



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEES

BUDGET ESTIMATES 2016-2017 Supplementary Questions

General Purpose Standing Committee No. 5

THE ENVIRONMENT, HERITAGE

Hearing: Friday 2 September 2016

Answers due by: Wednesday 28 September 2016

Budget Estimates Secretariat

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Brumbies

The very first *Key Finding* of the Independent Technical Reference Group Final report into the management of wild horses in Kosciuszko National Park states:

“Independent Technical Reference Group (ITRG) has not been able to reach a conclusion on trends over time in horse numbers or densities in Kosciuszko National Park (KNP) because of problems of comparability between successive horse surveys”

In addition, the Independent Technical Reference Group acknowledges, and I quote, “*rigorous scientific conclusions about how numbers and population trends are changing over time, or how they may differ in different parts of the park*” cannot currently be made.

1. How can the government support a plan to slaughter over 6000 wild horses when its own technical advice can't even say that there are 6000 horses to kill?

The Government is not aware of a plan that proposes to slaughter 6000 horses.

The Independent Technical Reference Group advised that a figure of about 6000 horses is a reasonable working estimate of the wild horse population in Kosciuszko National Park to guide future management decisions.

2. How can such a long term strategic plan to drastically reduce wild horse numbers be justified or necessary, when the truth is no one body, including the Independent Technical Reference Group knows the real numbers of animals exist at any point in time, both past and future?

The Independent Technical Reference Group concludes that the balance of evidence indicates that wild horses are having a significant negative environmental impact on Australian alpine and sub-alpine ecosystems in Kosciuszko National Park. Reducing this impact is the focus of the current consultations.

3. Given the fact that you, as Minister will be authorising the killing of up to 6000 individual animals, are you confident in the methodology and resultant data of the population surveying and that this data would stand up to a rigorous, independent scientific review?

I have no proposal before me to authorise the killing of 6000 horses.

The *Report on the 2014 Survey of Feral Horses in the Australian Alps (Cairns, 2015)* has been independently peer reviewed by aerial survey and statistical experts as well as the Independent Technical Reference Group.

4. Will the Minister authorise an independent scientific study to be conducted into the accuracy and methodology utilised to estimate alleged environmental impacts, taking into account other variables that can impact research outcomes, such as other anthropogenic environmental changes, previous livestock impacts and climate change?

This has already been done. The Independent Technical Reference Group considered and reviewed the report: *An assessment of feral horse impacts on treeless drainage lines in the Australian Alps* (Robertson et al. 2015).

5. Is the Minister confident that the consequences of a rapid and mass eradication of brumbies would not cause more harm than good to the surviving ecosystems and indeed a potential ecological catastrophe?

Whilst no-one is proposing a mass eradication of horses, the independent scientific advice before me is that a reduction in horse numbers in Kosciuszko National Park will have a strong and positive ecological benefit.

Questions from Mr David Shoebridge MLC

Delay in Minister making recommendations

6. What is the average time taken by the Minister to make a decision on recommendations from the Heritage Council?

The Minister gives careful consideration to each recommendation from the Heritage Council. In accordance with the *Heritage Act 1977*, the Minister must consider other relevant factors in deciding whether or not to direct a state heritage listing.

7. What is the statutory timeframe to make a decision on recommendations from the Heritage Council?

Under the *Heritage Act 1977*, the Minister has 14 days to decide whether or not to direct a state heritage listing once a recommendation from the Heritage Council has been received.

The same timeframe is applied for ministerial decisions on removals from the State Heritage Register.

Interim heritage orders are made by the Minister after receiving advice from the Heritage Council. There is no time frame for these decisions in the *Heritage Act 1977*.

8. How many instances has the Minister met this timeframe?

The Minister gives careful consideration to each recommendation from the Heritage Council.

9. How many claims are currently outstanding?

The *Heritage Act 1977* does not describe a claims process.

10. When will the currently outstanding claims be resolved?

The *Heritage Act 1977* does not describe a claims process.

Aboriginal artefacts at the light rail site

11. What liaison has the Minister had with the Department of Transport regarding the 20,000 Aboriginal artefacts that were discovered at the South East Light Rail project site, near Alison Road and Doncaster Avenue, Randwick?

As a state significant infrastructure project approved by the Minister for Planning under Part 5.1 of the *Environmental Planning and Assessment Act 1974*, OEH has no regulatory role in relation to the South East Light Rail Project.

OEH, as a delegate of the Heritage Council, provided advice to the Department of Planning and Environment on mitigation measures to avoid/minimise impacts on heritage items and Aboriginal and non-Aboriginal archaeology.

Since the approval of the proposal OEH has offered assistance to the Department of Transport on managing the Aboriginal objects.

12. What steps has the Minister taken to protect these artefacts?

Neither the Minister nor OEH have a regulatory role in protecting artefacts found during the construction of the South East Light Rail project.

As a condition of the project approval issued by the Minister for Planning under Part 5.1 of the *Environmental Planning and Assessment Act 1979*, artefacts have been excavated in accordance with a Construction Heritage Management Plan.

Aboriginal cultural heritage reform

13. What stage is the Aboriginal cultural heritage reform process up to?

Three of four stages of the Aboriginal cultural heritage reforms have been completed. The most recent stage involved the public release of the government's proposed reform model and extensive public consultation. Detailed information on that process, including information on the feedback received, is available on OEH's website. The proposed reform model is being adapted in light of the public's input in order to inform the preparation of draft legislation.

14. When will a report be released?

The government's commitment is to release draft legislation for public consultation. It is anticipated this will occur in the first half of 2017.

15. What consideration has been given to transferring the responsibility of determining Aboriginal heritage claims from the Office of Environment and Heritage to Local Aboriginal Land Councils?

The NSW Government is engaging with the NSW Aboriginal Land Council, native title organisations and other key stakeholders to determine the best governance arrangements to meet the multiple objectives of the reforms. In addition to the improved management and protection of Aboriginal cultural heritage, these objectives include: giving a stronger voice to Aboriginal people in decision-making concerning their cultural heritage; ensuring the involvement of those with cultural authority to speak for Country; and delivering administrative efficiencies and greater certainty to industry in regard to regulatory processes.

AHIPS

16. How many Aboriginal heritage impact permits (**AHIPs**) that have been issued in the last financial year?

In 2015–16, 113 permits were issued across NSW.

17. How many Aboriginal heritage impact permits (**AHIPs**) that have been issued since the commencement of *National Parks and Wildlife Amendment Act 2010*?

517

18. Has the number of Aboriginal heritage impact permits (**AHIPs**) issued by the NSW Office of Environment and Heritage increased or decreased since the Aboriginal heritage amendments to the *National Parks and Wildlife Act* commenced in October 2010?

In the financial years 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15 there have been 59, 66, 85, 82 and 112 AHIPs issued, respectively. In the financial year 2015-16, 113 AHIPs were issued.

19. Can the OEH provide reasons for any increases or decreases?

There are a number of factors that would influence the number of AHIPs, including improved information regarding due diligence requirements.

Investigations and prosecutions

20. How many breaches related to Aboriginal heritage were reported to the OEH in 2015/16?

In 2015-16, OEH received 98 reports of alleged breaches related to Aboriginal cultural heritage through Environment Line or directly to OEH officers. In addition, OEH commissioned audits of Aboriginal Heritage Impact Permits which resulted in a further 58 reports of alleged breaches related to Aboriginal cultural heritage.

21. How many of these were investigated?

OEH has started or completed investigations into all alleged breaches related to Aboriginal cultural heritage.

22. If suspected harm to Aboriginal heritage was not investigated, why not?

See answer to question 21.

23. What is the OEH's budget for specifically enforcing the laws relating to Aboriginal 'objects' and 'places'?

OEH compliance and enforcement for Aboriginal 'objects' and 'places' is incorporated into the broader compliance and enforcement program.

Forestry

24. How many incidents/reports related to harming Aboriginal heritage has the Office of Environment and Heritage received in the 2015/16 financial year in relation to the forestry sector?

In 2015-16, OEHL's Environment Line received five reports alleging harm to Aboriginal cultural heritage in relation to the forestry sector.

25. What examples of unauthorised destruction of Aboriginal heritage by the forestry industry is the Minister or the Department aware of?

OEHL is aware of examples of alleged unauthorised destruction of Aboriginal cultural heritage by the Forestry Corporation of NSW in the Tarkeeth State Forest, from reports received in July and August 2016. These matters are currently being investigated by OEHL.

26. How many alleged breaches have OEHL, and its predecessor investigated in relation to Forests NSW in 2015 and 2016 in relation to Aboriginal cultural heritage?

During 2015 and as at 31 August 2016, OEHL's Environment Line has received eight reports alleging breaches by the Forestry Corporation of NSW or its predecessor, in relation to Aboriginal cultural heritage.

Windsor Bridge

27. What stage is the Windsor bridge project at?

Roads and Maritime Services has advised OEHL that preliminary heritage works are proceeding with Aboriginal, historical and maritime archaeological test excavation currently occurring on both the northern and southern side of the bridge. Archival recording has also commenced as per the conditions of consent. Questions regarding the project's progress should be directed to the Minister for Roads.

28. What funding is allocated to this project (given that they re-allocated those funds to the bridge to nowhere overpass Moore Park)?

All questions regarding the funding of this project should be directed to the Minister for Roads.

Heritage Minister

29. Why did the Office of Environment and Heritage not issue a submission on the draft plans for the Sydenham to Bankstown urban renewal corridor when a large number of local and State heritage items, including a former convent in Canterbury purchased by Australian Saint Mary MacKillop, were placed under threat by being included high-rise zones in the plans?

OEH was not invited or required to provide comment at this stage.

30. Is your Department currently liaising with the Department of Planning and Environment as it prepares revised plans for the corridor on heritage issues?

OEH is available to provide advice to the Department of Planning and Environment.

31. Why has the Office of Environment and Heritage not issue a submission on the draft plans for the Sydenham to Bankstown urban renewal corridor when it has been the potential to harm one of Sydney's remaining two colonies of endangered long-nosed bandicoots? The other colony is in the Premier's electorate at North Head.

OEH was not invited or required to provide comment at this stage.

32. Is your Department currently liaising with the Department of Planning on bandicoot issues as it prepares revised plans for the corridor?

OEH is available to provide advice to the Department of Planning and Environment.

Aboriginal heritage protected via the State Heritage Register and Aboriginal Places Program

33. What budget is set aside to increase the number of Aboriginal culture and heritage items listed on the State Heritage Register in 2016/17?

Approximately six full time equivalent positions across OEH's listings teams will be employed during 2016-17 to work on State Heritage Register listings for items with Aboriginal cultural heritage significance.

- (a) Is this more or less than previous years?

This is the same as previous years.

34. How many items listed on the State Heritage Register for their Aboriginal Heritage significance does the OEH expect to be listed in 2016/17?

OEH supports Aboriginal heritage listings. The listings number will depend on public nominations, Heritage Council of NSW recommendations and decisions by the Minister for Heritage.

(a) Is this more or less than last year?

See answer to question 34.

35. How many staff does the OEH employ to promote the inclusion of Aboriginal heritage items on the State Heritage Register?

(a) What is the forecast budget for this roles/these roles in the future?

The inclusion of Aboriginal heritage items on the State Heritage Register is promoted by all Heritage Division listings staff across NSW.

Aboriginal Heritage Information Management System

36. How much money has been allocated in 2016/17 to improve the information contained in AHIMS reports? What specifically is this funding intended to be spent on?

See answer to question 38.

37. What was the actual budget for managing and operating AHIMS in 2015/16?

\$740,933

38. What is the forecast expenditure for operating the AHIMS database in 2016/17?

\$787,250

39. How much revenue did the OEH receive from operating the AHIMS (eg. Conducting searches for external clients) in 2015/16?

\$302,293

40. What is the forecast revenue for operating AHIMS in 2016/17?

\$300,000

41. How much money is allocated in the 2016/17 budget for delivering AHIMS services and related Aboriginal heritage information to Aboriginal communities?

OEH provides Aboriginal heritage information to Aboriginal communities, but this service is undertaken as appropriate and not budgeted for by type.

Heritage protection

42. What processes are undertaken to ensure that local councils follow their Conservation Management Plans for heritage listed buildings?

Items of environmental heritage are listed in the heritage schedules of local environmental plans.

Local environmental plans include standard heritage provisions for the protection and management of environmental heritage (Clause 5.10 Heritage Conservation Standard Instrument Principal LEP 2006). The provisions allow councils to request applicants to submit a conservation management plan (CMP) before granting consent to proposed changes to an item listed in the heritage schedule of the local environmental plan.

Councils can review CMPs to determine whether proposed changes will impact on a heritage item and to decide whether to support the proposed changes.

CMPs for items on the State Heritage Register are not mandatory under the *Heritage Act 1977*. The Heritage Council supports the adoption of CMPs.

43. Do the provisions of the Burra Charter apply to all heritage work in NSW?

The Australia International Council on Monuments and Sites' Charter for Places of Cultural Significance, The Burra Charter, 2013 (Burra Charter) and the associated series of Practice Notes provide a best practice standard for managing cultural heritage places in Australia. The Burra Charter is one of a number of guidance documents used by the Heritage Council of NSW in making decisions about heritage work undertaken in NSW.

44. What assessment has the Office of Environment and Heritage taken to ensure that the current proposal for the upgrade of the Bondi Pavilion meets the provisions of the Burra Charter?

OEHL provided comments on a concept plan for the Bondi Pavilion to the Heritage Council of NSW. The Heritage Council has further requested that a conservation management plan be prepared in accordance with guidelines set out by the Heritage Council of NSW. The plan will then be reviewed and considered for endorsement by the Heritage Council. Any proposed changes to the Bondi Pavilion will then be considered against the policies of the endorsed conservation management plan. The Burra Charter is one of a number of guidance documents used by the Heritage Council of NSW in making decisions about heritage work undertaken in NSW.

45. Can the Minister and Office of Environment and Heritage provide details of all formal and informal meetings held with Waverley Council representatives regarding the heritage protection of the Bondi Pavilion?

There have been several meetings between representatives from OEHL and Waverley Council, including council's architects and heritage consultants, to discuss and clarify the heritage protection of the Bondi Pavilion.

A meeting I had with Waverley Council about the Bondi Pavilion is referred to in my ministerial diaries disclosures log available online.

46. What steps are being taken to preserve the Aboriginal heritage associated with the Bondi Pavilion?

The conservation management plan that is being drafted for the Bondi Pavilion will include Aboriginal cultural heritage considerations.

Questions from the Hon Robert Brown MLC
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Supplementary Pest Control Program

47. What is the total cost of the Supplementary Pest Control Program:

- (a) For 2016 to date?

Approximately \$904,000 (for 2016 to 31 August).

- i. Budgeted for 2016 to 2017?

Approximately \$800,000 (1 July 2016 to the end of the trial period in December 2016).

- (b) For 2015?

Approximately \$1,632,000.

48. What is the number of pest animals killed, by species and by location, by supervised ground-based shooters:

- (a) In 2016 to date?

The number of pest animals killed, by species and location, by supervised ground-based shooters as part of the NPWS Supplementary Pest Control (SPC) program to 31 August 2016 is:

Reserve	Fox	Feral cat	Feral goat	Feral pig	Deer	Rabbit
Cocopara National Park (NP)	Nil	Nil	Nil	Nil	Nil	Nil
Yanga NP and State Conservation Area (SCA)	11	1	1	201	24	29
Yathong Nature Reserve (NR), Nombinnie NR and SCA	7	22	658	18	Nil	220
Gundabooka NP and SCA	5	1	258	26	Nil	2
Woomargama NP	Nil	Nil	Nil	Nil	Nil	Nil
Goonoo NP and SCA and Coolbaggie NR	Nil	Nil	17	Nil	Nil	Nil

(b) In 2015?

The number of pest animals killed, by species and location, by supervised ground-based shooters as part of the NPWS Supplementary Pest Control program for 2015 is:

Reserve	Fox	Feral cat	Feral goat	Feral pig	Deer	Rabbit
Cocopara NP			39			3
Yanga NP and SCA	13	5	2	213	19	54
Yathong NR, Nombinnie NR and SCA	1	11	1436	26	24	409
Gundabooka NP and SCA			105	17		3
Woomargama NP	Nil	Nil	Nil	Nil	1	Nil
Goonoo NP and SCA and Coolbaggie NR	Nil	Nil	18	Nil	Nil	Nil

49. What is the number of pest animals killed, by species and by location, by unsupervised ground-based shooters:

Unsupervised ground-based shooting is not permitted.

(a) In 2016 to date?

Not applicable.

(b) In 2015?

Not applicable.

50. What is the number of pest animals killed, by species and by location, by helicopter shooters:

Helicopter shooting is not permitted under the NPWS Supplementary Pest Control program.

(a) In 2016 to date?

Not applicable.

(b) In 2015?

Not applicable.

51. What is the number of pest animals killed (by species and by location) by way of poisoning (by poison type):

Poisoning is not permitted under the NPWS Supplementary Pest Control program.

(a) In 2016 to date?

Not applicable.

(b) In 2015?

Not applicable.

52. How many ground-based shooters are currently accredited?

(a) How many supervised ground-based shooters were there in:

i. 2016 to date?

52 and 52 (a): At 31 August 2016 there are 96 accredited Supplementary Pest Control volunteers.

ii. 2015?

In 2015 there were 96 accredited Supplementary Pest Control volunteers.

(b) How many new individual ground-based shooters were accredited in:

i. 2016 to date?

At 31 August 2016 there were no newly accredited Supplementary Pest Control volunteers.

ii. 2015?

In 2015 there were 48 newly accredited Supplementary Pest Control volunteers.

(c) How many unsupervised ground-based shooters were there in:

i. 2016 to date?

See answer to question 49 (a).

ii. 2015?

See answer to question 49 (b).

(d) How many accredited ground-based shooters were there in:

i. 2016 to date?

See answer to 51 (a)i.

ii. 2015?

See answer to 51 (a)ii.

NSW National Parks Visitors

53. How many annual visitors were there to NSW National Parks in:

(a) 2016 to date?

(b) 2015

53 (a) and (b): There are no official visitor figures for 2015, or 2016 at this time.

The latest biennial survey, conducted by Roy Morgan Research in 2014, found there were more than 39 million domestic visits to national parks in 2014. The next biennial survey, due to be reported in mid-2017, will provide figures for the 2016 calendar year.

54. How many annual visitors were there to individual NSW National Parks, by location, in:

(a) 2016 to date?

(b) 2015

54 (a) and (b): See answer to question 53.

Permits to Destroy Kangaroos

55. What are the requirements that need to be met for an individual to be issued with permits to destroy kangaroos on their land?

Licences to cull kangaroos may be issued under s121 of the *National Parks and Wildlife Act 1974*. The licence application forms address the requirements for obtaining a licence.

56. What are the steps involved with having an application to destroy kangaroos approved?

Local NPWS staff consult with the landowner and determine if a site inspection is required. Where appropriate, NPWS encourages the landowner to trial non-lethal methods to mitigate damage.

If non-lethal methods are ineffective at mitigating damage, NPWS staff consider the application for license, including any historical kangaroo damage and mitigation measures in the area, and kangaroo population numbers.

NPWS then determines how many kangaroos, if any, should be approved for culling.

57. What is the usual turnaround time in processing a permit to destroy kangaroos with respect to:

- (a) Placement of wildlife recording cameras?

The use of wildlife recording cameras is not a standard NPWS procedure or policy requirement for assessing s121 applications to cull kangaroos.

- (b) Assessment of evidence from wildlife recording cameras by NSW National Parks and Wildlife Service staff?

Not applicable.

- (c) Final approval or rejection of the application, from the date the initial application was submitted?

There is no statutory timeframe or policy that guides application processing times. Timeframes vary on a case by case basis.

58. Does the Minister have any plans to reduce or standardise waiting times for applications to destroy kangaroos on an individual's land?

- (a) Are any such plans currently in operation?

58 and 58 (a): OEH is reviewing its non-commercial kangaroo management program.

- (b) If so, what are they?

Not applicable.

59. Will the Department or the NSW Government compensate landowners for damage to their business, assets, crops or ability to generate an income from their land, due to delays associated with assessing permits to destroy kangaroos on their land?

There is no basis for the payment of compensation to landowners.

- (a) If so, how will this be calculated and assessed?

Not applicable.

- (b) If not, why not?

There are no unreasonable delays in issuing licenses.

60. Does the Minister have any plans to amend the 'shoot and let lie' policy for destroying kangaroos on an individual's land to enable the use of the fur and meat of shot kangaroos?

- (a) If so, what are they?

60 and 60 (a): OEH is reviewing its non-commercial kangaroo management program. This review includes exploring options for more flexible secondary use of kangaroo carcasses.

Commercial licences can be issued to commercial harvesters for the purposes of supplying meat and skin products.

- i. How will this operate and when?

The need for any operational changes will be identified by the review.

- (b) If not, why not?

Not applicable.

61. How many permits were issued, by region, to destroy kangaroos in:

- (a) 2016 to date?

Region	Kangaroo permits issued
Blue Mountains	103
Central Coast Hunter	17
Far South Coast	76
Far West	6
Lower North Coast	0
Metro North East	0
Metro South West	0
North Coast	0

Northern Plains	29
Northern Rivers	2
Northern Tablelands	33
South Coast	41
Southern Ranges	184
Western Rivers	164
Total	655

(b) 2015?

Region	Kangaroo permits issued
Blue Mountains	288
Central Coast Hunter	45
Far South Coast	198
Far West	37
Lower North Coast	3
Metro North East	0
Metro South West	0
North Coast	5
Northern Plains	110
Northern Rivers	3
Northern Tablelands	89
South Coast	118
Southern Ranges	422
Western Rivers	397
Total	1715

62. How many kangaroos were destroyed by permit holders, by region, in:

(a) 2016 to date?

The table below shows the number of red kangaroos, eastern and western grey kangaroos, and wallaroos reported as culled under non-commercial s121 licences.

Region	Kangaroos destroyed
Blue Mountains	2,454
Central Coast Hunter	1,184
Far South Coast	997
Far West	50
Lower North Coast	0
Metro North East	0
Metro South West	0
North Coast	0
Northern Plains	656
Northern Rivers	0
Northern Tablelands	530
South Coast	55

Southern Ranges	2,603
Western Rivers	3,480
Total	12,009

(b) 2015?

The table below show the number of red kangaroos, eastern and western grey kangaroos, and wallaroos reported as culled under non-commercial s121 licences.

Region	Kangaroos destroyed
Blue Mountains	15,449
Central Coast Hunter	3,723
Far South Coast	6,887
Far West	7,210
Lower North Coast	20
Metro North East	0
Metro South West	0
North Coast	8
Northern Plains	7,466
Northern Rivers	30
Northern Tablelands	4,414
South Coast	2,241
Southern Ranges	21,586
Western Rivers	18,640
Total	87,674

63. How many kangaroos were destroyed by permit holders, by region, as part of the 'shoot and let lie' program in:

(a) 2016 to date?

Refer to answer in question 62 (a).

(b) 2015?

Refer to answer in question 62 (b).

Questions from the Hon Shaoquett Moselmane (on behalf of the NSW Labor Opposition)

Wolli Creek bushland

Regarding the preservation of bushland around Bexley North currently owned by NSW Roads and Maritime Services, located near Wolli Creek Regional Park:

64. Given that the EIS for WestConnex does not mention the need for the lands at Lots 10, 13, 14 and 16 and Part Lots 11 and 12 of DP 1070237, will you request or facilitate the transfer and incorporation of those parts of the land into Wolli Creek Regional Park?

If Roads and Maritime Services advise that the lots are no longer required for road building purposes, OEHL will seek transfer of these lands for addition to Wolli Creek Regional Park.

Load-based licensing scheme review

65. Has the Issues Paper for the Environment Protection Authority's current review of the load-based licensing scheme been completed?

(a) If so, when will it be released for public comment?

65 and 65 (a): The LBL issues paper is being finalised for public consultation. It is anticipated that the paper will be published before the end of 2016.

Draft Industrial Noise Guideline

66. When will the Minister make the submissions received on the Draft Industrial Noise Guideline available to the public?

The EPA will release a Response to Submissions document that will provide a summary of all issues raised and how they were considered.

67. When will the final Industrial Noise Guideline be published?

The document is expected to be finalised in late 2016.

68. Why is the Environment Protection Authority proposing to allow an increase of noise impacts of large mining operations near remote and rural communities through the relaxation of the current rules, as proposed in the Draft Industrial Noise Guideline?

The review of the Industrial Noise Policy indicated that several policy provisions were no longer supported by contemporary science and therefore potentially open to challenge. The outcome is a policy that can be used to better identify impacts and the need to consider noise mitigation using a reliable and defensible process.

The technical basis for the proposed changes is outlined in the Draft Industrial Noise Guideline Technical Background Paper that was published with the draft guideline. The

paper is available at www.epa.nsw.gov.au/resources/noise/150207-background-paper-ING.pdf.

The new proposed policy increases the minimum daytime intrusive noise level for assessment from 35 decibels to 40 decibels. For context, 40 decibels is the level recommended in Australian / New Zealand Standard 2107:20002 for a reading area in a library.

Where operations include evening and night time activities with no change in operation, these periods will typically be the controlling factor due to increased noise propagation conditions under more stable atmospheric conditions during these times, and hence the increase in daytime assessment levels will be largely irrelevant.

The proposed increase in minimum daytime noise level reflects the less sensitive nature of the daytime period and the current science relating to noise effects. The proposed adopted minimum level is lower than the level recommended by the World Health Organisation for the protection of sleep (WHO, 2009) and below contemporary measures of unacceptable community annoyance. While the proposed policy change will mean higher noise levels for the community under some circumstances, the level remains below stringent sleep disturbance and community annoyance thresholds and is therefore not expected to have a deleterious impact during the day, or an impact that would be associated with an economic impact, e.g. reduced property values.

Reducing NSW Greenhouse Gas Emissions

69. What is the Government's target for reducing NSW greenhouse gas emissions, in particular carbon dioxide, but also methane, by 2020?

The Commonwealth Government leads on policies to reduce greenhouse gas emissions, and greenhouse gas emissions reduction targets. The NSW Government supports complementary actions which help achieve the Commonwealth's targets.

70. What is the Government's target for reducing NSW greenhouse gas emissions, in particular carbon dioxide, but also methane, beyond 2020, in line with the commitment made at the Paris climate talks last December to limit global warming to 2°C or below?

The Commonwealth Government leads on policies to reduce greenhouse gas emissions, and greenhouse gas emissions reduction targets. The NSW Government supports complementary actions which help achieve the Commonwealth's targets.

71. Does a framework exist for tracking emissions and progress towards these targets and goals?

Under the United Nations Framework Convention on Climate Change, the Commonwealth Government is responsible for tracking and reporting on progress towards Australia's greenhouse gas emissions reduction targets. The Commonwealth's Department of the Environment and Energy publishes Australia's National Greenhouse Accounts, which track national emissions from 1990 onwards. Australia's greenhouse gas emissions are estimated as a nation, by state and by industry.

72. Where are the emissions reductions coming from and how are they being monitored, recorded and verified?

Under the United Nations Framework Convention on Climate Change, the Commonwealth Government is responsible for tracking and reporting on progress towards Australia's greenhouse gas emissions reduction targets.

The Commonwealth tracks the effectiveness of its main emissions reduction programs through the National Greenhouse Accounts. These main programs are the Emissions Reduction Fund, Safeguard Mechanism and Renewable Energy Target. The Commonwealth's National Greenhouse and Energy Reporting Scheme is also used to provide a single national framework for reporting and disseminating information about greenhouse gas emissions, energy production, energy consumption and other information.

Paper roads adjoining the Royal National Park at Spring Gully, Bundeena

73. Can the Minister confirm that Sutherland Shire Council has determined that the paper roads are owned by the Estate of Edith Lucy Wolstenholme?

Yes.

- (a) If so, when did the Minister or his Department first become aware of this?

OEH was advised of the results of Sutherland Shire Council's search on 19 May 2015.

74. Has the National Parks and Wildlife Service made contact with the Estate or the beneficial owners of the Estate?

No.

- (a) If not, why not?

The National Parks and Wildlife Service (NPWS) conducted its own search and, based on further evidence, identified ‘The Reform Land Investment and Building Company Limited’ as the owner of the paper roads. This company was deregistered in 1939.

A recent review of the differing outcomes between the council and NPWS investigations highlighted discrepancies in the land titles records. This will need to be resolved by Registrar General before any further action can be taken.

75. Given that former Minister for the Environment, The Hon. Rob Stokes MP wrote to Sutherland Shire Council in March 2015 stating, “I recognise these issues have been ongoing for some time and share your enthusiasm for a prompt resolution”, can the Minister advise what actions the National Parks and Wildlife Service have taken since March 2015 to resolve this issue, including details of who has liaised with Sutherland Shire Council and when any communications with Council have taken place?

Since March 2015, NPWS has undertaken a comprehensive investigation into the status of the roads. The investigation has involved the retrieval and interpretation of title deeds held by the Registrar General and company notices found in the archives of the National Library of Australia.

NPWS contacted Sutherland Shire Council in March 2015, July 2016 and September 2016 in relation to the issue.

76. Regarding the Minister’s answer to Question 1070, published in the Legislative Council Questions and Answers Paper No. 66 – Tuesday 9 August 2016, that “Incorporation of all paper roads within the boundaries of the park is supported” but that “The paper roads adjacent to the park boundary are subject to the outcomes of ownership determination and the legal rights of the neighbouring landowner”:

- (a) Is it the case that the core issue regarding these paper roads is that all approximately six hectares (3km) of unformed road adjoins the Royal National Park, is under private ownership and outside of the legal boundaries of the Royal National Park?

Yes.

- (b) Can the Minister confirm that the Mayor of Sutherland Shire Council wrote to former Minister for the Environment, The Hon. Rob Stokes MP on 17 February 2015 advising that Council had resolved “That the unmade sections of paper road which adjoin NPWS owned land being Sussex Street, Bournemouth Street, Brighton Street, Liverpool Street and

Grosvenor Street, Bundeena be included with the transfer of 10-40 Sussex Street, Bundeena to NPWS for inclusion in the Royal National Park”?

Yes.

- (c) Is the Minister aware that the Office of Environment and Heritage wrote to Sutherland Shire Council on 4 April 2016 stating “The area of Royal National Park in the vicinity of Spring Gully includes an unusually rich mosaic of Endangered Ecological Communities listed under the Threatened Species Conservation Act 1995”?

Yes.

- i. What is the Minister’s response to this statement?

This statement was made in OEH’s response to Sutherland Shire Council’s request for comments on the amended plans relating to development application DA14/1239 for landscaping and clearing. As this application is subject to Land and Environment Court proceedings No. 15/10467 it is not appropriate to comment.

77. Regarding the reference to “the legal rights of the neighbouring land owner” within the abovementioned answer to Question 1070, can the Minister advise:

- (a) Which specific neighbouring land owner was the Minister referring to?

The owner of 60-70 Bournemouth St, Bundeena being Lot 3 DP213924.

- (b) What correspondence and consultation has the National Parks and Wildlife Service engaged in with the other land owners adjoining the unmade paper roads?

Nil.

- (c) Which community groups and organisations has the Minister or the National Parks and Wildlife Service received correspondence or representations from concerning the paper roads or other proposed access routes through the Royal National Park in the Spring Gully area?

The Spring Gully Protection Group, the Total Environment Centre, the Nature Conservation Council, the Bundeena Progress Association and the Friends of Royal National Park Incorporated.

Vapour recovery program

78. What compliance actions have been taken by the EPA in respect of the vapour recovery program for petrol stations?

The EPA has been undertaking a Vapour Recovery (VR) compliance program to encourage and facilitate vapour recovery installations. This has included a combination of industry stakeholder consultation, education of occupiers, site inspections/audits and regulation. This has achieved a very high compliance rate of more than 96 per cent of all 1130 sites required to have installed VR1. A further 62 per cent of the 351 service stations required to install VR2 by 1 January 2017 deadline have already installed or scheduled to install by this date.

The EPA is working closely with industry to maximise VR2 uptake by 1 January 2017.

79. How many petrol stations complied with the requirement to install VR1 by 1 January 2015?

To date of the 1130 sites required to install VR1, at least 96 per cent have complied.

80. How many petrol stations did not comply with the requirement to install VR1 by 1 January 2015?

See response to question 79.

81. How many petrol stations have still not complied to date with the requirement to install VR1 by 1 January 2015?

Currently there are 10 known non-complying service stations.

Of these 10 service stations, five are small service stations that indicated they were on the threshold of dispensing more than 500, 000 litres per year. A number of these sites have indicated they have now dropped below the threshold for VR1 compliance.

There are a further 30 service stations, representing less than three per cent of service stations where VR1 installation was required, where EPA has been notified installation of VR1 was scheduled. Scheduling of installation works is often tied to other works on the site and may subsequently be subject to delays associated with the development consent process and also subject to lease negotiations. The EPA is currently following up these 30 service stations to confirm that the VR1 installation works were undertaken as scheduled. The EPA will respond to any identified non-compliance.

82. What action has been taken against those that are non-compliant?

The EPA has undertaken the following compliance response to those service stations that remained VR1 non-compliant after 1 January 2015 deadline.

- **Advisory letter sent to all sites that had not provided a VR1 installation commissioning report to the EPA.**
- **October 2015 – March 2016, compliance auditors undertook approximately 300 site inspections to verify installation of VR1 technology.**
- **Ongoing contact with site occupiers regarding their VR1 requirements and advising of penalties for non-compliance.**
- **A representative sample of sites that had installed VR1 were audited to ensure VR1 equipment had been installed properly.**
- **Risk assessment undertaken of remaining non-compliant sites.**
- **Show cause letters are proposed for the remaining 10 VR1 verified non-compliant sites. The EPA is also planning follow up of the 30 sites where EPA had been advised VR1 installation was scheduled.**

83. **Have any prosecutions been taken or fines imposed upon non-compliant petrol stations?**

No fines or prosecutions have been imposed/initiated by EPA to date.

A compliance recommendation report is being prepared recommending actions consistent with EPA's compliance and enforcement policy.

84. **Is compliance with this VR1 regulation optional?**

All existing petrol service stations dispensing more than 500,000 litres of petrol a year and located in the stage 1 zone (as defined in the Protection of Environment Operations (Clean Air) Regulation 2010) must have had VR1 equipment installed and operating by 1 January 2015.

From 1 July 2010, any new or modified service station dispensing more than 500,000 litres of petrol a year must install VR1 equipment as part of the development and/or upgrade.

85. **Do non-compliant operators have a commercial competitive advantage over compliant operators?**

On average, the cost of installing VR1 ranges from \$40,000 – \$60,000. It takes approximately two weeks to complete VR1 installation works and during this time, access to bowzers will be restricted. Given the capital cost and disruption for customers over this two week period, there is likely to be a financial burden on businesses and revenue impact compared to service stations that have not yet installed VR1 technology.

86. How many of the required petrol stations in the Central Coast, Newcastle, Sydney and Wollongong metropolitan areas, supplying more than 12 million litres of petrol a year, were VR2 compliant by 1 January 2014?

(a) How many were non-compliant?

Of the 10 service stations required to install VR2 by 1 January 2014, nine were compliant with the 10th service station becoming compliant in March 2014.

(b) How many are still non-compliant?

An additional service station dispensing more than 12 million litres per year was commissioned with VR2 installed in September 2016 and now all 11 service stations are VR2 compliant.

(c) Have any prosecutions been taken or fines imposed?

Not applicable as all service stations are compliant.

87. Given that the EPA's website says that only 36% of the petrol service stations required to install VR2 by 1 January 2017 have done so:

(a) What enforcement action will be taken against stations that are non-compliant?

The figure of 36 per cent was for May 2016. The current figure as of 25 August is 54 per cent. A further 8 per cent have advised EPA they have VR2 works scheduled. The EPA is currently in the process of issuing s.191 Notices under the *Protection of Environment Operations Act 1997* to those occupiers who have not installed or scheduled installation of VR2 by 1 January 2017 requiring them to provide EPA with information within 21 days.

To maximise VR2 uptake by 1 January 2017, the EPA is undertaking the following compliance activities:

- **Notification from the EPA to all company majors and key industry stakeholders stating VR2 requirements and the importance of complying by the due date.**
- **The EPA is conducting ongoing consultation with service station occupiers and industry majors to ensure compliance with VR2 requirements by 1 January 2017.**
- **An appropriate and proportionate compliance response will be undertaken on a 'case by case' basis in accordance with EPA's compliance and enforcement policy. Consideration will be given to the environmental risk posed by each service station.**

(b) Does the Government intend to extend the deadline from 1 January 2017?

No.

(c) Do non-compliant operators have a commercial advantage over compliant operators?

On average, the cost for installing VR2 is approximately \$30,000 per dispenser with an additional \$70,000 for associated pipework. VR2 installation takes approximately 3-4 weeks to complete and during this time bowzers are more restricted than for VR1 installation and the site will be unable to dispense petrol for approximately 7 days. Given the capital costs and disruption for customers there will be an upfront financial burden on businesses and revenue impact compared to service stations that have not yet installed VR2 technology.

Diesel emissions at coal mines

88. Is the Minister aware in detail of the EPA's proposal to reduce particulate emissions from non-road diesel equipment operating at NSW coal mines, such as haul trucks and bulldozers?

I am aware of the EPA's proposal to reduce particulate emissions from non-road diesel equipment operating at NSW coal mines and of the EPA's publicly available report "NSW Coal Mining Benchmarking Study – Best Practice Measures for Reducing Non-Road Diesel Exhaust Emissions".

The proposal is a component of, and consistent with, the EPA's publicly available Diesel and Marine Emissions Management Strategy.

89. Is the Minister also aware there have been serious questions raised by industry regarding the way in which the EPA has sought to justify this proposal?

I am aware the EPA has been consulting with industry about actions to reduce emission from non-road diesel engines and that industry has raised a number of issues that the EPA is working through. I have full confidence in the ability of the EPA to work through these issues, consistent with its regulatory role and responsibilities.

90. Is the Minister aware the EPA's justification for the proposal may overstate the health benefits of the proposal, may understate the costs that would be incurred by industry and by the EPA's own modelling, would have an immeasurable impact on ambient air quality?

I am aware that the coal industry has raised a number of issues that the EPA is working through. This is usual when the EPA negotiates pollution reduction programs with any industry.

The EPA seeks to draw on the best available evidence when developing environmental regulation, and applies robust analysis to support its proposals.

I have full confidence in the EPA's ability to respond to the concerns raised by industry.

91. In this case will the Minister consider reviewing the EPA's justifications for the proposal and ensure it is subject to the same level of scrutiny as we expect of the industry to ensure it is achieving the best possible outcomes?

I understand that the proposal has not been finalised, and that consultation and negotiations are ongoing with industry about requirements of the coal mine diesel pollution reduction programs.

Native vegetation reporting

92. Why has the release of Government data on native vegetation and clearing been delayed, with figures from 2013-14 being made public only in August 2016?

The Minister for the Environment and OEHL have been working on the high priority land management and biodiversity conservation reforms. Information on clearing detected by satellites outlined in the Native Vegetation Report 2013-14 was released in March 2016 as part of the NSW State of the Environment Report 2015, while the report was being finalised.

- (a) When will the data on native vegetation and clearing for 2014-15 and 2015-16 be made public?

The NSW Native Vegetation Report 2014-15 will be released by August 2017. OEHL is transitioning to an enhanced technology solution for vegetation mapping. To ensure the veracity of the analysis the report for 2015-16 and 2016-17 will be combined and released in 2019.

93. How does the Government explain the significant amount of 'unexplained' clearing in the 2013-14 native vegetation report?

There are a range of components that make up the unexplained clearing category, including lawful clearing such as clearing for routine agricultural management activities

(RAMAs), clearing of regrowth, and clearing under various legislative exclusions as well as potentially illegal clearing. These categories cannot be distinguished by the satellite system so are reported together as 'unexplained'. OEHL uses the unexplained clearing as one line of information in a risk-based approach to compliance.

- (a) What percentage of this 'unexplained' clearing does the Government estimate is due to illegal clearing?

OEHL does not estimate the percentage of unexplained clearing caused by illegal clearing. OEHL can only determine if clearing is likely to be illegal after an investigation. OEHL prioritises investigations using a risk-management procedure.

- (b) How does the Government calculate this estimate? Please provide a detailed breakdown of the data and calculations or modelling used.

See answer to question 93 (a).

94. How does the Government intend to monitor and report on clearing under its proposed new land management and biodiversity conservation laws?

Introduction of the Native Vegetation Regulatory Map and Land Management Framework (Notifications and Approvals) will simplify the monitoring process and reduce the unexplained component of detected clearing.

The government intends to continue to produce annual statistical analysis of clearing areas and trends using the satellite monitoring program called Statewide Land And Treecover Survey (SLATS).

OEHL is investigating additional tools for more regular and early detection of clearing events using the new Sentinel2 satellite, building on some initial research and trials undertaken by the Queensland Government using Landsat imagery.

- (a) What will be the timeframe for the publication of data in reports on the clearing of native vegetation under the proposed new laws?

The underlying data is typically published within two years of the last date of clearing to allow for unexplained clearing to be investigated.

The Government's proposed changes to land clearing and biodiversity conservation laws

95. What modelling has the Government done to determine the expected rates of land clearing under the proposed new land management regime?

(a) What did the modelling show?

Rates of clearing are strongly influenced by market prices, weather and regulation, so modelling with precision is not possible.

96. What modelling has been done on the impact the proposed changes would have on the net level of healthy vegetation in NSW?

The NSW Government has modelled the rates of biodiversity conservation expected to occur as a result of the government's investment of \$240 million over five years, and \$70 million per annum ongoing, in a new private land conservation program. This, combined with the government's additional investment of \$100 million in the Saving our Species program, is predicted to drive net gains in biodiversity conservation across NSW.

97. Has the Government conducted a review of the scientific literature around the effectiveness of biodiversity offsets in improving biodiversity outcomes?

(a) If so, what were the findings of this review?

97 and 97 (a): OEH has developed the Biodiversity Assessment Method as well as previous assessment and offsetting methods. These methods all draw on reviews of scientific literature, approaches in other jurisdictions, as well as OEH's operational and technical expertise. The position of the International Union for the Conservation of Nature is that a well-designed biodiversity offsets policy can contribute to positive conservation outcomes.

A peer review of the draft Biodiversity Assessment Method was conducted by Dr Philip Gibbons of the Australian National University and Dr Teresa Eyre of the Queensland Government, and is available on the government's Land Management and Biodiversity Conservation reforms website.

98. How does the Minister intend to ensure biodiversity is enhanced when clearing of a minimum of 100ha and a maximum of 500ha of land can occur without any on-ground assessment via the proposed equity code?

The government is committed to implementing a strategic approach to biodiversity conservation that aims to conserve biodiversity and ecological integrity at bioregional and state scales. In providing landholders with greater flexibility to manage their land, it is acknowledged that some additional clearing will occur at site scale. The proposed equity code settings require 'set asides' to be secured in perpetuity to balance the biodiversity impacts of clearing under the code.

Certification by Local Land Services will be required before clearing can be undertaken under the equity code. The certification process will require Local Land Services to verify the relevant ecological communities present and apply appropriate set aside requirements.

Biodiversity losses will also be counter-balanced by an unprecedented new investment by government in strategically prioritised private land conservation. The government has committed \$240 million over five years to private land conservation and \$70 million each year ongoing thereafter, subject to program performance reviews.

99. Does the Minister accept that clearing under the equity code is broadscale land clearing, and if not what amount of land clearing does the Minister deem must occur before it meets the definition of broadscale?

The proposed equity code requires set asides to be secured in perpetuity to balance the biodiversity impacts of clearing under the code.

100. Will the Minister guarantee that there will be no amnesties for illegal clearing conducted under the *Native Vegetation Act*?

No amnesties are envisaged.

101. Given that even proposed Schedule 2 (regulated) land can be cleared under self-assessable codes and is therefore not subject to on-ground assessment, is the Native Vegetation Regulatory Map simply a tool to monitor clearing rates?

No. Under the exhibited proposal, significant clearing on Category 2 land will require either (1) certification by Local Land Services under land management codes of practice; or (2) application of the Biodiversity Assessment Method and approval under the Local Land Services Act.

102. How many incidences of clearing does the Minister anticipate will fall under the *EP&A Act* and therefore be subject to the BAM, compared to those conducted under codes?

Under the exhibited proposal, the Biodiversity Assessment Method (BAM) will apply to certain proposed development under the EP&A Act, and to applications for clearing approvals under the Local Land Services Act. The number of applications under both Acts will depend on a range of factors.

103. How often will OEHL be checking clearing rates and how will these data be made available to the public?

The draft legislation requires Local Land Services to publicly report each year on its estimate of the overall rate of clearing of native vegetation. Local Land Services will be required to report on clearing for allowable activities and clearing under land management codes.

The government will continue to undertake regular monitoring and report annually on native vegetation clearing by using satellite imagery and aerial photography.

104. Given the Minister recently asserted the objective for sustainable development equates to a 'maintain or improve' principle, will the Minister commit to explicitly including 'maintain or improve' as an object, as recommended by the review panel?

The panel recommended removing the 'improve or maintain' standard at the site scale and focussing on 'conserving biodiversity' at a bioregional or state scale.

105. Does the Minister accept that habitat loss is the primary threat to many species?

- (a) If so, can the Minister explain explain how increasing land clearing the \$100 million SOS funding is proposed to halt or reverse this threat?

105 and 105 (a): The government is investing \$100 million over five years in the Saving our Species program. This program includes activities to: maintain and improve habitat at key sites for threatened species to ensure that viable populations of these species persist in the wild for 100 years. The government has also committed \$240 million over five years to private land conservation and \$70 million a year ongoing thereafter, subject to performance reviews.

106. Given the Minister has recently stated his view that biodiversity conservation is like a sinking ship and one must choose which species to save, can the Minister advise which species he has decided to allow to become extinct, how he came to that decision and why no community consultation was undertaken?

The objective of the Saving our Species program is to maximise the number of species that are being secured in the wild in NSW for the next 100 years. Species conservation projects developed under the Saving our Species program are exhibited for public comment, as required by the *Threatened Species Conservation Act 1995*. For critically endangered species, where feasible, these projects include ex-situ conservation actions.

107. Given the Minister has recently stated that ecologists do not believe in a red flag system, how does the Minister square this assertion with the recent letter from the Wentworth Group of Concerned Scientists who identified the lack of Category 3 land on the Native Vegetation

Regulatory Map, or red flag areas, as recommended by the review panel as a key failure of the new bills?

The government is considering all submissions received during the public exhibition of the draft bills, including the letter from the Wentworth Group of Concerned Scientists.

108. Does the Minister accept that there can be perverse outcomes from the mechanism used to calculate set-asides and offsets, such as degraded land being given a higher value than well maintained land because of the potential management credits generated, for example?

- (a) Does this Minister accept that this would be rewarding those who have neglected biodiversity in the past and penalising those who have made an effort to conserve biodiversity?

108 and 108 (a): The biodiversity credits that can be generated on an offset site will be calculated scientifically using the Biodiversity Assessment Method (BAM). The BAM takes into account the baseline state of biodiversity on site and the potential for gains in biodiversity.

The Biodiversity Offsets Scheme requires gains in biodiversity consistent with the principle of additionality, which requires that offsets must provide an actual addition to biodiversity irrespective of the initial condition of the site.

109. Can the Minister advise how many wombats would be needed to offset the loss of 20 koalas via the BAM, and whether he has been advised that permitting species in the same order to be interchangeable results in little ecological relevance?

The proposed offset scheme quantifies loss and gain of biodiversity in terms of ecosystem credits and species credits.

Impacts must be offset with credits on a like-for-like basis as the default requirement. This means that any approved impacts on koala habitat must be offset with other koala habitat. If it can be shown that like-for-like offsets are unavailable, the variation rules can be used to seek similar offset credits.

Proposed offset variation rules were exhibited with the draft Biodiversity Conservation Bill earlier this year for public comment, and will be further considered during the development of regulations.

Warragamba Dam wall

110. What estimates have been made of the additional area of land which will need to be added to the Warragamba Special Area if the dam wall is lifted?

This question should be directed to the Minister for Lands and Water.

111. Given the raising of the dam will flood World Heritage-listed Blue Mountains national parks and destroy large areas of wild rivers and native vegetation, will the dam wall project's environmental assessment consider these environmental impacts?

The dam wall raising is for the purpose of flood management and will not result in the permanent inundation of upstream areas. Any proposal to raise the Warragamba Dam wall for flood risk mitigation will be assessed in accordance with the *Environmental Planning and Assessment Act 1979*.

112. Will any additional land need to be acquired for the extension of the inundation zone or Special Areas?

(a) What is the cost of the land to be acquired?

112 and 112 (a): This question should be directed to the Minister for Lands and Water.

113. Has the Minister consulted the EPA about the environmental impacts of the proposed upgrade of the dam?

The Hawkesbury-Nepean Valley Flood Management Taskforce, which is responsible for the delivery of the *Hawkesbury-Nepean Valley Flood Risk Management Strategy*, has consulted with the EPA.

114. Will the government revoke any of the declaration of Blue Mountains national parks (for example, Blue Mountains, Kanagra Boyd and Nattai NPs and Yerranderie and Burragorang State Conservation Areas) if the Warragamba Dam wall is lifted?

The government has no plans to revoke any areas of these national parks or state conservation areas.

Sewage overflow outfalls

115. What is the environmental impact from the discharge from the 25 new sewage outfalls proposed by Sydney Water?

The EPA presumes this question is in relation to designed sewage overflow structures. The EPA understands construction of these new sewage overflow structures is part of Sydney Water's Internal Surcharge Improvement Program.

During periods of wet weather, Sydney's sewage system is inadvertently inundated with stormwater from a range of sources. The increase in flow in the pipes can exceed the sewerage system's capacity and cause a backup in the system. If this is not released, untreated sewage would enter homes, backyards, businesses and public spaces. To prevent this from occurring, in wet weather excess untreated but highly diluted sewage is directed to designed overflow structures.

Sydney Water has 23 Environment Protection Licences for its wastewater treatment systems in the metropolitan area. Licence conditions require Sydney Water to manage the environmental impact from the sewerage system. The licences also require Sydney Water to monitor and report on their environmental impacts through the Sewage Treatment System Impact Monitoring Program.

116. What consultation occurred between Sydney Water and the EPA regarding the proposal?

Sydney Water did not consult, and was not required to consult, with the EPA in relation to this proposal.

(a) When did this occur?

Not applicable.

117. What alternatives were suggested by the EPA?

As outlined in question 116, the EPA was not consulted in relation to this proposal.

118. Does Sydney Water's proposal meet the EPA's water quality standards?

The EPA requires Sydney Water to meet certain environmental outcomes in its Environment Protection Licences but does not prescribe how these outcomes are met. No limits for pollutants are set for wet weather overflows. However, Sydney Water's Environment Protection Licences set a frequency limit or target for wet weather sewage overflows.

119. How will the EPA monitor the impact of the new sewage outfalls?

It is not practical to monitor the volume and concentrations of pollutants of each overflow to enable the EPA to develop specific licence conditions for each overflow. The EPA's current approach is to regulate the long-term average number of overflows across

each of Sydney Water's 23 sewerage systems within Sydney and the Illawarra. The EPA has placed pollution reduction programs on Sydney Water's licences to require the frequency of overflows to be reduced to an acceptable level over time. Sydney Water have spent over \$1.5 billion since 1998 to reduce dry and wet weather sewer overflows. There is also close scrutiny by IPART on this expenditure with its relationship to water and sewerage service pricing.

Sydney Water's EPA licences require Sydney Water to implement a Sewage Treatment System Impact Monitoring Program. This Program aims to monitor waterways in Sydney Water's area of operations to determine general trends in water quality over time, to monitor the performance of Sydney Water's sewage treatment systems and to assess the ecosystem and health impacts of effluent discharges from Sydney Water's sewage treatment plants and sewer overflows and leakage from its sewerage network.

Centennial Park Wild Play Garden development

120. What options are there for moving the main entrance of the Wild Play Garden to the location identified by the Report to areas of the proposed playground which face either Loch Avenue or Dickens Drive? Are there any other options?

Three options were assessed during the project planning, safety review and Centennial Park Master Plan review. A peer review and two safety reviews were also conducted on the entry design. These assessments and reviews determined that the entrance off Grand Drive is the most viable option.

121. Under which legislative authority or regulation was the Ian Potter Children's Wild Play Garden design and construction approved and which instruments under the Infrastructure SEP were used to classify this development as exempt or non-exempt?

The *Environmental Planning and Assessment Act 1979* Part 5 and the *Heritage Act 1977*.

- (a) Will the Minister make copies of development approval documents available to the public?
Not applicable.

Ginninderra Falls

122. What examination, consideration or investigation has been made to consider establishing the Murrumbidgee Ginninderra Gorges National Park?

Three properties were offered for sale to the NSW National Parks and Wildlife Service (NPWS). NPWS assessed these properties in July 2013. The land was assessed in relation to conservation value, ecological integrity, financial sustainability, safety and risk management and ongoing resourcing requirements. It was identified that these three properties contained significant scenic and natural values, and some heritage values.

These values were not sufficient to make the land a priority for acquisition.

123. Given the Parkwood (West Belconnen) Planning Proposal will create approximately 11,500 new dwellings in close proximity to Ginninderra Falls, what action is being taken by OEHL to protect the environmental values of the area and the preservation of the Falls?

OEHL acknowledges the environmental values of the Ginninderra Falls area and the surrounding corridor and is providing guidance to the proponent for the protection of these values. The proponent intends to create a conservation corridor, with the mechanism for protecting the environmental values in the longer term still being investigated.

The environmental assessment for the development has not yet been formally submitted. OEHL will provide formal comment on the proposal in the exhibition period.

124. What cross border arrangements are in place for OEHL in relation to Ginninderra Falls?

Any necessary cross border governance arrangements will be considered once the conservation area and mechanism for the protection of its ecological values are clarified.

125. What arrangements are being put in place to protect threatened species at Ginninderra Falls including the pink tailed worm lizard, Gang Gang cockatoo, Booroolong frog, superb parrot, painted honeyeater, little eagle, varied sittella, Rosenberg monitor and the white winged triller?

The protection of these and other species will be considered as part of the development assessment process. The conservation corridor proposed by the proponent would protect habitat for a number of these species.

126. Is OEHL satisfied that the proposed conservation corridor of 371 ha on the ACT side and 206 ha on the NSW side is adequate to protect the Falls and the flora and fauna in this area?

Designation as a conservation corridor should increase the ecological value of the area within NSW, which is currently grazed and has a quarry onsite. The proponent intends to set aside funds for the long term conservation management of the corridor and OEHL will endeavour to have input into the conservation management plan.

127. What action has OEH taken to liaise with traditional owners (the Brungle/Tumut and Onerwal people) regarding the protection and preservation of Aboriginal heritage in and surrounding Ginninderra Falls?

It is the proponent's responsibility to liaise with registered Aboriginal parties to determine potential impacts of proposed activities on Aboriginal cultural heritage and to inform any application for an Aboriginal Heritage Impact Permit (AHIP).

OEH is providing guidance to the proponent and has advised that an anthropological study be undertaken, involving consultation with the traditional owners of the land. OEH understands this study is nearing completion.

128. Is there consideration of biodiversity offsets for this land, if so what is the current status of these considerations?

The scale of any biodiversity offset will be considered as part of the development assessment process.

Callan Park

129. Is the Government planning to repeal the *Callan Park (Special Provisions) Act 2002*?

- (a) If so:
 - i. When?
 - ii. Why?

129 and 129 (a): The NSW Government has made no decision to repeal the *Callan Park (Special Provisions) Act 2002*.

130. If the Government repeals the *Callan Park (Special Provisions) Act 2002*, will the Minister guarantee the Government will:
- (a) ensure that the whole of Callan Park remains in public ownership and subject to public control;
 - (b) ensure the preservation of the areas of open space at Callan Park that were in existence immediately before the commencement of the Act, and that extend to and include the foreshore of Iron Cove on the Parramatta River;
 - (c) allow public access to that open space, including that foreshore, for public recreational purposes of both an active and a passive nature;

- (d) preserve the heritage significance of Callan Park, including its historic buildings, gardens and other landscape features; and
- (e) impose appropriate controls on the future development of Callan Park.

130 and 130 (a), (b), (c), (d) and (e): The NSW Government has made no decision to repeal the *Callan Park (Special Provisions) Act 2002*.

Native Vegetation Mapping

131. How many FTE staff positions were directly engaged with native vegetation mapping responsibilities, and what were the position titles for such staff, for each of the years:

- (a) 2011-12?
- (b) 2012-13?
- (c) 2013-14?
- (d) 2014-15?
- (e) 2015-16?

130 and 130 (a), (b), (c), (d) and (e): Native vegetation mapping is undertaken across the portfolio for a range of purposes to meet statutory obligations and inform government and the community. Many staff across the portfolio are involved in native vegetation mapping to various levels in undertaking their duties.

132. Has the division directly engaged with native vegetation mapping responsibilities been moved from one division to another within OEHL since 2011?

No.

- (a) If so, please provide details.

Not applicable.

- (b) What was the reason for this change?

Not applicable.

133. What reviews have been undertaken or commissioned regarding the Government's native vegetation mapping capacity, methodology, results and accuracy, or organisational structure, since 2011?

- (a) Will these reviews be made public?

133 and 133 (a): OEH is continually improving the output quality of its native vegetation mapping through ongoing assessment, technology improvements, research and responding to expert advice. The Native Vegetation Information Strategy 2014-18, available on the OEH website, outlines specific actions that OEH is implementing to support conservation, planning and regulation of native vegetation and plant communities across NSW.

134. Did OEH undertake an independent and comprehensive review of the proposed technology for the preparation of the state-wide (SPOT5) native vegetation map to provide certainty as to the appropriateness of this technology for the purpose of: ensuring legislative compliance (i.e.: acceptability as evidence in court proceedings); usefulness to local government planning authorities in the preparation of Regional Land Use Plans; Local Environment Plans and consideration of consent conditions for proposed major developments, as recommended in the Final Observations Report: Bio-Focus Review in 2012?

Yes.

135. Regarding the Government's mapping of native vegetation, such as the State Vegetation Type Map and others, what is the Typical Model Accuracy for each Vegetation Unit, including a breakdown of typical model accuracy for all available Plant Community Types (PCTs) currently mapped?

The three vegetation units used in the vegetation type maps in order of increasing complexity are Formations (12 units), Class (99 units) and PCTs (1326 units). For the classification Vegetation Class, typical model accuracy is 65-75 per cent.

PCTs are complex and dynamic entities based on multi-strata species mixes and particular environmental determinants.

For the top three highest probability PCTs typical model accuracy is 65-75 per cent.

When undertaking ground inspections, having access to regional scale mapping of Vegetation Class and PCT will greatly reduce the list of potential PCTs for any given site and facilitate rapid visual interpretations.

For any critical decisions, a full floristic plot survey by a qualified botanical expert is recommended to categorically verify the particular PCTs present using repeatable, systematic analysis of data.

In addition, the Biodiversity Assessment Methodology requires field-based surveys, which provides additional clarity regarding what vegetation types are present.

In relation to code-based clearing under proposed biodiversity reforms, the certification process will require LLS to verify, by inspection, the relevant ecological communities in question.

136. What type of mapping of vegetation communities does the Government plan to use to support the proposed new biodiversity conservation legislation?

The detail of the Government's proposed new biodiversity conservation legislation is currently being finalised.

137. Does the Government currently use "segmentation mapping" as is described under the 'The State Vegetation Type Map: your questions' on the Department's website?

Yes.

138. What was the estimated accuracy of the mapping data used to compile the information made available in the 'NSW Report on Native Vegetation 2013–14'? Please provide a breakdown for different plant types, if necessary.

SPOT5 based change detection uses 5x5 metre pixels that are located to within 2.5 metres (+/- half a pixel) on the ground.

Analysis of the reliability SPOT5 based change product has found accuracies over 95 per cent for woody vegetation.

139. Has the Government reviewed the results of the report, 'Validation of the Greater Hunter Native Vegetation Mapping as it pertains to the Upper Hunter region of New South Wales' by John T. Hunter, 2016?

(a) What were the results of the review?

139 and 139 (a): Dr Hunter reviewed a sub-section of OEH's Greater Hunter Vegetation Map V4, covering the Upper Hunter area.

His approach to sampling was largely by rapid assessment and mostly on road sides and public land and is therefore not representative of the whole map area.

A formal response to Dr Hunter's paper has been published in the same journal as part of routine scientific practices.

(b) What is the Government's response to the assertions of the report, such as that a majority of plant community types were mapped with an accuracy of less than 30%?

The report is considered no longer relevant as OEH has already developed a superior mapping method using Digital Aerial Imagery (ADS) where available, rather than SPOT5 satellite imagery and incorporated additional manual interpretation and editing processes.

140. What is the highest level of accuracy for plant community types from all native vegetation mapping tools and methods currently in use by the Government? Please provide details of each mapping tool and methodology.

The highest level of accuracy is 100 per cent. Typical mapping tools and methods applied in OEH include:

1. **Onsite survey:** to confirm presence of a particular Plant Community Type typically uses standardised 20x20m plots that records cover and abundance of plant species across multiple strata and locations.

This data is compared to the approved description of the 1300 Plant Community Types described for NSW.

Survey results are then applied to a map product either produced from a GPS survey log or applied to an existing map product from a source described below.

2. **Stereoscopic interpretation of remote sensed imagery and manual attribution of PCTs:** experienced operators visually inspect the imagery to identify different patterns or species signatures. Using additional scientific knowledge about the nature of the plant communities and their approved descriptions, operators manually assign a PCT to the different map features.

Map feature boundaries can be captured by either manual onscreen digitisation or by automated feature detection.

3. **Non-stereoscopic interpretation of remote sensed imagery – manual attribution:** as above but operators do not use vegetation height as an indicator of type.
4. **Non-stereoscopic interpretation of remote sensed imagery – manual and modelled attribution:** as above but a combination of predictive models of PCT distributions based on biophysical information and available flora survey points and manual interpretation to either directly assign a PCT or define map features to refine or constrain models.

Distribution models also provide a percentage probability of occurrence for each type. Used to attribute a map unit with top 3 most likely PCTs.

141. Does the Government use Digital Aerial Photographic Interpretation for native vegetation mapping?

Yes. Imagery provided by NSW LPI known as ADS40/80.

- (a) Please provide a list of mapping tools and methods employed by the Government and the specific purpose of each.

Methods are Stereoscopic (3 Dimensional) and non-stereoscopic (2 Dimensional).

Tools used by OEH include:

- Various 3D visualisation screens (Dual-screen Planar, Stereo monitors) and high-end PCs
- ArcGIS , with or without StereoAnalyst extension (required for 3-D viewing)
- Erdas Imagine
- Erdas Apollo

Stereo interpretation purposes include:

- Private Native Forestry – re-assessment of rainforest and old growth
- compliance investigations into unexplained clearing
- wetland mapping
- Plant Community Type mapping
- Threatened Ecological Community mapping
- coastal management planning (SEPP14 and SEPP26)
- koala habitat mapping
- land use mapping
- development application reviews

Non-stereo interpretation include:

- compliance investigations to unexplained clearing
- land use mapping
- wetland mapping
- development application reviews
- Bushfire hazard reduction planning
- Plant Community Type mapping
- Threatened Ecological Community mapping

- **Soil landscape mapping**
- **National Park Planning**
- **Bushfire hazard reduction planning**

142. Has the Government investigated the use of alternative mapping tools and methods not listed above?

- (a) If so, what tools were investigated and what were the results of the investigations?
- (b) If not, why not?

OEH continues to be at the forefront of digital imaging technologies in Australia and was the first agency in NSW to adopt Digital Aerial Imagery (ADS) captured by NSW LPI for operational use.

OEH is constantly investigating alternative technologies through collaborative scientific partnerships and ARC linkage research projects.

Primarily alternative or additional data sources have been investigated including:

- i. **LiDAR which can be used to assist in differentiating certain vegetation types. This technique is constrained by lack of availability across all NSW and higher cost of acquisition and processing.**
- ii. **RADAR can provide additional data about height and texture of vegetation. This technique is constrained by lack of availability especially in configurations suitable for vegetation and cost of acquisition.**

Commercial Fishing Business Adjustment Program

143. Has the Minister made an assessment of the environmental impact of the Commercial Fishing Business Adjustment Program on fishing habitats including estuaries?

144. Is the Minister aware that the CFBAP will introduce an effort quota which will limit the number of days a fishing business may fish?

- (a) Has the Minister assessed the environmental impacts of more intensive fishing being conducted per day?

145. Is the Minister aware that the CFBAP will also create a catch quota on certain fish species?

146. Has the Minister assessed the environmental consequences of possible dumping of poor quality catch?

143–146: These questions should be referred to the Minister for Primary Industries.

Ourimbah Creek Catchment

147. Has the Minister assessed the cumulative environmental impact of a number of large projects currently proposed for areas within the Ourimbah Creek catchment area?

The environmental assessment of projects is a matter for the proponent and relevant approval authority.

- (a) What is the environmental impact of the proposed Kangy Angy Rail Maintenance Facility upon the Ourimbah Creek Catchment area?

The environmental assessment of the project is a matter for the Minister for Transport and Infrastructure.

- (b) What is the environmental impact of the Pacific highway Stage 4 widening at Ourimbah to Lisarow upon the Ourimbah Creek Catchment area?

The environmental assessment of the project is a matter for the Minister for Roads, Maritime and Freight.

- (c) What is the environmental impact of the rezoning of land on Oscar Drive, Chittaway Point upon the Ourimbah Creek Catchment area?
- (d) What is the environmental impact of the 263 residential lot submission at Berkeley Vale (DA/1438/2015) upon the Ourimbah Creek Catchment area?

147 (c) and (d): The environmental assessment of the project is a matter for the Central Coast Council.

Flexible Workplaces

148. Minister, the Premier announced on International Women's Day that the public service would all have access to flexible working arrangements by 2019.

- (a) Do you centrally register staff who have flexible work arrangements?
- (b) What numbers of staff within your Department currently have flexible working arrangements?
- (c) Are you aware of any measures that are currently underway to implement this?

148 and 148 (a), (b) and (c): NSW Government agencies are developing initiatives to implement the NSW Government's policy that 100 per cent of public service jobs will be flexible by 2019 on the basis of 'if not, why not'.

EPA Action on the Rutherford Stink

149. How many complaints did the EPA receive about the so-called "Rutherford Stink" in the following time periods:

- (a) September 2013 - August 2014
- (b) September 2014 - August 2015
- (c) September 2015 - August 2016

149 (a), (b) and (c): The EPA has received the following complaints about odours in the Rutherford area:

- (a) September 2013 – August 2014 – 78 complaints
- (b) September 2014 – August 2015 – 196 complaints
- (c) September 2015 – August 2016 – 81 complaints

150. When was the last recorded complaint about the smell received?

The last recorded complaint of odour in the Rutherford area was received via the EPA's Environment Line on 30 August 2016.

151. What regulatory action has been taken by the EPA in the Rutherford Industrial Estate from March 2015 - August 2016?

During the period March 2015 to August 2016 the EPA took the following regulatory actions in the Rutherford Industrial Estate:

Date	Regulatory action
2 March 2015	Issued a Prevention Notice to Fulton Hogan Industries Pty Ltd who operate an asphalt plant. The Prevention Notice required Fulton Hogan to complete a study on the effectiveness of odour control equipment at the site and define a maintenance program to ensure that odour control equipment is operating effectively at all times.
5 May 2015	Issued a Clean-Up Notice to Truegain Pty Ltd who operate a waste oil refinery to clean up hydrocarbon contamination which had discharged from the premises.
31 July 2015	Issued a Clean-Up Notice to Fulton Hogan Industries Pty Ltd to clean up hydrocarbon material on their property as

	a result of a discharge/spill from an unknown source.
19 August 2015	Issued a Prevention Notice to Truegain Pty Ltd who operate a waste oil refinery to require all liquid waste within bunds to be removed and to remove accumulated rainfall within 48 hours of the rainfall event concluding.
7 September 2015	Issued two Penalty Notices (total \$30,000) to Truegain Pty Ltd for failure to comply with a condition of their environment protection licence and pollution of waters resulting from an oil discharge from the premises.
12 February 2016	Issued a Clean-Up Notice to Truegain Pty Limited to clean up hydrocarbon impacted soil as a result of a spill of hydrocarbon material from the premises.
9 March 2016	Varied Truegain Pty Ltd's environment protection licence to include conditions requiring a mandatory environmental audit of the premises.
1 April 2016	Suspended Truegain Pty Limited's environment protection licence following their disconnection from the gas supply as a result of failure to pay their account.
12 May 2016	Varied Truegain Pty Ltd's environment protection licence to specify that the mandatory environmental audit did not need to be completed during the period of licence suspension.
24 May 2016	Issued an Official Caution to Truegain Pty Ltd for failing to engage an auditor as required by a condition of their environment protection licence. This offence occurred prior to the 12 May 2016 variation of the licence.

Domestic Violence Leave and Awareness

152. For each department, statutory agency and/or other bodies in the Minister's Portfolio please report:

- (a) Date of introduction of domestic violence leave into enterprise agreements/contracts of employment, awards as applicable;
- (b) Whether or not all employees and/or contractors are eligible for domestic violence leave;
- (c) Number of days of domestic violence leave that have been taken in each financial year since the introduction of such leave;
- (d) Number of days available for eligible staff to access domestic violence leave in each financial year;
- (e) Number of other personal days of leave that have been taken in each financial year since the introduction of domestic violence leave;

- (f) Number of sick days available for eligible staff to access domestic violence leave in each financial year;
- (g) Whether or not all staff and/or contractors have access to Employee Assistance Programs?
- (h) What training has been undertaken with management and administration for those involved in approving and/or processing domestic violence leave on issues such as?
 - i. Privacy and confidentiality of information about domestic violence
 - ii. Access to emotional, psychological, financial and medical support which may be required
- (i) Who has provided training on domestic violence in the workplace?
- (j) What percentage of staff in each agency has undertaken domestic violence training?
- (k) What efforts have been made to ensure that perpetrators (or their accomplices) within the staffing profile are not able to access personal information of victims in order to identify their location, or other information which may assist in committing domestic violence against them, including changing or accessing records in such a way as to disadvantage them financially or legally?

152 (a) to (k): Each agency is responsible for implementing NSW Government policy. The information sought is not collected centrally.

Sexual harassment and Anti-bullying training and awareness programs

153. For each department, statutory agency and/or other bodies in the Minister's Portfolio please report:

- (a) Date of introduction of sexual harassment and anti-bullying training and awareness programs
- (b) Whether or not all employees and/or contractors have received such training?
- (c) Is this course mandatory for all employees/ contractors?
- (d) How long for each session, how many sessions?
- (e) Who delivers it?
- (f) Is the program tailored to take into consideration specific needs of LGBTQIA, ATSI and CALD or other at risk groups?

(g) How?

(h) What percentage of staff in each agency has undertaken sexual harassment and anti-bullying training and awareness programs?

153 (a) to (h): Each agency is responsible for implementing NSW Government policy. The information sought is not collected centrally.

Maintenance Costs for Maitland Gaol

154. The Maitland Council had to approve expenditure of \$38,300 to cover the cost of a study to establish the maintenance costs for Maitland Gaol. Why did the Council have to pay for the report when it is a state owned facility?

This is a matter for Maitland City Council and the Minister for Lands and Water.

155. Has the Minister read this study?

156. What plans are in place for paying the ongoing maintenance works for Maitland Gaol?

155 and 156: This is a matter for the Minister for Lands and Water.

157. Will the Government or Maitland City Council Rate Payers cover the cost of maintaining the site?

This is a matter for Maitland City Council and the Minister for Lands and Water.

Office Administration

158. How many staff are in your ministerial office?

(a) What was the average salary for staff members in your office during 2015-16?

(b) What is the estimated average salary for a ministerial staffer in your office in 2016-17 based on current appointments?

158 and 158 (a) and (b): Ministers' staff numbers and salary bands are available on the DPC website. Refer to:

www.dpc.nsw.gov.au/about/publications/premiers_and_ministers_staff_numbers.

159. How many blackberries/iphones/smart phones are assigned to your staff?

(a) For each phone, how much was each bill in 2015-16?

(b) How many phones have been lost or replaced due to damage in your office?

- i. What is the cost of replacing those phones?

159 and 159 (a) and (b): There were 280 smart phones in use across all Ministers' offices in 2015-16. The total usage cost of these smart phones and other mobile devices (including iPads) was \$452,830, a 21.7 per cent reduction on the 2008-09 expenditure of \$578,691. The cost of replacing any lost or stolen devices is claimed through the NSW Treasury Managed Fund. Repairs are funded by the Department of Premier and Cabinet, Ministerial and Correspondence Services.

160. How many iPads or tablets has DPC assigned to your Ministerial office and to whom have they been issued?

(a) What was the cost of providing iPads or tablets to your Ministerial Office in 2015-16?

(b) How many iPads or tablets have been replaced due to lost or damage in 2015-16?

- i. What was the cost of replacing these devices?

160 and 160 (a) and (b): There were 148 iPads in use across all Ministers' offices in 2015-16. The cost of replacing any lost or stolen devices is claimed through the NSW Treasury Managed Fund. Repairs are funded by the Department of Premier and Cabinet, Ministerial and Correspondence Services.

161. Has any artwork been purchased or leased for display in your ministerial office in 2015-16?

(a) What is the cost of this?

161 and 161 (a): Artwork in the Minister's Office includes photographic artwork on loan from OEHL.

162. Have any floral displays or indoor plants or potplants been hired or leased for display in your ministerial office in 2015-16?

(a) If so, what was the cost of these items?

163. Have any floral displays or indoor plants or potplants been purchased for display in your ministerial office in 2015-16?

(a) If so, what was the cost of these items?

162 and 162 (a) and 163 and 163 (a): Floral arrangements purchased by the Ministry are managed within the office's budget.

164. What was the total cost of all subscriptions by you and your staff to online news services, newspapers, magazines, journals and periodicals in 2015-16?

(a) What are these services/newspapers/magazines/journals/periodicals?

i. Who is the subscriber for each of these?

164 and 164 (a): My office subscribes to a modest number of publications, the cost of which is managed within the Office's budget.

165. What was the total value of all gifts purchased for use by you and your office in 2015-16?

(a) What were the gifts purchased?

i. Who were they gifted to?

165 and 165 (a): Gifts are presented to dignitaries during overseas missions and to dignitaries visiting NSW.

166. Do you purchase bottled water or provide water coolers for your office?

(a) What is the monthly cost of this?

166 and 166 (a): No water purchased.

167. What non-standard features are fitted to your ministerial vehicle?

(a) What is the cost of each non-standard feature?

167 and 167 (a): Ministers, the Leader of the Opposition, other nominated public office holders and certain former office holders are provided with official cars and drivers. During 2015-16 all costs associated with these vehicles were paid from the relevant office's budget.

168. What was the total bill for your office in 2015-16 for:

(a) Taxi hire

(b) Limousine hire

(c) Private hire care

(d) Hire car rental

(e) Ridesharing services

168 (a) to (e): Expenditure on taxis, hire cars and ride share services across the Ministry in 2015-16 was \$99,463. This compares with 2009-10 expenditure of \$175,776.

169. Were any planes or helicopters chartered by you or your office and paid for with public money in 2015-16?

(a) If yes, will you please detail each trip, the method of transport and the cost?

169 and 169 (a): Expenditure on charter flights for the Ministry totalled \$28,706 in 2015-16. This compares with expenditure in 2009-10 of \$282,000.

Hospitality

170. How much did your ministerial office spend on hospitality, including catering and beverages, in 2015-16?

Expenditure on hospitality across the Ministry – which includes catering for stakeholder meetings and courtesy calls with visiting dignitaries – totalled \$25,059 in 2015-16.

171. How much did your Department/agency spend on hospitality, including catering and beverages, in 2015-16?

Costs are managed within each agency's recurrent budget.

Labour Hire Firms

172. Do any Departments/agencies within your portfolio responsibilities utilise the services of Labour Hire Firms? If yes, please advise in table form for 2015-16:

- (a) The names of the firms utilised
- (b) The total amount paid to each firm engaged
- (c) The average tenure period for an employee provided by a labour hire company
- (d) The longest tenure for an employee provided by a labour hire company
- (e) The duties conducted by employees engaged through a labour hire company
- (f) The office locations of employees engaged through a labour hire company
- (g) The highest hourly or daily rate paid to an employee provided by a labour hire company

172 and 172 (a) to (g): The Environment and Heritage Portfolio uses Labour Hire firms, in accordance with NSW Public Service policies to cover temporary vacancies as required. There are no central records maintained, with operations authorised to make such arrangements, subject to their overall labour expense cap.

Media and Public Relations

173. How many media or public relations advisers are employed for each of your portfolio agencies?

Staff numbers are included in the Annual Report.

174. What is the forecast for the current financial year for the number of media or public relations advisers to be employed and their total cost?

There are currently no plans to increase the number of media staff undertaking media or public relations activities.

175. What is the total cost of media monitoring services used by Departments/agencies within your portfolio responsibilities?

The NSW Government purchases all commercial media monitoring centrally through the Department of Premier and Cabinet which delivers significant savings through aggregated procurement. The total cost of the whole of government service in 2015-16 was \$1,900,000. Compared to \$2,394,973 in 2009-10.

176. Have you had media training or speech training?

(a) If yes, who paid for it?

(b) If paid by taxpayers, what was the amount paid in 2015-16?

No taxpayer funded media training.

Facebook

177. How much did your ministerial office spend on Facebook advertising or sponsored posts in 2015-16?

No taxpayer money has been spent on Facebook advertising or sponsored posts.

178. How much did your Department/agency spend on Facebook advertising or sponsored posts in 2015-16?

NSW Government agencies use Facebook advertising and sponsored posts to promote education campaigns (designed to change people's behaviour - in the case of the environment and heritage portfolio, e.g. to litter less or to recycle more) and to increase revenue from visits and events. Advertising undertaken by the portfolio is in accordance with the NSW Government Agency Handbook.

Spending by Agency / Trust:

- EPA: \$215,145 to promote the NSW Government *Hey Tossers!* Litter prevention campaign, the Household Chemical CleanOut program, community recycling centres and the Love Food, Hate Waste program.
- OEH: \$83,664 to promote the Wild About Whales campaign and camping and accommodation in national parks, and to increase visitor numbers at various events.
- Parramatta Park Trust/ Western Sydney Parklands Trust: \$7250 for event promotions to increase visitor numbers.
- Taronga and Taronga Western Plains zoos: \$243,288 to promote membership drives, attractions including Wild Ropes, the Vivid Festival and Roar & Snore accommodation, and school holiday programs.
- Sydney Living Museums: \$49,777 to promote a range of programs and exhibitions including Sydney Open, the Head On portrait prize, the Fifties Fair at Rose Seidler house and school holiday programs to increase visitor numbers.
- Royal Botanic Gardens and Centennial Parklands Trust: \$28,704 to promote events including the Garden's 200th Birthday, various community days and the Calyx, in order to increase visitor numbers
- Jenolan Caves Trust: \$21,174 to promote the caves as a destination for key target audiences, including adventure cavers, engaged couples and retirees to increase visitor numbers.

Overseas Trips

179. Were any of your overseas trips in the last financial year paid for in part or in full by using public money?

(a) If so, did any of your relatives or friends accompany you on these trips?

180. Have you undertaken any official overseas travel that was privately funded?

(a) If so, what was the nature of these trips?

(b) Who paid for these trips?

179 and 179 (a) and 180 and 180 (a) and (b): Details of overseas travel including costs are published on the Office of Environment and Heritage website.

Department/Agency Travel

181. What was the total expenditure in 2015-16 by Departments/agencies within your portfolio on:

- (a) Taxi hire
- (b) Limousine/private car hire
- (c) Hire car rental
- (d) Ridesharing services

181 (a) to (d): Staff in the Environment and Heritage Portfolio who travelled in 2015-16 did so in accordance with NSW Treasury and Finance Circular OFS-2014-07. Taxi travel is in line with the agency's Taxi Usage Policy. Financial information is available in annual reports.

Consulting

182. How much did the Department/agencies under your portfolio responsibility spend in legal costs in 2015-16?

- (a) For what specific purposes or matters was legal advice sought?

183. Have Department/agencies under your portfolio engaged any consultants to provide the following services or advice in 2015-16:

- (a) Social media
 - i. And the cost of these services
- (b) Photography
 - i. And the cost of these services
- (c) Acting training
 - i. And the cost of these services
- (d) Ergonomics
 - i. And the cost of these services

182 and 182 (a) and 183 (a) to (d): Financial statements, including Legal Services expenditure and expenditure on consultants, are available in agency annual reports.

Department/Agency Staffing

184. How many redundancies were processed by Departments/agencies within your portfolio responsibilities during 2015-16?
- (a) Of these redundancies, how many were:
 - i. Voluntary
 - ii. Forced
 - (b) What was the total cost of all redundancies?
185. Have any staff who received a redundancy in the last two years undertaken any paid work or provided any paid services for the agency with which they were formerly employed?
- (a) What was the nature of these works/services?
 - (b) What was the total cost of these works or services?
186. Are any staff formerly employed by your ministerial office now employed by Departments/agencies under your portfolio responsibility?
187. How many staff were dismissed from Departments/agencies under your portfolio responsibilities in 2015-16?
- (a) What were the reason/s for each dismissal?

184-187: Voluntary redundancies are a component for agencies to achieve their efficiency dividends. Redundancy figures across the sector for 2015-16 are anticipated to be in the order of 2099 – totalling 11,777 since July 2011. The Labour Expenses Cap introduced in the 2012-13 Budget also continues to give Secretaries and Agency Heads as much flexibility as possible to achieve these savings in the most appropriate ways to meet the service requirements of their agencies. Nurses, police officers and teachers in schools have been quarantined from this measure.

Smart Phone Accounts

188. Do the Departments/agencies within your portfolio have an iTunes account?
- (a) What was the total expenditure in 2015-16 on iTunes?
 - i. What applications/subscriptions/services were purchased through iTunes?
189. Do the Departments/agencies within your portfolio have an Android account?
- (a) What was the total expenditure in 2015-16 on Android?

- i. What applications/subscriptions/services were purchased through Android?

188 and 189: IT costs are managed within each agency's budget and are guided by NSW Government's ICT and procurement policies and frameworks.

Websites Visited

190. What were the top 20 most utilised (by data sent and received) unique domain names accessed by your Ministerial office this year?
191. What were the top 20 most accessed (by number of times accessed) unique domain names accessed by your Ministerial office this year?

190 and 191: Due to the way the Ministers' IT network infrastructure is configured with third party service providers, DPC does not have a single data source showing domain access and utilisation figures.

Merchant fees

192. Please provide a list of all transactions where customers need to pay a merchant fee on credit and/or debit card payments in your Department/agency.
193. Please provide the percentage and/or amount of the merchant fees applied to all credit and/or debit card payments/transactions in your Department/agency.
194. What was the total amount paid in merchant fees on credit and/or debit card payments in your Department/agency in 2015-16?

192–194: All NSW Government agencies are required to impose surcharges to recoup their merchant interchange fees, pursuant to Treasury Circular TC12/13.

Environment and Heritage portfolio staff only use their Pcards for the purchase of goods and services for official business purposes. If particular vendors elect to impose a merchant fee on card transactions, that is an unavoidable cost of doing business. It would not be possible to determine fees charged to agency cards, as these would either be embedded in the individual transaction cost, or if separately disclosed would require each monthly card statement for each user to be reviewed.

Probity Auditor

195. Has your office or department used a Probity Auditor or Probity Advisors, or similar, in the past five years? If so please list the company and/or individual, the project, the engagement dates, and their total remuneration in tabular format?

In accordance with the NSW Procurement Board's Direction (PBD-2013-05), agencies in the Environment and Heritage Portfolio have internal mechanisms in place to ensure that probity considerations are routinely taken into account in their procurement decisions, and the use of external probity advisers and auditors is the exception rather than the rule. Consultancies valued at more than \$50,000 are included in annual reports.

Questions from Dr Mehreen Faruqi MLC

Ironbark Forest

196. Regarding the below extract from the transcript on page 2:

Mr Mark Speakman: ...I am informed that Roads and Maritime Services [RMS] intends to offset that clearing with ironbark forest located in the Sydney region

- (a) Please provide details of this offset including location, size, species type and any other relevant details

RMS has advised OEHL that it is in negotiations with more than one landholder to secure a suitable offset.

Questions regarding the details of the offset site should be directed to the Minister for Roads.

- (b) Is the offset 'like for like'?

The Conditions of Approval for the WestConnex Stage 2 – New M5, issued by the Minister for Planning, require that the offset for this site must be entirely Cooks River-Castlereagh Ironbark Forest.

- (c) Has the offset been secured?

Negotiations with more than one landholder to secure a suitable offset are progressing.

- i. If yes, when was the offset secured?
- ii. If no, why not and when will it be secured?

The Conditions of Approval for the WestConnex Stage 2 – New M5 require that 'All required offsets must be secured within two years of the commencement of

construction unless otherwise agreed by the Secretary' [of the Department of Planning and Environment].

Quarantine Station at Manly

197. Regarding the below extract from the transcript on page 4:

Mr BAILEY: Yes. I am just pointing out that our special investigators, who are experts in conducting those investigations, have conducted full and thorough investigations into the matter and concluded the investigation.

(a) When did that investigation conclude?

12 May 2016

(b) Please provide a copy of that investigation.

The investigation is subject to Legal Professional Privilege.

198. The optimum visitor capacity of Q Station is limited to 315 people (including staff) as highlighted in the Visitor Access Strategy. Has the current leasee ever breached this strategy?

No.

(a) If yes, how many times and what was the nature of these breaches

i. Does NPWS approve each instance above the visitor limitation?

Not applicable.

(b) Why have they been allowed to do this?

Not applicable.

(c) Does NPWS fine the leasee for breaching the visitor access strategy?

No fines are issued under the lease.

i. If yes, what is the fine?

Not applicable.

ii. If no, why not and are other penalties applied?

Material breaches of the lease are considered when granting options.

199. What financial returns to the NPWS have resulted from the past five years of the lease operation?

This information is Commercial in Confidence.

200. What assessment has been made of the likely implications of the proposed Modifications to Conditions of Approval for financial returns from the Mawland operations at North Head?

Assessment of the proposed modifications relate to environmental impact.

- (a) Does NPWS anticipate renegotiating the contract if the Development Application is approved?

No.

Biodiversity Reforms

201. Do the proposed land management laws allow the clearing of woodland after self-assessment even though the woodland could contain birds listed as threatened under NSW legislation?

Clearing under land management codes will require either notification to Local Land Services or certification by Local Land Services.

For clearing under codes that require certification, Local Land Services will consider the status of the vegetation that is proposed to be cleared, and will require appropriate set-asides to be secured in perpetuity. Local Land Services will require larger set asides for any clearing of vulnerable or endangered ecological communities.

The clearing of critically endangered ecological communities is not permitted under the proposed land management codes.

Clearing that is compliant with land management codes will not remove the obligation of landholders to obtain approval under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) where necessary. ‘Actions’ that are likely to have a significant impact on a matter of national environmental significance require approval under the EPBC Act. Under the proposed Equity Code, where Local Land Services considers that proposed clearing may require Commonwealth approval, Local Land Services will only certify the clearing after Local Land Services is reasonably satisfied by the landowner that Commonwealth approval is unnecessary or alternatively that Commonwealth approval has been given.

202. If the proposed changes to laws controlling land clearing in NSW go ahead, what is the government’s estimates for the loss of tree cover, and the loss of carbon sequestration that will occur over various time frames, for example over 5 or ten years?

- (a) If not, why not?

202 and 202 (a): It is not possible to model precise expected rates of clearing (and therefore potential loss of tree cover or carbon sequestration), as these will depend on a range of influences that are broader than the settings in the reforms, such as economic and climatic factors.

203. How does the Government calculate the value of trees, for example for ecosystem services, reducing salinity, carbon storage and so forth? Please provide the methodology used?

The Biodiversity Assessment Method (BAM) assesses impacts on biodiversity through an assessment of vegetation integrity and habitat suitability. In the BAM, trees are assessed based on their suitability and condition as part of a plant community type and habitat function. The full assessment method is available on the land management and biodiversity conservation website.

Alternative methods of assessing biodiversity-related values are being considered and if proposed to be used will be included in the draft regulation exhibition period in 2017. This includes consideration of assessment methods for salinity or soil degradation.

204. Will the new Native Vegetation Regulatory Maps which determine where native vegetation clearing is able to occur “without approval” be open for full public viewing and submissions for proposed mapping amendments that may relate to possible data and spatial deficiencies including endangered ecological communities on private lands not yet formally recognised?

The government intends to consult further on some of the more detailed components of the reforms, including the Native Vegetation Regulatory Map, in 2017.

Native Vegetation Act

205. The 2013 paddock tree regulation has seen the loss of more than 22,000 trees in just 18 months.

- (a) Has any of these paddock tree removals been monitored for compliance with the regulation?

OEH monitors woody vegetation clearing in NSW every year using satellite imagery.

206. What is the projected total cost of administering the Native Vegetation Act for 2016/17 and how does this compare with the previous five years?

The estimated cost for OEH and the EPA is \$10,000,000.

OEH: \$8,660,000. OEH also provides funding from Catchment Action NSW to Local Land Services for assisting in the administration of the Native Vegetation Act.

EPA: \$1,340,000

The estimated costs for OEH and the EPA over the past five years are:

Financial year	Estimated total costs
a) 2015-16	\$10,455,000
b) 2014-15	\$10,620,000
c) 2013-14	\$11,450,000
d) 2012-13	\$9,000,000
e) 2011-12	\$10,900,000

(a) What is the total budget

dedicated to enforcement of provisions in the Native Vegetation Act on land clearing for 2016/17, and how does that compare to the previous five financial years? Please also provide a detailed breakdown by staff and classification.

The estimated total budget dedicated for the enforcement provisions in the Native Vegetation Act on land clearing for 2016-17 is \$7,790,000.

OEH: \$7,670,000

EPA: \$120,000

The estimated costs for OEH and the EPA over the past five years are:

Financial year	Estimated total costs
a) 2015-16	\$7,730,000
b) 2014-15	\$7,230,000
c) 2013-14	\$6,150,000
d) 2012-13	\$4,860,000
e) 2011-12	\$6,760,000

(b) What is the total number of staff FTEs working on enforcement of Native Vegetation Act provisions for 2016/17 and how does that compare with the previous five financial years?

The estimated total number of staff FTE in OEH and the EPA working on the enforcement of Native Vegetation Act provisions in 2016-17 is 28.4.

OEH: 27.4 FTE

EPA: 1 FTE

This total includes 24 OEH Regional Operations FTE that work on enforcement of a range of legislation in addition to the Native Vegetation Act. OEH does not have data on the percentage of this total FTE dedicated to Native Vegetation Act enforcement.

The estimated total number of staff FTEs in OEH and the EPA working on the enforcement of Native Vegetation Act provisions over the past five years are:

Financial year	Estimated total staff FTEs
2015-16	28.5
2014-15	31
2013-14	24
2012-13	19
2011-12	19

207. What is the projected cost for satellite imagery to assist in land clearing data gathering for 2016/17, and how does that compare with the previous five financial years? Please breakdown by funding source.

\$2,675,000 (capital and operating). This is entirely funded by the NSW Government.

Financial year	Actual costs	Funding source
2015-16	\$2,260,000	NSW Government
2014-15	\$2,400,000	NSW Government
2013-14	\$1,700,000	NSW Government
2012-13	\$1,040,000	NSW Government
2011-12	\$2,730,000	NSW Government

208. How many notices of intention to clear in accordance with the 'Clearing of paddock trees in a cultivation area' self-assessable code were lodged in the Central Tablelands Local Land Services Region between 2 April 2016 and 1 September 2016?

None.

- (a) How many of these were monitored to ensure compliance with the self-assessment tool?

OEH actively promotes compliance by assisting landholders and others in the community to understand and meet their legislative obligations, and by focusing regulatory action on those who choose not to comply. OEH assesses risks using information about potential illegal clearing from OEH's statewide satellite monitoring program, public reports and on-ground surveillance.

- (b) How many paddock trees have been removed under this process 2 April 2016 and 1 September 2016 in the Central Tablelands Local Land Services Region?

Not applicable.

209. How many notices of intention to clear in accordance with the 'Clearing of paddock trees in a cultivation area' self-assessable code were lodged in the Western Local Land Services Region between 2 April 2016 and 1 September 2016?

One notification.

- (a) How many of these were monitored to ensure compliance with the self-assessment tool?

See answer to question 208 (a).

- (b) How many paddock trees have been removed under this process 2 April 2016 and 1 September 2016 in the Western Local Land Services Region?

There is one notification for 20 paddock trees for the period 2 April 2016 to 1 September 2016. OEH detects actual clearing via its annual statewide satellite monitoring program. Results of the satellite monitoring program are reported in the NSW Report on Native Vegetation, available at www.environment.nsw.gov.au/vegetation/reports.htm.

210. How many notices of intention to clear in accordance with the 'Clearing of paddock trees in a cultivation area' self-assessable code were lodged in the Murray Local Land Services Region between 20 November 2014 and 1 September 2016?

Ten notifications.

- (a) How many of these were monitored to ensure compliance with the self-assessment tool?

See answer to question 208 (a).

- (b) How many paddock trees have been removed under this process between 20 November 2014 and 1 September 2016 in the Murray Local Land Services Region?

There were 10 notifications for 493 paddock trees for the period 2 April 2016 to 1 September 2016. OEH detects actual clearing via its annual statewide satellite monitoring program. Results of the satellite monitoring program are reported in the NSW Report on Native Vegetation, available at www.environment.nsw.gov.au/vegetation/reports.htm.

211. How many notices of intention to clear in accordance with the 'Clearing of paddock trees in a cultivation area' self-assessable code were lodged in the Riverina Local Land Services Region between 2 April 2016 and 1 September 2016?

Three notifications.

- (a) How many of these were monitored to ensure compliance with the self-assessment tool?

See answer to question 208 (a).

- (b) How many paddock trees have been removed under this process between 2 April 2016 and 1 September 2016 in the Riverina Local Land Services Region?

There were three notifications for 390 paddock trees for the period 2 April 2016 to 1 September 2016. OEH detects actual clearing via its annual statewide satellite monitoring program. Results of the satellite monitoring program are reported in the NSW Report on Native Vegetation, available at www.environment.nsw.gov.au/vegetation/reports.htm.

212. How many notices of intention to clear in accordance with the 'Clearing of paddock trees in a cultivation area' self-assessable code were lodged in the South East Local Land Services Region between 2 April 2016 and 1 September 2016?

None.

- (a) How many of these were monitored to ensure compliance with the self-assessment tool?

See answer to question 208 (a).

- (b) How many paddock trees have been removed under this process between 2 April 2016 and 1 September 2016 the South East Local Land Services Region?

Not applicable.

213. How many notices of intention to clear in accordance with the 'Clearing of paddock trees in a cultivation area' self-assessable code were lodged in the Greater Sydney Local Land Services Region between 2 April 2016 and 1 September 2016?

None.

- (a) How many of these were monitored to ensure compliance with the self-assessment tool?

See answer to question 208 (a).

- (b) How many paddock trees have been removed under this process between 2 April 2016 and 1 September 2016 in the Greater Sydney Local Land Services Region?

Not applicable.

214. How many notices of intention to clear in accordance with the 'Clearing of paddock trees in a cultivation area' self-assessable code were lodged in the Central West Local Land Services Region between 2 April 2016 and 1 September 2016?

Twenty notifications.

- (a) How many of these were monitored to ensure compliance with the self-assessment tool?

See answer to question 208 (a).

- (b) How many paddock trees have been removed under this process between 2 April 2016 and 1 September 2016 in the Central West Local Land Services Region?

There were 20 notifications for 3157 paddock trees for the period 2 April 2016 to 1 September 2016. OEH detects actual clearing via its annual statewide satellite monitoring program. Results of the satellite monitoring program are reported in the NSW Report on Native Vegetation, available at www.environment.nsw.gov.au/vegetation/reports.htm.

215. How many notices of intention to clear in accordance with the 'Clearing of paddock trees in a cultivation area' self-assessable code were lodged in the North West Local Land Services Region between 2 April 2016 and 1 September 2016?

Six notifications.

- (a) How many of these were monitored to ensure compliance with the self-assessment tool?

See answer to question 208 (a).

- (b) How many paddock trees have been removed under this process between 2 April 2016 and 1 September 2016 in the North West Local Land Services Region?

There were six notifications for 326 paddock trees for the period 2 April 2016 to 1 September 2016. OEH detects actual clearing via its annual statewide satellite monitoring program. Results of the satellite monitoring program are reported in the NSW Report on Native Vegetation, available at www.environment.nsw.gov.au/vegetation/reports.htm.

216. How many notices of intention to clear in accordance with the 'Clearing of paddock trees in a cultivation area' self-assessable code were lodged in the Northern Tablelands Local Land Services Region between 2 April 2016 and 1 September 2016?

None.

- (a) How many of these were monitored to ensure compliance with the self-assessment tool?

See answer to question 208 (a).

- (b) How many paddock trees have been removed under this process between 2 April 2016 and 1 September 2016 in the Northern Tablelands Local Land Services Region?

Not applicable.

217. How many notices of intention to clear in accordance with the 'Clearing of paddock trees in a cultivation area' self-assessable code were lodged in the North Coast Local Land Services Region between 2 April 2016 and 1 September 2016?

None.

- (a) How many of these were monitored to ensure compliance with the self-assessment tool?

See answer to question 208 (a).

- (b) How many paddock trees have been removed under this process between 2 April 2016 and 1 September 2016 in the North Coast Local Land Services Region?

Not applicable.

218. How many notices of intention to clear in accordance with the 'Clearing of paddock trees in a cultivation area' self-assessable code were lodged in the Hunter Local Land Services Region between 2 April 2016 and 1 September 2016?

One notification.

- (a) How many of these were monitored to ensure compliance with the self-assessment tool?

See answer to question 208 (a).

- (b) How many paddock trees have been removed under this process 2 April 2016 and 1 September 2016 in the Hunter Local Land Services Region?

There was one notification for 15 paddock trees for the period 2 April 2016 to 1 September 2016. OEHL detects actual clearing via its annual statewide satellite monitoring program. Results of the satellite monitoring program are reported in the NSW Report on Native Vegetation, available at www.environment.nsw.gov.au/vegetation/reports.htm.

OEH Inspections

219. Regarding the below extract from the transcript on page 17:

Mr BAILEY: No, we continue to conduct our compliance programs. However, I should be clear and say that there were periods during which I asked the staff not to be in the field doing compliance checks. That was particularly during the murder trial.

(a) For what period/s and in what areas were staff advised not to conduct compliance checks?

Staff were advised not to conduct field-based compliance checks at the commencement of the trial, and instead focused on other aspects of their compliance work. The request was not for a definitive period and as the trial progressed and field work became necessary, work was undertaken in accordance with standard procedures.

220. Regarding the below extract from the transcript on page 17:

Mr BAILEY: Yes, there have been. In conjunction with the Environment Protection Authority, we had an independent person review all of our compliance practices. My recollection is that that review produced more than 20 recommendations

(a) Please provide a copy of the review.

The review is legally privileged.

221. Regarding the below extract from the transcript on page 17:

Mr BAILEY: I can answer that question because I manage the compliance. We do a risk assessment of every property before we enter a property or contemplate going to a property. That risk assessment includes, through our guidance, talking with the police. If there are areas of concern that arise for us in any of our compliance activities, whether it is native vegetation or other activities, we would and have sought the support of the police and the police have certainly given that support as well.

(a) When did OEH start conducting risk assessments of properties?

OEH and its predecessors have been undertaking work health and safety risk assessments in accordance with legislative requirements for risk assessment, at least since the repealed Occupational Health and Safety Act was introduced in 2001.

(b) Was a risk assessment undertaken for the property of Mr Ian Turnbull at any time?

No. OEH has no regulatory interest in properties owned by Mr Ian Turnbull.

i. If yes, please provide a copy of that risk assessment.

- ii. If no, why not?

OEH has had no regulatory interest in properties owned by Mr Ian Turnbull.

- (c) How many times have police provided escorts to OEH compliance officers in the last financial year (2015/2016)?

OEH's Regional Operations Group compliance staff were escorted by police on five occasions in 2015-16.

OEH

222. "The 2016/2017 Budget Statement Appendix A5 on page A5-4 states that OEH spent \$20 million more than budget because of "Ongoing organisational restructures across the Office associated with efficiency measures resulting in higher temporary employee costs",

- (a) Please provide a list of these efficiency measures.

Higher than budgeted employee expenditure included:

- **higher bushfire fighting activity**
- **new OEH corporate shared services provided to the cluster**
- **unbudgeted labour costs associated with externally funded programs and projects.**

GIPA

223. How many staff does the Office of Environment and Heritage have working on freedom of information under the GIPA Act?

Three officers are authorised to manage and decide on formal applications for access to information under the *Government Information (Public Access) Act 2009* (GIPA Act) for the Office of Environment and Heritage, the Environment Protection Authority, Jenolan Caves Reserve Trust and the Royal Botanic Gardens and Domain Trust.

All staff in these agencies are also required to search and provide any information that they hold that is of relevance to any formal application to information under the GIPA Act.

224. Given the very high workloads alluded to by OEH officers in responses to GIPA applications, are there any plans to improve resourcing of this area?

In 2013 the number of ongoing roles authorised to manage and decide on formal applications was increased from two to three.

Additional capacity has been implemented in the last twelve months, with two staff in other roles trained to manage formal access applications when there is an increase in applications.

Since June 2016 the number of applications has been approximately 50 per cent higher than usual. This increase in applications is being actively monitored and if it continues additional resourcing will be considered.

National Parks

At just 9%, NSW has the second lowest percentage of land protected in the National Reserve System after Queensland (7.5%).

225. How does the Government intend to meet the Aichi target under the Convention of Biological Diversity that “by 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes”?

The Commonwealth Government leads on policies to implement the Convention on Biological Diversity, including the Aichi targets. The NSW Government supports actions that help achieve the targets.

In 2014 at the World Parks Congress, the then Commonwealth Minister for the Environment, the Hon Greg Hunt MP, announced that Australia had met the target of 17 per cent of lands in protected areas.

These are national targets not sub-nation polities.

226. In April 2015, the National Parks and Wildlife Service undertook public consultation on a Direction Statement for National Parks establishment, which was intended to replace the existing New South Wales National Parks Establishment Plan 2008.

(a) What has happened to the draft Direction Statement for National Parks establishment?

The Directions Statement has been reviewed taking into account the feedback generated through the consultation process. A revised draft is being considered.

- i. When does the Government intend to finalise the Direction?

As soon as practical.

227. Please provide a list of all National Parks acquisitions for the 2013/2014, 2014/2015, 2015/2016 and 2016/2017 (to date) financial years?

Details at end of this document.

228. What is the budget for National Parks acquisitions for the 2013/2014, 2014/2015, 2015/2016 and 2016/2017 (to date) financial years?

Financial year	Budget
2013-14*	\$6.0 million
2014-15*	\$5.28 million
2015-16**	\$7.26 million
2016-17**	\$6.74 million

*** As reported in the relevant Budget Papers**

**** Figures for 2015-16 and 2016-17 include the same allocation of \$1.46 million for the *Finalisation of Ash Island Land Compensation* program. Although allocated for expenditure in 2015-16, appropriate properties were not available for acquisition under this program. Funds not expended in that year have been re-profiled for expenditure in 2016-17.**

Asbestos

229. When was the EPA first made aware that there may be asbestos in the road base originating from the Moits facility?

The EPA's Environment Line received an anonymous complaint on 24 May 2016.

230. Why did the EPA not act on the complaints of Daniel McIntyre?

The EPA has acted in relation to this matter.

231. Will the EPA conduct a full audit of all road base that has originated from that facility, including where it has been used?

The EPA has conducted an inspection of the Moits facility. No asbestos was observed in the processed stockpiled material. The documented policies and procedures and on-ground operations at Moits have been reviewed by the EPA. The EPA has found no evidence of any practices of purposely accepting asbestos containing material at the

facility. Moits have adopted an industry standard of turning away customers that appear to be delivering asbestos containing material.

232. Did any of the material from the Moits facility end up in any National Park in NSW?

(a) If yes, please provide a list of affected national parks

Blue Mountains National Park reportedly received sandstone material (and not road base) from Moits in May 2016. Sampling by an independent occupational hygienist has confirmed no evidence of asbestos from the stockpiles of material purchased in May 2016.

However, sampling of material purchased from Moits between 2012 and 2014 and used by National Parks on a 200 metre section of the Glenbrook mountain bike track confirms the presence of asbestos. This section of the bike track will remain closed until a clearance certificate has been issued by the occupational hygienist.

233. Is the Minister satisfied that asbestos contaminated materials have not been used as road fill on the M4 Widening, M4 East and New M5 WestConnex work sites.

The EPA is still investigating recycled material that was received on WestConnex projects to determine if it contained any asbestos and if found will take appropriate action.

The EPA is aware of two instances where loads received during the construction of the M4 Widening project contained suspected fragments of bonded asbestos. These instances were detected through the contractor's inspection protocols, and the suspected fragments were removed by an occupational hygienist. This shows that safety procedures were followed. Following removal of the fragments, an inspection of remaining material was completed and no further evidence of asbestos was detected. Therefore, the material was found suitable to use.

234. Will the Minister release the results of the M4 Widening asbestos dust monitoring conducted by the WestConnex contractors Rizzani de Eccher and CIMIC (Leighton Holdings) over the last 12 months to allay community and workers fears about asbestos contamination on the work site.

This is a matter for the Minister for Roads, Maritime and Freight.

235. Is the Minister aware of EPA concerns regarding the initial WestConnex work at the Alexandria Landfill site in 2015, in relation to the excavation and removal of asbestos contaminated materials from that site before the EIS for the New M5 was released and prior to the issuing of a Clean Up Notice to the SMC.

I am advised that the former Alexandria Landfill site was lawfully able to receive asbestos waste over many years. The EPA did not need to approve the transportation and disposal of asbestos contaminated soils.

236. Can the Minister confirm that the stockpiles of asbestos contaminated soil and materials that were stockpiled along the route of the M4 for months from Oct 2015 into 2016, was not used as fill anywhere for the WestConnex project.

(a) Please indicate which certified waste facilities it was subsequently taken to for disposal.

The presence of asbestos fragments along the road corridor was anticipated and identified in the M4 Widening EIS, with the EIS stating that an Asbestos Management Plan would be prepared to appropriately manage any potential asbestos health risks. The requirements in the M4 Widening Asbestos Management Plan relating to managing stockpiles and encapsulation with any onsite use, as well as transport and disposal at a landfill site, are consistent with planning guidelines for ‘best practice’ to manage contamination through the planning and development control process.

The EPA is aware that asbestos contaminated soil was found during the excavation for the M4 Widening project. This was, as expected, temporarily stockpiled along the road corridor. The project’s Asbestos Management Plan, which was approved by DPE, includes requirements for managing stockpiles of asbestos contaminated soil, including with respect to coverage by geotextile fabric and the erection of warning signs. I am advised that some of the asbestos contaminated soil found during the M4 Widening project excavation was buried on-site by encapsulation, which involves wrapping the contaminated soil in a robust geotextile fabric and covering the wrapped soil with a capping layer of uncontaminated soil. The requirements for encapsulation are specified in the Asbestos Management Plan. I am advised that on-site reuse is a recognised and appropriate management option for this site and also minimises the amount of transport of contaminated material from the site, which in turn reduces the potential for public exposure to contaminated material.

Any remaining material not used onsite was taken for disposal to:

- Suez Recycling & Recovery Australia, Kemps Creek, which holds EPA environment protection licence 4068**
- Worth Recycling, South Windsor, which holds EPA environment protection licence 4602**

- **Dial a Dump (Genesis), Eastern Creek, which holds EPA environment protection licence 13426.**

NSW Scientific Committee

237. Minister, are there any membership changes underway or planned at the NSW Scientific Committee?

(a) What are these changes?

237 and 237 (a): As at 14 September 2016 one position on the committee is vacant. Following a process to fill the position, the successful nominee recently declined the position. A process to appoint a new member to this position will be undertaken.

(b) Why are these changes being made?

The previous member's term had expired.

238. Is any committee member being removed against their will or are they leaving voluntarily?

As required under government policy, an open and transparent process is undertaken to appoint members to all government committees.

Western Sydney Parklands

239. The Western Sydney Parklands Trust manages land almost fifteen times the size of the land managed by Centennial Parklands and Moore Park Trust but has a budget almost four times less.

(a) Are there any plans to increase funding to the Western Sydney Parklands Trust?

i. If yes, when will the budget be increased and by how much?

ii. If No, why not?

(b) How does the Government explain such a disparity?

(a) and (b): The Western Sydney Parklands Trust was established under the *Western Sydney Parklands Act 2006* as a non-budget dependent statutory authority.

Gardens of Stone

240. Is the NSW Government currently examining the Gardens of Stone Stage 2 reserve proposal?

(a) If yes, when is a decision expected to be made?

240 and 240 (a): The government is considering advice received about the reserve proposal.

(b) If no, why not?

Not applicable.

Kangaroos

241. The ACT has invested in fertility control research for over ten years to reduce population growth rates of kangaroos. Would the NSW Government be willing to invest in this, or other non-lethal strategies to manage kangaroo populations?

(a) Will the NSW Government consider funding an independent review of the science underpinning kangaroo management (including the effectiveness of killing kangaroos for population control, and the accuracy of current survey methodologies)?

241 and 241 (a): The kangaroo population fluctuates in response to natural and climatic conditions. The Kangaroo Management Program is based on best available science and is informed by stakeholder engagement.

Invasive Species Control

242. Minister, how much was spent in 2015/2016 and is planned for 2016/2017 on invasive animal species control? Please provide a list of how much is spent on the following measures:

(a) Shooting

(b) Baiting

(c) Non-lethal measures

In 2015–16, approximately \$15 million was spent on activities related to pest animal management.

It is estimated that the same amount or a similar amount will be spent in 2016-17.

242 (a), (b) and (c) It is not possible to split the funding by techniques.

Supplementary Pest Control Program

243. How much was spent in 2015/2016 on the Supplementary Pest Control Program? Please provide a list of each species and number of animals that were removed under the program?

Approximately \$1,565,000

For 2015-16, by species

Year	Number of operations	Feral goat	Rabbit	Feral pig	Deer	Feral cat	Fox	Hare	Total pest animals shot
2015-16	16	1741	340	340	41	26	23	2	2513

244. Was there any government funding going to the Sporting Shooters Association in 2015/2016?

The Sporting Shooters Association of Australia received no government funding as part of the NPWS Supplementary Pest Control program in 2015-16.

245. Is there any government funding going to the Sporting Shooters Association in 2016/2017?

The Sporting Shooters Association of Australia is budgeted to receive no government funding as part of the NPWS Supplementary Pest Control program in 2016-17.

Saving Our Species

246. Please provide an update of the activities of the Extinct Animal Reintroduction Program in the 2015/2016 financial year.

The Australian Wildlife Conservancy (AWC) contract was signed on 29 April 2016 for projects at Mallee Cliffs National Park and Pilliga State Conservation Area.

The University of New South Wales contract negotiations were concluded regarding the Sturt National Park project and the contract was signed on 9 August 2016.

Preparatory work for project commencement included meetings between the two providers and OEH, and information sharing.

247. What have been the conservation benefits to the Threatened Ecological Communities listed under the TSC Act delivered through the Government's Saving our Species program?

Threatened ecological communities (TEC) benefit from investment in species conservation projects under that Saving our Species program that are abating threats such as pests, weeds and the impacts of climate change. A targeted strategy to prioritise investment and measure the success of management of TECs is being developed under the Saving our Species program and will amend the current Priority Action Statement strategies for TECs.

Koalas

248. The NSW koala conservation strategy has expired. Can the Government confirm when the conservation plan will be completed and taking affect?

While the NSW Recovery Plan for the Koala 2008 was for a period of five years, implementation of priority actions has been ongoing under the Saving our Species program. A draft Saving our Species Koala Conservation Project has been developed and will be released for public exhibition soon, as a proposed amendment to the Priorities Action Statement under the *Threatened Species Conservation Act 1995*.

Following the exhibition period and consideration of public submissions, the proposed project will be considered for adoption by the Chief Executive of OEH.

Flying Fox

249. How much has been spent to date, and what is the future projected spend (if any) to disperse the camp of grey headed flying foxes from Royal Botanic Gardens Sydney and the ongoing efforts to keep the flying-foxes from returning to the camp?

Approximately \$2.7 million dollars has been spent since 2006-07. It is not possible to estimate future expenditure.

250. How much has been spent to date, and what is the future projected spend (if any) to disperse the camp of grey headed flying foxes from at Batemans Bay and the ongoing efforts to keep the flying-foxes from returning to the camp?

The government provided a grant of \$2.5 million to Eurobodalla Shire Council to manage flying-fox camps at Batemans Bay.

Eurobodalla Shire Council has advised that as of 30 August 2016 council had spent \$820,784 on managing the flying-fox camps at Batemans Bay, including \$76,952 of in-kind staff salary costs.

The breakdown of this expenditure is as follows:

Flying Fox Camp Management Plan preparation and approval	\$100,942
Vegetation management within the camps	\$333,887
Dispersal activities	\$344,954
Resident support and communications	\$34,693
Coordination of activities	\$6,308
Total	\$820,784

Any funds not expended by 1 August 2019 will be returned to OEH.

It is not possible to estimate the projected expenditure.

251. How much has been spent to date, and what is the future projected spend (if any) to disperse the camp of grey headed flying foxes from Avalon, Sydney and the ongoing efforts to keep the flying-foxes from returning to the camp?

OEH has not spent funds on the dispersal of grey-headed flying-foxes at Cannes Reserve. Expenditure by Northern Beaches Council is a matter for the council.

White Bay

252. Does the EPA have any plans to require Sydney Water to improve water quality of White Bay through the naturalisation of Johnston and White's tidal Creeks (Annandale)?

No. The EPA does not license creeks or stormwater drains owned by Sydney Water.

Urban Biodiversity

253. What information does the NSW Government have or make public about the state of urban biodiversity?

The State of the Environment Report is prepared every three years by the EPA using information sourced from various NSW Government agencies. The 2015 State of the Environment report included information from OEH specifically on threatened species and protected areas. It also included information on native vegetation, water and river health and coastal, estuarine and marine ecosystems. The full report can be viewed at www.epa.nsw.gov.au/soe/20150817soe-2015.htm.

254. Does the NSW Government have any funding available focussed on the protection of urban trees in NSW?

Yes.

- (a) If yes, how much and through what programs?

The NSW Environmental Trust has a number of grant funding programs that are available to community and government groups and organisations to undertake projects that focus on the protection and restoration of our natural environment, including urban trees. These programs include:

- **Restoration and Rehabilitation – \$4 million per year (grants up to \$100,000)**
- **Protecting our Places – \$500,000 per year (grants up to \$35,000)**
- **Eco Schools – \$280,000 (grants of \$3,500).**

The Environmental Trust is also investigating opportunities to protect and restore urban habitats through its \$5 million Urban Ecology Renewal Program.

Environmental Trust funds are only granted for environmental projects, not horticultural amenity projects.

(b) If not, why not?

Not applicable.

Air Quality

255. Is air quality data available publically, including the location of and data from air quality monitors?

Yes.

(a) If yes, where?

Air quality data, monitoring methods and the locations of all air quality monitors is available on the OEH website at: www.environment.nsw.gov.au/topics/air, www.environment.nsw.gov.au/AQMS/aqi.htm and www.environment.nsw.gov.au/aqms/index.htm.

This information is also available by calling the Environment Line on 131 555.

Rail Noise

256. What is the EPA doing about rail noise on the North Shore Line, particularly between Wollstonecraft and Waverton?

The EPA required Sydney Trains to assess the cause and possible mitigation of noise in the Waverton and Wollstonecraft area under a Pollution Reduction Program on Sydney Trains' Environment Protection Licence. Sydney Trains completed this work in June 2016. The EPA has asked Sydney Trains to provide a response outlining proposed actions and timing of actions to mitigate noise in the area by 30 September 2016. The EPA intends to implement a further Pollution Reduction Program to formalise the actions.

The EPA has also met with Sydney Trains and the Waverton Wollstonecraft community group to discuss this issue and the Pollution Reduction Program.

257. Was an environmental assessment conducted on the impact of the Sydney Metro NorthWest on the North Shore Line?
- (a) If yes, please provide a copy.
 - (b) If not, why not?

This question should be directed to the Minister for Planning as environmental assessment is undertaken under the *Environmental Planning and Assessment Act 1979*.

Train Washing Facility at Cudgegong Road Station

258. Regarding an incident of muddy and silt laden water overflowing from the detention basin within the boundary of the proposed Train Washing Facility at Cudgegong Road Station into a watercourse which flows through a private property at 26 Oak Street Schofields under conservation management through a Voluntary Conservation Agreement on the Land Title:

- (a) What steps is the Environment Protection Authority taking to prevent a recurrence of such an event?

The EPA cannot source an incident of this nature in its database with the detail provided. Additional detail (such as a date) may assist the EPA to be able to respond to this question.

- (b) What steps will the Environment Protection Authority take to prevent chemicals emanating from the Washing Facility at Cudgegong Road Station into nearby watercourses?
- (c) What chemicals has the Environment Protection Authority determined are permissible to be used in the Washing Facility at Cudgegong Road Station?
- (d) Will the Environment Protection Authority consider requiring Transport for NSW to provide for regular monitoring of water quality in watercourses flowing near to the Washing Facility at Cudgegong Road Station, particularly within the property at 26 Oak Street Schofields?
- (e) What measures are being employed by the Environment Protection Authority to prevent the Washing Facility disposing of polluted water and chemicals into the local watercourses?

258 (b) to (e): The Train Washing Facility will not require an Environment Protection Licence from the EPA as it is not a scheduled activity. However, under the *Protection of*

***the Environment Operations Act 1997*, the EPA will be the appropriate regulatory authority for the facility and will work with Transport for NSW to ensure the facility is operated and managed appropriately.**

259. What policies and practices are being employed by the Environment Protection Authority to ensure that Local Government undertakes its role in monitoring and preventing natural watercourses being turned into drains for polluted water and chemicals?

In accordance with the *Protection of the Environment Operations Act 1997* (POEO Act), the EPA is the appropriate regulatory authority for Local Government. Local Government is required to manage its activities within the requirements of the POEO Act including not causing or permitting any waters to be polluted. The EPA investigates incidents of water pollution in accordance with the NSW EPA (2013) Compliance Policy.

Where the EPA licenses facilities operated by local government, the Environment Protection Licences contain conditions aimed at minimising the impacts on the aquatic environment. Such licences may include conditions requiring ongoing monitoring to ensure the facility is operating within the licence requirements.

The EPA also works with local councils to protect waterways from the impacts of pollution. Various approaches are used by councils and the EPA including planning processes, regulation, compliance programs, enforcement, investigations, monitoring and reporting programs, and public education.

Wood Heaters

NSW Chief Medical Officer Kerry Chant said wood heaters are so detrimental to health she supports banning and phasing them out in built-up urban areas. PM2.5 pollution are considered the most health-hazardous air pollutant which causes more premature deaths than any other air pollutant.

260. What is the NSW Government doing to educate and inform the public about current research into the health effects of woodsmoke pollution and the advice of the NSW Chief Medical Officer?

The NSW Government, through the EPA, supports local councils in managing wood smoke, by providing advice, training, materials and funding to run periodic wood smoke reduction education and rebate programs. These programs are designed to inform the NSW community about environmental and health risks associated with exposure to wood

smoke and encourage appropriate wood heater operation and switching to cleaner alternative heating sources. EPA research has indicated that blanket bans on wood heaters are unlikely to be supported and further community education is required.

The EPA ran a statewide wood smoke reduction program over the 2013 and 2014 winters with approximately \$1.3 million provided by the EPA in grants to local councils and Regional Organisations of Councils. Following in-depth research on community awareness and attitudes towards wood smoke in the Upper Hunter, in 2015-16 the EPA has funded and facilitated a targeted wood smoke reduction program in the region. While addressing wood smoke emissions in a specific area significantly impacted by wood heater pollution, this program is also serving to improve understanding of effective community education and behaviour change approaches to inform future state-wide wood smoke reduction initiatives.

Climate Change

Short-lived climate pollutants (SLCP) are responsible for about half of current warming, but stay in the atmosphere for much shorter periods of time than CO₂. Tackling SLCP is a fast way to slow the global temperature increase and give us a fighting chance of meeting the target set at Paris.

261. Is the Government prepared to accept the UNEP/WMO recommendations and put in place strategies to prevent methane leaks, banning the open burning of biomass waste and phasing out wood heaters?

The NSW EPA is not directly responsible for regulating greenhouse gas emissions but has regulatory responsibility for managing air pollutants that impact on the health of communities. It effectively regulates short term climate change pollutants where these also have health impacts and where such pollutants are addressed by the responsibility of environment protection licence holders in NSW, to maintain their equipment effectively and efficiently. In this context, the EPA is acting to prevent methane gas leaks and manage emissions from open burning and wood heaters.

The EPA is implementing a Leak Detection and Repair Program (LDAR) at all Coal Seam Gas operations across the State, to address community concerns. The LDAR program focuses on detecting gas leakage from any infrastructure, with a particular focus

on well heads and pipelines. Since September 2014 the EPA has tested a total of 376 wells under the LDAR program.

Emissions from wood heaters and burning in the open are regulated through the Protection of the Environment Operations (Clean Air) Regulation 2010 (the Regulation). The EPA is responsible for enforcing national wood heater emissions and efficiency standards and has a policy role in developing measures to control emissions from wood smoke and burning in the open. Local councils are responsible for implementing the controls in their local government areas.

Public consultations on options for control of wood smoke held in 2012 indicated a state wide ban on wood heaters is unlikely to be supported by the wider community, as wood heaters remain a viable and cost efficient form of heating for many people, particularly in rural areas and areas without access to the reticulated gas network. The EPA, however, supports and funds local councils in running periodic wood smoke reduction and wood heater replacement programs.

Councils may opt to effectively prohibit all burning of vegetation (biomass waste) in the open across their local government areas or approve vegetation burning by a particular person or a class of persons. The burning of vegetation is not permitted in the majority of local government areas in the Sydney, Newcastle and Wollongong regions. However, regional councils and councils with significant rural populations do not support blanket bans on open burning of vegetation due to high costs of alternative waste management options and concerns for increased risk of bush fires.

The Regulation exempts vegetation burning in the course of agricultural operations, such as stubble burning after harvest, from the offence of burning in the open; however, air pollution is required to be prevented or minimised during these operations. The EPA works with local governments, NSW Rural Fire Services, the Department of Primary Industries and key stakeholders groups and local farmers to reduce air pollution from biomass burning through improved land management practices.

Threatened Species

262. In 2015-2016, in how many developments has the presence of TSC Act listed Threatened Ecological Communities been identified? Please provide a list of the conservation requirements

placed on the proponent for each development, broken down by Threatened Ecological Community and the extent they were monitored and complied with?

263. How many referrals made under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 has the NSW Government been required to consider due to presence of either TSC Act Threatened Ecological Communities or those listed federally and occurring in NSW?

262 and 263: This question should be referred to the Minister for Planning.

Auditor General Report into the EPA Handling of Contaminated Sites

264. The NSW Auditor General in July 2014 that the EPA has no systematic processes for prioritising contaminated sites and there was a backlog of around 800 sites awaiting assessment. What progress has been made in clearing this backlog?

- (a) How many sites have been assessed from this backlog to date?

264 and 264 (a): Good progress has been made in clearing the backlog. As of September 2016, the assessments of more than 400 (out of about 800) notified sites have been progressed under the EPA's Backlog Program. Of those sites, more than 100 have been formally closed out with the majority of other assessed sites either under review or requiring further information to progress. The Backlog Program is scheduled to continue until end 2017.

Illegal Waste Act

265. Please provide a list of how many penalties have been issued to date under the provisions of the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Act 2013 including date, penalty and the name or organisation to which the penalty was issued, for:

- (a) knowingly supplying false or misleading information about waste

Six penalties have been issued under the POEO Act for supplying false or misleading information about waste since 1 October 2013, when most of the *Protection of the Environment Operations Amendment (Illegal Waste Disposals) Act 2013* amendments commenced. Details for each offence are provided below:

- i. Offence date 2/12/2013, Penalty \$5,000, Benjamin Demolition & Excavation Pty Ltd,

- ii. Offence date 8/03/2014, Penalty \$4,000, George Khouri
- iii. Offence date 11/05/2014, Penalty \$4,000, George Khouri
- iv. Offence date 10/08/2015, Penalty \$8,000, Environmental Consulting Services Pty Ltd
- v. Offence date 10/08/2015, Penalty \$8,000, Environmental Consulting Services Pty Ltd
- vi. Offence date 13/05/2016, Penalty \$8,000, Earthpower Technologies Sydney Pty. Ltd.

(b) Repeat waste offenders

No penalties for repeat waste offences have been issued under the POEO Act since 1 October 2013.

266. How many motor vehicles or vessels have been seized by the EPA under provisions of the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Act 2013, by year?

No vehicles or vessels have been seized by the EPA since 1 October 2013.

Roadside Litter

267. Who has the legal obligation to clean up road side litter?

(a) Is there any obligation for local councils to clean up roadside litter?

This question should be referred to the Minister for Roads, Maritime and Freight.

Kosciuzko National Park

268. Why isn't the MOU between the NSW Liberal/National Coalition and a Coalition of NSW Horse Riders, of 2006, mentioned in the draft Wild Horse Management Plan for Kosciuzko National Park (KNP) or in any of the accompanying reports to that draft Plan?

(a) Is the MOU still the Government's policy document for horse riding and wild horse management in Kosciuzko National Park and all other national parks and public lands in NSW?

The draft *Kosciuszko National Park Wild Horse Management Plan* provides an assessment of the current scientific understanding of the wild horse issue, and options for future management.

The final *Kosciuszko National Park Wild Horse Management Plan* will provide the government's policy position on wild horse management in Kosciuszko National Park.

Kangaroos

269. Please provide copies of the raw kangaroo survey count data sheets for the NSW western zones for the following years, noting the priority of data requested is in the order listed:

- (a) 1990 and 1991
- (b) 1980 and 1981, or the first two years of survey after these years if there was no survey in those years.
- (c) The most recent 2 years
- (d) The most recent raw kangaroo survey data sheets for the Central Tablelands, Northern Tablelands and SE NSW kangaroo management zones.

269 (a) to (d): This data is not readily available. See summary in Appendix A of the 2016 Quota Report on the Office of Environment and Heritage's Kangaroo Management webpage.

270. Please provide the annual numbers of kangaroos shot under landholder licenses in each kangaroo commercial shooting zone, for each of the areas in each zone in the past 10 years. If 10 years data is not available please provide all available data, including

- (a) Number of males and females shot per zone.

Zone	Total harvest	Total male	Total female
Broken Hill	924,687	714,910	209,777
Upper Hunter	132,073	105,492	26,581
Armidale	230,873	155,187	75,686
Lower Darling	334,374	225,180	109,194
Tibooburra	395,754	279,804	115,950

Southeast NSW	302,676	194,051	108,625
Cobar	259,889	219,393	40,496
Griffith	673,451	464,888	208,563
Narrabri	718,057	553,623	164,434
Central tablelands North	97,276	76,119	21,157
Coonabarrabran	887,238	732,352	154,886
Central tablelands South	63,593	50,014	13,579
Bourke	300,420	246,803	53,617
Glen Innes	234,975	169,309	65,666

(b) Number of joeys killed per zone.

There is no dataset for joeys.

271. If this full dataset is not available, please detail:

- (a) why not, and
- (b) where this data can be accessed.

The full dataset has been provided under question 270.

272. Please detail how commercial kangaroo shooting quotas and takes are considered in conjunction with landholder kangaroo shooting quotas and takes.

Landholder kangaroo licences are issued for agricultural damage mitigation purposes only. Commercial harvest licencing is based on an ecologically sustainable harvest. Quotas for the commercial program are derived from annual population estimates.

273. With regard to the report “Red and Grey Kangaroos in Western NSW” by Dr Jim Hone, referred to in the NSW Kangaroo Management Advisory Panel Meeting Minutes of 14 March 2013 (#20) [Actions 4 & 5, page 6.

- (a) Please provide a copy of this report.

These unpublished notes should be requested from the author.

- (b) In what capacity was this report provided to the KMAP?

The notes were provided to OEH for information.

- (c) Was the report commissioned by the KMAP or by the Department, and if so what was the tender process to select the preferred supplier of this report?

No.

- (d) The most recent Kangaroo Management Advisory Panel Minutes are from the 29 October 2015 meeting. Was this the most recent KMAP meeting?

- i. If not, please provide the most recent Minutes since that KMAP meeting.

No. The most recent KMAP meeting was on 30 May 2016. Draft Minutes from this meeting will be ratified at the next meeting to be held in November 2016. Once ratified, the minutes will be published on the OEH webpage.

Animal Agriculture

274. Due to the known environmental impacts of animal agriculture, what measures will the NSW Government take to make animal production more environmentally sustainable?

This should be referred to the Minister for Primary Industries.

Carbon Sequestration

275. Does the Baird government require the Forestry Corporation to calculate the loss of carbon sequestration resulting from logging native forests? If not, why not?
- a. If yes, what are those calculations?

Carbon accounting is a matter for the Commonwealth Government through the National Greenhouse Gas Inventory.

Western Plains Zoo

276. The budget papers for 2016/2017 show \$8.4 million in 2016-17 for work at the Dubbo Taronga Western Plains Zoo. What will these funds be used for?

The \$8.4 million funding relates to the Taronga Western Plains Zoo Visitor Experience Capital Program. This is a ten year program of upgrades and refurbishment. In 2016-17 it

will include; the completion of the African Savannah Safari upgrade and the start of the African Lion Pride lands exhibit.

Regional Growth - Environment and Tourism fund

Budget Paper #2 refers to a Regional Growth - Environment and Tourism fund to support regional environmental and tourism facilities to support local economies.

277. What environmental projects have been funded to date?

(a) What type of projects will be considered for funding in the future?

277 and 277 (a): The Regional Growth - Environment and Tourism fund is administered by the Minister for Regional Growth.

Inquiry into East Coast Low

278. Has the Baird government implemented in full the findings of the inquiry into the 2015 East Coast Low in April 2015 that killed three people at Dungog and one at Maitland?

(a) If not, why not?

These questions should be directed to the Minister for Emergency Services.

Ellerton Road Extension

279. Given the vegetation at risk from the Ellerton Drive Extension includes the increasingly rare box-gum woodland, a critically endangered ecological community under national and NSW environmental law, why has OEH given its concurrence to building the Ellerton Drive Extension?

Ellerton Drive Extension will remove 7.5 hectares of Box Gum Woodland along the road corridor. This represents a small proportion of Box Gum Woodland in the locality, and Queanbeyan Palerang Regional Council is required to permanently offset approximately 60 hectares of Box Gum Woodland to compensate for this loss. This offset area will be managed for conservation in perpetuity, which will enhance its ecological value over time.

280. In its concurrence report, OEH states that the Ellerton Drive Extension project would fail to meet two of five objectives in the national recovery plan for box-gum woodland. Why is this acceptable, particularly given the small extent of remaining box-gum woodland?

The National Recovery Plan for Box Gum Woodland includes an objective of “achieving no net loss in extent and condition of the community throughout its geographic distribution”. The Ellerton Drive Extension will result in partial loss of extent for this community. However, council will establish an offset that will compensate for this loss by protecting and managing for conservation in perpetuity a significantly larger area of Box Gum Woodland.

The recovery plan also states that one of its objectives is to increase transitional areas around remnants and linkages between remnants. The protection and management of the offset site, which is larger, less linear and of higher quality, will be of significant benefit for the ecological community in the longer term.

281. Is OEH aware that vegetation communities identified as likely to be impacted by construction of the Ellerton Drive Extension were reclassified by consultants, from a vegetation type that attracts a high standard of protection under NSW environmental law (identified in the Queanbeyan Local Biodiversity Study 2008) to a type that attracts a lower standard of protection?

(a) Has the department/OEH investigated this matter? If so, what was the outcome?

281 and 281 (a): OEH assessed the differences in vegetation mapping between previous studies and the Species Impact Statement (SIS) for the Ellerton Drive Extension Project, including through site inspections, and concurred with the mapping provided in the SIS.

(b) If not, will the department now investigate the matter?

OEH concurs with the mapping included in the SIS.

282. The initial draft Species Impact Assessment on the Ellerton Drive Extension, released by Queanbeyan City Council in May 2013 gave a number of justifications for the road, one of which was to deliver services to Jumping Creek Estate. This justification was not included in the final Species Impact Statement and Review of Environmental Factors. Why was this the case?

The content of the draft and final SIS and Review of Environmental Factors was determined by the proponent.

- (a) Has the department sought clarification from the proponent about this inconsistency in justification for the road?

OEH provided its concurrence based on the final documents that were referred to it as part of the formal concurrence process.

- i. If so, what was the outcome?

Not applicable.

- ii. If not, why not?

OEH provided its concurrence based on the final documents that were referred to it as part of the concurrence process.

283. In its concurrence report, OEH states that the Ellerton Drive Extension is expected to provide benefits including additional public transport. What is the source of this statement by OEH?

The source of this statement is the ‘Ellerton Drive Extension Social Impact Assessment’ report by RM Planning (March 2016). OEH reviewed this report as part of the concurrence assessment.

284. Will the OEH review its concurrence report?

No. OEH is satisfied that the decisions made in the Concurrence Report are based on the best available information and science.

Centennial Park Wild Play Garden

285. Did the Centennial Park Trust provide false information on disabled parking locations to safety assessors and the general public in justifying the decision to not locate the entrance of the proposed playground on either Loch Avenue or Dickens Drive?

No.

286. Does the AusSafe Safety report not take into account a single additional visitor to Centennial Park after the opening of the Ian Potter Wild Play Garden?

No.

- (a) If yes, how can this be justified?

Not applicable.

287. Is the Reliance Risk safety report halve the expected number of visitors in its review of child safety issues?

No.

Question 227

Property ID	Park	Total area	Acquisition date
ACQUISITIONS - 2013 /2014			
2018	Willi Willi NP	468.10	30/07/2013
2027	Chambigne NR	479.43	6/08/2013
2029	Crawney Pass CCAZ1 NP	61	15-Aug-13
2044	Everlasting Swamp NP	874.50	26/08/2013
2054	Oxley Wild Rivers NP	4,487.95	23/09/2013
2055	Morton NP	60.70	26/09/2013
2060	Nangar NP	32.37	6/12/2013
2061	Culgoa NP	2,286.00	23/12/2013
2090	South East Forest NP	101.90	17/03/2014
2092	Tuggerah SCA	0.06	2/04/2014
2093	Everlasting Swamp NP	501.77	3/04/2014
2095	Capertee NP	18.50	22/04/2014
2098	Camerons Gorge NR	16.19	16/06/2014
Various	Jervis Bay NP	19.23	various
TOTAL HECTARES		9,407.71	

TRANSFERS ETC 2013/2014

2058	Glenrock SCA	3.69	19/11/2013
2062	Royal NP	0.30	13/12/2013
2063	Lachlan Valley NP	1,048.00	1/01/2014
2069	Blue Mountains NP	81.26	22/01/2014
2083	Sugarloaf SCA	304.60	10/02/2014
2084	Jervis Bay NP	342.16	10/02/2014
2086	Wereboldera SCA	287.00	14/02/2014
2087	Everlasting Swamp NP	161.57	14/02/2014
2091	Everlasting Swamp NP	40.47	10/03/2014
2094	Dooragan NP	25.15	7/04/2014
2101	Glenrock SCA	0.69	6/06/2014
TOTAL HECTARES		2,294.90	

ACQUISITIONS - 2014 /2015

2102	Deua NP	366.70	10/07/2014
2105	Yengo NP	64.75	28/07/2014
2115	Nightcap NP	78.29	1/08/2014
2103	New England NP	459.80	11/08/2014
2119	Woomargama NP	54.61	19/08/2014
2121	Jervis Bay NP	20.85	21/08/2014
2127	Nattai NP	48.64	10/10/2014
2122	Brisbane Water NP	0.62	31/10/2014
2134	Ellerslie NR	231.79	7/11/2014

2147	Cumbebin Swamp NR	0.61	20/03/2015
2149	Brisbane Water NP	1.32	26/03/2015
2148	Morton NP	16.19	27/03/2015
2150	Brisbane Water NP	51.49	2/04/2015
2151	Brisbane Water NP	5.24	2/04/2015
2152	Kybeyan NR	1,012.89	23/04/2015
2153	Kanangra-Boyd NP	129.36	29/04/2015
2164	Barakee NP	1,093.10	26/05/2015
2165	South East Forest NP	246.36	26/05/2015
2168	Nattai NP	16.19	10/06/2015
2169	Gardens of Stone NP	142.49	11/06/2015
2170	Yellomundee RP	48.57	19/06/2015
Various	Jervis Bay NP	2.20	various
TOTAL HECTARES		4,092.05	

TRANSFERS ETC 2014/2015

2106	Hunter Wetlands NP	31.87	31/07/2014
2116	Yarrahapinni Wetlands NP	45.76	11/08/2014
2117	Edmondson RP	48.15	11/08/2014
2120	Coffs Coast RP	1.13	15/08/2014
2159	Lane Cove NP	26.99	16/09/2014
2128	Wolli Creek RP	10.27	26/09/2014
2143	Coffs Coast RP	18.86	31/10/2014
2137	Columbey NP	40.47	18/11/2014
2139	Everlasting Swamp NP	123.20	24/12/2014
2145	Coffs Coast RP	11.19	12/01/2015
2144	Coffs Coast RP	6.01	2/02/2015
2146	Verges Creek NR	48.39	4/03/2015
2154	Blue Mountains NP	1.22	27/04/2015
2155	Heathcote NP	3.08	27/04/2015
2156	Heathcote NP	3.45	27/04/2015
2157	Lane Cove NP	6.59	27/04/2015
2158	Lane Cove NP	1.37	27/04/2015
2175	Rawdon Creek NR	5.20	28/04/2015
2160	Goulburn River NP	23.35	8/05/2015
2166	Royal NP	8.50	3/06/2015
2167	Wianamatta RP	240.26	4/06/2015
TOTAL HECTARES		705.29	

ACQUISITIONS - 2015 /2016

2172	Yabbra NP	97.00	20/07/2015
2174	Goulburn River NP	11.63	30/07/2015
2171	Yellomundee RP	12.14	31/07/2015
2176	Nattai NP	80.93	28/08/2015
2179	Mutawintji NP	56,982.79	3/09/2015
2183	Livingstone SCA	59.69	23/09/2015
2200	Yengo NP	25.09	30/11/2015
2198	Yengo NP	12.65	11/12/2015
2201	Curracabundi NP	316.20	11/12/2015

2182	Ben Halls Gap NP	518.00	15/12/2015
2203	Tallaganda NP	89.03	16/12/2015
2205	Nattai NP	203.40	27/01/2016
2206	Culgoa NP	1,382.00	5/02/2016
2224	Jervis Bay NP	26.15	3/03/2016
2227	Blue Mountains NP	18.12	18/05/2016
2230	Cedar Brush NR	92.97	24/05/2016
2232	Yengo NP	178.06	25/05/2016
2233	Goulburn River NP	16.19	25/05/2016
2234	Bundjalung NP	0.55	26/05/2016
2237	Blue Mountains NP	24.08	16/06/2016
2240	Kalyarr NP	3.70	30/06/2016
2241	Macquarie Marshes NR	924.70	30/06/2016
2941	Jervis Bay NP	0.07	6/08/2015
TOTAL HECTARES		61,075.13	

TRANSFERS ETC 2015/2016

2180	Wolli Creek RP	0.18	4/09/2015
2184	Booti Booti NP	4.91	29/09/2015
2188	Wollemi NP	122.60	14/10/2015
2189	Black Creek NR	609.23	29/10/2015
2190	Elderslie NR	502.68	29/10/2015
2191	Corrabare NR	438.27	29/10/2015
2192	Cedar Creek NR	652.97	29/10/2015
2193	Yengo NP	656.17	29/10/2015
2194	Mount Warrawalong NR	101.20	29/10/2015
2195	Wollemi NP	2,309.98	29/10/2015
2202	Columbey NP	320.99	4/12/2015
2204	Malabar Headland NP	71.67	14/01/2016
2222	Booti Booti NP	1.37	19/02/2016
2223	Willi Willi NP	248.50	2/03/2016
2225	Wollemi NP	0.08	17/03/2016
2231	Worimi NP	0.68	6/05/2016
2229	Parr SCA	301.60	20/05/2016
2235	Kwiambal NP	8.31	23/05/2016
2236	Booti Booti NP	6.26	16/06/2016
2239	Goulburn River NP	201.26	20/06/2016
2238	Gulaga NP/Kooraban NP	111.94	30/06/2016
TOTAL HECTARES		6,670.83	

ACQUISITIONS - 2016 /2017

2242	Eusdale NR	17.69	19/07/2016
2244	Booti Booti NP	71.95	2/09/2016
TOTAL HECTARES		89.64	