAVEY: On reflection, that was not the accurate information. I have now since learnt that the area that the embargo was lifted was around a third of that north-west area where floodplain harvesting occurred and that was not an accurate reflection of the number of properties. But I think what is more important is that there are now around 250 gigalitres of water about one or two weeks away from Menindee Lakes. The intent has worked and if there are concerns, if people believe that lobbying or information that was provided to the decision-makers on that floodplain harvesting event were given incorrect information, then it is the right of anybody to take that up with NRAR.

Mr JUSTIN FIELD: Minister, would you be able to let the Committee know how many properties were covered, how many floodplain harvesting works would have been covered and how much the quantity of water—whether they did capture it or not—the lifting of that embargo would have covered?

Mrs MELINDA PAVEY: We will take that on notice.

Approx 200 properties and 415 storages. If all pumps had full access to water, the maximum volume that could be taken over the 4 days was 200GL, preliminary remote sensing analysis indicates that less than 20% of the volume (40 GL) was taken.

QoN #33 on
Page 40

The CHAIR: Fair enough. I wanted to address a particular correspondence with you about the Emmdale Roadhouse and their request for a change of licence on a roadside bore. For your benefit, it is between Wilcannia and Cobar and has not had access to permanent water since 2013. The access to a neighbouring bore has no tenure and will cease if that property or the roadhouse is sold. They are seeking an alternative water supply, given the remote service they provide to the general public and also the Royal Flying Doctor Service in medical emergencies; they are a fuel and shower stop. Have you had conversations at all with the Minister for Regional Transport and Roads about the possibility of changing this licence to the nearby roadside bore that is available?

Mrs MELINDA PAVEY: I have not had a personal conversation with the Minister for Regional Transport and Roads. I am sure our people are looking at it. But just to give you an idea of the number of bore applications that have come in since the drought, at one point we had 355, I think the figure is. Someone is just getting me the number. But it was a manifest increase and we actually put a bigger team of people on to deal with bore applications and we were able to get through a lot of them. To the details of that one, I have not had a conversation but I am not saying that we have not been working on it behind the scenes.

The CHAIR: Are you prepared to take it on notice and come back to see whether there has been some movement in that area?

Mrs MELINDA PAVEY: Yes.

Written representations on this issue have been made, and these representations were referred to the Natural Resources Access Regulator (NRAR) who responded in writing on 17 March 2020.

<p>QoN #34 on Page 43</p>	<p>The Hon. MICK VEITCH: Minister, when you talk about opportunities, has the department given any consideration to exclusion fencing as part of the replacement of fencing with adjacent landholders?</p> <p>Mrs MELINDA PAVEY: In relation to exclusion fencing, I am not sure whether the deputy secretary has had any conversations with anybody around that.</p> <p>Ms SKEWES: No. I cannot add anything more to that response, Minister. But I am happy to get some advice if the Committee would like that.</p> <p>The Hon. MICK VEITCH: Could you please do that? Because there are farmers saying this is the perfect opportunity to replace those damaged fences with exclusion fencing particularly along government-owned land where there are adjacent landholders. It does make sense in a lot of places. It is a lot more expensive, I accept that. But in the longer term there might actually be a productivity gain for us all. If you can take that on notice, that would be good</p>	<p>The NSW COVID-19 stimulus package includes \$209 million in funding in 2019/20 and 2020/21 for contributions towards replacement of fences adjoining State owned land, including Crown land, that have been damaged by bushfires. The Department of Planning, Industry and Environment is managing this program.</p>
<p>QoN #35 on Page 43</p>	<p>The Hon. MICK VEITCH: My final question is around the bushfire. Minister, you mentioned that a number of people used showgrounds or Crown reserves as a place for evacuation. Some of those became informal evacuation centres. Has the department conducted any work at all on what actually happened on the ground during the fires to work out in future what we might need to do? As I understand it, there were a couple of places where people were headed but the road infrastructure—because it was Crown land—the laneway in actually was not able to sustain the amount of traffic coming through.</p> <p>Mrs MELINDA PAVEY: No. I am happy to look at that, Mr Veitch.</p>	<p>Crown Land will consider ways it can continue to support communities impacted by the recent fires now and into the future. Recent engagement with communities affected by the bushfires has not revealed any instances where the public experienced difficulties in accessing Crown land reserves that were designated as emergency evacuation areas, however I am happy to investigate any specific instances you may be aware of.</p>

QoN #36 on
Page 44

The Hon. MICK VEITCH: So I just want to give you the opportunity to say that is not the case because those words previously would unsettle a whole heap of people. So we are not going to sell them. So with regard to the review now, the TSRs are going to be managed on a centralised statewide basis, is that correct? And the Local Land Services will have on-the-ground administration? That is the new process?

Ms SKEWES: As I understand it, yes. I do not think there has been any change to our position on travelling stock reserves. But I am happy to take that on notice and ensure that we provide that clarification.

The Hon. MICK VEITCH: How much money are we going to invest in maintaining the TSRs now?

Ms SKEWES: I will take that on notice.

The Hon. MICK VEITCH: For this financial year—but also if you could project that would be very good, thank you—

Approximately 70 per cent of Travelling Stock Reserves (TSRs) in NSW are enclosed within perpetual Western Lands leasehold properties in the Western Division of NSW. These TSRs are maintained by landholders as part of their pastoral or agricultural enterprises and lease condition require landholders to maintain these areas.

The remainder, or approximately 530,000 hectares of the TSRs are managed by Local Land Services. As such, your question is better directed to the Hon Adam Marshall, Minister for Agriculture being the Minister responsible for Local Land Services.

QoN #37 on
Page 45

The Hon. MICK VEITCH: Through the Minister to you, Ms Frame, how long do we have left at Rookwood?

Ms FRAME: The approval of Varroville provides quite a lot more time frame.

The Hon. MICK VEITCH: But how much is at Rookwood right now?

Ms FRAME: I will just confirm this on notice to make sure we get the figures right. My understanding was that Varroville would provide adequate land up until the early 2030s.

The Hon. MICK VEITCH: Yes, but the issue is how much is left in Rookwood right now?

Ms FRAME: I will have to take that on notice.

The Hon. MICK VEITCH: The concern is we are going to run out of land before we get this other stuff in place.

Mrs MELINDA PAVEY: There is a number of years, but we will take it on notice.

Ms FRAME: Yes, I will get you the exact figure for that. The Hon. PETER PRIMROSE: Minister, is it correct that Property NSW now has ownership of the Glebe Island Bridge?

Mrs MELINDA PAVEY: It is not Property NSW. This is an issue for Minister Stokes.

Ms FRAME: My understanding is that is not correct.

The Hon. PETER PRIMROSE: Any idea who may own it? It is not your portfolio?

Mrs MELINDA PAVEY: It is not our portfolio.

The Hon. PETER PRIMROSE: A number of people are asking and I just had no idea of the correct response.

Rookwood General Cemetery has approximately 15 years of land supply remaining, averaged across all faith groups.

Glebe Island Bridge is owned by Transport for NSW.

Ms FRAME: I think it may be Transport but I cannot confirm it.

The Hon. PETER PRIMROSE: Could you possibly just take it on notice so we clarify who actually has ownership of the Glebe Island Bridge.

Ms FRAME: Certainly.

QoN #38 on
Page 46

The Hon. PETER PRIMROSE: Has your agency sold any of the properties which were under management or being leased by SHFA since it was dissolved in 2015?

Ms FRAME: I just wanted to clarify one thing, which is that Place Management NSW, which is the successor to SHFA, is actually administered by Minister Stokes. But I am happy to answer any questions that I can because it is part of the Housing and Property group and I am happy to assist.

The Hon. PETER PRIMROSE: Are you aware of any properties that have been sold?

Ms FRAME: Since 2015?

The Hon. PETER PRIMROSE: Yes.

Ms FRAME: I will have to take that on notice.

The Hon. PETER PRIMROSE: If you could also please take on notice whether a business case had been prepared for the sale or is being prepared for future sales of any properties?

Ms FRAME: We will take that on notice.

Place Management NSW (PMNSW) (formerly the Sydney Harbour Foreshore Authority), part of the Department of Planning, Industry and Environment (DPIE), owns and manages certain land in The Rocks and Darling Harbour on behalf of the NSW Government. The consolidation of SHFA's functions as Place Management took effect on 1 July 2016. In The Rocks, a total of two (2) assets owned by Place Management NSW have been sold from FY2016/17 to date. A further two (2) assets are proposed for sale in the precinct. In Darling Harbour, two (2) assets owned by Place Management have been sold from FY2016/17 to date. One (1) further asset in Pyrmont is proposed for sale. There are no business cases for proposed or pending sales.

The Hon. PETER PRIMROSE: What about Macquarie Park? There was a project there involving John Holland; is that correct?

Ms FRAME: I do not have specific figures on the reduction achieved at Macquarie Park in terms of relocation. I can get you those exact numbers.

The Hon. PETER PRIMROSE: Is the Macquarie Park project involving John Holland actually completed? Ms FRAME: It is my understanding it is. I will confirm that. The

Hon. PETER PRIMROSE: Please take it on notice if you would.

Ms FRAME: Certainly.

The Hon. PETER PRIMROSE: What is going to happen now to 47 Bridge Street in Sydney?

Ms FRAME: I will have to take that on notice.

Mrs MELINDA PAVEY: Is that the Department of Education building?

Ms FRAME: That is the Department of Education. That was subject to an expression of interest along with the Department of Lands building maybe three years ago, where those buildings are being restored and will be—I was not involved in that at the time but from my memory it was a 99-year lease to restore those buildings. The

Hon. PETER PRIMROSE: Rather than ask you to speculate, could you please just take it on notice? What I am interested in is whether it is going to be sold, has it been valued, is it going to be turned into a boutique hotel? If you could just come back and tell us what is going to happen.

Ms FRAME: I certainly can. The decisions have been made and were made a few years ago. They have not been sold. They are subject to a long-term lease. I will get you the exact details of the length of tenure of that. They are being restored. My

John Holland is the developer of 45-61 Waterloo Road, Macquarie Park. Practical completion of the first building to be constructed on this site, subject to a lease pre-commitment by Transport for NSW, was achieved subsequent to the Budget Estimates hearing on 18 March, 2020.

47 Bridge Street is the Chief Secretary's Building, a State Heritage listed asset. The Industrial Relations Commission relocated from this building to new premises in Parramatta in 2018. The property continues to be utilised to provide accommodation for NSW Government and NSW Government related organisations. The long-term use of the building has been the subject of a review led by Paul Keating and Lucy Turnbull. The findings of the review are to be submitted to NSW Government for consideration. The NSW Government has previously publicly committed to not selling this building and it has not been proposed that it is adaptively reused as a boutique hotel.

understanding is that the proposal was for a five-star hotel, but I will come back with the specific details.

QoN #40 on
Page 48

The Hon. PETER PRIMROSE: Has Property NSW undertaken any market soundings or engaged with interested developers in relation to that site?

Ms FRAME: I will take that on notice.

No.

QoN #41 on
Page 48

The Hon. PETER PRIMROSE: In those same answers to supplementary questions it was indicated that residential development at the Peat Island site would only occur in the Mooney Mooney section—that is, on the mainland. What is the planned future of the island itself?

Ms FRAME: I will take that on notice.

The Hon. PETER PRIMROSE: If you do not have the information to hand, will it be opened up for public access and will the built heritage items be retained?

Ms FRAME: I will take that on notice. I know there is a very strong commitment to retaining the heritage items that are part of the precinct in the area.

The draft planning application has gone through the Gateway stage and is pending public exhibition. Proposed uses on Peat Island include public open space and tourism (short-term accommodation).

QoN #42 on
Page 49/50

Ms CATE FAEHRMANN: Are there still concerns in relation to run-off in future rain events by WaterNSW in terms of Warragamba Dam? Has the threat passed?

Mr HARRIS: No, it has not. Broadly speaking there are three risks in Warragamba—and frankly in others—arising from the bushfires. First of all there are elevated blue-green algae levels within the storage. That is what happens when you get bushfire damage and you get nitrogen and other materials washing into those storages. That is something that we will have to monitor for some time.

Ms CATE FAEHRMANN: How elevated? When you say "elevated", what does that look like?

Mr HARRIS: I do not have the particular—

Ms CATE FAEHRMANN: Is that publicly available?

Mr HARRIS: I will certainly take that on notice. That is no problem.

Total Phosphorus average pre rain event was below detection, up to 0.025 post event and now back to 0.005 (mg/L) and Total Nitrogen average pre-event was 0.21, up to 0.65 post rain event and now down to 0.55 (mg/L).

QoN #43 on
Page 53

The Hon. MICK VEITCH: I move back to some Crown lands questions, Mr Betts. In December the Audit Office released a report into the Department of Planning, Industry and Environment in which it stated that the number of unprocessed Aboriginal land claims from 2018 increased by 7.2 per cent to 35,855 as at June 2019. How many staff are currently employed within the department to process Aboriginal land claims?

Mr BETTS: This is a key issue from our point of view, so I will ask Ms Skewes to respond in the first instance.

Ms SKEWES: Thank you for your question. I can certainly report that those Aboriginal land claims numbers, in terms of claims that are lodged for processing, have certainly gone up since those numbers as well. We can take it on notice and give you a number—

The Hon. MICK VEITCH: As of today?

Ms SKEWES: Yes. Well, we can give you a February number, for example.

As at 19 March 2020, Crown Lands records indicated there were 37,217 undetermined Aboriginal land claims.

QoN #44 on
Page 53/54

Ms SKEWES: But we can just give you those facts, if you like, later. You have asked a question about the resourcing and must say that this is, since coming into this role, a key priority for me—to put additional resourcing into the processing of Aboriginal land claims. We have the support of the secretary and of DPIE to progress this work. It is being taken very seriously. I am currently looking at increasing resourcing into this part of the organisation. As you can imagine, the processing itself is a very diligent task. It requires precision and very robust processes. We absolutely are looking at ways that we can provide more staff into this relatively small team—and I can give you those numbers, but it is not a large team doing this work.

The Hon. MICK VEITCH: If you can take that on notice and just tell us how many. For me, I would like to know what you have got at the moment and, when you are asking for more resources, what that is going to look like to try and work through the stack of.

As at March 2020 there were 8 FTE involved in the process of investigating Aboriginal land claims within Crown lands.

Crown Lands is currently seeking to increase resourcing of the Aboriginal Land Claim Investigation Unit.

The provision of additional resources for the investigation of Aboriginal land claims will result in more claims being determined this financial year.

QoN #45 on
Page 54/55

The Hon. MICK VEITCH: Mr Betts, you spoke about key performance indicators. That large number of course—do we age these?

Ms SKEWES: Yes.

The Hon. MICK VEITCH: Do we actually put them in clusters based on how long they have been on the books for?

Ms SKEWES: Yes. We have got all those datasets—so, you know, a record.

The Hon. MICK VEITCH: Are you able to provide those on notice?

Ms SKEWES: Yes. I will work out the best way to do that in terms of the quantum of data. We are happy to give you a sort of profile and we can certainly take that on notice.

Noting multiple claims can be lodged against a single parcel of land, as at 19 March 2020 the profile of outstanding Aboriginal land claims is:

Years since application received	Number of claims unprocessed
0-1 years	1697
1-5 years	11506
5-10 years	16192
10+ years	7822

QoN #46 on
Page 56

The Hon. MICK VEITCH: The audit report also identified deficiencies in Crown land records. This is not new as well. The Auditor-General has actually conducted a couple of reports around this area. Is the Crown tracker system on course to be completed by June 2021?

Ms SKEWES: Yes, again, it is not noteworthy that you have two items in the Auditor-General report in December 2019 but you are right in referring to the fact that we also highlighted—and the Auditor-General noted—that we were progressing the Crown tracker work. There has been a lot of effort gone into in making that effective and efficient. That work is still underway. We have an allocation of money into that. We are doing some current updates with the geographic information system [GIS] and current tenure information. Broadly, that is on track but we have another, I think, allocation of money to come into the next financial year around that work. The Hon.

MICK VEITCH: A supplementation to assist in finishing—

Ms SKEWES: Yes, we are very much on the job with that. If you like, I can give you precise details of that timing.

The Hon. MICK VEITCH: If you take it on notice, could you also provide details of funds that have been spent to date on the Crown tracker?

The project is currently on track for delivery by June 2021.

Capex budget spent to date is \$4.91 Million (as at 29 February 2020).

The Hon. EMMA HURST: I have a couple of very short questions in regards to WaterNSW. The WaterNSW website states that people living in the Greater Sydney water catchment area "have a legal responsibility to control noxious pests on their property, including rabbits, feral pigs, wild dogs ..." Are you aware of what methods landholders in that particular catchment area are allowed to use to control these non-native animals?

Mr HARRIS: No, I would have to take that on notice.

The Hon. EMMA HURST: Could you also take on notice whether the use of poisons of any kind are being used or encouraged to be used, being so close to the waterways? Do you have better information about that?

Mr HARRIS: I doubt that very much but, again, I will confirm that on notice.

The Hon. EMMA HURST: Again, this might be something to take on notice because it follows on from that. Is there any requirement for landholders to attempt to use humane or nonlethal control methods before using any other lethal methods?

Mr HARRIS: I will take that on notice.

The Hon. EMMA HURST: And whether more humane or non-lethal methods is something that WaterNSW promotes in any of its resources?

Mr HARRIS: Yes, I will take it on notice.

WaterNSW has been involved in the regional pest management planning process that was formulated to support the implementation of the NSW *Biosecurity Act 2015* and the NSW Biosecurity Strategy. WaterNSW assisted in the development of both the South East Regional Pest Management Strategy and the Greater Sydney Regional Pest Management Strategy.

These strategies detail priority pest species within a region and detail primary and secondary control methods. The strategies were developed by a committee of public land managers, regulators and private landholders. The strategies were distributed for public comment before being finalised. Control methods detailed in these pest management strategies are based on the best management control practices described by the Department of Primary Industries www.dpi.nsw.gov.au/biosecurity/vertebrate-pests/pest-animals-in-nsw and advice from Local Land Services who are responsible for supporting the implementation of the pest management strategy and regulating on-ground pest management activities.

The Australian Pesticide and Veterinary Medicines Authority (APVMA) are responsible for registering products suitable for the chemical control of pests within Australia. This registration and appropriate labelling includes any requirements or restrictions required to prevent harm to people or the environment. Once the chemical is registered for use it is the NSW Environment Protection Authority's (EPA) responsibility to regulate its use under the NSW *Pesticide Act 1999*.

There are a number of chemicals approved for use to control pest animals within the declared catchment. The three main products include Pindone, 1080 and PAPP. These products are all classed as a restricted pesticide under the NSW Pesticide Act 1999. The safe use and disposal of a restricted pesticide is detailed in relevant pesticide control orders (PCO) issued by the EPA. Restricted pesticides can only be issued by Authorised Control Officers (ACO's). ACO's are primarily Local Land Services or National Parks and Wildlife Officers who have undertaken the specific ACO training.

When issuing a restricted pesticide, the ACO must complete a risk assessment to ensure the use of the chemical product is in line with the PCO. The guidelines for the risk assessment are detailed in the NSW DPI Vertebrate Pest Control Manual and include distance restrictions from waterways and correct disposal measures. There are strict penalties that may apply for non-compliance with PCO conditions.

WaterNSW is not aware of any requirement to attempt non-lethal control before using any other lethal method. The selection of control method is site specific and depend on the scale of the program being implemented and the efficacy of the control method proposed. The control method used is decided by the person undertaking the pest control.

Local Land Services is the department responsible for community advice on the management of declared pest species. WaterNSW's role in pest management is limited to representing our water quality interests on regional and local pest management committees and discharging our biosecurity duty to manage pests on any land we own or manage. WaterNSW does not produce educational or promotional material relating to pest control methods within the declared catchments.

Mr BARNES: I can advise the Committee that there are two licences related to diversions channels, one which provides for the diversion of high flows under certain conditions. It is quite possible that that is an action at the moment, given the flows that are going down the Warrego. The advice I have is that the holder of that licence is in compliance with their obligations.

The CHAIR: Is that licence being measured?

Mr BARNES: What I can speak to is the conditions of that licence. I can advise the Committee that the licence holder is meeting their obligations. However, any allegations to the contrary we treat seriously and I would take on notice and commit to following up any information that comes to my awareness that says otherwise.

Mr BARNES: We take reports of alleged breaches of water law very seriously. If there is intelligence that comes to my notice that suggests or indicates that the holder of that licence is in breach of their obligations we will follow it up, as we do with any individual or company that holds water licences. In the event, theoretically, that we would determine that there is a breach then we would progress and take the most appropriate compliance action that ranges from the issuance of an advisory notice right the way up to prosecutions, of which to date we have done on 17 separate instances.

The CHAIR: Can you take my statement of the fact that they publicly stated this view as evidence to investigate whether they are measuring?

Mr BARNES: I am taking it on notice that there is a matter for me to follow up.

The Commonwealth Environmental Water Holder (CEWH) and the Department of Planning, Industry and Environment – Environment, Energy and Science (ESS) who hold the various licences and approvals for Toorale Station are subject to the same rules and conditions as any other Water Supply Works Approval and Water Access Licence holder - there are no special exemptions. NRAR has an open investigation (CIRAM 00541-2020) to examine recent allegations of non-compliance with the *Water Management Act 2000* on Toorale Station.

QoN #49 on
Page 58/59

Mr JUSTIN FIELD: Ms O'Keefe, this might be for you. Earlier I mentioned a letter that became the subject of media reporting written by Minister Pavey to the NRC with concerns about the Barwon-Darling Water Sharing Plan review. Did you have input, or anyone within the department have input, into the drafting of that letter or was it drafted by the Minister?

Ms O'KEEFE: I cannot recall. Is this last year?

Mr JUSTIN FIELD: That is right. It was written probably on 25 August.

Mr BETTS: Does this relate to the reference which the Minister discussed at length in the last budget estimates at the end of last year around some of the terminology in the front end of that report, which was subsequently amended—

Mr JUSTIN FIELD: That is right. Concerns were raised about the modelling and Professor Fran Sheldon's involvement in the media—

Mr BETTS: I remember that. I do not recall exactly what the basis was for the advice that went to the Minister that led to the production of that letter. I will have to take it on notice.

Mr JUSTIN FIELD: If you could. I would be interested to know if that letter was drafted in the department.

The letter was not drafted by the department.

<p>QoN #50 on Page 59</p>	<p>Mr JUSTIN FIELD: Did you have a chance to subsequently check if the letter had been received in any official way by the Natural Resources Commission before you received the phone call from the gentleman?</p> <p>Mr WILDE: No, I did not double check. As I said, my recall is that I heard it first through the media.</p> <p>Mr JUSTIN FIELD: Did you subsequently receive that letter? Did you actually receive a copy of the final letter?</p> <p>Mr WILDE: We did receive a copy of the final letter. I cannot recall if we received it directly or if it came via the commissioner or to myself. We can take it on notice and go back and check email records and correspondence records.</p>	<p>The first time Bryce Wilde, Executive Director Natural Resources Commission heard of a letter from Minister Pavey to the Natural Resources Commission on the Draft Report of the Barwon Darling Water Sharing Plan was from a telephone call from a Sydney Morning Herald journalist on Sunday 25 August 2019. This telephone call was later followed by an email at 1.24pm Sunday 25 August 2019 in which the journalist referred to a letter that he had been told about. At 1.58pm Sunday 25 August the journalist wrote that some of the letter had been read to him.</p> <p>This letter dated 23 August 2019 was received by the generic NRC email address on Sunday 25 August at 4.31pm. This email address is monitored by administrative staff who opened it on Monday 26 August 2019 and then shared the letter with the Commissioner and the Executive Director.</p> <p>Earlier that morning, the article was published by the Sydney Morning Herald before the letter was read by Commission staff but after it been sent.</p>
<p>QoN #51 on Page 59</p>	<p>Mr JUSTIN FIELD: And it might be appropriate from you or appropriate from the department to make available a copy of that letter to the Committee because that letter was not provided in the Standing Order 52 call for papers from last year. But it seems there is no reason for that not to have been provided.</p> <p>Mr BETTS: If it was requested in the Standing Order 52 and not provided, I want to check my reasons before giving the Committee an undertaking that we will provide it. I am happy to take it on notice.</p>	<p>The letter was not requested in the Order. Whether the letter would have fallen within scope of the broader categories in the Order is not clear, however searches did not identify any copy of the letter in the Department's possession at the time the Order was made.</p>

QoN #52 on
Page 61

Mr JUSTIN FIELD: The powers that were given to the Minister under the Act passed last year relating to new dams and new storage works. Will any of those powers be required to enable this particular structure to be built?

Mr HARRIS: Can I come back to you? I am not off the top of my head sure. I do not think it was scheduled, but I will confirm that.

Mr JUSTIN FIELD: I do not think it was scheduled, but there were other powers around making changes to water sharing plans and making changes to the Act that were in that.

Ms O'KEEFE: It would have to pass a very stringent threshold, critical needs—

Mr JUSTIN FIELD: Perhaps a more detailed one on notice I would really appreciate, Ms O'Keefe or Mr Harris.

The regulating storage on the Macquarie River does not require approvals under the *Water Supply (Critical Needs) Act 2019*. This project will require an Environmental Impact Statement.

<p>QoN #53 on Page 62</p>	<p>The Hon. PETER PRIMROSE: What criteria do you use to make that decision?</p> <p>Mr CASSEL: As I just talked through, the committee looks at the divestment of properties that are available and not occupied. I read through the report that they provide me, I look at the maps that they provide me, which articulate where the actual property is, and the criteria and I make a decision from that.</p> <p>The Hon. PETER PRIMROSE: Is there a criteria document that you would use?</p> <p>Mr CASSEL: The property committee—the PIC, as we refer to it—does have a criteria that we work through.</p> <p>The Hon. PETER PRIMROSE: Could you make that available to the Committee?</p> <p>Mr CASSEL: I will take that on notice.</p>	<p>LAHC applies a rigorous process to the disposal of all LAHC properties. Potential sales are governed by a committee with approved terms of reference, policy framework and application of the LAHC Delegations manual for final approval of the sale of individual properties.</p> <p>The decision to dispose of a LAHC property, any conditions attached to the disposal and the method of disposal must be endorsed by the Committee for the Approval of Property Sales (CAPS) and approved by the LAHC Chief Executive. The CAPS Terms of Reference outline criteria for sales. As a general rule the more criteria that are satisfied the higher priority is given to the sale. Criteria includes:</p> <ul style="list-style-type: none"> • Fit for Purpose Location score. Properties are prioritised for sale which are in poor physical condition or in a location that is not easily accessible to public transport • Supports de-concentration • Areas of new development proposed in same or adjoining local government area • Property age and maintenance costs • Vacancy trends • Contiguous lots • Lot size • Portfolio assessment data • Special Purpose properties such as crisis accommodation are retained where possible • Property is individually titled. • Capital value <p>Sales to tenant are also considered by CAPS with separate criteria and policy framework.</p> <p>In conducting its assessment, the CAPS must consider advice from other LAHC staff and representatives from Housing NSW and FACS. Where required, it must also seek advice from representatives of relevant tenants, community housing operators, community groups and land owners.</p>
<p>QoN #54 on Page 62</p>	<p>The Hon. PETER PRIMROSE: I am not looking at asking about individual incidents; it is trying to get an understanding about the criteria that the committee uses but also you use to make that assessment.</p> <p>Mr CASSEL: I will take that on notice.</p>	<p>Please see the answer to Question on Notice #53.</p>

The Hon. PETER PRIMROSE: Would they ever go towards what you could classify as maintenance— any of that funding?

Mr CASSEL: We turn over \$1.2 billion a year. The exact allocation, I would be able to confidently say that we spend that money in either new properties or upgraded existing properties.

The Hon. PETER PRIMROSE: Is there a policy that says that funding, the proceeds from the sale of public housing—

Mr CASSEL: I would need to take that on notice, if we have an exact policy on that.

The Hon. PETER PRIMROSE: Please. I am trying to clarify what the money is actually used for and, particularly, if it is ever used for maintenance of existing properties as opposed to the capital upgrade. Please take it on notice.

Mr CASSEL: I will. Just on that number of 352 properties, the gross sales was \$330 million for properties in the financial year 2018-19. As I said, we collect a significant amount of money each year—around \$800 million—in rent, and we spend that \$400 million to \$440 million we talked about before on maintenance. So I can say that the money we receive from capital sales goes into new properties or into capital maintenance.

The Hon. PETER PRIMROSE: Capital maintenance? Could you please take on notice clarifying what that is?

Mr CASSEL: Okay.

All proceeds from asset sales are invested in capital programs - be it capital maintenance or new supply. Capital maintenance represents expenditure of a capital nature such as replacement of bathrooms, kitchens, roofs etc.

<p>QoN #56 on Page 63</p>	<p>The Hon. PETER PRIMROSE: The Minister, in that same release, also promised 40 new properties would be built at Tweed Heads. Have they been constructed?</p> <p>Mr CASSEL: As you would be aware, from an announcement that we are going to build properties to them actually completing takes some time. We are underway with the planning approval process on those properties.</p> <p>The Hon. PETER PRIMROSE: When will they be finished?</p> <p>Mr CASSEL: An exact date I do not have on me at the moment, but I am happy to come back to you on that.</p>	<p>The DA went on public exhibition during January and February 2020, and it is anticipated construction will likely commence in November 2020, with the intention that first residents move in by March 2022.</p>
<p>QoN #57 on Page 64</p>	<p>The Hon. PETER PRIMROSE: I understand that you are selling a combined landholding at Nulla Nulla and Noola stations near Lake Victoria, which total some 125,000 acres. Is that correct?</p> <p>Mr CASSEL: I am not aware of that sale. I would need to take that on notice. As I said, we sell around 300 properties a year. I do not carry each one of them in my head. That is obviously a large one, but it is not something that I have seen recently.</p>	<p>The property referred to is owned by DPI Water. The two properties combined, which have a combined area of circa 50,700 hectares are being offered for sale by Property NSW. It is important to note culturally sensitive land immediately surrounding Lake Victoria has been subdivided from the lots being offered for sale and ownership will be retained by Government.</p>

<p>QoN #58 on Page 64/65</p>	<p>The Hon. MICK VEITCH: My questions may be to Dr Bentley or one of his colleagues. They are to do with the Yanco Creek diversion. How much have we spent so far on advancing the Yanco Creek diversion proposal?</p> <p>Dr BENTLEY: I think I am going to have to take that on notice, Mr Veitch.</p> <p>The Hon. MICK VEITCH: I am happy for you to do that. One of the key proposals in the Yanco Creek project is to raise the weir wall and force water to stay in the Murrumbidgee River so that it flows west to places like Darlington Point. As I understand, that will then be classified as supplementary water. Is that correct?</p> <p>Dr BENTLEY: I am going to have to take that on notice as well.</p>	<p>This program is 100% Commonwealth funded. Expenditure related to the Yanco SDLAM projects since commencement in February 2019 is \$1,455,000.</p> <p>The Yanco SDLAM projects are pre-feasibility concept proposals only. Work is currently underway to progress a community based options development and assessment process that will inform preferred options for Yanco projects and detailed business cases to drive government investment decisions.</p>
<p>QoN #59 on Page 65</p>	<p>The Hon. MICK VEITCH: Can you tell us where we are up to [re Yanco Creek]? Down along there, they are telling us it is much more advanced than that.</p> <p>Dr BENTLEY: Nothing is decided. We are in engagement and other work—pre-feasibility work. I will try and answer your questions on notice in terms of the detail you are asking.</p> <p>The Hon. MICK VEITCH: I appreciate that. What does that pre-feasibility work entail? Are you talking to the community? I am trying to work out why there are people down there along the Yanco Creek saying these things.</p>	<p>The Yanco SDLAM projects are pre-feasibility concept proposals only. Work is currently underway to progress a community based options development and assessment process that will inform preferred options for Yanco projects and detailed business cases to drive government investment decisions.</p> <p>The Yanco Project team have met with their Community Advisory Group three times in the past 6 months and have also held two site familiarisation tours. Together with the group, the project team has completed the options identification process and is preparing to commence the assessment process of those options.</p>

<p>QoN #60 on Page 66</p>	<p>The CHAIR: Ms Skewes, you might need to take this on notice. Mr Veitch was talking about fencing and the sharing of costs. We know under the Dividing Fences Act 1991 that Crown lands has an exemption. It does not preclude it from offering to share those costs but they have the option to not do so. Would you have any data in the last three years on how many times Crown lands has utilised that power of exemption?</p> <p>Ms SKEWES: I would need to take that on notice.</p>	<p>Crown Lands receives fencing requests through various mechanisms including District offices and aggregated records are not maintained. Fencing enquiries as a consequence of the recent bushfires are kept with a total of 46 being received. The NSW COVID-19 stimulus package includes \$209 million in funding for contributions towards replacement of fences adjoining State owned land, including Crown land, that have been damaged by bushfires.</p>
<p>QoN #61 on Page 66</p>	<p>The CHAIR: Dr Bentley, just going back to the Yanco Creek project, you are talking about pre-feasibility work. Does any of that pre-feasibility work look into the effect it may have on low-level flooding around the agricultural high school in the area?</p> <p>Dr BENTLEY: I will have to take on notice any detailed question about that.</p> <p>The CHAIR: While you are taking that on notice, will it look into the impact on the quality of water if the Murrumbidgee does run high? May this in some circumstances force an over-commitment of the river?</p> <p>Dr BENTLEY: Yes, I will take that on notice.</p>	<p>No, these tasks are not within the scope of the Yanco Creek Projects. However, if necessary, they will be considered as part of the options development and assessment process under the Murrumbidgee Constraints Projects, a separate SDLAM project.</p>
<p>QoN #62 on Page 68</p>	<p>Ms CATE FAEHRMANN: I will turn to a completely different issue now. I want to ask about recreational swimming in freshwater rivers because I understand that we do not have guidelines for water quality for that in New South Wales, is that correct? Is there somebody who can answer questions about water quality in freshwater rivers?</p> <p>Dr BENTLEY: We think that is correct. We will confirm that for you.</p>	<p>The Guidelines for Managing Risks in Recreational Water covers activities including swimming and was developed by the National Health and Medical Research Council in 2008. It contains guidelines for fresh, estuarine and marine waters.</p>

<p>QoN #63 on Page 68</p>	<p>Mr JUSTIN FIELD: How much potential passive take is there across the flood plains in New South Wales?</p> <p>Ms O'KEEFE: I cannot answer that question.</p> <p>Mr JUSTIN FIELD: You cannot?</p> <p>Ms O'KEEFE: No.</p> <p>Mr JUSTIN FIELD: We do not know?</p> <p>Ms O'KEEFE: I do not know. I would have to take on notice. But again, as I said before, we have done hydraulic assessments of every—</p>	<p>Work is being undertaken by DPIE in partnership with Geoscience Australia and the Murray-Darling Basin Authority to quantify, using remote sensing technologies the volume of floodplain harvesting taken during the period of restriction.</p> <p>At present, there are no measurement requirements for water impounded on floodplains in any valley in NSW. This includes 'active' or 'passive' take.</p> <p>All works that meet the eligibility criteria in the NSW Floodplain Harvesting Policy and collect, impound or extract floodplain harvesting will be licensed. The floodplain harvesting measurement policy is in the final stages of development and will take affect through licences and approvals that are due to commence on 1 July 2021.</p>
<p>QoN #64 on Page 69</p>	<p>Mr JUSTIN FIELD: It is commonly seen in certain media outlets that floodplain harvesting is thought to result in less than 40 per cent of rainfall reaching the rivers. I get the sense that has come from some sort of document. Is that your understanding of the potential of the take?</p> <p>Ms O'KEEFE: I cannot confirm that.</p> <p>Mr JUSTIN FIELD: The suggestion has been made to me that it might be in 'New South Wales Office of Water 2013 Technical Report on the Impacts of Restricting Diversions on the Barwon-Darling River'. Are you aware of that document?</p> <p>Ms O'KEEFE: I have not read that document, no.</p> <p>Mr JUSTIN FIELD: Is that document available to the Committee?</p> <p>Ms O'KEEFE: I will take that on notice but I would imagine so.</p>	<p>The report to which Mr Field referred is a draft internal Departmental report, that has been referenced in a number of other subsequent documents. The report will be made available to the committee or individual members of it should they seek it.</p>

QoN #65 on
Page 71

Mr CASSEL: Just on the sale of that land at Nulla Nulla, no that is not LAHC land. I understand that government property is managing a process there but it is not LAHC land. The Sirius question, 79 social homes were in the Sirius building. I found my briefing note on the Minister's regional announcement. The program aims to deliver 142 new dwellings over 10 projects in seven regional locations all subject to planning approval, obviously. The program will be privately funded by proceeds from the Millers Point sales program. The program will inject money into regional communities and provide training job opportunities for young people. Those areas are Queanbeyan, Dubbo, South Kempsey, Wagga Wagga, Nowra and Wauchope. And further to the question on Griffith, we are doing a property on behalf of the Department of Communities and Justice in Griffith.

The Hon. PETER PRIMROSE: Thank you.

Ms FRAME: I have further answers, Mr Primrose, to questions you asked.

The Hon. CATHERINE CUSACK: You can table them, do you know that?

Ms FRAME: We will table the responses.

Dr BENTLEY: I have a couple of corrections if I could, Chair

See response to Question on Notice #57 above