

## **Budget Estimates 2020-21 – Monday 1 March 2021**

### **Portfolio Committee No. 4**

#### **Water, Property and Housing**

##### **David Eccleston QONs pages 2-3**

**The Hon. PENNY SHARPE:** Is Mr Eccleston currently doing any work for any of your agencies?

**Answer:** Yes

**The Hon. PENNY SHARPE:** I am just interested in how many agencies of yours he has done work for. If you do not know, you can provide it on notice.

**Mrs MELINDA PAVEY:** I will provide it on notice.

**The Hon. PENNY SHARPE:** But he is currently doing work in Crown Lands—is that correct?

**Ms HAWYES:** Not to my understanding at the present time but I will take that on notice.

**The Hon. PENNY SHARPE:** Where is he working then?

**Answer:** Mr Eccleston through Ecko Media has been engaged in strategic communications and media service projects across Housing & Property, Environment Energy & Science and Water.

**The Hon. PENNY SHARPE:** What was the process to engage Mr Eccleston?

**Mrs MELINDA PAVEY:** I will take that on notice.

**The Hon. PENNY SHARPE:** For each agency, please.

**Mrs MELINDA PAVEY:** I will take that on notice.

**Answer:** Mr David Eccleston through Ecko Media was first engaged by the Department in 2019. The Department was seeking the services of an experienced Communications and Media Specialist to support the delivery of its priorities and objectives. Mr Eccleston has been through a request for tender process.

**The Hon. PENNY SHARPE:** Can you also confirm whether Mr Eccleston was on a pre-qualification panel prior to any of his appointments?

**Mrs MELINDA PAVEY:** I will take that on notice.

**Answer:** Ecko Media is on a prequalification list therefore is able to be engaged directly on individual contracts of up to \$150,000. At no time has Mr Eccleston been approved for an individual contract of more than that amount.

**The Hon. PENNY SHARPE:** Can you also provide information to the Committee in relation to how much each of his contracts have been and over what period of time?

**Mrs MELINDA PAVEY:** Certainly.

**Answer:** Since the Department of Planning Industry and Environment (DPIE) engaged Ecko Media in 2019, there has been approximately \$350,000 paid by way of invoices to Ecko Media across all areas of DPIE.

#### **Questions Taken on Notice**

##### **Question 1 (Page 27 of transcript)**

**The Hon. TARA MORIARTY:** So all current parcels of Crown land are available to see on that site?

**Ms HAWYES:** You can look at Crown lands, yes, but there are other parts of our information holdings that we are adding to that.

**The Hon. TARA MORIARTY:** What are the other parts?

**Ms HAWYES:** I can get you a full list, but there are different modules to it that assist our own staff. I will get you the full list of what is included in the later releases, but we can look and see what is in Crown land at the present, yes.

**ANSWER:**

CrownTracker is Crown Land's new land management system. CrownTracker is a contemporary, cloud based, and spatially enabled system. It provides a single view of all Crown land information in one application. The first release of CrownTracker was implemented in April 2020. This release includes functionality for Crown reserve administration, Aboriginal Land Claim (ALC) assessments, compliance case management, status and ALC search and request management (external and internal enquiries).

The final releases for CrownTracker are under development and include functionality for processing licences, leases, consents, sales, vestings, acquisitions, lease conversions, permits, and valuations.

An external Crown Land Manager Portal was implemented in June 2020. The portal allows non-Council Crown Reserve Managers to view information on the reserves they manage.

A new Open Data Portal is in development and will include a complete dataset of all spatially captured Crown land (reserves, leases, licences, permits, roads, waterways, parcels). The Portal is scheduled for release in early 2021 and will be publicly available.

## Budget Estimates 2020-21 – Monday 1 March 2021

### Portfolio Committee No. 4 – Industry

### NSW Land and Housing Corporation

#### Questions Taken on Notice

#### Question (Page 37 of transcript)

**The Hon. PENNY SHARPE:** In terms of the affordable housing strategy, what action is your agency undertaking to get a handle on the housing stress that is occurring up and down the coast? It is everywhere but there are very particular problems very close to large centres—so North Coast, up close to Brisbane and around Sydney as well—where people have traditionally had long-term, stable rentals that are just disappearing through competition from people from Sydney moving there or from booming sales. What monitoring is your agency doing in relation to your own planning and the reshaping of any housing programs that you have to acknowledge and understand that?

**Mrs MELINDA PAVEY:** In terms of monitoring, we had a forum late last year in both Coffs Harbour and Urunga. At that forum were social housing providers, community housing providers, Mission Australia, real estate agents, builders and developers. We had the mix of everyone because it is a solution that can only be met by all parties working together. It was very clear—the developers were saying they were having trouble with financials release from the banks supporting their developments. That was a major issue. The real estate agents, to the question of whether people were turning their rental properties into a higher return for Airbnb, they said that that was not happening; that was more apocryphal.

I do agree that in areas like Byron Bay that has happened for a significant period of time, but it was not happening on the lower North Coast and mid North Coast so much. The land release issue was one that came up. Having some better capacity is required for both more rental properties and to keep housing affordability happening, which is why our agency is now reaching out to councils that have high density of land and housing, old assets that are not fit for purpose near services, that we can improve the amenities by increasing to a medium density, say, better fit for housing. One of the challenges we have is we have a lot of—

**The Hon. PENNY SHARPE:** Do you have a targeted list, Minister? Can you tell us how many extra beds and how many extra units you are looking to do outside of Sydney?

**Mrs MELINDA PAVEY:** I can, and I will take that on notice.

**ANSWER:**

816 extra units and 1,330 extra beds.

**Question 2 (Page 42 of transcript)**

**Mr DAVID SHOEBRIDGE:** But Minister there have been only two Aboriginal Land Agreements [ALAs] – only two in what? Four years, five years they have doing it. They have not proven to be the answer.

**Mrs MELINDA PAVEY:** Well, when I became Minister it was very clear there was an absolute disconnect between Crown Lands and NSWALC. I am trying to fix that and trying to correct that. We need to do better but in terms of the staffing and arrangements you can continue Ms Hawyes those questions. But I do see a better process, a more efficient process and a more honour-based process on this as a very big way of improving outcomes.

**Mr DAVID SHOEBRIDGE:** Ms Hawyes?

**Ms HAWYES:** Thank you. It is an incredibly challenging area and we have embraced the Ronald's review and made substantial changes to the way that land claims are being dealt with. The primary change is re-engagement and better engagement with the Aboriginal land councils. We have a project underway currently through which we have approached each of the 120 land councils to work with them to identify their 20 priority claims, so that we can expedite those claims on the basis that they are the most significant to those councils and local communities. In terms of staffing, we have changed the way that that area is staffed. There are approximately 60 staff in various roles working in that space. That includes dedicated staff to the land claims process so I can provide you a breakdown of some of that staff.

**Mr DAVID SHOEBRIDGE:** Would it be possible on notice to get the full-time equivalent staff that have been allocated to this over the last three years so we can get a sense of what, if any, changes have been made and the number of staff we have, Minister?

**ANSWER:**

The number of FTE assigned to the Aboriginal Land Strategy team has been steadily increasing over the last three financial years:

<b>Year</b>	<b>FTE</b>
2018	33
2019	39
2020	49
March 2021	64

### Question 3 (Page 45 of transcript)

**The Hon. TARA MORIARTY:** Let's pivot to that because I have got a series of questions on that fund. The amounts of money change each year. I understand there was some stimulus funding this year, but the amounts budgeted for that changes each year. What are the types of projects that you are looking at in terms of funding?

**Ms HAWYES:** It funds a range of different works ranging from safety, fencing, works to complete upgrades to grounds, facilities, viewing platforms. It is very much locally driven and people are able to apply and it is merits selected in terms of what is funded but it is a very wide remit of different types of on-ground works that is able to be funded through that program.

**The Hon. TARA MORIARTY:** Who can apply and how do people know to apply?

**Ms HAWYES:** We call for expressions of interest; we advertise the fund.

**The Hon. TARA MORIARTY:** How and where?

**Ms HAWYES:** I will have to get you the details of exactly where but it is on our website for example, but there are other channels as well. I can provide that on notice.

**The Hon. TARA MORIARTY:** Is there a selection criteria? Who makes the decisions about who gets funding and who does not?

**Ms HAWYES:** The department has an assessment committee and it is also represented with a probity adviser and an external independent for substantial funding allocations. It is compliant with the department's procurement policies. I can provide you the exact details on notice.

### ANSWER:

Information regarding upcoming Crown Reserve Improvement Fund (CRIF) funding rounds are on the Crown Land website.

In addition to website updates, electronic direct mailouts were sent advising of the upcoming funding round to:

- all email contacts of individual CLM members on record with the Department
- all email subscribers to the reserve manager website and newsletters
- emails of all previous applicants to the CRIF since 2016
- key stakeholders such as local councils and peak bodies (Scouts NSW, Surf Life Saving NSW, PCYC NSW etc).

Ministers Pavey and Stokes also published a publicly available statewide media release on 4 June 2020.

The full eligibility and assessment criteria are publicly available in the *2020-2021 CRIF Information guide* on the Department's Reserve Manager website.

The assessment process is outlined on page 2 of the publicly available *2020-2021 CRIF Information guide* on the Department's Reserve Manager website.

#### Question 4 (Page 47 of transcript)

**The Hon. TARA MORIARTY:** So in terms of merit for a project—okay, so Coffs Harbour Showground is getting a lot of money to upgrade the showground but there is a toilet block up on the North Coast that is going to cost over \$400,000 to knock down and rebuild. How can something like that get through?

**Ms HAWYES:** I cannot comment on the specifics of the project that you are talking about—I would be happy to have a look at that if you want to send that in—but a number of showgrounds have significant investment in the works. We did an assessment of safety at a number of the showgrounds we manage, and that informed a suite of works.

.....  
**Ms HAWYES:** Those guidelines are available and if you have a query about a particular decision, I would be happy to have a look at that on notice.

#### ANSWER:

The assessment process is outlined on page 2 of the publicly available *2020-2021 CRIF Information guide* on the Department's Reserve Manager website.

#### Question 5 (Page 49 & 50 of transcript)

**Mr DAVID SHOEBRIDGE:** So since that proposal was floated, there has not been any work done in Crown Lands to prevent those kinds of proposals coming back on other beaches? Is that what I am led to understand? Mr Betts, are you aware of any work being done?

**Mr BETTS:** This is a proposal that did not get up under the current system.

**Ms HAWYES:** That is right.

**Mr DAVID SHOEBRIDGE:** Correct.

**Mr BETTS:** So the current system has, in that sense, worked. If you are asking us to amend Crown lands legislation to prohibit in perpetuity the possibility of proposals like that getting up in other circumstances, I imagine that would be a matter for the Parliament and the legislation.

**Mr DAVID SHOEBRIDGE:** I suppose what I am asking is what protections are in place. I am not clear if I have understood what protections are in place.

**Mr BETTS:** I will ask Ms Hawyes to step again through the processes of consultation and decision making.

**Ms HAWYES:** I can provide the Committee on notice in more detail. There are detailed community engagement processes that must be followed if you wish to change reserve purposes.

#### ANSWER:

Options to regulate a private beach club proposal on a public beach include:

- Any permitted use of a reserve needs to be aligned with the reserve purpose. For example, Bondi Beach is dedicated for public recreation.
- To provide a long-term tenure, a council would need to prepare a Plan of Management (PoM) under either the *Crown Land Management Act 2016*

(CLMA) or *Local Government Act 1993* for the reserve, and it would need to expressly provide for the proposal.

- Plans of management include mandatory community consultation in their development.
- The relevant Minister could refuse to endorse a Plan of Management that seeks to allow such a proposal.
- The relevant Minister could vary a council's Crown Land Manager appointment instrument under section 3.9 of the CLMA to regulate the reserve/proposal.
- The relevant Minister could make a Crown land management rule (where consistent with the CLMA) under section 3.15(5)(i) that could provide for
  - public access to, and the use (including by the Aboriginal people of the State) of, dedicated or reserved Crown land.
- The proposed development must be permissible within the relevant zone under the relevant Local Environment Plan (LEP).
- Where development consent is required for such a proposal, the relevant Minister could refuse to provide landowners consent to enable lodgement of a development application under Clause 49 *Environmental Planning and Assessment Regulation 2000*.

#### **Question 6 (Page 50 of transcript)**

**Mr DAVID SHOEBRIDGE:** The Government announced \$50 million of grants for the Crown Reserves Improvement Fund [CRIF]. I think my colleague was asking you questions about the guidelines for that. First of all, how much of the \$50 million has been allocated?

**Mr BETTS:** We will try to source that information for you, if you wanted to go on and ask her some questions.

#### **ANSWER:**

In total, the CRIF 2020-21 funding round has offered \$51.713 million to new grant and loan applications. As at 9 March 2021, approximately 80 percent of funding agreements had been returned and accepted.

### Question 7 (Page 50 & 51 of transcript)

**Mr DAVID SHOEBRIDGE:** On notice, could you provide us with the list of the projects that were funded and how much they received and, if it is available, the list of the projects that did not succeed.

**Ms HAWYES:** Yes.

**Mr DAVID SHOEBRIDGE:** Could I ask the same about the \$20 million showground upgrades funding proposal that was announced in November last year?

**Ms HAWYES:** The breakdown of successful projects? Yes.

**Mr DAVID SHOEBRIDGE:** There was a further \$31 million for so-called shovel-ready projects. What were the criteria for that?

**Ms HAWYES:** I will take that on notice to get you the specific criteria, but it would have followed the similar process.

**Mr DAVID SHOEBRIDGE:** For the shovel-ready projects, could you give us a breakdown of what projects were funded, where they were and what, if any, publicly available criteria were identified for those?

**Ms HAWYES:** Yes.

**Mr DAVID SHOEBRIDGE:** Were the criteria for the shovel-ready projects publicly available?

**Ms HAWYES:** I will need to take that on notice. I was not in the role at the time, but all of our assessment guidelines for the CRIF process are online.

#### **ANSWER:**

All eligibility and assessment criteria for the Crown Reserve Improvement Fund (CRIF) and Showgrounds Stimulus Program are available on the Department's website.

The list of successful projects from the 2020-21 CRIF funding round is available on the Crown Reserves Improvement Fund page of the Reserve Manager website

A list of the unsuccessful applications is attached separately.

### Question 8 (Page 51 of transcript)

**Mr DAVID SHOEBRIDGE:** Have you benchmarked the number of staff in New South Wales against comparable Aboriginal land claims processing units in, say, Queensland and Victoria?

**Ms HAWYES:** I will need to take on notice if that work has been done in the past.

**Mr DAVID SHOEBRIDGE:** Could you take on notice whether it is true that the full-time equivalent numbers in New South Wales is a fraction of the numbers that do the same or comparable jobs in Queensland?

**Ms HAWYES:** I will take that on notice, because I am not across the numbers in Queensland.

**Mr BETTS:** Obviously, the legislative frameworks between the jurisdictions are very different. But we will take that on notice.

#### **ANSWER:**

No it is not true.



### **Question 9 (Page 52 of transcript)**

**The CHAIR:** Yarrie Lake Flora and Fauna Trust, can you confirm that they have not presented financials for the last 10 years or longer?

**Ms HAWYES:** I will need to take that one on notice.

**The CHAIR:** While you are taking that on notice, if that is the case, whether it is longer or shorter, have any warnings been issued to that trust regarding the lack of financial information presented, and have any restrictions been placed on committee members' roles because of those delays? Also, if you can confirm the reports that we have received that during the recent filling of the lake and the easing of COVID restrictions that the caretaker collected \$60,000 in cash from around five days?

**Ms HAWYES:** I will need to take those on notice, and if you have information to support that claim, I would be happy to receive that.

**The CHAIR:** Can you advise us when the committee is up for renewal of positions and how will they be advertised?

**Ms HAWYES:** Again, I will take it on notice. We have many, many different community trusts operating.

### **ANSWER:**

Yarrie Lake Flora and Fauna Land Trust last presented financial statements in year 2010-11. The Department is currently working with the land manager to meet its financial reporting requirements for 2019-20.

No restrictions have been placed on the committee members or their roles.

The Crown Land manager has advised that approximately \$36,000 has been collected in fees over the last six months. This will be confirmed through the financial reporting requirements.

The current board term expires on 22 September 2021

In this particular case, the board vacancies will also be advertised in the local Narrabri newspaper as well as advice of the recruitment given to Narrabri Shire Council and the local Aboriginal Land Council.

**Question 10 (Page 52 & 53 of transcript)**

**The CHAIR:** Who is the leaseholder for 12 Dane Drive, Gosford, currently?

**Ms HAWYES:** I think you are talking about Iguana Joe's, is that correct?

**The CHAIR:** That is potentially one of the ones I have in front of me. There is also a Gosford Holdings.

**Ms HAWYES:** I will take it on notice.

**The CHAIR:** When was that lease entered into and when was it renewed?

**Ms HAWYES:** I will take it on notice but the lease is currently under consideration.

**The CHAIR:** It has not been renewed?

**Ms HAWYES:** If it is the one that I am thinking of, there is an application to look at that, but we will take it on notice.

**The CHAIR:** Can you take it on notice how long that lease will be renewed for?

**Ms HAWYES:** That is yet to be determined.

**ANSWER:**

The lease is held by Gosford Holdings Pty Limited and IJG Group 1 Pty Ltd (as tenants in common).

The lease was granted on 1 September 1998 for 25 years and is due to expire on 31 August 2023.

A proposed new lease is under consideration which would expire on 30 June 2039, if it is approved.

**Question 11 (Page 52 & 53 of transcript)**

**The Hon. TARA MORIARTY:** I have one question to follow up from that. What is the total staffing number of the department of Crown land?

**Ms HAWYES:** If you could give me one moment, I do have it.

**The Hon. TARA MORIARTY:** It would be great if we could get a structure. You could take that on notice.

**Ms HAWYES:** You would like the structure on notice?

**The Hon. TARA MORIARTY:** Yes.

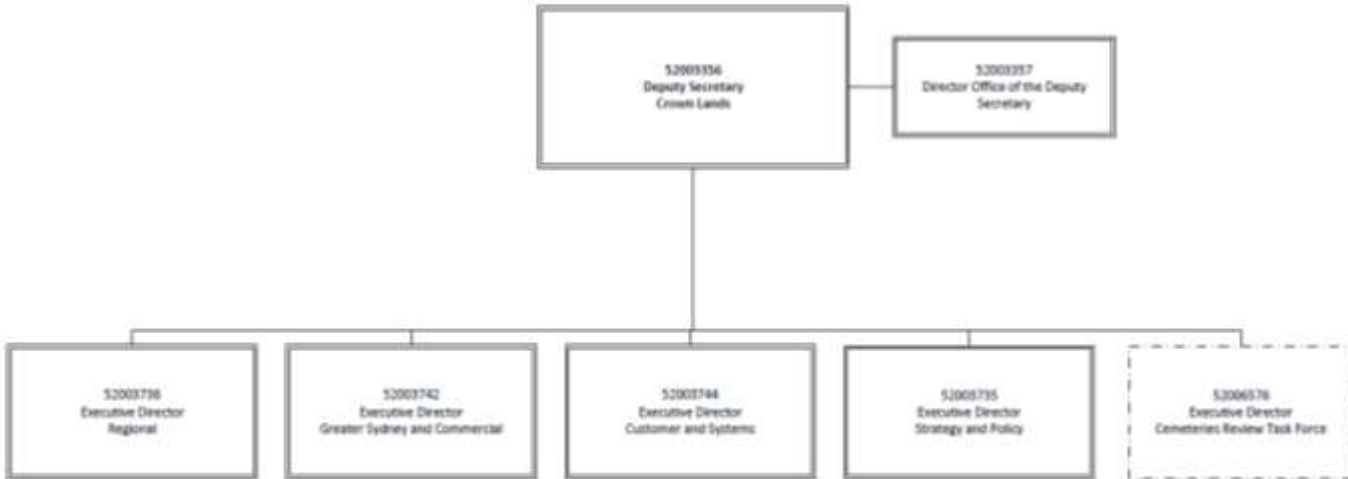
**ANSWER:**

Refer to the below Crown Lands structure.



Crown Lands Structure

Crown Lands Executive



February 2021

**Budget Estimates 2020-21 – Monday 1 March 2021**

**Portfolio Committee No. 4 – Industry**

**NSW Land and Housing Corporation**

**Questions Taken on Notice**

**Question (Page 54 of transcript)**

**The Hon. MICK VEITCH:** Have you received representations regarding the playground located in Hamilton South in Newcastle?

**Mr CASSEL:** I do not recall seeing any correspondence, but I am happy to take that on notice.

**The Hon. MICK VEITCH:** If you could, please. So the department told the local member and the community that they plan to demolish them. I am just wondering if that is actually what has happened, or are they progressing? What is the timeframe for that to occur?

**Mr CASSEL:** I am not sure of the details. I will just take it on notice.

**The Hon. MICK VEITCH:** Thank you. If you are taking it on notice, I am interested if there are other playgrounds like this because I was not aware—I am from regional New South Wales and I had made the terrible assumption that most playgrounds are council-owned. So how many other playgrounds do you have that are on housing estates?

**ANSWER:**

Yes representations were made.

LAHC organised for its maintenance contractor to decommission the playground in the week commencing 15 March 2021.

The number of playgrounds on housing estates is not available as LAHC's database does not capture playgrounds as a distinct category; they are captured under 'grounds or complex facilities'.

**Budget Estimates 2020-21 – Monday 1 March 2021**

**Portfolio Committee No. 4 – Industry**

**NSW Land and Housing Corporation**

**Questions Taken on Notice**

**Question (Page 56 of transcript)**

**Mr WRIGHT:** Can I say, there is a number of social housing projects the Government is rolling out in regional New South Wales as part of the stimulus funding. So LAHC has 24 regional projects that will deliver 296 new social dwellings in regional New South Wales to address some of that waiting list issue.

**The Hon. PENNY SHARPE:** You can do it on notice, I do not need you to do it now, but are you able to provide to the Committee a breakdown of those?

**Mr WRIGHT:** I certainly can.

**The Hon. MICK VEITCH:** Would you do the breakdown by LGA as opposed to, say, regions? Are you able to get down to that detail?

**Mr CASSEL:** Sorry, are you talking about the new stock that we are building?

**The Hon. MICK VEITCH:** Yes, the 296.

**Mr CASSEL:** I can go through those now, if you like.

**The Hon. MICK VEITCH:** No, you can take that on notice. I am asking when you provide the detail, is it able to get down into local government area numbers?

**Mr WRIGHT:** Yes.

**ANSWER:**

The breakdown by local government area is:

<b>Local government area</b>	<b>Number of projects</b>	<b>Yield</b>
Albury	1	12
Dubbo	4	42
Eurobodalla	2	27
Goulburn Mulwaree	2	34
Griffith	1	14
Kempsey	3	36
Maitland	1	18

Orange	2	12
Parkes	2	13
Port Macquarie-Hastings	2	28
Shoalhaven	1	6
Tweed	1	40
Wagga Wagga	2	14
<b>Grand Total</b>	<b>24</b>	<b>296</b>

## Budget Estimates 2020-21 – Monday 1 March 2021

### Portfolio Committee No. 4 – Industry

### NSW Land and Housing Corporation

#### Questions Taken on Notice

#### Question (Page 57 of transcript)

**The Hon. PENNY SHARPE:** Are you able to provide a breakdown to the Committee? How many of your developments require the 70-30 mix, the private-public mix, and how many do not? I assume from some of the numbers you gave the Committee around regional development that that is not a 70-30 mix. I do not expect you to go through it now, but will you provide to the Committee the breakdown of each of the developments whether that 70-30 mix is being factored in as part of the development?

**Mr CASSEL:** I can. That 70-30 mix really only applies to larger projects where we will deliver a mixture of product type. If you are doing four townhouses in a regional area, we do not break that down to 70-30.

**The Hon. PENNY SHARPE:** That is what I expect. Are they all in metropolitan Sydney?

**Mr CASSEL:** All the current live ones are. Other ones, I think, as we work our way through—I think there has been an announcement on Wagga, we are looking at an estate down there, that will look to break the concentration of social housing down.

**Mr WRIGHT:** And Bellambi, Corrimal as well, also down the Wollongong LGA we are looking at potentially a mix as well.

**The Hon. PENNY SHARPE:** As I said, I am happy for you to take it on notice.

#### ANSWER:

Details of major sites are available on the LAHC website at.



**Budget Estimates 2020-21 – Monday 1 March 2021**

**Portfolio Committee No. 4 – Industry**

**Water**

**Questions Taken on Notice**

**Question 2 (Page 6 of transcript)**

**The Hon. MICK VEITCH:** Minister, does your department need more resources to deliver upon these projects?

**Mrs MELINDA PAVEY:** We have been supported well through this process and I will refer now to Dr Bentley to discuss some of that extra resourcing that we have been able to secure to ensure that we get these projects done.

**Dr BENTLEY:** Thank you, Minister. The formation of Water Infrastructure NSW provides us with a quite a bit of additional resource that is working closely with WaterNSW on those projects so there is a net increase in resourcing. I do not have the numbers exactly to hand but if you want we can make them available later.

**The Hon. MICK VEITCH:** We might explore that this afternoon, Dr Bentley. I am not sure if you can have the numbers by this afternoon; if not, take it on notice.

**Dr BENTLEY:** I think we will be able to by this afternoon.

**ANSWER:**

As part of the initial establishment of Water Infrastructure NSW in November 2020, 21 additional roles were approved to support the Division's remit.

**Question 3 (Page 8 of transcript)**

**The CHAIR:** How many times have council or rail corporations or any of the other examples Minister Pavey listed been fined for removing water from building sites because they did not have a water access licence but they just had to remove it anyway?

**Mrs MELINDA PAVEY:** We will take that on notice.

**ANSWER:**

NRAR has not issued any fines to councils, rail corporations or utilities for dewatering building sites.

**Question 4 (Page 9 of transcript)**

**The Hon. EMMA HURST:** Are you still working with rescue groups or are they still being stopped from providing any wombats care if they come in and come across an animal that is unwell?

**Mr GEORGE:** Because we have got the University of Tasmania involved in the treatment trials, we ask that they are not involved in this stage so that we can have the scientific trials being undertaken by Dr Scott Carver to occur without overcomplicating it by other treatment coming into play over the next little while. They will absolutely be asked to be involved in the ongoing sustainable treatment of mange into the future.



**The Hon. EMMA HURST:** Great. Over the two-year research trial, will the wombats be treated continuously throughout the program or is it more of a case of a one-off treatment dose and then a long observational period?

**Mr GEORGE:** I will have to take that level of detail on notice.

**ANSWER:**

The number of times the University of Tasmania treats an animal during the program will be informed by ongoing monitoring of the animals. If a wombat shows signs of relapse after the initial treatment further treatment will be undertaken.

**Question 5 (Page 9 of transcript)**

**The Hon. EMMA HURST:** But is there any protocol in place if the treatment stops during that peak holiday period? Is the only protocol if somebody notices a wombat that that wombat would get treated but there is nothing else in place to monitor the wombats during the trial in those periods?

**Mr GEORGE:** That monitoring regime is something that the University of Tasmania is specifying so if you are after the details of that monitoring program, I will take that on notice.

**ANSWER:**

During the peak holiday period the process would be the same as the status quo. The WaterNSW 24 hour number is displayed on signage on site and WaterNSW can arrange someone to organise an assessment of the animal reported either directly, through National Parks and Wildlife Service or a wildlife carer group.

**Question 6 (Page 21 of transcript)**

**Mr JUSTIN FIELD:** Just confirming whether you have implemented all the recommendations of the NRC's review of the Barwon-Darling water sharing plan.

**Dr BENTLEY:** We have not completed them all but in phase one we are implementing the actions to better manage environmental water and the health of fish populations by—

**Mr JUSTIN FIELD:** Actually, Dr Bentley, if we could—

**Dr BENTLEY:** I can give it to you on notice.

**Mr JUSTIN FIELD:** That would be useful.

**ANSWER:**

The NRC made 44 recommendations in its review of the water sharing plan for the Barwon Darling. Some of these recommendations are for immediate action, and some for implementation at the remake of the plan in 2023. Of the 44 recommendations, 18 were implemented when the water sharing plan was amended on 30 June 2020. Critically the changes in the Barwon Darling water sharing plan include: -

- Implementation of Individual Daily Extraction Components. This manages the volume of water that can be taken from a water source on a daily basis, which limits the impacts of pumping and achieves both local and downstream social, cultural and environmental benefits.
- Changes in the cease to pump rules to raise the thresholds for A class licence take. This protects lower flows of water from extraction.
- Active management is now in place which protects held environmental water in the river system by changing how flows are managed, and when licence holders can and cannot access water from the river. This will reduce the need for temporary water restrictions to

protect environmental flow, which restricts extraction of water after a period of low flows in the river until targets are met downstream.

- Resumption of flows which protects water from being pumped until flow targets have been met downstream. This rule recognises the importance of allowing the river to resume flowing and protects these first flows after an extended dry period.
- Removal of imminent flow provisions which previously allowed A and B class licences to request access to low flows and cease to flow water when flows were forecast.

#### Question 7 (Page 21 of transcript)

**Mr JUSTIN FIELD:** Have you gone back to the NRC and said, "This is what we are proposing to meet your recommendations; have you got any feedback?"

**Mrs MELINDA PAVEY:** In terms of the process I am—

**Mr JUSTIN FIELD:** And the adequacy of the work to implement.

**Dr BENTLEY:** I cannot confirm to you off the top of my head. We will have to take it on notice. But what I would say is the plan is due for being remade in 2023 as well. This is a very frequent review and improvement process.

#### ANSWER:

Both the NRC's review and the Government's response to the review are on the NRC website at <https://www.nrc.nsw.gov.au/2018-2019-wsp-reviews>.

#### Question 8 (Page 40 of transcript)

**Mr JUSTIN FIELD:** The exact quote was:

*The NSW government is in the process of releasing peer-reviewed figures on floodplain harvesting.* Perhaps we could just start with what that is.

**Dr BENTLEY:** In the last two weeks—I think it was two weeks ago—we did a webinar on the data that we had from the Gwydir. That was attended—I looked at the—

**Mr JUSTIN FIELD:** Is that the peer-reviewed information that has been released—that webinar?

**Dr BENTLEY:** That webinar was part of the process. We also have made available through consultation more information. I can get more detail later—

**Mr JUSTIN FIELD:** Let's assume there is no—perhaps you can come back to me on notice whether there are peer-reviewed figures on floodplain harvesting being released in the near future.

**Dr BENTLEY:** The data we released was peer reviewed. We did a—

**Mr JUSTIN FIELD:** But this is from last week. I am just trying to confirm what that was.

**Mrs MELINDA PAVEY:** What was from last week—Maryanne Slattery and Johnson?

**Mr JUSTIN FIELD:** No, the quote in the article from last week was from a spokesperson from your office. I do not want to get stuck on that; perhaps we could confirm what you are referring to in that article. I will provide more information so we know what we are talking about.

#### ANSWER:

The two floodplain harvesting peer-review reports have been released in the last couple of weeks and they are available on the Department's website.

#### Question 9 (Page 41 of transcript)

**Ms CATE FAEHRMANN:** Minister, has the Government agreed to pay any sunk costs to

WaterNSW of the three dam projects if they do not go ahead—those projects being Dungowan, Wyangala and Mole River? Have you provided that assurance to WaterNSW that you will fund all sunk costs?

**Mrs MELINDA PAVEY:** We will have a process to ensure, as I have said, the final business case development is being 50-50 supported by the Commonwealth—

**Ms CATE FAEHRMANN:** You are answering a different question. Have you provided an assurance to WaterNSW that the Government will reimburse all sunk costs if the project does not go ahead—yes or no? I table email correspondence that I have from a Treasury—

**Mrs MELINDA PAVEY:** Cate, can we take that one on notice?

**ANSWER:**

The Government will underwrite any sunk costs that WaterNSW incurs if the Wyangala Dam Wall Raising, Dungowan Dam and Pipeline and/or Mole River Dam projects were to not go ahead. That is normal standard practice as a result of issuing of a direction under the *State Owned Corporation Act 1989* (SOC Act).

**Question 10 (Page 59 of transcript)**

**The Hon. MICK VEITCH:** I have an issue about weeds, and woody weeds in particular. They are a significant contributor to fuel load. People sort of underestimate them but in fact there are some pretty serious issues. How much did we spend last year on weed management on land that is within your control?

**Mr GEORGE:** I will take that on notice and aim to get back to you.

**ANSWER:**

In the last financial year we spent \$3.12 million.

**Question 11 (Page 59 of transcript)**

**Dr BENTLEY:** The legal limit for extraction in the Gwydir?

**The Hon. PENNY SHARPE:** Under the water sharing plan, yes.

**Dr BENTLEY:** I do not have that detail on hand.

**The Hon. PENNY SHARPE:** That is fine. If you agree to take it on notice that would be terrific

**ANSWER:**

The Gwydir surface water SDL resource unit is 408 GL/year.

**Question 12 (Page 63 of transcript)**

**The Hon. MICK VEITCH:** That same regulation goes on to talk about secondary purposes. The definition says:

(3) In this clause—

*secondary purpose* means—

- (a) domestic consumption, or
- (b) supply to another person or body, or
- (c) any other use from which a commercial benefit is or may be obtained.

If water is sent to storage and there is evaporation, how will that be accounted for? Is it

included as part of the secondary purpose for the purposes of this regulation? How does evaporation be brought to account?

**Mr BARNES:** The exemption does not cover the use of water removed for a secondary purpose such as domestic consumption, supply into another personal body or for storage in a storage area. It is to dewater a site to enable emergency works to be undertaken. It would be expected to be of relatively short duration to mitigate the risk and then the water itself, one would expect, would be returned back to the environment at the conclusion of those actions. My notes also make reference to the holding of water access licences and the requirement to ensure that there is sufficient entitlement in the water account. There is quite a lot of detail that I could take on notice to come back to you about how that works.

**ANSWER:**

The exemption does not permit the use of water removed in response to an emergency event to be used for a secondary purpose such as domestic consumption, supply to another person or body, or for uses from which a commercial benefit is obtained.

**Question 13 (Page 64 of transcript)**

**Ms CATE FAEHRMANN:** Who is the best person to direct questions to in relation to the making of the emergency works exemption regulation? Is that you, Dr Bentley?

**Dr BENTLEY:** No, it is not, but depending on the nature of your question, Grant may be able to help you.

**Ms CATE FAEHRMANN:** I would like to be talked through in terms of the process—that is, when the need for it first came to light and the consultation. When was it first brought up? How long has it been floating around the department for?

**Dr BENTLEY:** I do not have that information to hand. I will take it on notice.

**Mr BARNES:** We would need to take that on notice.

**ANSWER:**

This matter was first raised with DPIE Water by Sydney Water in January 2020 in the context of a broad request for licence and approval exemptions for all temporary dewatering associated with water supply, wastewater, recycled water and stormwater works. Additional representations were received from the Hire and Rental Industry Association Australia (HRIA) in June 2020. The HRIA includes member companies such as Coates Hire and Vortex Group of Companies who offer dewatering equipment and services to water utilities and the private sector.

The focus of the work since November 2020 has been to amend the regulation to facilitate legitimate emergency works in a legal and timely way. The Department consulted with the HRIA, Sydney Water, Hunter Water, the Water Directorate (on behalf of local councils), WaterNSW and NRAR in relation to the development of the regulation.

**Question 14 (Page 64 of transcript)**

**Ms CATE FAEHRMANN:** How long has NRAR been working with the department on the regulation?

**Mr BARNES:** I will take that on notice.

**ANSWER:**

NRAR was consulted on options to address emergency works about 6 months ago and the Department consulted NRAR on details of the regulation from November 2020.

#### **Question 15 (Page 65 of transcript)**

**Ms CATE FAEHRMANN:** Could there be a situation, for example, where a flood arrives, and an irrigator is worried that the floodwaters are going to impact on their infrastructure on their property? That is part of what this potentially could allow. Is that right? It does not exclude irrigators, for a start. You said you have had approaches by the building industry 12 months ago. Is that correct?

**Dr BENTLEY:** Yes, it came about from the building industry 12 months ago.

**Ms CATE FAEHRMANN:** When you say "the building industry", which stakeholder exactly?

**Dr BENTLEY:** As I have said to you, I have not reviewed this recently. Any detailed question I will have to take on notice.

**Ms CATE FAEHRMANN:** If you could do that.

**Dr BENTLEY:** I will do that, gladly, and will clarify how this is not related to floodplain harvesting in providing that further information.

#### **ANSWER:**

This matter was first raised with DPIE Water by Sydney Water in January 2020 in the context of a broad request for licence and approval exemptions for all temporary dewatering associated with water supply, wastewater, recycled water and stormwater works. Additional representations were received from the Hire and Rental Industry Association Australia (HRIA) in June 2020. The HRIA includes member companies such as Coates Hire and Vortex Group of Companies who offer dewatering equipment and services to water utilities and the private sector.

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#### **Question 16 (Page 66 of transcript)**

**The CHAIR:** Dr Bentley, has consideration been given to revise the water sharing plan around this area, given that the portfolio agency in charge has essentially backflipped on what they said they would do in terms of removing those semi-permanent structures that they have now made permanent by turning them into concrete structures? Has consideration been given around how that would impact the water sharing plan?

**Dr BENTLEY:** Can I take that on notice and hopefully get back to you in this session? I do have the status of the individual water sharing plans, but we will get a response to you.

**The CHAIR:** Also, potentially on notice, could you advise us whether these concrete structures allow full flow through to downstream communities or do they have the ability to restrict flow?

#### **ANSWER:**

DPIE-Water has commenced the review of the water sharing plan for the Intersecting Streams where Toorale is located. The review includes the operations of structures at Toorale and options for management of the infrastructure. The Department is working with DPIE-Biodiversity and Conservation in the development of the rules. Any changes will be subject to public exhibition as part of the water sharing plan remake.

The Borera Dam structure includes operating gates that can be laid flat to enable maximum flows or raised to restrict flow.

**Question 17 (Page 67 of transcript)**

**Mr JUSTIN FIELD:** Mr Betts, are you a member of the Warragamba Dam wall raising coordinating group?

**Mr BETTS:** Yes.

**Mr JUSTIN FIELD:** What is your role in that group?

**Mr BETTS:** It is chaired by the CEO of Infrastructure NSW in his capacity as the head of the coordinating group within government across flood risk in the Hawkesbury-Nepean Valley. My role is to make sure that the secretary's environmental assessment requirements for the Warragamba Dam project—which is an important component of the Hawkesbury-Nepean Valley flood mitigation strategy—are adequately addressed in the business case, which is being prepared by WaterNSW, and the related environmental impact statement.

**Mr JUSTIN FIELD:** When was the coordinating group formed?

**Mr BETTS:** A few months ago. I would have to take that on notice as to when precisely it was formed.

**ANSWER:**

The first coordination group meeting was held on Tuesday 14 July 2020.

**Question 18 (Page 69 of transcript)**

**The Hon. PENNY SHARPE:** Sure. Having a look at your submission that you provided to the Productivity Commission, you indicated that New South Wales remains committed to the National Water Initiative. If New South Wales was no longer to be signed up to the principles of the National Water Initiative—I am not asking you what you think about that—what is the extraction that New South Wales would have to do in relation to that?

**Dr BENTLEY:** I would have to take that on notice because it has never been a conversation we have ever had.

**The Hon. PENNY SHARPE:** So you do not believe that that is going to be an issue. Obviously, the National Water Initiative has a bunch of principles around that, one of them being full cost recovery in relation to new and refurbished water infrastructure projects. Is that the case?

**Dr BENTLEY:** I would have to take that on notice. I do not have the principles in front of me.

**The Hon. PENNY SHARPE:** Right.

**ANSWER:**

NSW does not know what extraction would look like because it's not something we have considered, nor is it something we are considering at this time.

**Question 19 (Page 71 of transcript)**

**Dr BENTLEY:** We have put in place an arrangement between ourselves, Treasury, WaterNSW—in fact all the State-owned corporations—and the Department of Regional NSW where we have formed a joint leadership team. And that leadership team looks at coordinating issues across the sector. It meets monthly. It is co-chaired by me and the relevant deputy

secretary in Treasury. So it is through the regular meeting of that forum that we deal with these coordinating issues across the sector.

**The Hon. PENNY SHARPE:** There is not an MOU between each of these entities?

**Dr BENTLEY:** I do not believe we have an MOU to govern it. We have the agendas and minutes of our regular meetings where we agree—

**The Hon. PENNY SHARPE:** The terms of reference for that committee?

**Dr BENTLEY:** I have to take that on notice.

**ANSWER:**

The Water Sector Leadership Group was formed in early March 2020 to better enable the Minister for Water and the Secretary of the Department of Planning, Industry and Environment, to lead strategic and joined-up planning and infrastructure investment priorities for NSW that lead to good outcomes for the people of NSW.

The group meets monthly and operates with agendas and minutes.

Members include:

- Jim Bentley (Co-Chair) – Deputy Secretary, Water Department of Planning, Industry and Environment / CEO of the NSW Water Sector
- Phil Gardner (Co-Chair) – Deputy Secretary, Commercial, Commissioning and Procurement, Treasury
- Gary Barnes – Secretary, Department of Regional NSW
- Roch Cheroux – Managing Director, Sydney Water
- Andrew George – A/CEO, WaterNSW
- Darren Cleary – Managing Director, Hunter Water
  - Amanda Jones – Chief Strategy Officer, Water Group, Department of Planning, Industry and Environment
  - Anissa Levy – CEO of Water Infrastructure NSW, Water Group, Department of Planning, Industry and Environment
  - Graham Attenborough – Chief Operations Officer, Water Group, Department of Planning, Industry and Environment

**Question 20 (Page 72 of transcript)**

**The Hon. PENNY SHARPE:** I have a follow-up question. There has been an ongoing issue with the Barkindji people on the Darling which is that as native title holders they were allocated—or supposedly allocated—water for cultural flow. They basically receive air at the moment. How are native title—I think

Barkindji might be the only group that actually has that. How is that issue going to be resolved?

**Ms JONES:** I think the Barkindji water commission's first meeting is in the next couple of weeks.

**Ms LEVY:** This week.

**Ms JONES:** Yes. A number of representatives from WaterNSW will be attending the meeting.

**The Hon. MICK VEITCH:** So there is a plan. Is there a time frame around that? If there is not, that is fine. I was just wondering, if people are talking at this—

**Ms JONES:** I can take on notice the time frame. The Barkindji water commission meeting is happening next week, so that is to progress discussions.

**ANSWER:**

The timetable for the Indigenous Land Use Agreement (ILUA) negotiations with the Barkandji Native Title Prescribed Body Corporate (PCB) was delayed due to COVID-19 risks which prevented face to face meetings.

**Question 21 (Page 75 of transcript)**

**Mr JUSTIN FIELD:** Have any additional assessments—biodiversity assessments—been undertaken since those comments were received by the State and Commonwealth environment agencies?

**Mr GEORGE:** I will have to take that on notice, but certainly additional work has been undertaken in the last 12 months.

**ANSWER:**

Following receipt of agency comments through the consistency review process, WaterNSW has undertaken further biodiversity assessment work. All stakeholders and interested parties will have the opportunity to comment on the completed Environmental Impact Statement during public exhibition expected later in 2021.

**Question 22 (page 75 of transcript)**

**Mr JUSTIN FIELD:** My particular interest is about biodiversity surveys and the like. I will put those on notice. Dr Bentley, I want to ask about the water sharing plans in particular. On notice, or if you have them available, a substantial number of water sharing plans went to the MDBA for accreditation last year. I am interested in the status of them. Have any been returned from the MDBA with "try again" or "please explain"? Have any been accredited at this point?

**Dr BENTLEY:** Let me take it on notice for now. I hope we are able to answer it before the end of the session.

**ANSWER:**

No plans have yet been accredited.

**Question 23 (Page 76-77 of transcript)**

**Ms CATE FAEHRMANN:** The business case that you are getting external consultants for—who are they, by the way?

**Ms LEVY:** I will take that on notice but I can get that shortly.

**ANSWER:**

EY and Aither.

**Question 24 (Page 77 of transcript)**

**The CHAIR:** Are you aware that when the Government made these announcements about metering reforms that it gave a commitment that it would bear the total cost of initiating this reform? Your submission proposing that potentially users may have to pay upwards of 70 per cent to 240 per cent is going against a government commitment that the end user would not pay for the Government's failure to install these metering reforms and meters for many, many years.

**Mr GEORGE:** Sorry, so your particular question?

**The CHAIR:** Why has WaterNSW contradicted a State Government commitment to not pass on the cost of metering reforms to the end user?



**Mr GEORGE:** Sir, I have not contradicted anything. We are responding to a direction from the Minister to pay for the cost to bring the New South Wales government-owned meters into compliance.

**The CHAIR:** It is the Minister that is proposing the contradiction of the Government's commitment?

**Mr GEORGE:** That is a question you will have to ask the Minister.

**The CHAIR:** Can you take it on notice and ask the Minister?

**ANSWER:**

WaterNSW is required to submit its expenditure as a price-regulated entity to the IPART.

**Question 25 (Page 78 of transcript)**

**The Hon. PENNY SHARPE:** I think these questions are for you, Mr Betts. I wanted to understand what the threshold is for your agencies being able to put contractors on without an expression of interest or a public process.

**Mr BETTS:** There are thresholds that are specified by the NSW Procurement Board and adopted by the department. As to exactly what those are, I do not want to mislead you so I will take that on notice.

**ANSWER:**

The Department of Planning, Industry and Environment holds construction accreditation and level 1 goods and services accreditation under the Public Works and Procurement Act and complies with the terms of that accreditation and the NSW Government Procurement Policy Framework. Details on the requirements of that Policy can be found at

<https://buy.nsw.gov.au/policy-library/policies/procurement-policy-framework>

**Question 26 (Page 80 of transcript)**

**The Hon. MICK VEITCH:** Thank you. I want to go back to the cultural water, if I could. I understand that the Barkindji or we heard that the Barkindji Water Corporation is meeting very soon—next week or next fortnight. For other Indigenous corporations across the State, what is the timetable for those?

**Ms JONES:** Sorry, just to clarify, is your question: What is the timetable for all native title?

**The Hon. MICK VEITCH:** Other than the Barkindji because you have answered the Barkindji.

**Ms JONES:** I would have to take that on notice.

**ANSWER:**

DPIE Water is currently involved in negotiations with the following groups as a part of broader negotiations between the NSW Government and native title claimants or holders:

- Barkandji People (determined);
- Bandjalang People (determined);
- Yaegl People (determined); and
- Widjabul Wia-bal People (native title claimants).

The timeframe of these negotiations is dependent on both parties; however, the NSW Government is looking to have them resolved in the next 12 to 24 months.

**Question 27 (Page 81 of transcript)**

**The Hon. PENNY SHARPE:** You can take this next question on notice. In relation to incidents, are you seeing a reduction in them as a result of that work or has the number of them increased? I do not know how you collect that data.

**Dr BENTLEY:** Are you talking about incidences of staff being threatened or feeling threatened?

**The Hon. PENNY SHARPE:** Yes. How many incidents have been reported and are they increasing? I do not think they are in annual reports. If you could provide it to the Committee on notice, I would really appreciate it.

**Mr BETTS:** We collect and we discuss that data within the department's leadership team. This is an anecdotal observation, but I think the data would support that our staff were particularly exposed to risk and threat at the height of the drought when there were significant stress issues, and mental health and wellbeing issues within the communities with which they were interacting.

**ANSWER:**

In 2019/20 we had 6 incidents and in the current financial year 2020/21 we have had 8 incidents. This data is collected in the Department of Planning Industry and Environment Incident Management System.

**Question 28 (Page 82 of transcript)**

**The Hon. EMMA HURST:** How much time has been spent on assessing the animal and plant life in the region? I am particularly interested in the platypus and whether there has been some consideration there.

**Mr GEORGE:** If you are after exact times, I would have to take that on notice.

**The Hon. EMMA HURST:** It does not have to be an exact time, but has there been consideration and is there substantial consideration?

**ANSWER:**

The assessment of fauna and flora has been ongoing between 2017 (when WaterNSW was assigned the responsibility of preparing the Environmental Impact Statement) and late 2020. The platypus is considered within the EIS.

The details of the fauna and flora assessments will be contained in the EIS which will be available during public exhibition.

**Question 29 (Page 84 of transcript)**

**Mr JUSTIN FIELD:** Two months ago ICAC said they disagree with that legal opinion—just disagree with it. That is what it says in the November report. They disagree with your department's submissions that make the exact legal argument that you have sat here all day making.

**Dr BENTLEY:** Well, to be fair, I have talked about a lot of other things as well.

**Mr JUSTIN FIELD:** But that is the core principle.

**Dr BENTLEY:** I have responded consistently in that way to when you have asked me those questions because of the truth of the situation, but we are accepting and acting on the recommendations of the ICAC report. So whether ICAC believes that in the past things were not done in that way or whether they believe our interpretation, we are accepting their recommendations.

**Mr JUSTIN FIELD:** They have responded to your submissions, not their investigation over the past seven years. Will you table the submissions that you made to ICAC that go to these points?

**Dr BENTLEY:** I do not see why we wouldn't.

**Mr JUSTIN FIELD:** If you could take that on notice, I would appreciate it.

**Mr BETTS:** Yes, we will take it on notice.

**ANSWER:**

The Department's submissions on this matter are quoted and summarised in pages 32 and 33 of the report *Investigation into complaints of corruption in the management of water in NSW and systemic non-compliance with the Water Management Act 2000*.

**Question 30 (Page 85 of transcript)**

**Dr BENTLEY:** With respect, it cannot be formulaic because of the very nature of what we are talking about. There will be a degree of judgement to be applied to those things. But those water sharing plans are being reviewed as part of the water resource plans. There are 33 water sharing plans attached to 20 water resource plans that are with the MDBA. We have had formal advice back on two of them.

**Mr JUSTIN FIELD:** What was that advice?

**Dr BENTLEY:** I can tell you which they were, and I would have to take notice what the advice was — the Lachlan surface plan and the Namoi alluvial plan, which is groundwater.

**ANSWER:**

As at 14 March 2021, the government has received formal notification in relation to three Water Resource Plans (Lachlan surface water, Namoi surface water and Namoi Alluvial).