



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2023-2024

Supplementary questions

Portfolio Committee No. 7 – Planning and Environment

Climate Change, Energy, the Environment, Heritage
(Sharpe)

Hearing: Thursday 7 March 2024

Answers due by: Wednesday 3 April 2024

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BUDGET ESTIMATES 2023-2024
SUPPLEMENTARY QUESTIONS

Questions from Hon John Ruddick MLC
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PLANNING AND ENVIRONMENT

Climate Change, Energy, the Environment, Heritage

- (1) The Renewable Energy Zone (Central-West Orana) Order 2021 was published in the Government Gazette of the State of New South Wales on 5th November 2021. The Energy Infrastructure Investment Bill 2020 states in Part 4, Division 1, Section 19 (4) The Minister may make a declaration only if the Minister (b) has considered the following (iii) the views of the local community in the renewable energy zone.
- (a) Where was the CWO REZ draft declaration document exhibited?
- (b) How many submissions were received during the CWO REZ draft declaration exhibition period?
- i. How many objections were made by members of the public?
 - ii. How many objections were made by organisations?
 - iii. How many objections were made by public authorities?
 - iv. How many objections were made by renewable energy developers?
 - v. How many submissions in support were made by members of the public?
 - vi. How many submissions in support were made by organisations?
 - vii. How many submissions in support were made by public authorities?
 - viii. How many submissions in support were made by renewable energy developers?
 - ix. How many comments were made by members of the public?
 - x. How many comments were made by organisations?
 - xi. How many comments were made by public authorities?
 - xii. How many comments were made by renewable energy developers?
- (c) Are all submissions received throughout the CWO REZ draft declaration exhibition period available publicly? If they are publicly available, where are they located?

- (d) Were there any meetings held, within the then proposed CWO REZ boundary, to consult with stakeholders and/or community regarding the CWO REZ draft declaration? If yes, please provide all:
 - i. Locations?
 - ii. Dates?
 - iii. Attendees?
 - iv. Minutes?
 - (e) What process did the Minister use to consider and measure the views of the local communities in the CWO REZ declaration?
- (2) In December 2023, a declaration amendment was made by the Minister to increase the capacity of the CWO REZ from 3GW to 6GW. EnergyCo invited feedback from the public regarding the proposed declaration amendment.
- (a) How many submissions were received by EnergyCo during the CWO REZ declaration amendment community feedback invitation period?
 - i. How many objections were made by members of the public?
 - ii. How many objections were made by organisations?
 - iii. How many objections were public authorities?
 - iv. How many objections were made by renewable energy developers?
 - v. How many submissions in support were made by members of the public?
 - vi. How many submissions in support were made by organisations?
 - vii. How many submissions in support were made by public authorities?
 - viii. How many submissions in support were made by renewable energy developers?
 - ix. How many comments were made by members of the public?
 - x. How many comments were made by organisations?
 - xi. How many comments were made by public authorities?
 - xii. How many comments were made by renewable energy developers?

- (b) Are all submissions received throughout the CWO REZ declaration amendment community feedback invitation period available publicly? If they are publicly available, where are they located?
 - (c) What process did EnergyCo use to consider and measure the feedback received through the draft declaration amendment community feedback invitation period?
 - (d) Can EnergyCo please demonstrate how they utilised the feedback received? Please give specific examples.
- (3) In the procurement documentation provided by EnergyCo to the Inquiry into NSW Government's Use and Management of Consulting Services it is stated that Umwelt (Australia) Pty Ltd was engaged to research and report on opportunities in CWO REZ for workforce accommodation to the value of \$135,695.99.
- (a) Is there a report with the findings from Umwelt's research publicly available? If yes, where?
 - (b) When will a coordinated whole-of-REZ strategy be publicly documented and utilised as active collaboration between community, local Council's, developers and EnergyCo for a whole of CWO REZ workforce accommodation strategy?
- (4) The presentation for the Transgrid Advisory Council Meeting #8 on Thursday 21st September 2023 via MS Teams (available on the Transgrid website) includes a chapter on the Central West Orana Renewable Energy Zone.
- (a) What is Transgrid's current involvement in the CWO REZ?
- (5) Mid Western Regional Council commissioned PwC to assess the impacts of additional population on services, infrastructure and housing as a result of State Significant Development projects in the Mid Western Regional Local Government Area which was published in November 2023.
- (a) A whole-of-REZ local government capability study should have already been undertaken by the Infrastructure Planner to enable the successful delivery of the CWO REZ. When will EnergyCo fund or conduct this study? And, when will a report be made publicly available, and where?
 - (b) How does EnergyCo plan to manage and address the major shortage of skilled tradespeople and professionals (ie. doctors, nurses, paramedics, builders, plumbers,

electricians, local Government professionals, project managers etc.) already in the CWO REZ?

Questions from Hon Chris Rath *(on behalf of the Opposition)*

ENVIRONMENT

State of the Environment Report 2024

- (6) When will the 2024 State of the Environment Report will be released?
- (a) Will the report follow the same template as the 2021 State of the Environment Report to ensure an easy comparison?
 - (b) Are you planning to add any new indicators that will be measured?
 - (c) Have the Minister been provided with a draft of the report?
 - (d) Can any preliminary outcomes from the report be shared at this time?

Lithium Ion Battery Fires

- (7) In August last year the Government announced the EPA would be rolling out social media content that warns of the risks of batteries and advises consumers how to properly dispose of old, unused or dead batteries. How is that campaign progressing?
- (a) How much has been spent on designing that social media content?
 - (b) How much has the EPA spent on social media advertising for that content?
 - (c) Over what months was the social media content rolled out and through which social media channels?
 - (d) Given there have been 45 Lithium-Ion battery related fires in NSW so far in 2024, will the EPA be doing any further work to raise awareness of the issue?
 - (e) When was the Minister last briefed on Lithium-Ion Battery fires in NSW?

Asbestos

- (8) What is the earliest date for which you have evidence that asbestos contaminated mulch was laid at any site in NSW?
- (a) What is the earliest date you have of asbestos contaminated mulch being laid at an NSW Government school?

HERITAGE

Heritage NSW and Government's Housing Plans

- (9) Has Heritage NSW raised any concerns about the Government's low and mid-rise housing State Environmental Planning Policy (LMHR SEPP), the Transport Oriented Development Program (TOD Program) and their application to Heritage Conservation Areas and Individual Heritage Listings?
- (a) Has the Minister requested any briefings from Heritage NSW about the impacts the Government's housing plans could have on Heritage Conservation Areas and Individual Heritage Listings in NSW?

Haberfield and Camden Town Centre Heritage Listing

- (10) Since becoming Minister, has the Minister of her office written to Heritage NSW to advocate for or provide support for the listing of Haberfield or Camden Town Centre on the NSW Heritage Register?
- (a) Has the Minister requested any briefings on the work to register Haberfield or Camden Town Centre on the NSW Heritage Register?

Questions from Ms Sue Higginson
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ENVIRONMENT

National Parks - Acquisitions

- (11) On what date did the National Parks and Wildlife Service (NPWS) make the decision to purchase lands under Part 11 of the National Parks and Wildlife Act (NPWA) 1974 in the vicinity of the Pilliga?
- (a) Who made that decision?
- i. Did the Minister for Environment have any role in that decision?
 - ii. Was the Minister briefed before an offer was made?
- (b) On what date was the final decision made to exchange contracts on the land?
- i. Who made that decision?
 - ii. Did the Minister for Environment have any role in that decision?
- (c) What acquisition fund was used to purchase the site?

- i. Was it the general acquisitions budget?
 - ii. Was it from the Koala Strategy fund?
 - iii. How much was spent on it?
- (d) Was the purchase based on areas that are in demand for biodiversity credits?
- (e) Has a Biodiversity Stewardship Agreement yet been developed for this land?
- (f) Will gazetting that land as a National Park or conservation reserve under the NPWA extinguish any BSA, if it were developed?
- (g) What credit value is attributed to the land through the Biodiversity Assessment Methodology?
- (h) What consultation was undertaken in relation to the pilot program associated with this land?
 - i. List the stakeholders?
 - ii. Provide the dates of any and all public consultation processes or events?
- (12) Is there a program, pilot or otherwise, that would allow the NPWS to supply biodiversity credits using Part 11 lands?
 - (a) Under the program, could these lands be used to generate profits from credits bought to offset Government or non-government developments?
 - (b) How is this consistent with the objects of the NPWA 1974?
 - i. How is it justified given the land acquired for the reserve system is already destined for management as a conservation reserve, and there can be no higher management to provide additionality?
 - (c) Is National Parks proposing to 'sit on' land acquired for reservation under the NPWA 1974 and just not gazette it for 20 years in order to obtain biodiversity credits for it?
 - (d) Are there any provisions under the NPWA 1974 to do anything else with Part 11 Lands BUT to gazette them as National Parks or conservation reserves?
 - i. What are the provisions?
 - (e) What does this mean for private landholders who are now effectively competing with publicly subsidised credit creation?

- (f) How is a proposal to use Part 11 Lands for an entirely different purpose than that specified in the NPWA 1974 lawful?
 - (g) How does the purchasing of land based, on demand for biodiversity credits, avoid subverting the Reserve Acquisition Plan and the priority areas for acquisition based on conservation significance?
 - (h) Has NPWS been in discussions with developers seeking biodiversity credits about this 'pilot' and the program for Part 11 Lands?
 - i. Which developers has NPWS spoken to about the scheme?
 - ii. When did these discussions occur?
 - (i) Have any developers asked NPWS to purchase Part 11 lands that meet their credit requirements, or expressed an interest to NPWS in purchasing Part 11 lands so that they can gain planning approval on the basis of the credits created?
 - i. List the developer entities?
 - (j) What measures has NPWS put in place to ensure maximum accountability and full transparency around any discussions with developers relating to biodiversity credit creation?
- (13) Is NPWS currently undertaking BAM assessments on land prior to purchasing for addition to the reserve estate?
- (a) How many BAM assessments have been done?
 - (b) How much does each BAM cost on average?
 - (c) How much has been spent by NPWS on BAM assessments for potential land purchases for each year over the last three years?

National Parks - Fires

- (14) Has the Department of Planning and Environment (and/or NPWS) completed studies to determine the total ecological impact to each National Park, State Forest, State Conservation Area and any other reserves owned by the NSW Government resulting from the 2019/2020 bushfires?
- (a) What were the outcomes for each reserve?
 - (b) Can these reports be provided for each of the reserves affected by the 2019/2020 fires?

- (15) Has the NPWS carried out a strategic appraisal as to why so much area was burnt in National Parks and Nature Reserves by the 2019 / 2020 bushfires?
- (a) Can this report be provided?
- (16) Has NPWS conducted a strategic evaluation of the agency's performance during the 2019/2020 fires?
- (a) Can this report be provided?
- (17) What were the final operational costs for the Forestry Corporation & National Parks and Wildlife Service for each of the following fires that involved backburn escapes identified by fire scientist Nicholas Gellie?
- (a) Bees Nest
- (b) Drake - Long Gully
- (c) Busby's Flat
- (d) Carrai Creek
- (e) Liberation Trail and Old Glen Innes Road
- (f) Stockyard Flat
- (g) Stockyard East
- (h) Gulf Road-Torrington
- (i) Muck Creek
- (j) Schultz Road
- (k) Kian Road complex
- (l) Myall Creek
- (m) Gaspers Mountain
- (n) Mummel Road
- (o) Currowan – Clyde River
- (p) Green Wattle-Kowmung River – Yerranderie Road
- (q) Green Wattle-Kowmung River – Balmoral
- (r) Currowan – Clyde Mountain

- (s) Green Wattle -Kowmung River – Jenolan Caves
 - (t) Currowan – Conjola Park
 - (u) Green Valley
 - (v) Dunns Road
 - (w) Badja Forest
- (18) What were the number of aerial resources requested, approved and actively engaged in the following fires for each date set out below. Please break down the figures into each category (requested, approved, engaged) and date:
- (a) Green Valley / Talmalmo (29-30 December 2019)
 - (b) Dunns Road (27-29 December 2019)
 - (c) Badja Forest Road (27-29 December 2019)
 - (d) Busbys Flat (4-7 October 2019)
 - (e) Stockyard Flat (including Stockyard East and Stockyard West 4-8 November 2019)
- (19) Since the 2019 / 2020 fires, have any measures been implemented by NPWS to improve the agency’s capacity to detect and quickly suppress remote fire ignitions?
- (a) What are these measures?
 - (b) How much have these measures cost?
- (20) What are the costs to date for NPWS legal representation in the NSW Coronial Inquiry into the 2019 / 202 fire season?

Environment Protection Authority

- (21) List the names of the laboratories that were found to be re-testing samples in the 2013 EPA investigation into recovered fines.
- (22) List the names of the facilities that produce recovered fines that were found to be re-testing samples in the 2013 EPA investigation into recovered fines.
- (23) List the names of the laboratories that were found to be re-testing samples in the 2019 EPA investigation into recovered fines.
- (24) List the names of the facilities that produce recovered fines that were found to be re-testing samples in the 2019 EPA investigation into recovered fines.

- (25) Which facilities were found not to be compliant with EPA sampling requirements in 2013?
- (a) Which facilities were found not to be compliant with EPA sampling requirements in 2019?
- (26) Which facilities were found to have contaminants other than asbestos in their recovered fines in 2013?
- (a) Which facilities were found to have contaminants other than asbestos in their recovered fines in 2019?
- (27) Which facilities were found to have asbestos in their recovered fines in 2013?
- (a) Which facilities were found to have asbestos in their recovered fines in 2019?
- (28) List the locations where contaminated or potentially contaminated recovered fines were used?
- (29) Is the EPA testing samples of mulch taken as part of its investigation for other contaminants?
- (a) List the other contaminants?
- (30) How many samples taken as part of the mulch investigation have returned positive results for contaminants other than asbestos?
- (31) How many samples taken as part of the mulch investigation contained construction and demolition waste?

Questions from Ms Abigail Boyd

Energy Security Safeguard

- (32) How many households have accessed household energy saving upgrades under the Energy Security Safeguard in:
- (a) 2023?
- (b) 2022?
- (33) Please list the number of households that accessed the scheme in 2022 and 2023 by postcode.
- (34) Of the households that accessed the scheme in 2022 and 2023, how many were for:
- (a) Household lighting upgrades?

- (b) Air conditioner upgrades?
 - (c) Hot water system upgrades?
 - (d) Pool pump upgrades?
- (35) For those households accessing a hot water system upgrade, how many systems were upgraded to a new:
- (a) Gas system?
 - (b) Electric / heat pump system?
 - (c) Solar system?
- (36) How many households have accessed the Rebate Swap For Solar offer?
- (a) Please list the number of households that have accessed the Rebate Swap For Solar offer by postcode.
- (37) How many vehicle owners elected to offset their emissions under the Vehicle Emissions Offset Scheme (VEOS) in 2023?

<p>Questions from Ms Cate Faehrmann MLC (Answers due by: Friday 5 April 2024)</p>
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CLIMATE CHANGE

Climate Change (Net Zero Future) Act

- (38) In relation to the Climate Change (Net Zero Futures) Act 2023:
- (a) Given the second reading speech on the Bill stated that it “manifests a clear State policy for addressing greenhouse gas emissions to ensure that we reduce the risk of dangerous climate change and meet our Paris agreement commitments, as noted in the bill's purpose” - why wasn't it given precedence over John Barilaro's 'Strategic Statement on Coal Exploration and Mining in NSW' in the final decision on Boggabri Modification 8 Coal Project?
 - (b) Given the purpose of the Act, why did the Boggabri Modification 8 Coal Project not assess whether downstream emissions of the project will threaten efforts to limit the global temperature increase to 1.5°C above pre-industrial levels and hold it well below 2°C?

- (c) Given one of the guiding principles of the Act includes the right to a clean, healthy and sustainable environment, why wasn't this even considered, nor even mentioned, in the final decision on the Boggabri Modification 8 Coal Project?
 - (d) Did the EPA provide any advice to the Department of Planning about the Boggabri Modification 8 proposal after the Net Zero Future Act was passed and before a decision was made, to assist the Department in understanding the Act and how it should be considered in planning decisions?
 - i. If so, please provide a copy of that advice
 - ii. If not, why not?
 - (e) If the Guiding Principles and Purpose of the Act are ignored by the Department of Planning in making decisions on coal projects, what has changed since former Deputy Premier John Barilaro introduced the Strategic Statement on Coal?
- (39) In Budget Estimates on 7 March 2024, the Secretary, Department of Climate Change, Energy, the Environment and Water was unable to advise whether or not the latest modelling (due for release soon) will show that NSW is on track to meet a 50% reduction in GHG emissions by 2030. How will you ensure that new GHG emissions from expanded coal mining projects are not locked in by planning determinations, at the expense of the broader NSW community and the objectives of the Net Zero Future Act?
- (40) In relation to industry-sector advisory groups which the EPA committed to establish under the Climate Change Action Plan 2023-2026, and specifically the Advisory Group on Mining:
- (a) What was the appointment process for the Advisory Group?
 - i. Who approved the final makeup of the Advisory Group
 - (b) Given the Plan committed to inviting 'a broad range of representatives to form these advisory groups, including representatives from industry, government and the community', why has the EPA created an Advisory Group on Mining where 8 of the 10 members are mining companies or mining-related 'research' groups, with the majority associated with the mining of coal or gas?
 - (c) Why is there only 1 community group member on the Advisory Group on Mining with no representation from peak conservation groups?
 - (d) How does this group comply with the Action Plan which specified a broad range of representatives?

Net Zero Emissions Modelling - GHG Data

- (41) When will the NSW Greenhouse Gas Emission Projections, 2021–2050 be updated with the latest data from the latest model run and when will these projections be published on the SEED portal?
- (42) There are about 16 new coal expansion proposals currently in the NSW planning system. How many of these expansions were modelled by the NZEM team and included in the latest model run?
- (43) Which of the 16 coal expansions were NOT included in the model run?
- (44) If NSW DPE or the NSW IPC are assessing a coal expansion that was not included in the last model run, how will they know if additional Scope 1 and 2 emissions from the development will breach the state’s GHG targets or not?
- (45) Does the NZEM team assume that ALL coal mine proposals in the NSW planning system will be approved, therefore Scope 1 emissions from these projects should be modelled and included in the official GHG projections for NSW?
- (46) Some operating coal mines - for example Rix’s Creek - do not report their Scope 1 emissions at all to the NSW government in their Annual Reviews. These mines will report their data to the Clean Energy Regulator in Canberra under the NGERs Act but there are strict privacy provisions within the Act that greatly limit data sharing of this information.
 - (a) Who has access to NGERs coal mine emissions data in NSW?
 - (b) Does anyone working in the compliance teams of either DPE or the EPA have access to this data?
 - i. If no, how does the NSW government know if these mines are reducing or increasing their emissions; and
 - ii. if so-called ‘reasonable and feasible’ abatement measures implemented at these mines are having any impact?

Namoi Region Air Quality Advisory Committee

- (47) Why was the Namoi Region Air Quality Advisory Committee established (2017) and then, apparently, disbanded/abandoned just a few years later? What precipitated the change?

- (48) Why has the Namoi Air Quality real-time monitoring scheme never been implemented? Why aren't the people of the region worthy of the same kind of monitoring that is currently available in the Upper Hunter?
- (49) How far did planning for the implementation of a real-time monitoring network get to? Why was it abandoned?

BioNet

- (50) Have all backlogged wildlife records have now been uploaded to BioNet?
- (51) What arrangements have been made to ensure there will be no future delays in uploading records into BioNet each year?

Maules Creek Blasting Practices and Leard State Forest

- (52) What specific measures are in place to protect the Leard State Forest from blasting impacts from the Whitehaven Coal Maules Creek Mine?

Wildlife Rehabilitation Strategy

- (53) What advice has been provided to the wildlife rescue and rehabilitation sector about next steps now that the NSW Wildlife Rehabilitation Strategy has come to an end?
- (54) What engagement with the wildlife rescue and rehabilitation sector is planned?
- (55) Will the government provide ongoing resources for the review of the NSW Volunteer Wildlife Rehabilitation Sector Strategy and continuation of its program streams into the future?
- (56) Will the department have a plan in place for a co-design process to develop what will succeed the previous multi-year Strategy and the \$6 million in funding it was allocated?
- (57) What progress, if any, has been made to date on the implementations of Recommendations 45 and 46 of the Henry Review of the Biodiversity Conservation Act, which directly relate to the wildlife rescue and rehabilitation sector?