

BUDGET ESTIMATES 2022-2023

## **Environment and Heritage portfolio**

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**Portfolio Committee No. 7 – Planning and Environment**

Answers to Supplementary Questions

Hearing: 23 August 2022



## Environment and Heritage

### Questions from the Hon Mark Pearson MLC

#### Kangaroo Management Program

1. The Department was given a report of an incident which occurred on 30 December 2017. Individuals were selling deer and kangaroo carcasses to an unlicensed commercial meat dealer.
  - a) Was this report investigated?
  - b) Were any unlicensed commercial meat dealers sanctioned for trading illegally in such meat?
    - i. If yes, please itemise the date and the sanction
2. In an email from Steven Wolter to Linda Roy on the 9 January 2018, there was a discussion of a report of a person illegally selling NSW kangaroo carcasses to a Qld entity not registered in NSW and not in possession of an export licence.
  - a) How has the Department worked to prevent this illegal activity across state borders?
  - b) Have any prosecutions taken place?
    - i. If yes, please itemise the prosecution dates and outcomes
3. In a letter of the 11 May 2021, Ashleigh Bellotti, the North-West Investigator for Compliance wrote that she was only giving a caution, not a penalty to a person who purchased kangaroo carcasses despite not having a valid animal dealers licence or chiller premises registration:
  - a) What are the policy grounds for giving a caution as opposed to a penalty?
  - b) Can you provide further detail on Bellotti's statement in the letter that "more than ever, the professional Kangaroo harvesting and processing industry is under great pressure and scrutiny, and without all stakeholder and industry participants ensuring the sustainability of the program, its future remains uncertain."
4. The Kangaroo Management Program documents contained several "Statement of Witness" documents from a landholder documenting harvesting on an adjacent property circa 2011 to 2013 which includes descriptions of inhumane treatment of kangaroos: kangaroos still moving while hung upside down, shooters beating kangaroos after they have been shot; injured kangaroos vocalising in the moments before they are killed by hand, witness seeing a kangaroo having had its throat cut after being shot, left to die by exsanguination."
  - a) Were these complaints investigated?
    - i. If not, why not?
    - ii. If yes what was the outcome of these investigations?
5. Did Kangaroo Management Program staff follow up on a report from Macro Meats of a rival dealer that purchased kangaroo carcasses from seven harvesters, four of which were unregistered and supplied chest shot kangaroo carcasses at a reduced rate of 50 cents a kilo?
  - a) If not, why not?
  - b) If yes what was the outcome of these investigations?

6. On the 7 November 2018 Garth Coe reported to Stephen Wolter concerning a dealer paying cash to unlicensed harvesters for animal carcasses and then entering them in the chiller records under his license own details.
  - a) What was the outcome of this report?
7. A 2017 audit discloses individuals purchasing kangaroo carcasses from unlicensed shooters. Documents produced under the SO52 show a draft enforceable undertaking in regards to unlicensed shooting.
  - a) Is it departmental policy to prosecute all parties under these circumstances?
  - b) If not, why not?
8. In a report by Garth Coe dated the 28 June 2019, two individuals were said to be operating dirty and contaminated chiller boxes as well as allowing unlicensed shooters to harvest for them. They had registering 6 new harvesters that were described as "aggressive thugs who are scaring and intimidating other compliant harvesters".
  - a) What was the outcome of this report?
  - b) Are these individuals still licenced to work in the industry?
9. Kangaroo Management Program documents show a commercial harvester with an expired licence slaughtered 55 kangaroos.
  - a) What species of kangaroo were killed?
  - b) Were any sanctions applied?
    - i. If not, why not?
10. In the Kangaroo Management Program documents there were reports that the Department of Primary Industries and Police had identified a harvester who had multiple breaches of the code; with allegations of making and using falsified licenses, illegal harvesting, kangaroo carcasses not stored in chillers by morning and trays blood-stained and dirty from the previous night.
  - a) Was the harvester prosecuted?
  - b) What was the outcome?
11. In another report from the SO52 boxes, a member of the public raised concerns with the Department that her former partner had his firearms license suspended and his firearms confiscated by VIC police following the issue of an Intervention Order and subsequent breaches of that Order and that he was probably continuing to shoot using someone else's firearms. The returns were cross-referenced and confirmed this activity.
  - a) What was the outcome of this matter?
12. In an email from Garth Coe to Stephen Wolter on the 19 December 2018, a report was made of an illegal drug- user with a criminal history driving and shooting kangaroos while under the influence of drugs, including shooting along public roads and stock routes. Concerns were raised that the department had nowhere to store intelligence including information, data and reports, and with no capability to monitor intelligence risk areas, or engage in proactive operations. It was stated that "regional compliance can just write off jobs without any compliance outcome" and, "that is why a recidivist offender can go un-detected".
  - a) Firstly, advise of the outcome of this concerning report about a drug-affected harvester and

- b) Secondly is this an accurate statement?
  - c) If not, please detail how the department manages and monitors intelligence risks and recidivist offenders.
13. The records contained a report of a commercial harvester engaging in disturbing behaviour; eviscerating kangaroos on public roadways, shining a spotlight into private homes while shooting close to their house; collecting non-commercially killed carcasses which are then consigned into commercial chiller boxes.
- a) are any of these activities commonly complained about?
  - b) do these activities breach licencing conditions?
  - c) does the Department have the resources to properly investigate such complaints?
14. Reference was made to an inspection which found 44 untagged carcasses in a chiller box, plus 12 underweight carcasses. The authorised officers stated that they were "confident the harvester has no regard for the Act or the humane and correct harvesting of native fauna." Can the Department advise under what circumstances would a harvester have their licence cancelled in regards to:
- a) possession of untagged carcasses and
  - b) underweight carcasses?
15. In compliance reports from September 2019, a prosecution was commenced against a person in relation to kangaroo carcasses being taken directly to QLD from NSW with the returns falsely listing the carcasses to a NSW site. The person was fined \$6000.
- a) Upon conviction was the person's licence revoked?
16. Kangaroo Management Records indicated that a harvester did not return over 220 tags, another failed to return 800 tags.
- a) Is it common for such a high number of tags not to be returned?
  - b) What impact does this have on the accuracy of record-keeping within the program?
17. In a June 2018 report, an anonymous complainant, a harvester, said he was "sick and tired" of the apparent lack of compliance investigation and monitoring by OEH. OEH Compliance does nothing to investigate the non-compliance beyond just turning up to a chiller box and inspecting it. He stated that it is a direct result of the lack of compliance officers in the field that allows non-compliance and illegal breaches to flourish.
- a) What is the level of staffing in the compliance team within the Kangaroo Management Program?
  - b) Is it correct that chillers are inspected at most, once per year?
18. A separate email chain a few documents later shows a Kangaroo Management Program worker admitting "all I can really do is be mindful when conducting chiller inspections as this is really all the compliance activity we are resourced and trained to do".
- a) Does the Kangaroo Management Program have the ability to undertake rigorous and thorough compliance activities?
19. The S052 boxes report a commercial shooter leaving the "viscera, heads, hoppers and paws in situ" after shooting in the Bourke region, then transferring

carcasses in an unrefrigerated tipper trailer. If we were to butcher cattle and sheep in this way and then transport their carcasses in such a manner, there would be a public outcry.

a) Is there proper oversight regarding the hygiene practices of this industry?

**Answer:**

1.

a) This question refers to a document that was produced as part of Standing Order (SO) 52 Number 1519. Approximately 1900 documents were produced in response to this SO52. Without further information (for example, a specific document reference number) we are unable to identify the document referred to in this question, nor provide a response within the timeframe.

b) See response to part a).

i. See response to part a).

2.

a) The Department has a number of strategies to prevent illegal activity across state borders including:

- all harvested carcasses are required to be stored in a chiller located in NSW prior to being exported
- the Department undertakes opportunistic surveillance to detect illegal cross-border activity
- the Department is working with the NSW Police Force Rural Crime Prevention Teams to detect illegal cross-border activity
- the Department works with colleagues in other states to help eliminate illegal cross border activity.

b) Yes

i. In 2014 a defendant was fined \$6000 and ordered to pay \$5500 in costs.

3.

a) Section 19A of the *Fines Act 1996* allows for issuing an official caution instead of a penalty notice.

b) I am advised the statement was intended to emphasise the need for future voluntary compliance, or risk further scrutiny, adverse attention and negative outcomes for the commercial kangaroo industry.

4-6.

These questions refer to documents that were produced as part of SO52 Number 1519. Approximately 1900 documents were produced in response to this SO52. Without further information (for example, a specific document reference number) we are unable to identify the document referred to in this question, nor provide a response within the timeframe.

7.

a) Prosecution is one tool within the Department's overall enforcement strategy. The aim of any enforcement action is to achieve compliance with legislative obligations. Prosecution is a strategic response the

Department may choose based on the circumstances and supporting evidence, recognising that prosecution may not always be the most effective means of promoting compliance.

Effective enforcement actions, including prosecutions, must be targeted, proportionate, consistent, fair, and considered in a timely fashion. The decision to prosecute an offence requires consideration as to whether prosecution is in the public interest. In determining this issue, the Department will consider whether:

- there is sufficient evidence
- there are reasonable prospects of conviction
- discretionary factors are such that the matter should be prosecuted.

Generally, the Department will consider taking prosecution action for serious breaches of the legislation, or in situations where other enforcement actions have proven ineffective, or the regulated entity has demonstrated a clear intention not to comply.

b) See response to part a).

8-12.

These questions refer to documents that were produced as part of S052 Number 1519. Approximately 1900 documents were produced in response to this S052. Without further information (for example, a specific document reference number) we are unable to identify the document referred to in this question, nor provide a response within the timeframe.

13.

- a) No.
- b) Kangaroos cannot be harvested on public roads. Kangaroo Management Program licence conditions do not explicitly address the dressing of kangaroos.

Licence conditions do not address the use of spotlights.

Animal Dealers must only purchase kangaroo carcasses that have been harvested by a licensed commercial harvester. Section 10 of the Animal Dealer Licence Conditions states:

*The licensee must only buy, sell, import or export kangaroo carcasses or unprocessed kangaroo skins from or to a person who is authorised by a licence issued by the Department, or authorised by a corresponding interstate agency, to buy, sell, import or export kangaroo carcasses or unprocessed kangaroo skins. To avoid doubt, the Professional Kangaroo Harvester Licence and the Landholder Kangaroo Harvester Licence do not authorise:*

- a. the sale of wallaby carcasses*
  - b. the sale of kangaroo carcasses other than those harvested by the licensee*
  - c. the buying, exporting or importing of kangaroo carcasses.*
- c) As of 30 June 2022, there were 54 positions in the compliance program. Staff compliance work covers issues for native vegetation, threatened and protected species, Aboriginal cultural heritage and commercial

kangaroo management. Reports of non-compliance are assessed, with a risk-based approach that is commensurate with the level of risk of non-compliance to program objectives.

14.

- a) The Department applies a risk-based approach to compliance. The Department assesses reports of non-compliance and takes a compliance response to confirmed non-compliances that is commensurate with the level of risk of the non-compliance to program objectives. Investigation is done case-by-case, including any prior allegations and the specific circumstances of the alleged incident.
- b) See response to part a).

15.

- a) This question refers to a document that was produced as part of S052 Number 1519. Approximately 1900 documents were produced in response to this S052. Without further information (for example, a specific document reference number) we are unable to identify the document referred to in this question, nor provide a response within the timeframe.

16.

- a) Harvester returns are monitored. As provided in the 2021 Annual Report New South Wales Commercial Harvest Management Plan 2017-2021, 99.4 per cent of harvester monthly returns were submitted at the time of drafting the 2021 Annual Report (January 2022). Further, a special effort was made to minimise the number of commercial tag advices (CTAs) that were incomplete, resulting in 96 per cent of the 4740 CTAs issued being fully complete and balanced at the time of writing the 2021 Annual Report (January 2022). Of the 519,893 tags that were allocated in 2021, just 1.2 per cent (6015 tags) were unaccounted.
- b) Record keeping in the commercial Kangaroo Management Program is very accurate. Return rates are very high and unaccounted tags are very low.

17.

- a) The Department currently has 54 Compliance Program staff. Compliance officers operate across the State in regionally based teams and are trained to deal with the full range of compliance matters. A specialist investigation section provides additional support and specialist expertise. The Kangaroo Management Program team comprises six staff who administer the licensing and reporting functions of the program.
- b) No. It is a requirement of the New South Wales Commercial Harvest Management Plan 2017-2021 that chillers be inspected at least once per year. The 2021 Annual Report states there was an average of 1.1 inspections per registered chiller. However, not all chillers were inspected during 2020 due to COVID-19 travel restrictions.

18.

- a) The Department currently has 54 Compliance Program staff. Compliance officers operate across the State in regionally based teams and are trained to deal with the full range of compliance matters.

19. Oversight of hygiene practices of the industry is the responsibility of the NSW Food Authority under the *Food Act 2003*. The NSW Food Authority is a statutory authority reporting to the Minister for Agriculture and Minister for Western New South Wales. This question should therefore be referred to the Minister for Agriculture and Minister for Western New South Wales.

### Property Development

20. Are there any guidelines or minimum standards that are applied to Fauna Management Plans?

- a) If none, why not?

21. Are statistics regarding development site injuries and deaths to native fauna kept?

- a) What reports are submitted and who collates them?
- b) Is it the case that there are published estimates but no actual statistics are collected?

22. What responsibility do developers have in regards to Fauna Management Plans?

- a) To whom are they accountable, when they are causing harm by removing the habitat of native fauna species?

23. Currently it is only Threatened species that have a requirement to be included in the Biodiversity Assessment Reports that developers submit as part of their development application. Is this leaving a serious gap in the protection of native fauna that is not a threatened species harmed during land clearing by developers?

### Answer:

20-22.

These questions should be referred to the Minister for Planning and Minister for Homes.

23. The Biodiversity Assessment Method (BAM) captures native vegetation present on a development site that provides habitat for native threatened and non-threatened fauna. The impacts on threatened species due to the clearing of plant communities are quantified under the BAM as species credits. The broader habitat impacts are quantified as ecosystem credits.

The BAM also requires identification of measures to avoid and minimise impacts to biodiversity.

### The Kamay Ferry Wharves

24. The project is a National Parks and Wildlife initiative being delivered by Transport for NSW.

- a) How many threatened species are being impacted by this project?



**Answer:**

24.

- a) As outlined under Condition E4 in the Infrastructure Approval that was issued on 21 July 2022 by the Minister for Planning and Minister for Homes, eight terrestrial threatened species are being impacted, including:
- Large-eared Pied Bat
  - Eastern Cave Bat
  - Australian Pied Oystercatcher
  - Sooty Oystercatcher
  - Grey-headed flying-fox
  - Green and Golden Bell Frog
  - Leafless Tongue-orchid
  - Magenta Lilly Pilly.

**Questions from Ms Sue Higginson MLC**

**Environment**

25. The CIFOA Protocol 23.3 states: Retained trees must not be damaged during a forestry operation. The IFOA Protocols define “damage” as meaning the tree’s longevity or suitability to fulfil the purpose for which it has been retained under the approval has been compromised.

- a) Can you provide any and all material used to assess damage to a retained tree in the context of the IFOA?
- b) Do you consider machinery operations around tree bases causing severing, loss of bark and wounding of primary roots, soil compaction, loss of bark and wounds to trunks, and loss of branches damage?

26. The CIFOA Protocol 23.3 states: If a retained tree is damaged during forestry operations, FCNSW must replace it with a comparable tree, or if a comparable tree is not available FCNSW must retain a mature tree with a healthy crown that is not damaged. In most cases there will not be additional giant trees or hollow-bearing trees surplus to retention requirements, meaning that a mature tree can be chosen to replace the damaged tree.

- a) If a damaged giant or hollow-bearing tree is replaced, does this mean its permanent protection is removed and it can then be logged?
- b) If not, what is its legal status?
- c) Does this create an incentive to damage giant and hollow-bearing trees if they can then be logged?

27. The Natural Resources Commission’s report into forestry operations post 2019/20 bushfires tabled in the hearing and now published recommends a variation in the retention of hollow bearing trees and recruitment trees.

- a) Have you made representations to the Agriculture Minister about the failure to increase the number of hollow bearing trees that are retained during forestry operations?
  - b) Will you make representations to the Agriculture Minister about the failure to increase the number of hollow bearing trees that are retained during forestry operations?
28. There are often insufficient hollow bearing trees to preserve in forestry operation areas and not enough younger trees are being kept as hollow bearing recruitment trees to replace trees that are dying and collapsing. Are you concerned that threatened species like the Greater Glider and Glossy Black Cockatoo have their nesting trees rapidly reduced through attrition by Forestry Corporation in their logging operations?
29. Do you think that forestry operations should be giving greater priority to habitat protections to our forest dependent threatened and non-threatened species?
30. Considering that the Forestry Corporation's hardwood sector is running operations in our public native forests at a fiscal loss for the NSW Government, is it now time to transition out of the uneconomic destruction of native forests and habitat for threatened species?
31. Will the Minister plan to build the protected area network in NSW to at least 30% by 2030?
32. Is the Minister aware that the endangered Swift Parrot has been reported as being seen in the Pilliga Forest?
- a) What is the Minister going to do about this significant sighting?
  - b) Is the Minister concerned about the impacts the Santos gas project in the Pilliga will have on the environment at a landscape level and therefore the swift parrot and other threatened species that rely on the Pilliga environments?
33. What is the Minister doing to ensure any platypus reintroduced into Royal National Park, after they became locally extinct from the area in 2006, will be able to survive and propagate?
34. What work has been done in the Royal National Park or in the upstream collieries that would give you confidence that any reintroduced platypus would not be facing a death sentence?
35. The NSW 'wildlife and conservation bushfire recovery response' Medium-term response plan outlines actions the NSW Government will take over the next 1 to 5 years to support the recovery of biodiversity following the 2019–20 bushfires. The plan includes aerial baiting, which targets pests such as cats, foxes and also dingoes using 1080.
- a) Is this baiting program working?
  - b) How is this monitored?
  - c) Which parks are baited?
  - d) What is the total cost of this baiting program?
  - e) How many dingoes have been killed through baiting since the start of the program?

**Answer:**

25. a)-b)

Damage to retained trees is assessed on a case-by-case basis and takes into account the extent of the damage and the impact of the damage on the longevity of the tree and its suitability to fulfil the purpose for which it has been retained.

26.

- a) No.
- b) The provisions of the relevant IFOA determine the status.
- c) No.

27.

- a) The Natural Resources Commission report remains cabinet in confidence. The NSW Government is considering the recommendations.
- b) See the response to 27a).

28. The NSW Government supports an ecologically sustainable native forestry industry. The IFOAs are required to be continually improved to meet these outcomes based on scientific advice from the Natural Resources Commission led forest monitoring and improvement program. This program is yet to provide advice to the NSW Government on improvements required to the IFOAs.

29. See the response to 28.

30. This is a matter for the Treasurer and Minister for Finance, as the shareholder Ministers for the Forestry Corporation of NSW.

31. The NSW Government will continue to expand the protected area estate in NSW.

32. a)-b)

Yes. The presence of seasonal foraging habitat for the Swift Parrot in the Pilliga Forests was identified and assessed in the Environmental Impact Statement prepared for the Narrabri Gas Project.

The NSW Government is working in close collaboration with Santos to ensure the preparation of comprehensive biodiversity and rehabilitation management plans and field development protocols. The plans will assist Santos to avoid, minimise and ameliorate impacts to biodiversity values from the project. The NSW Government is also working closely with Santos to ensure that strategically important offset sites in the Narrabri region are secured in perpetuity and managed for the conservation and benefit of like-for-like biodiversity values.

33. The proposal to reintroduce platypus to Royal National Park is a conservation initiative between WWF, Taronga Conservation Society Australia, the University of NSW and the National Parks and Wildlife Service (NPWS). The reintroduction has been postponed until early 2023 to enable additional sampling and monitoring of river conditions and resources following the 2022 rainfall events. Further investigation of platypus food resources will also be carried out.

As part of this initiative, cameras have been deployed to determine if foxes may be present in the release area. Planning is underway for fox control activities, if this is necessary.

34. Further to the response provided at question 33, the EPA regulates pollution from Metropolitan Coal, including impacts on water quality, through an environment protection licence.

The EPA is overseeing Metropolitan Coal's works at the premises to improve stormwater discharge quality. Metropolitan Coal has also been required to undertake an options assessment for the removal of coal fines from Camp Creek immediately downstream of its premises, which were likely deposited during significant rains in the first week of July 2022. This assessment requires the oversight and endorsement of an ecologist to ensure any material removal is undertaken in a manner which will not cause damage to the waterway.

35.

- a) Yes, monitoring results show significant decreases in fox activity after aerial baiting.
- b) NPWS has set up remote camera arrays in reserves where aerial baiting is taking place.
- c) In 2021–22 baiting was undertaken in the following reserves:
  - Abercrombie River National Park
  - Avisford Nature Reserve
  - Baalijin Nature Reserve
  - Bagul Waajaarr Nature Reserve
  - Bangadilly National Park
  - Banyabba Nature Reserve
  - Banyabba State Conservation Area
  - Barakee National Park
  - Bargo State Conservation Area
  - Barool National Park
  - Barrakee State Conservation Area
  - Barrington Tops National Park
  - Barrington Tops State Conservation Area
  - Bees Nest Nature Reserve
  - Ben Halls Gap Nature Reserve
  - Benambra National Park
  - Berrico Nature Reserve
  - Bimberi Nature Reserve
  - Bindarri National Park
  - Bindarri State Conservation Area
  - Biriwal Bulga National Park
  - Black Andrew Nature Reserve
  - Black Bulga State Conservation Area
  - Blue Mountains National Park
  - Bogandyera Nature Reserve
  - Boonanghi Nature Reserve
  - Boonanghi State Conservation Area
  - Breelong CCA Zone 1 National Park
  - Bretti Nature Reserve
  - Brindabella National Park

- Brisbane Water National Park
- Budawang National Park
- Bungan Nature Reserve
- Bungonia National Park
- Bungonia State Conservation Area
- Camels Hump Nature Reserve
- Camerons Gorge Nature Reserve
- Camerons Gorge State Conservation Area
- Capertee National Park
- Captains Creek Nature Reserve
- Carrai National Park
- Carrai State Conservation Area
- Cascade National Park
- Cascade State Conservation Area
- Cedar Brush Nature Reserve
- Chaelundi National Park
- Chaelundi State Conservation Area
- Clarkes Hill Nature Reserve
- Cobbora CCA Zone 3 State Conservation Area
- Coneac State Conservation Area
- Coolumbooka Nature Reserve
- Copeland Tops State Conservation Area
- Cottan-Bimbang National Park
- Crawney Pass CCA Zone 1 National Park
- Cunnawarra National Park
- Curracabundi State Conservation Area
- Dapper Nature Reserve
- Deriah CCA Zone 2 Aboriginal Area
- Deua National Park
- Dharug National Park
- Dorrigo National Park
- Dunggir National Park
- Durrigere CCA Zone 3 State Conservation Area
- Egan Peaks Nature Reserve
- Eusdale Nature Reserve
- Gardens of Stone National Park
- Ghin-Doo-Ee National Park
- Goodiman CCA Zone 3 State Conservation Area
- Goonoo CCA Zone 1 National Park
- Goonoo CCA Zone 3 State Conservation Area
- Goonook Nature Reserve
- Goulburn River National Park
- Gourock National Park
- Gumbaynggirr National Park
- Guula Ngurra National Park
- Guy Fawkes River National Park
- Jenolan Karst Conservation Reserve
- Jingellic Nature Reserve
- Joadja Nature Reserve
- Jobs Mountain Nature Reserve
- Kalyarr National Park

- Kanangra-Boyd National Park
- Khatambuhl Nature Reserve
- Kooraban National Park
- Koreelah National Park
- Kosciuszko National Park
- Lachlan Valley National Park
- Manobalai Nature Reserve
- Mares Forest National Park
- Mernot Nature Reserve
- Merriangaah Nature Reserve
- Monga National Park
- Monkerai Nature Reserve
- Monkeycot Nature Reserve
- Morton National Park
- Morton State Conservation Area
- Mount Clunie National Park
- Mount Hyland Nature Reserve
- Mount Hyland State Conservation Area
- Mount Kaputar National Park
- Mount Neville Nature Reserve
- Mount Royal National Park
- Mount Seaview Nature Reserve
- Mugii Murum-ban State Conservation Area
- Mullengandra State Conservation Area
- Munghorn Gap Nature Reserve
- Mungo National Park
- Mungo State Conservation Area
- Nadgigomar Nature Reserve
- Narriearra Caryapundy Swamp National Park
- Nattai National Park
- New England National Park
- Ngambaa Nature Reserve
- Nocoleche Nature Reserve
- Nombinnie Nature Reserve
- Nombinnie State Conservation Area
- Nymboi-Binderay National Park
- Nymboida National Park
- Oolambeyan National Park
- Oxley Wild Rivers National Park
- Paroo-Darling National Park
- Paroo-Darling State Conservation Area
- Parr State Conservation Area
- Pee Dee Nature Reserve
- Popran National Park
- Quidong Nature Reserve
- Ramornie National Park
- Round Hill Nature Reserve
- Scabby Range Nature Reserve
- Serpentine Nature Reserve
- South East Forest National Park
- Talawahl Nature Reserve

- Tallaganda National Park
- Tallaganda State Conservation Area
- Tapin Tops National Park
- Tarlo River National Park
- The Castles Nature Reserve
- The Cells State Conservation Area
- The Glen Nature Reserve
- Tooloom National Park
- Toorale State Conservation Area
- Towarri National Park
- Turon National Park
- Wadbilliga National Park
- Wallabadah Nature Reserve
- Wallamba Nature Reserve
- Warrumbungle National Park
- Washpool National Park
- Washpool State Conservation Area
- Watagans National Park
- Watchimbark Nature Reserve
- Weetalibah Nature Reserve
- Werrikimbe National Park
- Willi Willi Caves Nature Reserve
- Willi Willi National Park
- Windundale Nature Reserve
- Wingen Maid Nature Reserve
- Woko National Park
- Wollemi National Park
- Wollemi State Conservation Area
- Woolooma National Park
- Woomargama National Park
- Woomargama State Conservation Area
- Yabbra National Park
- Yaouk Nature Reserve
- Yarrobil CCA Zone 1 National Park
- Yathong Nature Reserve
- Yengo National Park.

- d) Feral animal management is a core function of NPWS. As NPWS does not have a specific portion of its workforce dedicated exclusively to feral animal management, that is NPWS staff typically work across a range of integrated activities, it is not possible to derive a true overall figure for the cost of labour and expense allocated to feral animal control.
- e) The number of wild dogs killed because of baiting programs is not known. The term wild dogs includes feral dogs, dingoes, and their hybrids. Most wild dogs in NSW are dingo hybrids.

## Heritage

36. Will the Minister ensure the Heritage Values of the historic Ravensworth Homestead and Estate will be protected into the long terms?

- a) How many interim heritage orders have been issued in the last 12 months?

- b) How many emergency heritage orders have been issued in the last 12 months?
- c) How many applications for heritage listing has the Heritage Council had before it and how many have been approved?
- d) How many recommendations by Heritage NSW have been approved and or denied by the Minister?
- e) How many approvals have there been to damage or demolish an environmental heritage item in the last 12 months?
- f) How much money has been committed by heritage NSW to research new items to put on the heritage register in the last 12 months

**Answer:**

36. The Minister for Environment and Heritage has no role in the current State Significant Development (SSD) assessment sought by Glendell Pty Ltd to expand its coal mining operations at the site that includes the Ravensworth homestead. The matter is currently before the Independent Planning Commission.

The Minister does not have an active recommendation to consider listing the Ravensworth Homestead and its setting on the State Heritage Register. The Minister would consider any recommendation, should the Heritage Council of NSW recommend a listing under the *Heritage Act 1977*.

- a) The Minister has made two interim heritage orders in the last 12 months.
- b) No section 136 orders restricting harm (also known as ‘stop work’ orders) have been made in the last 12 months.
- c) The Heritage Council considered 22 nominations for State Heritage Register listing in the last 12 months, of which it progressed 16 for full assessment towards potential listing on the State Heritage Register.
- d) Heritage NSW does not make recommendations to the Minister. The Heritage Council has made nine recommendations to list items of the State Heritage Register to the Minister in the past 12 months, all of which have been approved.
- e) None. The *Heritage Act 1977* does not provide for such a course of action.
- f) It is not possible to provide a precise figure because relevant resources are applied to a range of tasks.

**Questions from Mr Justin Field MLC**

**Biodiversity Conservation Act review**

37. In reference to the Minister’s statement on page 5 of the transcript regarding a “review into the Biodiversity Conservation Act”, please confirm whether this review will also apply to the Local Land Services Act?

**Answer:**

37. No, it is a statutory review of the *Biodiversity Conservation Act 2016*. The Biodiversity Conservation Act is to be reviewed in conjunction with a review of Part 5A and Schedules 5A and 5B of the *Local Land Services Act 2013*.



## Offsets taskforce

38. Has a new offsets taskforce, or similarly named team, been established this year?

a) If so:

- i. What was the purpose or trigger for establishing this taskforce?
- ii. What date [sic] was the taskforce established?
- iii. What are the terms of reference or objectives of the taskforce?
- iv. What group within the Department of Planning and Environment is the taskforce located?
- v. How many people work within the taskforce?

### Answer:

38. Yes.

a)

- i. The Credits Supply Taskforce was established to fast-track the supply of biodiversity credits by supporting the establishment of biodiversity stewardship agreements and to implement the \$106.7 million Biodiversity Credits Supply Fund.
- ii. 1 July 2022.
- iii. The objectives of the Taskforce, as stated on the Department of Planning and Environment's website, include:
  - Fast-tracking supply of biodiversity credits by proactively supporting landholders to enter into biodiversity stewardship agreements that generate priority credits (credits most likely to be in demand).
  - Operating the Biodiversity Credits Supply Fund, including acquiring priority biodiversity credits and on-selling them to proponents to support the delivery of infrastructure and other projects as those projects are approved.
  - Enhancing conservation benefits by contributing to regional and landscape-scale conservation objectives, integrating private and public land measures, and contributing to a cohesive biodiversity strategy for the State.Further information about the Taskforce can be found at <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme/about-the-biodiversity-credits-supply-fund>.
- iv. The Environment and Heritage Group.
- v. The Taskforce currently includes up to 53 positions but not all roles are filled.

## Office of the Chief Scientist and Engineer Report: *Advice on koala protection in the proposed new Private Native Forestry Codes of Practice - September 2021*

39. Before signing off on the remake of the Private Native Forestry (PNF) codes was the Minister provided with a briefing on the findings of the Office of the Chief

Scientist and Engineer Report: Advice on koala protection in the proposed new Private Native Forestry Codes of Practice - September 2021?

- a) If yes, when was this briefing provided and how was it delivered?
- b) If not, why not?

40. As part of the remake of the Private Native Forestry Code of Practice, has there been any agreement to review any aspect of the code based on a particular number of approvals, area of PNF harvesting or volume of PNF harvesting in a given period?

**Answer:**

39. Yes.

- a) In September 2021, as verbal briefings to the then Minister's Office. In April 2022, as a verbal and written briefing from the Environment Protection Authority as part of the formal concurrence process for the making of the new Private Native Forestry Codes of Practice.
- b) Not applicable.

40. No, however the new PNF Codes of Practice enable Local Land Services to require a landholder to reschedule forestry operations to 'ensure forestry operations are distributed over time and space, to support a mosaic of forest age-classes and forest structures across the landscape'.

**Questions from the Hon Mark Buttigieg MLC (on behalf of the Opposition)**

**National Parks and Wildlife Service**

- 41. What is the full budget allocated for weeds and pests management in NSW national parks?
- 42. How many field staff are dedicated to weeds and pests management in NSW national parks?
- 43. 250 additional permanent jobs for national parks were announced by the Treasurer and Minister for Environment and Heritage on 12 June 2022:
  - a) How many of these roles have been recruited since this announcement?
    - i. How many of those were recruited from existing temporary contracts within the department?
    - ii. How many of those recruited were new to the department?
  - b) What is a breakdown of the wage classification levels allocated for these new roles?
- 44. How many of each of the following types of staff are currently employed in the National Parks and Wildlife Service?
  - a) Park rangers?
  - b) Field officers?
  - c) Administration staff (excluding senior executive staff)?
  - d) Scientific staff?
  - e) Senior executive staff (Bands 1-4)?

45. How many park rangers are employed in the National Parks and Wildlife Service?
- a) As permanent ongoing workers?
  - b) As casual workers?
  - c) On a temporary contract?
  - d) In an Aboriginal identified role?
46. How many field officers are employed in the National Parks and Wildlife Service?
- a) As permanent ongoing workers?
  - b) As casual workers?
  - c) On a temporary contract?
  - d) In an Aboriginal identified role?
47. How many Administration staff (excl. senior executive staff) are employed in the National Parks and Wildlife Service?
- a) As permanent ongoing workers?
  - b) As casual workers?
  - c) On a temporary contract?
  - d) In an Aboriginal identified role?
48. How many senior executive staff (Band 1-4) are employed in the National Parks and Wildlife Service?
- a) As permanent ongoing workers?
  - b) As casual workers?
  - c) On a temporary contract?
  - d) In an Aboriginal identified role?

**Answer:**

41-42.

The level of feral animal control and weed control has increased significantly since 2019, for example, the level of aerial shooting is two to three times the average of the previous decade.

The National Parks and Wildlife Service's (NPWS) feral animal and weed management activities are delivered by suitably qualified and trained employees across a number of roles, including field officers and park rangers. These staff work on a range of different activities and NPWS does not currently have data that allows the accurate allocation of time and expenditure to feral animal and weed control specifically. It is therefore not possible to derive a true overall figure for the cost of the labour and expense allocated to these activities.

43. a) i-ii and b)

Funding for the 250 permanent roles announced will commence from July 2023. These roles have not yet been created or recruited. Work is currently underway to determine the classifications and role titles that will be established, according to operational needs.

44.

- a) 246 full time equivalent (FTE), excluding casuals, contractors and board members.
- b) 843 FTE, excluding casuals, contractors and board members.
- c) NPWS has 124 FTE staff, excluding casuals, contractors and board members, in dedicated administrative roles. Roles included in this category are:
  - Admin Assistant Identified
  - Admin Support Assistant Identified
  - Admin Support Assistant Intern Aboriginal Internship Program
  - Admin Support Officer Identified
  - Administration Assistant
  - Administration Officer
  - Administration Officer Region
  - Administration Support Officer
  - Administration Support Officer National Parks Maintenance Program (NPMP)
  - Administrative Assistant
  - Administrative Identified
  - Administrative Coordinator
  - Administrative Support Assistant
  - Administrative Support Officer
  - Administrative Support Officer NPMP.

However, this is not a true measure of the administrative support capacity of the NPWS workforce as many other role classifications undertake administrative work as part of their duties.

- d) Scientist is not a role title or classification used in the current NPWS structure. A large number of NPWS employees have tertiary science qualifications and undertake scientific work as part of their duties. However, the number of staff with these specific qualifications is not centrally recorded. Scientific services are also provided to NPWS by the Department's Science, Economics and Insights Division.
- e) 25 FTE.

45.

- a) 212 FTE.
- b) Zero FTE.
- c) 34 FTE.
- d) 9 FTE

46.

- a) 592 FTE.

- b) Zero FTE.
- c) 251 FTE.
- d) 150 FTE.

47.

- a) 99 FTE.
- b) 25 staff by headcount. Please note as casual staff are rostered on an as-required basis, an FTE figure is not available in this category.
- c) 25 FTE.
- d) 4 FTE and 1 casual.

48.

- a) 23 FTE.
- b) Zero FTE.
- c) 2 FTE.
- d) Zero FTE.

**Please note:** the data provided in responses to questions 44 to 48 is current as of 1 August 2022.

### Greater Glider Protections

49. What additional action has been taken by the department in NSW since the Commonwealth declared the greater glider as endangered?

#### Answer:

49. As of 5 July 2022, the greater glider (southern and central) has been listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* as an endangered species. Three populations of greater glider are currently listed as endangered in NSW under the *Biodiversity Conservation Act 2016*. The NSW Threatened Species Scientific Committee is now considering adjusting this listing for the whole of NSW under the *Biodiversity Conservation Act 2016*.

If the Committee reflects the Commonwealth's listing decision, the *Biodiversity Conservation Act 2016* will be amended to list the greater glider as an endangered species in NSW. This will include removing the current population listings.

If the species is listed by the NSW Threatened Species Scientific Committee for the whole of NSW, the species will be managed under the Saving our Species program.

Existing programs relevant to greater gliders in NSW include:

- \$250,000 from the Commonwealth Regional Bushfire Recovery for Wildlife and Habitat program to conduct multi-regional post-fire surveys for yellow-bellied gliders and greater gliders across NSW.
- The National Parks and Wildlife Service (NPWS) South Coast Branch spent a total of \$98,000 during 2020–21 and 2021–22 on post-bushfire arboreal surveys in Murramarang National Park, Eurobodalla National

Park and the Eden area. Greater gliders were recorded at all survey sites in low levels of abundance.

- NPWS has developed wildlife rehabilitation standards for all injured, sick and orphaned possums and glider species rescued by volunteer wildlife carers, with a total of 60 greater gliders rescued since 2014. These standards ensure that the welfare needs of injured and sick greater glider are met, to optimise the conservation benefits from their rehabilitation and release. Resources available to the wildlife rehabilitation sector from the Department's website include Codes of Practice, Training Standards, Initial Treatment and Care Guidelines, and Compliance assessment tools.

### **Environment protection agency**

50. What is the average time for a notification to the Environment Protection Authority to be allocated?

51. How many positions are currently vacant within the Environment Protection Authority?

#### **Answer:**

50. Notifications to the Environment Protection Authority are received in various forms and through different channels. The information requested is not available in a reportable format.

51. As at 31 July 2022, 49 positions were under recruitment.

### **Climate Change Fund**

52. What is the full list of programs and actual expenditure under the Climate Change Fund during 2021-22?

53. The 2022-23 budget within the Department of Planning and Environment for the Climate Change Fund is reported at \$107.65 million, up from \$2.39 million estimated actual expenditure during 2021-22, what is the explanation for this substantial increase?

54. Please provide a list of additional programs and their estimated expenditure that have been allocated to the Climate Change Fund for the 2022-23 financial year?

#### **Answer:**

52-54.

These questions should be referred to the Treasurer and Minister for Energy.

### **Disability Employment**

55. What is the percentage and number of employees who currently identify as having a disability employed by:

- a) Department of Planning and Environment
- b) Environment Protection Authority
- c) The National Trust of Australia (NSW)

56. What is the percentage and number of senior managers who currently identify as having a disability employed by:

- a) Department of Planning and Environment

- b) Environment Protection Authority
- c) The National Trust of Australia (NSW)

**Answer:**

55.

- a) As of 31 July 2022, and based on PSC defined metrics for disability\*, the Department of Planning and Environment has 233 (3.49 per cent) employees that currently identify as having a disability.
- b) As of 31 July 2022, and based on PSC defined metrics for disability, the EPA has 17 (2.35 per cent) employees that currently identify as having a disability.
- c) The National Trust of Australia (NSW) is not part of the Department of Planning and Environment.

56.

- a) As of 31 July 2022, and based on PSC defined metrics for disability, the Department of Planning and Environment has 10 (3.65 per cent) senior leaders\*\* that currently identify as having a disability.
- b) As of 31 July 2022, and based on PSC defined metrics for disability, the EPA has one (3.70 per cent) senior leader that currently identifies as having a disability.
- c) The National Trust of Australia (NSW) is not part of Department of Planning and Environment.

\*PSC diversity metrics definition: 'calculated by taking the number of diversity group members, divided by the number of respondents to at least one diversity question in any given year, and then multiplying by the total number of employees.'

\*\*PSC Senior Leaders Definition: 'employees with salary greater than \$166,247'.

**Third-party contractors or consultancies**

57. For every agency, department, or state-owned corporation within your portfolio, please provide the following:

- a) A list of all third-party contractor or consultancies engaged in communications services, including:
  - i. Contractor name,
  - ii. Contractor ABN,
  - iii. Service provided,
  - iv. Total cost paid
- b) A list of all third-party contractor or consultancies engaged in PR services, including:
  - i. Contractor name,
  - ii. Contractor ABN,
  - iii. Service provided,
  - iv. Total cost paid

- c) A list of all third-party contractor or consultancies engaged in marketing services, including:
  - i. Contractor name,
  - ii. Contractor ABN,
  - iii. Service provided,
  - iv. Total cost paid
- d) A list of all third-party contractor or consultancies engaged in Government relations or lobbying services, including:
  - i. Contractor name,
  - ii. Contractor ABN,
  - iii. Service provided,
  - iv. Total cost paid
- e) A list of all third-party contractor or consultancies engaged in industry or peak body membership, including:
  - i. Contractor name,
  - ii. Contractor ABN,
  - iii. Service provided,
  - iv. Total cost paid
- f) A list of all third-party contractor or consultancies engaged in policy or strategy development, including:
  - i. Contractor name,
  - ii. Contractor ABN,
  - iii. Service provided,
  - iv. Total cost paid
- g) A list of all third-party contractor or consultancies engaged in project management, including:
  - i. Contractor name,
  - ii. Contractor ABN,
  - iii. Service provided,
  - iv. Total cost paid
- h) A list of all third-party contractor or consultancies engaged in accounting and audit, including:
  - i. Contractor name,
  - ii. Contractor ABN,
  - iii. Service provided,
  - iv. Total cost paid
- i) A list of all third-party contractor or consultancies engaged in legal services, including:
  - i. Contractor name,
  - ii. Contractor ABN,



- iii. Service provided,
- iv. Total cost paid
- j) A list of all third-party contractor or consultancies engaged in any other services, including:
  - i. Contractor name,
  - ii. Contractor ABN,
  - iii. Service provided

**Answer:**

57.

a)-j)

Information relating to contractors engaged with the Department of Planning and Environment with contracts over \$150,000 can be found at [www.tenders.nsw.gov.au](http://www.tenders.nsw.gov.au).

Information is also published as part of Departmental and EPA annual reports.

**Questions from Ms Abigail Boyd MLC**

**Synthetic turfs**

58. Does the EPA have a policy that will ensure that the environmental impacts from microplastic derived from synthetic surfacing; synthetic turf, artificial grass, soft fall and other polypropylene ground covering materials, is mitigated?

- a) If yes, please provide this policy.
- b) If no, what is the Minister doing to address these impacts?

59. What evidence has the EPA collated with regards to micro and nano plastic pollution and/or litter generated from synthetic turf fields for the following calendar years:

- a) 2014
- b) 2015
- c) 2016
- d) 2017
- e) 2018
- f) 2019
- g) 2020
- h) 2021
- i) 2022

60. Scientific research and synthetic turf industry product literature indicate that between 1500- 5000kg of microplastics is lost directly into the environment from a single synthetic turf field annually. Can the EPA confirm that this is correct?

- a) If not, what is the actual amount?
- b) What action/s is the EPA undertaking to address this?

61. Will the EPA place enforceable microplastic emission or pollution limits on synthetic turf fields within the surrounding perimeter of synthetic and artificial turf fields?
62. How does the EPA intend to assist regulatory agencies to remediate soil and waterways impacted by microplastic pollution generated from synthetic surfacing and artificial turf fields?
63. What checks will be established to ensure that the impacts to soil and waterways have been removed?
64. Will the EPA be the regulatory agency that investigates microplastic and nanoplastic pollution generated from synthetic turf fields?
65. What does the EPA consider to be adequate remediation of soil impacted by microplastic pollution, wood pollution or other debris generated from infill material/s utilised within or specifically derived from or with regards to synthetic turf fields crumb rubber?
66. What does the EPA consider to be adequate remediation of soil impacted by nanoplastic pollution derived from the breakdown of the synthetic fibre grass blades, utilised within or specifically derived from/to synthetic turf fields or artificial grass, exposed to UV light?
67. What does the EPA consider to be adequate remediation of waterways impacted by microplastic and nano plastic pollution derived from infill materials (including ELT crumb rubber, EPDM infill or other brand marketed polypropylene or plastic infill and the artificial grass carpeting blades) utilised within the manufacture, installation, use and maintenance of synthetic turf fields?
68. Does the EPA have a policy that will ensure NSW micro and nano plastic emissions relevant to synthetic surfacing and artificial turf fields are not increasing and starting to fall?
69. Does the EPA monitor the amounts of micro and nano plastic generated from synthetic surfacing?
70. What were the levels of microplastic pollution, and of nanoplastic pollution, generated from synthetic surfacing ground cover materials in the following calendar years:
  - a) 2018
  - b) 2019
  - c) 2020
  - d) 2021
  - e) 2022 (to date)
71. If the EPA does not monitor nano and microplastic pollution from synthetic surfacing, what is the reasoning for this?
72. What monitoring does the EPA undertake to ensure that micro plastic and nano plastic emissions generated from synthetic ground covering surfacing; artificial turf, soft fall and synthetic turf fields are being reduced?
73. Can the Minister identify how the use of synthetic surfacing within heritage listed parkland and open spaces aligns with Heritage Office, Natural Heritage Principles and NSW Architect, Design Guides for Heritage planning principles?
74. What steps will the EPA take to ensure comprehensive compliance with reporting requirements under section 144A of the Protection of the Environment

Operations Act 1997(POEO Act) with regards to microplastic litter generated from synthetic surfacing and artificial turf fields?

75. How does the EPA intend to address the soil and waterways impacts relevant to 6PPD quinone derived from End of Life (ELT) rubber crumb infill utilised in synthetic turf and artificial sporting fields and recreational play spaces?

76. The NSW Government directives as detailed within the Climate Change Policy Framework for NSW commits to achieving “net-zero emissions by 2050 and to help NSW become more resilient to a changing climate”. Can the Minister outline how the continued use of synthetic surfacing aligns with this commitment, considering it is proven to increase GHG emissions and VOCs?

77. Can the Minister provide the current reporting relevant to the amount of synthetic turf, artificial grass, soft fall and other synthetic based materials or polypropylene substances used as ground covering that has been recycled, and that has been sent to landfill, for the following calendar years:

- a) 2016
- b) 2017
- c) 2018
- d) 2019
- e) 2020
- f) 2021
- g) 2022 (to date)

**Answer:**

58.No.

a)-b)

The *Protection of the Environment Operations Act 1997* (POEO Act) creates offences for the pollution of air, land and/or water and provides regulatory powers for the EPA to investigate alleged pollution offences.

The Minister is aware of work being undertaken by the Office of the Chief Scientist and Engineer (OCSE) at the request of the Minister for Planning and Public Spaces to review the design, use and impacts of synthetic turf in public spaces. The Minister will consider the findings and recommendation of this work when they are made available.

59.

a)-i)

The EPA does not currently monitor microplastics or litter generated from synthetic sports fields. The OCSE *Independent review into the design, use and impacts of synthetic turf in public spaces* will advise on evidence of microplastic pollution from synthetic sporting fields.

60. The EPA has not reviewed and therefore cannot comment on the literature cited.

- a) Not applicable.
- b) The EPA is represented on the Project Control Group for the development of Synthetic Turf in Public Open Space Guidelines. The

OCSE *Independent review into the design, use and impacts of synthetic turf in public spaces* will inform these guidelines.

61. The EPA will consider and respond to any recommendations made by the OCSE regarding impacts of synthetic sports field on the environment.
62. The EPA works with relevant regulatory agencies to determine the most appropriate remediation for any pollution event as required to ensure no on-going impact to the environment and human health on a case-by-case and site specific basis.
63. As in 62 above.
64. This is unknown at this time. The NSW Government will be informed by the findings and recommendations of the OCSE *Independent review into the design, use and impacts of synthetic turf in public spaces*.
65. As in 62 above.
66. As in 62 above.
67. As in 62 above.
68. No. The OCSE *Independent review into the design, use and impacts of synthetic turf in public spaces* will inform the NSW Government on best management practices for the design, installation, maintenance, disposal and recycling of synthetic turf to inform policy and guidance.
69. No.
70.
  - a)-e)  
The EPA does not hold this information.
71. The EPA does not have any regulatory role in the purchase, supply, storage or installation of synthetic turf nor the operation, use and maintenance of synthetic turf fields. Responsibility for ensuring that pollution does not occur from the installation, use and maintenance of synthetic turf rests with the landowner or occupier of the land on which the synthetic turf is installed.
72. None.
73. This is not a heritage impact matter and there is no policy on use of synthetic lawns in heritage-listed settings, such as parklands.  
  
Heritage NSW advises that the use of extensive synthetic lawns might require a local or State heritage approval, should an application be incompatible with a property's heritage listing values, such as recognised historic plantings, grounds and maintained gardens.
74. None. There are no reporting requirements under section 144A of the POEO Act.
75. The OCSE *Independent review into the design, use and impacts of synthetic turf in public spaces* will inform the NSW Government on the potential air and water pollution impacts associated with use of different materials in construction and installation of synthetic turf (e.g. synthetic fibres, cork infill, rubber crumb infill). The EPA will consider the findings and recommendations of the OCSE review when they are made available.
76. The NSW Government remains committed to achieving net zero emissions by 2050 and to helping NSW become more resilient to a changing climate.

The role of synthetic turf in meeting those commitments will be best determined once the Office of the NSW Chief Scientist & Engineer (OCSE) has completed its independent review into the design, use and impacts of synthetic turf in public open space in NSW.

77.

a)-g)

The EPA does not hold this information.

### **Inquiry into costs for remediation of sites containing coal ash repositories and NSW Government response**

78. Has Dams Safety NSW published all ash dam assessments and reports undertaken?

79. Has NSW Health undertaken an epidemiological assessment of the health of residents near coal ash dams to establish the health impacts of coal ash?

a) When will the results be published?

80. Has the NSW EPA completed its comprehensive and independent assessment of environmental impacts of coal ash dams?

a) Has this been made available to the public?

81. Has the DPIE established a coal ash reuse taskforce?

a) Who are the representatives on it?

b) Is there a community representative?

i. If no, why not?

c) What are the findings of the taskforce to date?

82. Has Transport for NSW reviewed its procurement practices?

a) What are the outcomes?

83. Has Transport for NSW reviewed the construction standards for roads, in relation to ensuring that local government trials the use of coal ash in its road construction?

84. Has the partnership been established between the NSW Government and Ash Development Association of Australia, and other interested parties?

a) What feasibility studies have been conducted to date?

85. Is the ground and water monitoring which is independently conducted by registered agencies contracted and paid for by the NSW Government?

a) If no, how is it contracted and paid for?

### **Answer:**

78. All ash dam safety assessments are available online via the energy providers' websites. To date, there have been no prosecutions or penalty notices to be published on the Dams Safety NSW website.

79. No.

a) The NSW Government response to Recommendation 6 of the Upper House inquiry report noted that an epidemiological assessment of the health of residents near coal ash dams will not establish whether observed outcomes are attributable to chemicals in coal ash and that

NSW Health will propose alternative study types which are better able to address the community's health concerns.

80. The study of surface and groundwater in response to Recommendation 3 of the Upper House inquiry report will provide the Environment Protection Authority (EPA) with the basis for further work to identify the impacts of coal ash dams compared to other sources of the same pollutants at power stations. The EPA will use the results of work under Recommendation 3 and the timing of power station shutdowns to inform next steps.

a) Not applicable.

81. No.

a) Not applicable.

b) Not applicable.

i. Not applicable.

c) Not applicable.

82. No. I am advised Transport for NSW will review its procurement practices on using recycled materials by 30 June 2023 and will include any amendments to their construction standards by 31 December 2023.

a) Not applicable.

83. I am advised Transport for NSW will complete a determination of the use of fly ash (Loss on Ignition) limits for roads by 30 June 2023 and may amend construction standards according to the findings by 31 December 2023.

84. The EPA meets regularly with the Ash Development Association of Australia to explore ways to expand the coal ash reuse market in NSW.

a) No feasibility studies have been conducted to date.

85. No.

a) The monitoring is contracted and paid for by the licensee. Ground and water monitoring under licenses held at power stations are a requirement of their environmental protection licences. Monitoring must be undertaken in accordance with the EPA's Approved Methods for the Sampling and Analysis of Water Pollutants in NSW, which requires analysis by laboratories accredited by the National Association of Testing Authorities (NATA) in respect of the analyses.

### **Groundwater contamination**

86. Does the EPA have full understanding of the pathways leading to groundwater contamination at:

a) Pikes Gully ash dam?

b) Lambert North ash dump?

87. When is the Lambert North leachate barrier system expected to be operational?

a) Does the EPA believe this project will stop groundwater contamination?

88. Does the EPA have any progress updates on the Boron and Molybdenum PRP at the Ravensworth Rehabilitation Project?

89. Why was the AGL Ravensworth pipeline upgrade granted a 12 month extension?

90. Has the EPA completed, or is it considering, any studies to assess the ecosystem bioaccumulation in Lake Liddell?
91. Considering the recent identification of offsite contamination from the Vales Point ash dump, will the EPA require Delta Electricity to produce a Coal Ash Repository Water Characterisation Report for Vales Point, as is the case for Liddell, Bayswater and Mt Piper

**Answer:**

86.

a)-b)

The Environment Protection Authority (EPA) is using pollution reduction programs to collect information on surface water and groundwater characteristics for all ash repositories, including Pikes Gully and Lamberts North.

87. Part 1a of the leachate barrier for Lamberts North is operational. Part 1b will be completed by the end of September 2022.

a) The leachate barrier is designed to prevent leachate from brine conditioned ash migrating through the ash dam and into groundwater.

88. The environment protection licence issued in respect of Bayswater power station, that includes the Ravensworth Voids ash repository, does not contain a PRP (as in a pollution reduction program) relating specifically to boron and molybdenum. The licence contains a Pollution Reduction Study requiring the licensee to undertake a monitoring program aimed at characterising surface and groundwater discharges from the ash repositories at the premises.

89. The EPA varied the environment protection licence issued in respect of Bayswater power station to provide an extension to the timeframe required for the replacement of the Ravensworth Ash Pipeline. The extension was provided to accommodate the timing for the relevant development consent and pre-construction approvals required.

90. The EPA has not undertaken ecosystem bioaccumulation studies in Lake Liddell. The EPA is continually examining its approach to regulating power stations within its legislative responsibilities, and responds to new information, data and evidence in considering and responding to levels of environmental risk.

91. The EPA is reviewing data provided in respect of Vales Point and Eraring power stations. This data will inform site specific Coal Ash Repository Water Characterisation Studies that the EPA proposes to be included on these remaining licences.