

GENERAL PURPOSE STANDING COMMITTEE NO. 3

8 September 2006

Questions taken on notice

1. The Hon. DUNCAN GAY: What has been the operating cost in the past financial year of the RFS air wing?
2. The Hon DUNCAN GAY: Minister, can you tell us how often you have used this aircraft [Firescan] for travel? Can you also find out the number of flights that other RFS personnel used, and who they were? How many of them used that aircraft when you or the Commissioner were not on board? Can you also indicate what percentage and number of flights undertaken by this aircraft in the past year were aerial surveillance flights over fire zones?
3. The Hon DUNCAN GAY: How many trainees who were present on that day [of the Cessnock Racecourse fire in 2002] were issued clothing and personal protective equipment that morning after joining and signing-up on the day of the training and ending-up at that exercise, which became a full-blown fire?
4. The Hon DUNCAN GAY: Commissioner, you indicated that there was a full judicial inquiry. The Coroner's findings related to the death of a person in the car. Not all the facts relating to the other incident were revealed. The Coroner gave an open finding and there is an ongoing police inquiry. Given those circumstances and the information that has been revealed tonight at this Estimates Committee hearing, why do you not undertake any investigation yourself or support a proper judicial inquiry?
5. The Hon Dr ARTHUR CHESTERFIELD-EVANS: There are environmental house designs but are there fire ratings for properties? How widespread are they? Is there a plan to make it universal in all [country] properties?
6. CHAIR: I want to put a question that was raised with me by representatives of the Fire Brigades Union on notice in relation to the safety of recycled effluent or industrial waste being used as water to fight fires, given the possibility that fire fighters might ingest it.

ANSWERS:

1. Total cost of RFS air operations in the 2005/06 financial year was \$17.557 million.
2. The Commissioner and I attend many RFS events in rural and regional NSW year round to give our volunteers the recognition they deserve and to hear their views. Many of those trips are taken by car or commercial aircraft. The RFS aircraft is generally used for transport only where urgent timeframes do not allow the use of other alternatives or suitable commercial transport is unavailable. The last fire season was comparatively quiet, and fire scans are far less likely to be required during winter months. These factors influence the figure for line scans.

Use of Firescan aircraft in financial year ended 30 June 2006:

Minister – 8 times

Commissioner – 14 times

Other RFS staff – 9 times

Line scans – 22 times

Total flights – 53

Percentage aerial surveillance flights - 41 per cent

RFS passengers other than Minister or Commissioner:

Mark Croweller, Dominic Lane, Rebel Talbert, Shane Fitzsimmons, Patricia Waddell, Rob Rogers, Keith Harrap, Paul McGrath, Claire Poignand, Steve Yorke, Phil Langdon, Peter Marshall, Derrick Oliver. Some of these people flew to represent Commissioner Koperberg at events he was unable to attend.

3. The Abernethy fire was the subject of a Coronial Inquiry in February 2004. The Coronial Inquiry concluded that there was no evidence to suggest any member of the RFS was involved in the lighting of the fire and there was no evidence of a cover-up.
4. The Abernethy fire was the subject of a Coronial Inquiry in February 2004. The Coronial Inquiry concluded that there was no evidence to suggest any member of the RFS was involved in the lighting of the fire and there was no evidence of a cover-up. Despite this, a resident who lost property to the fire approached the ICAC this year suggesting there was a cover-up. The ICAC declined to investigate the matter further because of the previous investigations and lack of new evidence. The Police also recently re-opened their file on the matter, and soon afterward announced that they found no evidence to support the claims.
5. Yes. There are fire ratings for properties in the form of different levels of construction as determined by Australian Standard 3959. The Standard nominates three levels of construction depending on the level of risk posed to the development. AS3959 is a national standard which is applied uniformly by RFS in bush fire prone areas across the State. The RFS also applies the Building Code of Australia and *Planning for Bushfire Protection, 2001* to mitigate the impact of bush fire on our community. NSW legislation and

Planning for Bushfire Protection, 2001 ensure the application of uniform and consistent regulations in NSW.

6. It is not accepted practice for fire fighters to utilise recycled effluent or industrial waste water in fire fighting. Standard practice is to utilise water from reticulated sources or open supplies such as rivers, dams, creeks etc.

The NSWFB has produced an Operational Water Use Policy intended to address fire fighter safety in the event that personnel encounter a variety of water sources, The policy is a sensible approach, urging caution and personal protection measures from an all-encompassing perspective, given the enormous variation in terms of the numerous water sources employed in NSW for fire fighting. The Fire Brigade Employees' Union recently accepted the Operational Water Use Policy during conciliation proceedings in the Industrial relations Commission.

TONY KELLY
Minister for Emergency Services

GENERAL PURPOSE STANDING COMMITTEE NO. 3

8 September 2006

Questions on notice

355 Candidacy for NSW government - Will you rule out any interest in contesting the next State election as a candidate?

Answer

I note that a similar question was asked during the hearing of the Emergency Services 2006-2007 Budget Estimates which the Chair ruled to be out of order.

356 If selected as a candidate will you avoid public comment on emergency services matters?

Answer

I refer to my answer to question 355.

357 "Racecourse" fire Cessnock - Did the Racecourse fire start in the vicinity of where two Cessnock RFS tankers had moved to commence a training exercise?

Answer

There was a Coronial Inquiry into the circumstances of this fire, and the record of its evidence and findings is publicly available.

358 "Racecourse" fire Cessnock - Did the second tanker (Bravo 1) arrive at the scene shortly after the fire had started?

Answer

I refer to my answer to question 357.

359 "Racecourse" fire Cessnock - Were the crew of the first tanker (Alpha 1) fighting the fire by hand when Bravo 1 arrived?

Answer

I refer to my answer to question 357.

360 "Racecourse" fire Cessnock - Was the brigade captain very surprised when so many volunteers turned up for the training exercise?

Answer

I refer to my answer to question 357.

361 "Racecourse" fire Cessnock - Was there any report you received that the brigade planned a live fire training exercise to increase participation?

Answer

I refer to my answer to question 357.

362 "Racecourse" fire Cessnock - Did the brigade have any history of reckless behaviour?

Answer

I refer to my answer to question 357.

363 "Racecourse" fire Cessnock - When were you first made aware of claims that RFS volunteers may have lit the fire as part of a training exercise?

Answer

I refer to my answer to question 357.

364 "Racecourse" fire Cessnock - Were you aware of a witness providing sworn evidence that he saw smoke from the fire just over a hill commence within minutes of Alpha 1 tanker passing over the hill?

Answer

I refer to my answer to question 357.

365 "Racecourse" fire Cessnock - Are you aware of a sworn statement to policy by Senior Deputy Captain Terry Roberts of the Cessnock Brigade, in which he admitted that he had no idea exactly who was on either of the two tankers. Alpha 1 and Bravo 1 that left the Brigade that morning.

Answer

I refer to my answer to question 357.

366 "Racecourse" fire Cessnock - When Bravo 1, with five trainees aboard, was delayed several minutes with alleged 4-wheel drive problems, was the vehicle later checked over mechanically to investigate the fault?

Answer

I refer to my answer to question 357.

367 "Racecourse" fire Cessnock - Are there any mechanical records of this fault being rectified?

Answer

I refer to my answer to question 357.

368 "Racecourse" fire Cessnock - Who declared the section 44 when the gravity of the racecourse fire was apparent?

Answer

I refer to my answer to question 357.

369 "Racecourse" fire Cessnock - Did a Hornsby RFS tanker and another from the NSW Fire Brigade return to the origin of the Racecourse Fire that evening, the 19th of October 2002?

Answer

I refer to my answer to question 357.

370 "Racecourse" fire Cessnock - Did they back burn in the area of the fire origin?

Answer

I refer to my answer to question 357.

371 "Racecourse" fire Cessnock - If so, who issued the orders?

Answer

I refer to my answer to question 357.

372 RFS operational costs - Can you list the motel accommodation costs for you and your staff for the last financial year?

Answer

This is not possible because many of the staff who travel claim the subsistence allowance rather than reimbursement of actual costs. Facilities are available for staff to draw a cash advance and pay the accommodation from that advance.

373 RFS operational costs - Before RFS employee Ryan Coffey moved on to the Police Service, what was his final position and salary? Was it \$92,000?

Answer

His final position was Operations Officer Co-ordination, RFS Level 8/9, Level 8 Year 2, with a final salary of \$69,724.

374 RFS operational costs - What was his salary and position 12 months earlier?

Answer

Supervisor Operations and Customer Service, RFS Level 8/9, Level 8 Year 1, with a salary of \$62,591.

375 RFS operational costs - How much of the \$33,000 that was spent on 1-900 numbers on his work assigned mobile phone has been repaid?

Answer

The cost to the RFS of the calls has been repaid.

376 RFS operational costs - How many of those calls were to Horoscope Lines and how many to Sex Lines?

Answer

I am advised that none of the calls were to sex lines.

377 RFS operational costs - In the investigation of this matter, did you find that all of the calls made to 1-900 numbers were made from the one residential location?

Answer

Residential locations are not identified on mobile phone bills.

378 RFS operational costs - Will you release the bills?

Answer

If an application is made under the Freedom of Information Act 1989, proper consideration will be given to releasing the bills.

379 RFS operational costs - Who was responsible for Ryan Coffey's rapid promotions within the organisation?

Answer

His promotion to permanent positions in the NSW RFS was done in accordance with the merit based selection principles and in accordance with the Public Sector Employment and Management Act 2002.

380 RFS operational costs - Were the positions for which he was successful in promotion advertised?

Answer

Yes

381 Hazard Reduction - How many hectares of hazard reduction has been done conducted (sic) this off-season?

Answer

Hazard reduction figures conducted by land management agencies for the year to 30 June 2006 will be made available in the RFS 2005-06 Annual Report.

382 Hazard Reduction - What was last year's figure?

Answer

Hazard reduction figures for the year to 30 June 2005 are available in the RFS 2004-05 Annual Report.

383 RFS Membership - What do you class as an active RFS member?

Answer

Active membership varies from Brigade to Brigade according to its constitution.

384 RFS Membership - How many are there currently?

Answer

At 30 June 2006 there were a total of 70,745 Rural Fire Service volunteers, which are made up of active fire fighters and operational support staff.

385 RFS Membership - What are their training requirements to ensure that they remain on your list of active fire members?

Answer

For some specialist positions competencies are required to remain current. Bush fire fighting training levels, once acquired, remain current. Other active roles require no training levels.

386 National Park Access Stickers - How many National Parks stickers have been applied for in each of the last two years?

Answer

The RFS does not apply for the NPWS annual passes; rather the NPWS contacts the RFS offering passes and requesting numbers. An annual audit is conducted and unclaimed passes are returned to NPWS. In 2005/06 and 2006/07 17,000 passes were received from NPWS.

387 National Park Access Stickers - How many have been handed over to RFS members?

Answer:

2005/06	4,360 approx
2006/07	4,432 as at 7/9/06

388 Service Medals - How many volunteers have received medals for their participation in the 2003 Canberra bushfires?

Answer

935 medals have been distributed, 53 to employees and 882 to volunteers. An additional 2,737 medals are on order and yet to be distributed, 19 to employees and 2,718 to volunteers.

389 State Rescue Board and related operations - Commissioner, as Chair of the State Rescue Board what are your rescue credentials?

Answer

The State Rescue Board comprises the most senior representatives of the State's emergency services. The Chair of the State Rescue Board was appointed in accordance with section 43 (2) of the State Emergency and Rescue Management Act.

390 State Rescue Board and related operations - Commissioner, are you aware of suggestions that the rescue agency best accredited in confined space rescue was not called to the scene in the operation to

rescue Mr Ron Tabak who fell into a tank at the Port Kembla Treatment Plant?

Answer

The coordination of Rescue is a matter for the NSW Police.

391 State Rescue Board and related operations - Commissioner Mullins, is the Wollongong Fire Brigade the State Rescue Board accredited secondary rescue unit for Wollongong with specialist rescue expertise in confined space rescue and urban search and rescue?

Answer:

The Wollongong Fire Brigades is the accredited secondary rescue unit for Wollongong. Rescue operators attached to this station are trained and equipped to conduct confined space operations as well as first response to structural collapse rescues (Urban Search and Rescue Category 1).

The State Rescue Board does not have specialist rescue accreditation for either confined space rescue nor Urban Search and Rescue, but relies on rescue units being accredited in general land rescue operations commensurate with the risks associated with the unit's area of operations.

392 State Rescue Board and related operations - If so, were they called out to the scene of Mr Tabak's ultimately fatal fall?

Answer

I refer to my answer to question 390.

393 State Rescue Board and related operations - If not, why not?

Answer

I refer to my answer to question 390.

394 State Rescue Board and related operations - Was a hydraulic platform available at Wollongong Fire Brigade? – if so, why wasn't it used.

Answer

Yes.

395 Duplication of Rescue Services - Do you support the view of the 2002 report that NSWFB should be primary rescue agency as it is in many jurisdictions and adopt those areas that the police and ambulance service currently perform the rescue role in?

Answer

Rescue accreditation is approved by the Minister for Emergency Services on the recommendation of the State Rescue Board.

396 Duplication of Rescue Services - Would this return 250 police and ambulance personnel to their core frontline duties?

Answer

This is a matter for the Ministers whose portfolio these agencies fall within.

397 Duplication of Rescue Services - What internal management difficulties if any would you see if NSW followed the lead of NT and Qld and US and UK and renamed the service as a Fire and Rescue Service?

Answer

The NSWFB has a significant investment associated with its current name in relation to corporate stationary, uniforms, badges, logos on fire engines and minor vehicles, etc. The costs associated with a change to the organisation's name would need to be identified and funded accordingly.

398 Community Fire Units - How many CFU members were there at end June 2006?

Answer

5,700

399 Community Fire Units -. Has training for CFU volunteers been cancelled at any stage?

Answer

Two Regional Training days have been postponed and are to be rescheduled.

400 Community Fire Units - Have long have any unfilled supervisory CFU positions been unfilled?

Answer

The management structure for CFUs involves units being adopted by their local fire stations for the purpose of training and other support.

401 RFS Sponsorship - Why was an offer from company EMRISK to sponsor the RFS through its "MY RFS" website rejected?

Answer

EMRISK did approach the RFS with a view to exploring MyRFS sponsorship arrangements in March 2006. In responding, the RFS outlined its sponsorship policy and explained that while it might be possible in future, MyRFS sponsorship is not available at this stage. The RFS also suggested EMRISK could be promoted through the "Bushfire Bulletin" published by the RFS.

402 RFS Sponsorship - Does the RFS cover the cost of printing and/or distribution of the document "Back to Base" – a promotional tool for the private company, Emergency Services Learning and Development Pty Ltd?

Answer

The RFS reprints the emergency services leadership and training quarterly "Back to Base" and distributes it with the RFS publication "Talk About Training".

403 RFS Sponsorship - If so, why?

Answer

The publication is a valuable resource for RFS instructors.

404 Turnout Response Times - Can you provide a breakdown per station of how many full turnout incident responses were attended for the following periods:

- (a) FY 2002/03
- (b) FY 2003/04
- (c) FY 2004/05
- (d) FY 2005/06?

Answer: Information relating to responses by the emergency services is included in their annual reports.

405 Turnout Response Times - For the 2004/05 and 2005/06 financial years, can you provide a breakdown, per station, of the response times from the time that the call was taken to the time of reaching the incident in the following categories:

- (a) 0 to 3 minutes
- (b) 3 to 5 minutes
- (c) 5 to 8 minutes
- (d) 8 to 10 minutes
- (e) 10 to 12 minutes
- (f) 12 to 15 minutes and
- (g) More than 15 minutes?

Answer: Refer to my answer to question 404.

406 NSW Rural Fire Service Vehicles - With respect to the NSW Rural Fire Service at 30 June 2003, 30 June 2004, 30 June 2005 and 30 June 2006:

- (a) How many operational vehicles were deployed across NSW?
- (b) How many tankers were deployed across NSW?
- (c) What was the average age (years of service) of the tankers deployed?

- (d) How many pumpers were deployed across NSW?
(e) What was the average age (years of service) of the pumper fleet?

Answer

Since 1995 the government has allocated almost \$300 million to purchase about 3000 tankers for brigades across the State.

407 New Fire Engines - How many new fire engines will be commissioned/brought into service in the following periods:

- (a) FY 2006/07
(b) FY 2007/08
(c) FY 2008/09
(d) FY 2009/10?

Please provide details of the location of new fire engines, if they are replacing existing fire engines or are an increase in fire engine strength and when the new fire engine will be allocated to its respective fire station.

Answer

Over the next two years (06/07-07/08) funding has been made available to purchase 82 fire appliances. The specific number of fire appliances to be purchased for years 2008/09 & 2009/10 is yet to be confirmed.

408 Balmain Fire Stations - For the fire stations located within the new state seat of Balmain and/or current state seat of Port Jackson can you please provide the following details for each fire station?

- (a) Are there any plans to allocate new fire engines to these stations?

Answer

There are three allocations for Port Jackson in the 2006/07 financial year. These will be for Glebe and two for the City Of Sydney Fire Station.

- (b) If so, when will the new fire engine arrive? And;

Answer

The projected delivery date will be around December 2007.

(c) If so, is the new fire engine replacing an existing fire engine or is it an increase in authorised strength?

Answer

These will be replacement fire engines.

409 Fire Fighter Numbers - With Respect to the NSW Fire Brigade at 30 June 2003, 30 June 2004, 30 June 2005, 30 June 2006 and 1 September 2006:

- (a) How many permanent fire fighters were there?
- (b) How many retained fire fighters were there?
- (c) How many permanent fire fighters were there at each station?
- (d) How many fire fighters were located in urban search & rescue teams?
- (e) How many fire fighters were there in the Hazardous Materials Response Units?
- (f) How many operational fire fighters were not located in any of the above units? Please provide a description of these units
- (g) How many retained fire fighters were there at each station?
- (h) How many permanent & retained fire fighters were on long-term sick leave?
- (i) How many permanent & retained fire fighters were on restricted duty?
- (j) What was the authorised strength for each fire station, urban search & rescue team and Hazardous Materials Response Unit?

Answer

Staffing numbers are available in the NSWFB annual reports.

428 Emergency Services - Will you guarantee that funding from the federal government allocated as part of the fire trail upgrading program does not impact heavily on bushland and that there will be no loss of urban bushland?

Answer

The RFS has only approved funding for maintenance and upgrading of existing trails.

429 Emergency Services - I understand that some councils are bulldozing new trails at back of all properties, re-opening fire trails that have not been in use for over 50 years (eg Baulkham Hills council), as well as bulldozing trails along creek lines. Are you aware of this occurring?

Answer

No.

430 Emergency Services - Can you assure the committee that there will be proper environmental assessments in the upgrading of fire trails?

Answer

The RFS ensures that all necessary environmental assessments are undertaken.

TONY KELLY
Minister for Emergency Services

Questions relating to the portfolios of Lands and Rural Affairs from Budget Estimates hearings held on Friday 8 September 2006

Questions from Mr Colless

1. Of the 1402 Crown roads that have been closed and the 654 that have been converted, what is the total area involved?

Answer:

The Department does not record the area of Crown roads that have been closed and/or converted. It records the number of roads and their location.

2. How many Enclosure permits are charged at a higher rate than the minimum \$350 for three years?

Answer:

All enclosure permits are currently charged \$350 for the three years from 1 July 2004 until 1 July 2007. The lemma Government has announced that it will extend the concessional rent arrangements resulting in another \$350 for three years from 1 July 2007.

3. Is it (rent) on an area basis after that?

Answer:

No. The concessional rent of \$350 for three years is charged on all enclosure permits regardless of their size.

Questions from Mr Cohen

4. In my home area of Byron Bay, which is coastal, we have Arakwal National Park on one side, Broken Head Nature Reserve, which is a very high scientific classification, and in the middle we have a relatively small parcel, I could get you the hectare size, of Crown land that is in an appalling condition. The council cannot get agreement from Crown land to actively manage it. Between the local council, National Parks, DEC and the department managing Crown lands there is an unwillingness and there has been no management of land for some 20 years. I wonder if this is repeated up and down the coast. It is Crown land that is infested with weed and in very poor condition. It is between the Arakwal National Park and the coast.

Answer:

Arakwal National Park extends to the high water mark. Crown land is generally managed by the Department or a trust, usually a Council. If Mr Cohen is referring to the strip of land approximately 5km long between Arakwal National Park and Broken Head, then the land is predominantly a Crown reserve that has been under the care control and management of the Byron Shire Council. I understand that there is a substantial weed problem on some Byron Council owned land in this area.

Last year the Department of Lands provided a total of \$119,000 funding on the North Coast for weed control on Crown land. The Byron Shire Council is a member of Far North Coast Weeds but did not apply for any of that funding. Suffolk Park Dune Care Group has been working to control weeds in this area also. The Department provided this group with a total of \$10,000 this year for weed control in this area.

Over the past five years Byron Shire Council was granted consent to transfer funds in the order of \$150,000 from the Byron Shire Holiday Parks Reserve Trust for foreshore protection works on coastal reserves, with \$15,000 specifically allocated to Suffolk Park reserves.

I thank Mr Cohen for his interest in the management of Crown land and bringing this particular site to my attention. I will add this to the list of questions being raised with the Byron Council in regards to its expenditure of funds earned from the Crown estate.

5. I would also like to know what Crown land intends doing with that land that it is allowing to degrade. Is it going to sell it off to development? Further, how many other pieces of land on the coast are being allowed to go to weed with the intention of selling them off for development in the future?

Answer:

The Department's system of land assessment does not rank weed invasion as the determining factor in development suitability. The Department's development planning and assessment system determines allocation of land through a thorough assessment of capability and suitability.

I agree that there are areas of weed invasion on public land, Crown land and National Park land up and down the coast. To ensure weeds are managed on Crown lands in the most efficient and effective manner the Department forms alliances such as Far North Coast Weeds and Clarence Valley Weeds. These alliances bring together the Department's experts with those of local government authorities to plan and co-ordinate management response and prioritise expenditure for tackling weed problems along the coast.

Last year the Department allocated a total of \$119,000 to these alliances for the management of weeds on Crown land in North Coast local government areas. In addition, the Department actively and successfully competes for funding for weed control from other sources such as the Natural Heritage Trust (NHT).

Questions from Mr Colless

6. What area is involved in those 2000 (perpetual lease conversions)? I am interested in the areas of the ones that have been applied for and also those that have been converted.

Answer:

DOL has on hand 3,740 applications to convert to freehold, amounting to 1.43 million hectares. Of these, 1,011 applications totalling 11,851 hectares have been received for leases which require statutory consultation with the Minister for the Environment is required.

There has already been 2,170 leases converted, amounting to 128,595 hectares.

7. How many have been rejected?

Answer:

Two have been rejected, both in the Hay district

8. Why have they been rejected?

Answer:

State Forests lodged objections to both under 25 E (1) (b) of the Forestry Act 1916.

9. I would like to ask you a question about the 141 estimated full-time equivalents identified in the budget papers. Can you give the Committee a break down of the classifications of those staff – how many tractor drivers, field service people, and professionals in particular?

Answer:

The Soil Conservation Service staff currently consists of:

- *45 tractor drivers (works)*
- *29 field supervisors (works/consult)*
- *18 professional (management/consult/operations)*
- *30 field hands (consult/operations)*
- *12 workshop (works)*
- *7 business support/admin*
- *Total 141*

Question from Mr Cohen

10. I am particularly interested to know why the government did not advise council of the complaints and give council the opportunity to verify or oppose the veracity of those complaints. Could you detail to the committee where and when? In a letter from the Mayor, which was sent to you (Minister Kelly), she challenges that council was afforded the standard practice of government to advise council of complaints and give council the chance to respond. Perhaps if you could give me the details of who the advice was given to and why councillors were not informed by you, except by press release in the local media?

Answer:

A number of complaints have been received concerning reserves under Byron Council's control particularly Clarkes Beach, Ferry, Massey Green and Terrace

Caravan Parks over a number of years. Complaints were often referred verbally by officers from Department of Lands to officers of Council for information and comment. Council Officers Paul Hickey, Elizabeth Brown, Greg Downes, Renay Willkes and John Tilton were the main points of contact for information regarding the operations of Crown reserves by Council, including the caravan parks.

Complaints were also lodged with the Department of Lands 'in confidence' and accordingly these complaints were not handed onto Council due to the nature of the correspondence.

The Mayor's letter to myself dated 1 August 2006 concerning the Crown caravan parks acknowledges problems with the caravan parks stating, 'It is true that in the past complaints had been received about the parks.'

The audit of the Byron Caravan Parks was undertaken under a program of review of the operation of caravan parks by Council's. The audit process was utilised by the department to investigate the management of the parks following complaints. If the complaints were not justified the audit would have revealed such and the matter would have ended there.

Unfortunately the audit revealed matters of extreme risk to me and the community beyond the substance of any of the complaints received. Accordingly action had to be taken to ensure the sustainability of the reserves and the caravan parks contained in those reserves.

Council at this point was given an opportunity to provide a strategy to address the concerns raised in the audit. The strategy provided by Council lacked substance to address the issues identified and provide for the successful ongoing management and improvement of the reserves and the facilities thereon for the people of NSW.

Additional Questions from Mr Cohen

Lands

410. Regarding the transfer Crown Land to Werakata NP, if the Department of Lands are unwilling to fulfil existing arrangements to transfer land to DEC, has the Department prepared a costed plan for threatened species assessments, fire and weed management, and other maintenance critical to the conservation management role?

Answer:

Where the Department of Lands considers that it is not warranted to transfer land to DEC, the management of the land will continue to be undertaken by the Department utilising resources available, including funding for fire and weed management, in accordance with the principles contained in the Crown Lands Act. The principles of Crown land management are:

- (a) that environmental protection principles be observed in relation to the management and administration of Crown land,
- (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible,
- (c) that public use and enjoyment of appropriate Crown land be encouraged,

- (d) that, where appropriate, multiple use of Crown land be encouraged,
- (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
- (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

411. For what reason has the Department of Lands recently adopted a policy to withhold the transfer of the narrow strips of land in the intertidal zone between high and low tidal limits, adjacent to national parks to the Department of Environment and Conservation?

Answer:

This is not a recently adopted policy. Land being transferred sold or leased is normally done so based on existing cadastral boundaries. The mean high water mark is the traditional and well established cadastral boundary between the land and the water. The vast majority of land adjoining tidal waters has a legal boundary with the water at the mean high water mark. The intertidal zone is not defined in most cases and a transfer involving the intertidal zone would necessitate costly survey to establish cadastral boundaries.

The Department of Lands is also conscious of existing coastal policies of maintaining public access to beaches and coastal zones. The intertidal zone is seen as essential to maintain this public access.

412. Are you aware of negotiations under way between the government and private landholders to give away public land in the Lower Hunter in exchange either for development approval or as a land swap? Is any of the land in question subject to a Cabinet minute identifying it as high conservation value vacant Crown Land earmarked for transferral to the National Parks estate?

Answer:

The details of the Lower Hunter Conservation Reserves are currently being considered by Cabinet and therefore Cabinet in Confidence.

413. Can the minister advise on the progress of the Arakwal Indigenous Land Use Agreement, which included the Arakwal request for some Crown Lands areas to be transferred for conservation to the reserve system? These areas include Paterson Hill and a heath area at Clarkes Beach where there is the endangered ecological community, the Byron Dwarf Grammanoid Heath, areas of the Cumbebin Swamp and coastal land at Broken Head adjoining the Ti Tree Lakes, which is an identified Aboriginal Place which is protected? The area is approx 125 ha.

Answer:

The Arakwal Indigenous Land Use Agreement is subject to ongoing negotiations.

414. Regarding the Department's taking over of caravan parks in Byron Shire, what is the Department's preferred Management Structure?

Answer:

Byron Shire Council were removed from the management of the Byron Shire Holiday Parks Trust. The trust is now managed by an administrator. The Administrator will address the serious issues raised by Auditors into the parks management. When these are addressed the Department will make recommendations for ongoing future management.

415. Will the Department ensure 3m buffer zones and 10m building setbacks are maintained along the Brunswick River foreshore?

Answer:

Where possible the Department encourages public access to the foreshore.

416. How will the Department address residents' compliance issues and on-sell rights?

Answer:

The existing rights of park residents will be honoured by the Trust.

417. Will the Department accept financial liability for residents' relocation and/or removal of structures?

Answer:

Where the Trust requires relocation of structures occupied by permanent residents the Trust will pay for relocation.

418. Will the Department rely on Valuer General's assessments when purchasing vans, or adhere to market values?

Answer:

Any future purchase would be subject to negotiations between the relevant parties.

419. Will the Department accept liability for the illegal resumption of public lands and offer fair compensation for the ongoing use of public land within the caravan parks?

Answer:

The Administrator will address encroachment issues transferred from the management of Byron Shire Council. Should acquisition of land be required to address an issue compensation will be paid in accordance with the relevant legislation.

420. Is the Department still intent on resuming public recreational space along the Ferry Reserve foreshore, for inclusion within the operational area of the caravan park?

Answer:

The Ferry Reserve Plan of Management was adopted in 2005. The Plan allows for public access along the foreshore. The Department has no plans for this to be altered.

421. Will the Department restrict public access to the boat ramp and Riverside Crescent, and include these public assets within the operational area of the caravan park?

Answer:

The Ferry Reserve Plan of Management prepared by Byron Shire Council and adopted in 2005 endorses the closure of the boat ramp. Recreational boating access for the general public is available adjacent to the Brunswick boat harbour. Public pedestrian access along the foreshore will be enhanced following completion of the new highway bridge.

422. What benefits will flow onto the community from the closure of the public boat ramp and Riverside Crescent and the loss of open recreational space along the foreshore?

Answer:

Public pedestrian access along the foreshore will be enhanced. Funding for boat ramp facilities can be concentrated into a single appropriate location.

423. You have refused to hand over Crown land in the Kempsey Shire to the Parks and Wildlife Division. As 'multiple use' of crown reserve assets is encouraged in State Legislation can you explain the rationale behind the privatisation of these public assets? Was not there a Cabinet decision following the Lower North East Regional Forest Agreement that various parcels of Crown Land were to be transferred to Parks?

Answer:

Under the North East RFA, transfers of reserves could only take place with the consent of the relevant trust manager. In some cases this was not forthcoming, so I have decided to work with the relevant trust in actively managing these reserves. None of these lands have been privatised.

424. Was there not an agreement between the National Parks and the previous Department of Land and Water Conservation that certain parcels were to be handed over? Why did the new Department of Lands unilaterally cancel these agreements?

Answer:

The former Department of Lands and Water Conservation gave conditional concurrence to the transfer of some sites. The conditions of that concurrence were not met. The Department of Lands with my approval is now working towards active management of the land.

425. The Minister for Lands has claimed that his Department will manage all Crown Lands. Will this involve recruiting staff trained in environmental management to actively manage these lands, some of which have been identified as of high conservation value?

Answer:

The Department of Lands is responsible for Crown land management in NSW. In acknowledgement of some very important environmental values associated with Crown lands, including Perpetual Leases and Crown reservations, the Department has recruited over the last two years, skills in environmental and land management. Fourteen additional positions are now located in rural and regional areas of the State. These recruited professionals have been especially selected on the basis of their leading field based and scientific experiences and skills in land management, biology and ecology, communication and collaboration.

426. How will the Minister justify the provision of separate staff when budgets of other departments are being cut?

Answer:

The Department of Lands has responsibility for the management of Crown land in NSW.

427. Is it not correct that parcels of Crown Land in Kempsey Shire, and other Shires have not been actively managed and are weed infested and become rubbish dumps?

Answer:

This is the subject of ongoing discussions with the relevant trust managers with the expectation of more active management of reserves.