



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2017-2018

Supplementary Questions

Portfolio Committee No. 6 – Planning and Environment

ENVIRONMENT, HERITAGE, LOCAL GOVERNMENT

Hearing: Friday 1 September 2017

Answers due by: Wednesday 27 September 2017

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ENVIRONMENT

Questions from the Hon Mark Pearson MLC
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Kangaroo Slaughter

1. Can the Minister or your department provide the full details of the licence for Googong, including:

(a) who exactly it was issued to?

Daniel Iglesias, Director, ACT Parks and Conservation Service

(b) for how many kangaroos?

1406 tags were issued

(c) what dates?

24 May 2017- 29 July 2017

(d) And what evidence of a need to kill was provided, and under what conditions?

The reasons listed on the Section 121 licence application as the reasons for the need to kill included: degradation of natural environmental values; threaten water quality; and causing erosion. Further information is available at:

http://www.environment.act.gov.au/_data/assets/pdf_file/0004/576715/Calculation-of-the-number-of-kangaroos-to-cull.pdf.

The operation was licenced under the standard Section 121 (NPWS Act) Occupier's Licence (non-commercial) conditions and the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, which is available at:

<http://www.environment.gov.au/system/files/resources/8ae26c87-fb7c-4ddc-b5df-02039cf1483e/files/code-conduct-non-commercial.pdf>.

2. Were any other licences issued for anyone to shoot kangaroos anywhere else around

Queanbeyan, or between the ACT and Googong?

Yes.

(a) If so to whom?

Licences were issued to four landowners (names and addresses have been withheld).

(b) what dates?

Landowner 1: 12 May 2017- 12 September 2017

Landowner 2: 12 May 2017- 12 September 2017

Landowner 3: 29 March 2017- 29 September 2017 and 28 August 2017- 28 November 2017

Landowner 4: 21 March 2017- 10 September 2017, 6 June 2017- 6 October 2017 and 21 August 2017- 21 November 2017

(c) how many kangaroos?

Landowner 1: 500 tags were issued

Landowner 2: 350 tags were issued

Landowner 3: A total of 800 tags were issued

Landowner 4: A total of 500 tags were issued

(d) On what evidence or information was the decision of demonstrated necessity made?

The reasons listed on the Section 121 applications as the reason for the need to kill for all the above licences included: competition for pasture and/or water points; damage to property e.g. fences; and causing erosion. All four properties were visited on multiple occasions and inspected by a ranger prior to issuing of licences.

(e) and under what conditions?

The licences were issued under the standard Section 121 (NPWS Act) Occupier's Licence (non commercial) conditions and the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, which is available at:

<http://www.environment.gov.au/system/files/resources/8ae26c87-fb7c-4ddc-b5df-02039cf1483e/files/code-conduct-non-commercial.pdf>.

Questions from the Hon Paul Green MLC

Rocky Outcrops – Investigations and Litigation

3. Can the Minister provide advice as to how much the NSW Environment Protection Authority (EPA) has spent for each year for the last 3 financial years, in litigation against Forest Corporation NSW (FCNSW) including operational staff time, legal staff time, and other legal expenses?

The legal cost incurred by the EPA from 2014–15 to 2016–17 in relation to litigation against FCNSW is \$84,000 in disbursements. The budget for operational and legal staff time are within the EPAs standard operating budget and not specifically allocated to individual litigation matters.

4. Has the EPA followed the Premier's memorandum M1997-26 Litigation Involving Government Authorities directing that agencies should seek to ensure the cost to the public purse is kept to a minimum, in its compliance operations against FCNSW?

Yes.

5. Could the minister advise what environmental harm has resulted from any breaches of the Integrated Forest Operations Approvals and related licences, where the EPA has chosen to prosecute FCNSW?

- (a) Specifically, what species of flora or fauna, listed at the state or national level, as 'Threatened,' have been harmed by any operational breaches and what level of harm has been caused?

<https://www.caselaw.nsw.gov.au/decision/549f84d83004262463ac13d6>

<https://www.caselaw.nsw.gov.au/decision/54a635163004de94513d8919>

<https://www.caselaw.nsw.gov.au/decision/54a63a763004de94513dad3c>

There are three matters currently before the court to determine if an offence was committed.

Questions from the Dr Mehreen Faruqi MLC

Native Vegetation and Biodiversity

6. In finalising the biodiversity law changes and regulations, has the Western Sydney Airport, and the potentially large amount of offset obligations, ever been raised with you or your department?
 - (a) If yes, were any changes made as a result of representations regarding the proposed Western Sydney Airport?
 - i. Was the biodiversity offset package weakened ever further to suit big property developers and big projects like the Western Sydney Airport?

The impact on biodiversity from the Western Sydney Airport is a matter for the Commonwealth Government.

7. Did the Minister instruct the Office and Environment and Heritage to drop its objections to the biodiversity offsets package so it could be introduced on August 25?

No.

8. How will areas of high conservation value that are cleared between August 25 and when the mapped products become available be assessed and accounted for?

Any areas cleared during the transitional period will be mapped according to the Local Land Services Act and map method.

9. Has there been an assessment of the extent of clearing that could occur using each of the codes, if so can the Minister advise the extents of clearing for each code?

Refer to Minister for Primary Industries as the Minister responsible for administering the Code.

10. Has the interests of National Party donor Peter Harris and the Harris family of Moree ever been raised with you?
 - (a) If yes, in what capacity?

No.
11. Has the OEHL issued a submissions report on the land management and biodiversity regulations?
 - (a) If no, do they intend to and when?

Yes. The *Summary of Submissions Report 2017* is available on the Land Management website www.landmanagement.nsw.gov.au/consultation.

12. How many LGA's have plans of management made under the State Environmental Planning Policy No 44—Koala Habitat Protection?
- (a) Are you concerned that only five LGAs will have koala habitat show up on the Native Vegetation Regulatory Maps?
 - (b) How can the Government protect potential and known koala habitat if it hasn't even been identified yet?

Six comprehensive koala plans of management have been made under State Environmental Planning Policy number 44. Koala habitat identified in the native vegetation regulatory map includes:

- Ballina
- Bellingen
- Kempsey
- Lismore
- Coffs Harbour
- Port Stephens

The native vegetation regulatory map will be updated periodically as new information becomes available. The government has committed funding to deliver a state-wide map of koala habitat.

13. Are you concerned about the ability of NSW to meet the net-zero carbon emissions goal by 2050 given there will be very little regulation of land clearing under these laws?

The government has committed to invest \$240 million over five years (and \$70 million per year thereafter) in private land conservation. This investment creates significant opportunities for rural landholders to manage their vegetation for conservation purposes and play an increasing role in land-based carbon sequestration.

14. Which parts of the state the law provides a red flag that clearing absolutely cannot occur?
- The *Biodiversity Conservation Act 2016* provides that an approval authority cannot approve a local development that is likely to have a serious and irreversible impact on**

biodiversity.

The *Local Land Services Act 2013* and State Environmental Planning Policy (Vegetation in Non-rural Areas) 2017 provide that the Native Vegetation Panel cannot approve an application to clear native vegetation under those instruments if it considers the clearing is likely to have a serious and irreversible impact on biodiversity.

15. Has draft Native Vegetation Regulatory Maps been shown to landholders?

Yes.

- (a) If so why have they not been made available to other stakeholders?

The primary focus was targeted consultation with the regulated community.

16. How do landholders know what money is on offer for stewardship as an alternative to clearing if there is no investment strategy in place to identify the price per hectare on offer?

A draft Biodiversity Conservation Investment Strategy will be exhibited later in 2017.

17. How do the new Acts provide protection for EPBC Act listed threatened and migratory species and communities?

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* continues to provide protection for threatened and migratory species and communities listed under that Act.

18. How will the increased clearing under the LLSA Act not lead to net loss of extent of native vegetation and habitat and exacerbate the impact of Key Threatening Processes on all threatened species?

Appropriate safeguards are imposed by the Land Management (Native Vegetation) Code. Additionally, the Local Land Services Act and the Biodiversity Conservation Act will be supported by rigorous monitoring and reporting. The NSW Government has also committed significant new funding of \$240 million over five years (and \$70 million on-going) for private land conservation and \$100 million over five years for the Saving our Species program.

19. Will increased clearing under the LLSA Act escalate the decline of species already suffering extinction debt from previous habitat loss?

See answer to 18.

20. How will the loss of biodiversity at the property level be mitigated at the regional level? (in particular the over cleared floodplain)?

Conservation measures in the reform package deliver biodiversity conservation at the State and bioregional level. This includes \$240 million over five years (and \$70 million on-going) of government investment in private land conservation, which will be guided by the Biodiversity Conservation Investment Strategy. The Government is also investing \$100 million over five years in the Saving our Species program.

21. How will the objective to address biodiversity decline in the Biodiversity Conservation Act be achieved by relaxing the land clearing rules and the increased dependence on offsetting in the proposed system?

The *Biodiversity Conservation Act 2016* establishes an expanded biodiversity offsets scheme that requires more developers to assess, avoid, minimise and offset their impacts on biodiversity. Biodiversity impacts will be assessed using a scientifically rigorous Biodiversity Assessment Method, which meets a “no net loss” standard. Offsetting supports biodiversity outcomes by creating an incentive for developers to avoid and minimise biodiversity impacts, as well as providing ongoing funding to landholders to protect and improve biodiversity on their land.

22. How will the aims and objectives of the Biodiversity Conservation Act, Biodiversity Conservation Program and Biodiversity Investment Strategy be met if there is further species and community decline?

The *Biodiversity Conservation Act 2016* strengthened legal protections for threatened species in NSW to conserve biodiversity at the bioregional and State level. The NSW Government has also committed significant new funding of \$240 million over five years

(and \$70 million on-going) for private land conservation, and \$100 million over five years for the Saving our Species program.

23. How do the regulations apply the principles of ecologically sustainable development? What science underpins them?

The purpose of the *Biodiversity Conservation Act 2016* is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

24. How is the regulation a scientifically robust way of assessing and conserving biodiversity considering that for most rural clearing, the BAM will not be applied?

The *Local Land Services Act 2013* establishes a framework for managing native vegetation in relation to agricultural activities. The Act requires that proposals to clear native vegetation that are not authorised under allowable activities or the Land Management (Native Vegetation) Code to be assessed using the Biodiversity Assessment Method and approved by the Native Vegetation Panel.

The *Biodiversity Conservation Act 2016* requires the Biodiversity Assessment Method to meet a “no net loss” standard. The Method is scientifically rigorous and has been peer reviewed by independent experts. The Method must be applied by an accredited assessor with appropriate expertise and experience.

25. Will there be special considerations and limitations based on the regional extent of native vegetation, such as the over cleared North West floodplains and lower slopes east of Moree.

Refer to the Minister for Primary Industries as the Minister responsible for administering the Code.

26. How will Koala habitat be protected in over cleared landscapes considering that two of their main preferred food trees Bimble box and River Red gum have the least protection as paddock trees and can be cleared as invasive species?

Koala habitat will be protected through a range of measures. The Government has acted on the recommendation of the NSW Chief Scientist and Engineer that a whole-of-government NSW Koala Strategy be developed and has committed:

- \$800,000 for on-ground koala conservation activities in 2017-18 through the Saving our Species program. This is part of the \$100 million committed over the next five years to protect of all threatened species in NSW.
- \$10 million from the NSW Environmental Trust to purchase and permanently conserve land that contains priority koala habitat.
- Almost 12,000 hectares of koala habitat as gazetted flora reserves on the far south coast in 2016. These reserves are being and managed by the National Parks and Wildlife Service to protect the area's last known koala population.
- Funding to deliver a state-wide map of koala habitat.

27. Can Koala habitat be cleared using the Biodiversity Assessment Method and the use of offsets?

The relevant decision maker must consider the biodiversity assessment report before determining whether or not to approve clearing and in determining the offset requirement. For local development, a proposal which will cause serious and irreversible impacts cannot be approved.

28. Will there be a conservative interim core habitat layer produced for the regulatory map, based on expert knowledge of Koala distributions and preferred food trees at the local scale?

No.

29. Will the use of the Land Management codes enable landholders to clear category 2 (higher conservation remnant vegetation) down to just 10% of category 2 vegetation retained per property.

Refer to the Minister for Primary Industries who is responsible for administering the Code.

30. Will the LLS be able to refuse clearing applications in over cleared landscapes when the application is consistent with the codes?

Refer to the Minister for Primary Industries who is responsible for

administering the Code.

31. Will the equity code enable landholders to broadscale-clear woodlands, open forests and grasslands previously not cleared?

Refer to the Minister for Primary Industries who is responsible for administering the Code.

32. Can the Equity Code still clear up to 625ha or down to 10% category 2 remnant vegetation per property?

Refer to the Minister for Primary Industries who is responsible for administering the Code.

33. Can Invasive Native Species thinning clear up to 900ha, including trees up to 30cm dbh (Diameter at breast height), and retain just 20 trees per ha? (includes Bimble box and River Red gum Koala preferred food trees)

Refer to the Minister for Primary Industries who is responsible for administering the Code.

34. Can the pasture expansion code thin trees up to 90cm dbh, providing the area does not to exceed 30% of total property?

Refer to the Minister for Primary Industries who is responsible for administering the Code.

35. Can the farm plan code clearing remove up to 25% of category 2 remnant vegetation on a property?

Refer to the Minister for Primary Industries who is responsible for administering the Code.

36. Will determining serious and irreversible impacts be at the Ministers discretion?
No.

37. Will broadscale clearing be allowed?

Refer to the Minister for Primary Industries who is responsible for administering the Code.

38. The World Wildlife Fund commissioned a study of the potential clearing that could occur, which estimated that as much as 2.2 million hectares of koala habitat could be cleared under the equity code alone (Eco Logical Australia 2016). Has there been some impact assessment done to quantify the impact those extents will have on threatened species and endangered ecological communities?

The Government has committed to unprecedented investment in private land conservation and threatened species recovery. The Land Management (Native Vegetation) Code imposes safeguards to manage and offset impacts.

39. Will the loss from clearing be balanced by gains from plantings, set asides, offsets and stewardship agreements and over what time frame will gain be achieved?

Clearing allowed under the *Biodiversity Conservation Act 2016* and *Local Land Services Act 2013* reforms will be balanced at the State and bioregional level by biodiversity conservation measures, including \$240 million over five years (and \$70 million per year on-going) of government investment in private land conservation and \$100 million investment over five years in the Saving our Species program.

Under the biodiversity offset scheme impacts from clearing are generally offset using biodiversity stewardship agreements. The offset obligation must be acquitted prior to commencement of the development.

The Land Management (Native Vegetation) Code 2017 includes environmental protections and clearing limits, including requirements to set aside land in exchange for clearing in another area of the property prior to the clearing commencing.

40. For category 1 land, how will property vegetation planning be incorporated to consider the landscape significance of the vegetation and factors such as soil erosion, salinity recharge and

discharge areas, protected lands, stream buffers, landscape corridors, and protection of hollow trees?

Refer to the Minister for Primary Industries who is responsible for administering the LLS Act.

41. Does the principle of no net loss apply for the regulations?

(a) How do those aims and targets relate to catchment targets?

The *Biodiversity Conservation Act 2016* requires the Biodiversity Assessment Method to meet a “no net loss” standard.

The Minister for Primary Industries is responsible for administering the LLS Act, including catchment targets.

42. What vegetation mapping product was used in the Native Vegetation Regulatory map?

The Native Vegetation Regulation (NVR) Map uses multiple lines of evidence and many data products to address the legislative criteria.

(a) How will the mapping process accurately distinguish between high and low conservation value grasslands?

The Interim Grasslands and Groundcover Assessment Method assesses the conservation value of grasslands.

43. Are Travelling Stock Routes included in the sensitive lands category?

No.

(a) If no, why not?

Travelling Stock Reserves encompass a variety of landscapes. Further questions should be referred to the Minister for Lands.

44. Will the offset and set asides areas for biodiversity certified land be field verified and included into protected excluded land?

Land proposed to be biodiversity certified under the *Biodiversity Conservation Act 2016* is required to be assessed in accordance with the Biodiversity Assessment Method.

45. Will land that has been illegally cleared since 1990 to be classed as Category 1 land?

The Local Land Services Act provides that where the Environment Agency Head reasonably believes that land was unlawfully cleared of native vegetation after 1 January 1990, the land is to be designated as category 2-regulated land.

46. How do people nominate areas of Outstanding Biodiversity Value?

The process for declaring Areas of Outstanding Biodiversity Value is set out in Part 3 of the *Biodiversity Conservation Act*.

47. What is included in Vulnerable regulated land? And how have they been identified and mapped?

Vulnerable regulated lands are lands such as steep lands, riparian lands or special category lands. They are identified and mapped using the native vegetation regulatory map method.

- (a) What is included in Sensitive regulated land? And how have they been identified and mapped?

The Local Land Services Act and Local Land Services Regulation specify what land is to be included as sensitive regulated land. They are identified and mapped using the native vegetation regulatory map method.

- (b) How are landholders to identify those features if they aren't mapped on the 25th August, particularly if they have to interpret what is category 1 and 2 land?

Category 2 - Vulnerable Land and Category 2 - Sensitive Land are mapped and are in force. For non-mapped features landowners are responsible for determining the categorisation of their land in accordance with the Local Land Services Act.

48. When will the Biodiversity Assessment Method be applied to rural clearing?
- (a) Can such clearing be justified if it goes beyond that allowable with the use of the codes?

The *Local Land Services Act 2013* requires native vegetation clearing associated with agricultural activities that are not authorised under allowable activities or the Land Management (Native Vegetation) Code to be assessed using the Biodiversity Assessment Method and approved by the Native Vegetation Panel. The Panel will consider the environmental, social and economic impacts of the proposed clearing in accordance with the principles of ecologically sustainable development.

49. Will land that is a set aside or offset be managed for conservation into perpetuity? How will this be guaranteed?

- (a) Will the cost of managing that land be borne by the current owner?

Land that is a set aside or offset is secured in perpetuity under legal agreement. The owner of the land where the offset is located receives management payments funded through the sale of the biodiversity credits, which are generated by entering the biodiversity stewardship agreement.

50. Will the set asides and offsets be monitored regularly by an independent auditor?
- OEH auditors will audit compliance with set asides. The Biodiversity Conservation Trust will monitor offset sites that are under a Biodiversity Conservation Agreement.**
51. How is the application of the BAM to determine offsets and credits going to be audited to ensure integrity?

OEH is designing the audit approach for assessors that are accredited under the scheme. *The Biodiversity Conservation Act 2016* (s6.10) stipulates that persons applying the Biodiversity Assessment Method must be accredited.

52. There was a proposed new layer in the decision process called the Ecological Integrity layer, how does that work?

There is no layer or decision process in the Biodiversity Assessment Method (BAM) referred to as the Ecological Integrity layer.

53. Can the Native Vegetation Panel modify the 'like for like' credit retirement and approve clearing that would not otherwise be approved?

Requirements for decision making by the Native Vegetation Panel are set out in the Local Land Services Act 2013 (in particular Part 5A), Division 6 and the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (in particular Part 4).

54. There is some conflict in the statement that Local Land Services may amend the public register to remove any area (or part of an area) that has ceased to be a set aside area. Elsewhere in the Acts set asides are described as being in perpetuity agreements. Under what circumstances can a set aside be removed from the register?

Refer to the Minister for Primary Industries who is responsible for administering the LLS Act.

55. What science underpins the assumption that offsetting works in the timeframe necessary to conserve threatened species?

The biodiversity offsets scheme established by the Biodiversity Conservation Act 2016 delivers on the recommendations of the expert Independent Biodiversity Legislation Review Panel. The Biodiversity Assessment Method provides a scientifically rigorous method to predict the biodiversity gain that is expected to result from specified management actions on a given site over 20 years.

56. Will tree plantings and natural regeneration of cleared land be acceptable as offsets.
- (a) If that is to be the case, what will be the acceptable minimum standard for offsets in terms of age classes and time to regenerate mature habitats for threatened species?
 - (b) How can the protection of existing remnant vegetation not under threat be considered a conservation gain to offset the loss of an area of habitat that was a larger total area?

Under the *Biodiversity Conservation Act 2016*, a landholder can generate biodiversity credits by entering into a Biodiversity Stewardship Agreement to protect and manage biodiversity on their land. The Agreement will specify management actions that the

landholder is required to undertake. The Biodiversity Assessment Method must be used to measure the number and type of biodiversity credits that may be generated as a result of management actions on a given site. The Biodiversity Conservation Regulation 2017 sets out offset rules that govern the type of biodiversity credits that can be used for offsetting.

57. The draft regulation was to allow offsets across a species range and swapping between species, is that still the case and if so what science justifies that policy?

The rules are set out in the Biodiversity Conservation Regulation 2017. The biodiversity offsets scheme delivers on the recommendations of the expert Independent Biodiversity Legislation Review Panel.

58. What science underpins the use of flexible and indirect offsets?

The Biodiversity Conservation Regulation 2017 sets out rules for how a proponent can meet an offset obligation. The biodiversity offsets scheme established by the *Biodiversity Conservation Act 2016* delivers on the recommendations of the expert Independent Biodiversity Legislation Review Panel.

59. What assurance or security is there to guarantee to the public that an offset will achieve a Biodiversity Gain?

The Biodiversity Assessment Method is a scientifically rigorous way to measure the biodiversity impacts of development and biodiversity gain at an offset site. It must be applied by an accredited assessor with appropriate expertise and experience. The Method has been peer reviewed by independent experts.

Offset sites must be secured under a Biodiversity Stewardship Agreement. These agreements are legally binding and travel with the title to the land.

60. Offsets achieving conservation gains cannot be guaranteed by law, they will be dependent on ongoing funding, how can that funding be guaranteed into perpetuity and changing political scenarios?

In perpetuity funding for the ongoing management of stewardship sites is secured

via the stewardship payments fund. The *Biodiversity Conservation Act 2016* requires that when stewardship sites are used to meet an offset obligation an upfront payment must be made into this fund to cover the cost of managing the site in perpetuity.

61. There is a lot of discretion to vary offsets, such discretion is open to abuse and political influence. How will that be prevented?

Offset requirements are calculated using the Biodiversity Assessment Method. Consent authorities may vary the offset requirements if they determine that the change is justified based on the environmental, social or economic impacts of the proposed development. If the offset requirement is reduced for a local development (developments approved under Part 4 of the *Environmental Planning and Assessment Act 1979*) the consent authority must seek concurrence from the Chief Executive of the Office of Environment and Heritage.

Questions of compliance assurance with the planning system should be directed to the Minister for Planning.

62. Invasive species code - divisions 3 and 4 - will enable the clearing of up to 1000ha and destruction of ground level habitat to facilitate sowing of pastures. Is it the intention of this code to be used in remnant vegetation to change land use?
- (a) It appears the only limitation to the use of this code is vulnerable land, can it be applied to all endangered ecological communities in category 2 land?
 - (b) It allows the clearing of trees up to 30cm dbh, how are trees of that size considered to be invasive regrowth??
 - (c) Two of the invasive species listed to be cleared are Koala preferred trees Bimble box and River Red gum. Where is Bimble box an invasive species in the north west of NSW? Why is River Red gum listed as an invasive species when it is restricted to riparian zones and flood ways that should not be cleared?

Refer to Minister for Primary Industries who is responsible for administering the LLS Act.

63. The pasture expansion code will allow the clearing of remnant woodland trees up to 90cm dbh that will lead to loss of many hollow mature trees, how is the loss of hollow habitat to be compensated when the loss of Hollow-Bearing Trees is a Key Threatening Process?

Refer to the Minister for Primary Industries who is responsible for administering the LLS Act.

64. Is the pasture expansion code limited to vegetation communities that are not EEC's?
- (a) If that is the case clearing on the floodplain will target non EEC communities that are Koala habitat of Bimble box, Belah, Baradine Red gum, and River Red gum is that correct?

Refer to the Minister for Primary Industries who is responsible for administering the Code.

65. Is it correct that the mosaic code division 3 could fragment high conservation remnants into 5 ha patches, it has no minimum extent of category 2 remnant vegetation to retain after treatment and appears it could allow the clearing of up to 30% of the total area of the property?

Refer to the Minister for Primary Industries who is responsible for administering the Code.

66. 'Continuing use' is very open ended and unrestricted with no notify or certificate requirements, applies to all land categories and EEC's. It could refer to all land cleared since 1950 that is in a 50 year rotation. Could you please explain how this code is defined and applied?

Refer to the Minister for Primary Industries who is responsible for administering the Code.

67. Property Vegetation Plan Transition, allows LLS to change an existing PVP to allow clearing in a set aside, please explain how this would occur?
- (a) Under what circumstances would an existing PVP be changed?

- (b) Why wouldn't PVP offsets be maintained and included in sensitive or vulnerable category 2 remnant vegetation land to be registered and protected??

Refer to the Minister for Primary Industries who is responsible for administering the LLS Act transitional arrangements.

68. Is it correct that the Equity Code could allow clearing up to 625ha of remnant woodland of higher conservation value?

Refer to the Minister for Primary Industries who is responsible for administering the Code.

69. Where is the consideration for loss of hollow trees and logs or extent of habitat to sustain viable populations of species?

Refer to the Minister for Primary Industries who is responsible for administering the Code.

70. What is the scientific justification for the 50% reduction to set aside requirement by using an EEC as the set aside, or a remnant that is considered by LLS to have strategic landscape significance?

Refer to the Minister for Primary Industries who is responsible for administering the Code.

- (a) Please explain how the equity code will not lead to declines of all species, and what science underpins its use?

Refer to the Minister for Primary Industries who is responsible for administering the Code.

71. Vast areas of the over cleared floodplain are paddock trees or small patches of trees surrounded by cleared category 1 land. Could the impact of Farm Plan Code be catastrophic for biodiversity in the over cleared floodplains?

Refer to Minister for Primary Industries as the Minister responsible for administering the Code.

- (a) It appears to be not limited to paddock tree areas, will it allow broad scale clearing of woodland or open forest up to 25% of the extent of category 2 native vegetation on a property?

Refer to the Minister for Primary Industries who is responsible for administering the Code

72. What is the scientific justification for the formulae for set asides in cleared category 2 land?

Refer to the Minister for Primary Industries who is responsible for administering the Code.

73. What is the scientific justification to allow the planting of new trees in a cleared paddock to compensate for the loss of mature and often hollow trees?

Refer to the Minister for Primary Industries who is responsible for administering the Code.

74. The lower limit for application of the codes of the category 2 land retained is just 10. This is a very low standard considering that conservation biologists advocate that 30% is the minimum. It is well documented that the effects of fragmentation become more intense when retained habitat is less than 30%. What is the justification for setting the lower limit for application of the codes to just 10% of the category 2 land retained?

Refer to the Minister for Primary Industries who is responsible for administering the Code.

75. In the Land Management Code it says “the person who carries out the clearing must not harm an animal that is a threatened species if that person knew that the clearing was likely to harm the animal”. And the footnote says “any act which harms a threatened species or its habitat does not constitute an offence under the Biodiversity Conservation Act 2016 if the act occurs in the course of clearing that is authorised by this code”. Please explain the contradiction?

There is no contradiction between the code provision and the footnote. The footnote refers to the existence of a defence, under the Biodiversity Conservation Act, for various

offences where an act, that would otherwise be an offence, is clearing that is conducted in accordance with a code.

76. Is it correct that landholders don't have immunity to prosecution with regard to them impacting on species and endangered ecological communities listed in the EPBC Act?

Landholders are responsible for ensuring that their activities comply with the requirements of the Commonwealth Environment Protection and Biodiversity Conservation Act.

77. How do The Land Management Codes apply the precautionary principle of Ecologically Sustainable Development? Has the government obtained an independent scientific review of the codes?

The Land Management Code was developed in response to the Independent Biodiversity Legislation Review Panel recommendations. The code was intended to support landholders and promote best practice for agricultural management activities, and cannot be applied in sensitive regulated land. The code will be reviewed after 12 months.

Waste

78. When did the minister become personally aware that recycling companies are landfilling or otherwise disposing of recyclable materials, some estimate up to 50% of it?

The Minister is aware of a wide range of issues across the Environment, Heritage and Local Government portfolios.

79. In light of the recent Four corners report, What is the action by the Government on investigating the reporting of recycling rates, including any possible breaches of the NSW Waste Avoidance and Resource Recovery Act 2001?

The Government has commissioned the Centre for International Economics to complete an economic analysis of the recovered glass lifecycle and will use this analysis to frame potential solutions.

80. Part 53 of the NSW Waste Avoidance and Resource Recovery Act 2001 requires EPA to submit

a report every 2 years. When was this report last done?

The Waste Avoidance and Resource Recovery Progress Report (2014-15) has been completed and is being considered.

81. The EPA is required to publicly advertise each year a priority statement with respect to the extended producer responsibility schemes the EPA proposes to recommend for implementation under the Waste Avoidance and Resource Recovery Act 2001. When was that last done?

NSW published Extended Producer Priority Statements annually until 2010. In 2011, the Commonwealth *Product Stewardship Act 2011* introduced the first national framework for voluntary or regulated product stewardship schemes. As this Act now provides the national framework for extended product responsibility and product stewardship, advertising extended producer priority statements would lead to an unnecessary duplication of work. NSW continues to strongly support the development of national product stewardship schemes.

82. When NSW rubbish is exported overseas, where does it go and what happens to it?

The export of waste outside Australia is regulated by the Commonwealth Government.

83. The Waste Contractors & Recyclers Association of NSW raised significant concerns about the EPA's ability to resource waste management activities in NSW and is frustrated at the EPA's ability to meet basic timelines in responding to issues, what extra resources do you need?

The Government's Waste Less, Recycle More initiative is already investing \$802.7 million in waste and recycling in NSW over nine years to 2021.

84. How much recycling of waste actually happens in NSW?

I am advised 10,404,000 tonnes was recycled in 2014-15.

85. Why doesn't the Government require the waste levy to be spent 100% on at least recycling if not waste avoidance initiatives?

The government's Waste Less, Recycle More initiative is already investing \$802.7 million

in waste and recycling in NSW over nine years to 2021 funded by the waste levy.

86. Is the EPA monitoring the BINGO facilities at Helensburgh and Kembla Grange for breaches of the license conditions?

The EPA undertakes inspections of waste facilities to monitor compliance with the licence conditions and environmental legislation.

- (a) What is the EPA doing to ensure this facility meets its license conditions?

The EPA undertakes inspections of waste facilities to monitor compliance with the licence conditions and environmental legislation.

87. For the EPA 'Bin Trim' program in financial year 2013/2014, please provide:

- (a) The total program budget, a list of the contractors and regions that they serviced

The Bin Trim program Round 1 commenced in June 2014, and was completed in June 2015. \$4.76 million was awarded to 27 grantees as follows:

<http://www.epa.nsw.gov.au/wastegrants/bin-trim-business.htm>

- (b) How many businesses were provided 'bin trim' consultancies, broken down by region?

4805 businesses completed the process. Broken down by Regional Organisation of Councils (ROCS) is as follows:

Regional Groups	Round 1
<i>Hunter</i>	143
<i>Macarthur Regional Organisation of Council (MACROC)</i>	14
<i>Mid North Coast (MidWaste)</i>	678
<i>Murray Regional Organisation of Council (MurROC)</i>	235
<i>Central and Far West (NETWaste)</i>	59
<i>North East Waste Forum (NEWF)</i>	480

<i>Northern Inland Regional Waste (NIRW)</i>	32
<i>Northern Sydney Regional Organisation of Council (NSROC)</i>	310
<i>Riverina Eastern Regional Organisation of Council (REROC)</i>	108
<i>Riverina Regional Organisation of Council (RivROC)</i>	3
<i>Illawarra Pilot Joint Organisation (IPJO)</i>	84
<i>South East Regional Organisation of Council (SEROc)</i>	6
<i>Southern Sydney Regional Organisation of Council (SSROC)</i>	1210
<i>Western Sydney Regional Organisation of Council (WSROG)</i>	473
<i>Unincorporated Far West Region</i>	121
<i>Unknown/Region not supplied</i>	849
TOTAL	4,805

88. For the EPA 'Bin Trim' program in financial year 2014/2015, please provide:

- (a) The total program budget, a list of the contractors and regions that they serviced
- (b) How many businesses were provided 'bin trim' consultancies, broken down by region?

See answer at question 87.

89. For the EPA 'Bin Trim' program in financial year 2015/2016, please provide:

- (a) The total program budget, a list of the contractors and regions that they serviced

The Bin Trim program Round 2 commenced in September 2015, and was completed in March 2017. \$6.87m was awarded to 26 grantees as follows:

Environment, Heritage, Local Government

(b) How many businesses were provided 'bin trim' consultancies, broken down by region?

12,466 businesses completed the process. The table below shows these businesses broken down by Regional Organisation of Councils (ROCS).

Regional Groups	Round 2
<i>Hunter</i>	940
<i>Macarthur Regional Organisation of Council (MACROC)</i>	201
<i>Mid North Coast (MidWaste)</i>	598
<i>Murray Regional Organisation of Council (MurROC)</i>	425
<i>Central and Far West (NETWaste)</i>	143
<i>North East Waste Forum (NEWF)</i>	660
<i>Northern Inland Regional Waste (NIRW)</i>	215
<i>Northern Sydney Regional Organisation of Council (NSROC)</i>	1187
<i>Riverina Eastern Regional Organisation of Council (REROC)</i>	40
<i>Riverina Regional Organisation of Council (RivROC)</i>	210
<i>Illawarra Pilot Joint Organisation (IPJO)</i>	546
<i>South East Regional Organisation of Council (SEROC)</i>	571

<i>Southern Sydney Regional Organisation of Council (SSROC)</i>	4255
<i>Western Sydney Regional Organisation of Council (WSROG)</i>	1633
<i>Unincorporated Far West Region</i>	822
<i>Region not supplied</i>	0
TOTAL	12,446

90. For the EPA 'Bin Trim' program in financial year 2016/2017, please provide:

- (a) The total program budget, a list of the contractors and regions that they serviced
- (b) How many businesses were provided 'bin trim' consultancies, broken down by region?

See answer at question 89.

91. For the EPA 'Bin Trim' program in financial year 2017/2018, please provide:

- (a) The total program budget, a list of the contractors and regions that they serviced (planned)

The total budget for Bin Trim during financial years 2017-18 to 2020-21 is \$12.5 million. Round 3 will open for applications late 2017.

- (b) How many businesses were provided 'bin trim' consultancies, broken down by region (planned)?

Round 3 will open for applications in late 2017.

92. What is the methodology used to calculate the statistics

Details of every business registered in the program are entered into an online database by trained Bin Trim assessors.

93. Are the statistics collected by the 'Bin Trim' program used in determining NSW's waste

management statistics?

No.

94. Has there been any evaluation of the Bin Trim Program? If yes, please provide them.

Yes. The data and information can be released subject to consideration under the Government Information (Public Access) Act 2009.

Centennial Park

95. Did Mr Tony Ryan ever declare any conflict of interest in the development of the Moore Park 2040 plan?

(a) What was the conflict of interest?

(b) How was this conflict of interest managed?

All Trust members declare conflicts of interest at every Trust meeting. Mr Ryan has a standing notice of his employment as do all Trust members.

96. Will you rule out Jones Lang LaSalle Property Consultants Pty Ltd as being involved in any property transactions with the Centennial Park and Moore Park Trust due to the conflict of interest of Mr Tony Ryan?

Jones Lang LaSalle Property Consultants Pty Ltd has no commercial dealings relating to any aspect of CPMPT operations.

All Trust members declare conflicts of interest at every Trust meeting. Mr Ryan has a standing notice of his employment as do all Trust members.

97. When was the Moore Park 2040 Plan finalised?

The Moore Park MP was finalised in April 2017 and released to the public in May 2017.

98. Why did the NSW Government not appoint the required number of trustees to the Centennial

Park and Moore Park Trust until 29 June 2017?

The statutory requirements for Trust quorum under Schedule 1 of the Centennial Park and Moore Park Trust Act 1983 were met while vacancies were being filled.

99. Was there any period of time in the last two years when the Centennial Park and Moore Park Trust was in breach of the Centennial Park and Moore Park Trust Act 1983?

I am advised, no.

National Parks and Wildlife

100. When was the proposal to acquire 60 Hectares of the Royal National Park for the proposed F6 extension ever discussed with you?

RMS is continuing to finalise the route for the proposed F6 extension and no final decision has been made.

101. What is the current status of the Royal National Park World Heritage application?
- (a) Why did your department miss multiple deadlines to submit the nomination?
 - (b) Will you be submitting the nomination in February next year?
 - (c) Has the F6 proposal influenced your decision in any way to nominate the Royal National Park for World Heritage listing?

NSW is consultating with the Commonwealth Government. A route for the F6 has yet to be determined, and has no bearing on whether to pursue World Heritage listing.

102. How many new National Parks has the NSW Liberal/National Government established since being elected in 2011?

Nine.

103. The “Annual Visits to PWG Managed Parks in New South Wales” report was completed in 2014

and was meant to be repeated in 2016. What happened to this study?

The Parks Visitation Survey was conducted as scheduled in 2016. The full study will be made available to the public on the Office of Environment and Heritage website.

104. Why has the Mount Keira Ring Track been closed for over 6 years?

I am advised Mount Keira Ring Track has not been closed for six years. A 550 metre section of the 5.5 kilometre track was closed by a rock fall. Works are being undertaken to reopen the closed section, to be completed in 2017–18.

105. Why is the National Parks Wildlife Service is not granted enough operational funding to sufficiently to maintain our recreational assets on the Illawarra Escarpment?

In 2016–17 the National Parks and Wildlife Service (NPWS) spent \$200,000 on works to reopen the closed section of the Mt Keira Ring Track and carry out improvements to the remainder of the track. In 2017–18, \$75,000 has been allocated to complete the works.

106. Has the draft Master Plan for Middle Head been approved?

- (a) Does the current draft master plan allows for the visitor numbers and loud music that was created by the Redbull Academy event on September 1?
- (b) How much is NPWS receiving from the organiser and what surety are they providing to manage any damage to the historical buildings?
- (c) Is it true that the NPWS states that tours of the forts are not allowed Jul-Sep as the bent-wing bat, a critically endangered species, is hibernating?
 - i. How then can you allow an outdoor music festival on the first day of September?

Has there been an assessment on the impact on the bat?

The Master Plan for Middle Head has been approved, and both the Master Plan and the Sydney Harbour National Park Plan of Management 2010 allow for events within the

precinct. The Redbull Academy event did not have access to areas where the eastern bent-wing bats have been known to over-winter.

107. What is the current status of the Gardens of Stone Stage 2 Reserve Proposal?

The NSW Government has not yet determined the most appropriate response to cater for the varied interests in the area encompassed by the Gardens of Stone Stage 2 reservation proposal.

108. What was the National Park acquisition budget in:

(a) 2014/2015

\$5.28 million in 2014-15

(b) 2015/2016

\$7.26 million in 2015-16

(c) 2016/2017

\$8.136 million in 2016-17. This figure does not include any of the \$10 million Environmental Trust allocation to support land purchases for koalas.

(d) 2017/2018 (planned)

\$7.780 million in 2017-18

109. How much was spent in 2016/2017 on invasive species control? Please provide a list of how much is spent on the following measures:

\$32.3 million in 2016-17

(a) Shooting

(b) Baiting

(c) Non-lethal measures

National Parks and Wildlife Service takes an integrated approach to pest management, with multiple techniques used for each program.

110. How much is planned to be spent in 2016/2017 on invasive species control? Please provide a list of how much is spent on the following measures:

See answer at question 109.

- (a) Shooting
- (b) Baiting
- (c) Non-lethal measures

National Parks and Wildlife Service takes an integrated approach to pest management, with multiple techniques used for each program.

111. How many kilograms of 1080 poison did the National Parks and Wildlife Service use in 2016/2017?

0.7392 kilograms in 2016-17

112. Is the NPWS trialling or planning to trial any invasive species controls measures as a more humane alternative to 1080?

National Parks and Wildlife Service (NPWS) uses a range of integrated techniques as part of its pest management programs.

113. How much was spent in 2016/2017 on the Supplementary Pest Control Program? Please provide a list of each species and number of animals that were removed under the program?

\$700,000 in 2016-17

114. Was there any government funding going to the Sporting Shooters Association in 2016/2017 year or is any money budgeted in the 2017/2018 financial year.

No funding was provided from within the Environment portfolio for 2016/2017 or 2017/2018 financial years for the SPC program.

115. Please provide an update of the activities of the Extinct Animal Reintroduction Program in the 2016/2017 financial year.

The contract with Australian Wildlife Conservancy was signed on 29 April 2016 and the contract with University of NSW was signed on 9 August 2016. Both projects are underway.

116. 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?

Investment in the 2016–17 financial year focussed on the iconic species, site and landscape managed species and data-deficient management streams. Where projects funded in these management streams occurred in Threatened Ecological Communities, these communities benefited.

Power Stations

117. What is the plan for rehabilitating the Wallerawang Sawyers Creek ash dam, or is this poisoning of Sydney's drinking water going to go on forever?
- (a) Does the government hold any bonds or financial assurances to make sure that rehabilitation is carried out properly on this site?
 - (b) Does the government hold any bonds or financial assurances to make sure that rehabilitation is carried out properly at the Vales Point, Mount Piper, Eraring, Liddell and Bayswater coal fired power stations and their associated ash dams?
 - (c) Could you please provide details of the standards that the NSW Government has established for decommission and remediation of coal-fired power stations and their ash dams, and what bonds the NSW Government and/or generators have set aside for this work?

Energy Australia are currently completing a Decommissioning, Demolition and Restoration (DDR) Plan for the entire Wallerawang Power Station site including the ash dam. This document will be part of a planning application for the decommissioning of the premises. Each decommissioning will be assessed on its merits and conditional to cater for the specifics of the site.

118. In 2015 and 2016 the EPA granted Vales Point power station and Liddell power stations exemptions from the Protection of the Environment (Clean Air) Regulation limit of 800 mg/m³

for Nitrogen oxides (NO_x). Given that NO_x emissions are precursors to ozone and fine particles, and there are no safe levels for exposure to these toxic pollutants, isn't it clear that this exemption will result in adverse impacts on human health? Given that other jurisdictions such as the EU and China have limits of 200 mg/m³, how can the EPA justify this decision?

EPA policy for setting licence emission limits, for all industrial sectors including power stations, is based on:

- Reasonably available control technology and good environmental practice
- Proper and efficient operation plant and equipment
- Protection of the health and amenity of the surrounding community.

- (a) The EPA required the Vales Point and Liddell power stations to provide reports about options to reduce NO_x emissions by July 2017. Have these reports been received? Can the EPA please make them available?

Yes.

- (b) Were the power stations required to take any further action based on these reports?

The EPA is reviewing the data and information to inform its ongoing regulatory activities.

- (c) Were exemptions from the 800 mg/m³ limit for NO_x also given to the other three coal-fired power stations (Mt Piper, Eraring, Bayswater)?
- i. If yes, how can the EPA justify this exemption for the Bayswater and Liddell power stations neighbouring Muswellbrook, where air pollution has exceeded national standards every year since 2010? (NO_x is a precursor to fine particle pollution).

No.

119. Are the 2015-16 NPI reports for Vales Pt and Mt Piper, for PM_{2.5} based on estimates, periodic measurements, or continuous monitoring data?

In 2015-16 Vales Point and Mount Piper both estimated PM_{2.5} emissions based on periodic stack measurements of PM₁₀ concentrations, engineering calculations of flue gas volume, and a PM_{2.5}:PM₁₀ emission factor ratio. These methods are approved for NPI emission estimation.

- (a) If periodic measurements, how many direct measurements were provided for the 2015-16 NPI reporting period?

Vales Point – 16 PM₁₀ measurements. Mount Piper – 4 PM₁₀ measurements

- (b) Are the 2014-15 NPI reports for Vales Pt and Mt Piper, for PM2.5 based on estimates, periodic measurements, or continuous monitoring data?

In 2014-15 Vales Point and Mount Piper both estimated PM_{2.5} emissions based on periodic stack measurements of PM₁₀ concentrations, engineering calculations of flue gas volume, and a PM_{2.5}:PM₁₀ emission factor ratio. These methods are approved for NPI emission estimation.

- (c) If periodic measurements, how many direct measurements were provided for the 2014-15 NPI reporting period?

Vales Point – 8 PM₁₀ measurements. Mount Piper – 4 PM₁₀ measurements.

- (d) Isn't it clear that these results are measurement errors and should be revised?

There is no evidence to support the measurements being in error.

- (e) In light of the anomalous reports, has the EPA considered requiring Mt Piper to continuously monitor PM10, PM2.5, SO2 and NOx emissions, as other power stations are required to do?

The EPA has conducted a consistency review of power station monitoring requirements and is considering the results.

- (f) Does the continuous monitoring data recorded at Vales Pt for PM2.5 concentration and flue gas volume accord with the total PM2.5 load reported to the NPI for PM2.5 in 2015-16?

Continuous monitoring of PM_{2.5} concentration is not conducted at Vales Point.

120. Under EPLs, many pollutants are monitored continuously by NSW coal-fired power stations.

Why isn't this data published daily, or more frequently, so that community members can have a better understanding of air pollution sources in their area, and to encourage operators to

minimise emissions?

In accordance with the *Protection of the Environment Operations Act 1997*, the holder of a licence subject to a condition requiring monitoring must, within 14 days of obtaining the data, make the data available on their website or, if the licence holder does not maintain a website, provide a copy of the monitoring data to any person who requests a copy of the data.

121. Coal-fired power stations are the third biggest emitter of mercury. And Mercury emissions limits for NSW coal fired power stations are 666 times weaker than the USA. How does the EPA and OEH plan to reduce mercury emissions from NSW coal-fired power stations in line with our obligations under the Minamata convention, which Australia signed in 2013?

All NSW power stations employ best practice filtration techniques to control the emission of particles and metals and ensure compliance with their regulatory obligations.

Air Pollution

122. I understand that the NSW Clean Air Summit attendees were told that, despite being used as the main form of heating by only 5% of households in Sydney, residential wood heating is responsible for more PM2.5 emissions (the most health-hazardous air pollutant) than all other sources put together and the deaths of 100 Sydney residents each year (approximately 25% of Sydney's pollution-related deaths).

Why have we still seen no action on this issue, such as phasing out existing wood heaters when houses are sold or not allowing new wood heaters?

Reducing wood heater impacts is one of the key issues to be addressed under the 10-year *Clean Air for NSW* strategy, which is under development. The EPA continues to develop new measures to control wood smoke that are informed by the latest scientific research and economic analysis.

In 2016 the NSW Government enacted a regulatory amendment to incorporate updated Australian/ New Zealand Standards for wood heaters, which set more stringent

emission limits and new efficiency limits for wood heaters sold in NSW from 1 November 2016.

Rural Noise

123. Why has the EPA proposed changes to the Industrial Noise Policy that weaken protection for rural communities near large mining sites without conducting any research in rural NSW?

The changes to the Industrial Noise Policy are based on the best available science as set out in the Draft Industrial Noise Guideline Technical Background Paper available at www.epa.nsw.gov.au/resources/noise/150207-background-paper-ING.pdf.

124. Will independent research in New South Wales into the impacts of mine noise on rural communities be conducted prior to the adoption of the proposed changes to the Industrial Noise Policy?

See answer at question 123.

125. Will the community be included in setting the terms of reference for an independent review into the impacts of mine noise?

EPA closely monitors, amongst others, the work of the World Health Organisation, the National Health and Medical Research Council and the enHealth Council, to inform the need for noise policy reviews. The Government will consider stakeholder feedback when making a decision on any changes.

Koalas

126. In light of the increasing number of koalas being killed on roads in the Greater Macarthur area (such as Appin Rd), and the fact that an additional 143,000 dwellings are projected to be built in this area (including additional roads such as the widening of Appin rd and the Georges River Parkway), what measures is OEHL proposing to use to maximise safe koala crossings within the Wollondilly and Campbelltown LGAs?

This is a matter for the Minister for Planning.

Moorebank Intermodal

127. What is the Minister doing to preserve the *Hibbertia Fumana* Sieber ex Toelken plant on the proposed Moorebank Intermodal Site, a species thought extinct in NSW since 1824?
- (a) Is there to be an independent scientific study to ratify the re-discovery of this species and its ecosystem, which includes a minimum of 5 other threatened species?
 - i. If not, why not?
 - ii. If so, what budget allocations or projections are underway?

After identifying material in 2016 as *Hibbertia fumana*, Botanic Garden and Centennial Parklands (BGCP) staff surveyed the only known site and sent material and images to the world expert on *Hibbertia* (Toelken, South Australian Herbarium) and received confirmation of its identity. BGCP staff and Toelken have collaborated and published a scientific paper on the rediscovery (Duretto et al. 2017, *Telopea* 20: 143-146).

- (b) What actions if any have been undertaken to ensure the safety and security of the critically endangered species for the purposes of aforementioned study?

An application for a Biobanking Agreement for the Moorebank Intermodal Terminal site has been received by OEH. It is understood that this will cover the entire known population of *Hibbertia fumana*.

- (c) Is the Minister aware that immense land clearing of 272ha has begun onsite over the past two months? And that said clearing is nearby to the aforementioned critically endangered species?

This matter should be referred to the Minister for Planning.

128. Is the Minister aware of the March 2013 report produced by ENVIRON for the EPA, which advised that at that time there were no emissions standards for Diesel Locomotives anywhere in the Country?

This report is published on the EPA website at:

<http://www.epa.nsw.gov.au/resources/air/locoemissrep.pdf>

- (a) Can the Minister advise and or site any updated or more recent reports into this issue?

- ***Diesel Locomotive Emissions Upgrade Kit Demonstration Project - Fuel Efficiency, Emissions and Noise Testing***; (February 2016).
<http://www.epa.nsw.gov.au/resources/air/diesel-locomotive-emissions-report.pdf>
- ***Diesel Locomotive - Fuel Efficiency & Emissions Testing*** (February 2017).
<http://www.epa.nsw.gov.au/resources/air/diesel-locomotives-emissions-fuel-testing-3054.pdf>

(b) Can the Minister advise of any plans and or budget allocations for the creation of an Emissions Standard for Diesel Locomotives?

Emissions from diesel locomotives are best addressed at the national level as locomotive operations are not limited to a single state or territory. The potential for a national approach is planned for evaluation under the National Clean Agreement priority setting process.

129. Is the Minister aware that this one project could effectively account for a 400% increase in diesel locomotives and subsequent air pollution in the Sydney Metro Area and that this increase does not factor in the growth in movements to existing terminals or the announcements of expansion at Enfield Intermodal and a new Intermodal at Villawood, which all travel the one freight line through Sydney?

- (a) Can the Minister advise of any current or future programs and policies of the EPA, that are intended to account for, monitor or mitigate poor air pollution outcomes for Pm2.5 & Pm10 at Moorebank Intermodal, and any other intermodal terminal sites?
- i. What if any current budget allocations or future budget projections have been undertaken to found or support the EPA in this way?

The EPA has an advisory role in the planning process and has advised on the best practice locomotive emission technology for the Moorebank Intermodal (for Moorebank Precinct East and West) port shuttle locomotives.

130. Can the Minister advise how her office and or the EPA intend to reconcile the lack of Emissions Standards on [up to 60] Diesel Locomotives [of ages up to 40 to 50 years old] with the W.H.O. recommendations, the NEPM's and the initiatives of Clean Air for NSW?

Emissions from diesel locomotives are best addressed at the national level as locomotive operations are not limited to a single state or territory. The EPA has conducted studies in 2015 and 2016 in order to establish available best practice technology emission standards for existing and new diesel locomotives operating in NSW
[\(<http://www.epa.nsw.gov.au/esdsmoky/redlocoemis.htm>\)](http://www.epa.nsw.gov.au/esdsmoky/redlocoemis.htm). See answer to question 128.

131. What if any current budget allocations or future budget projections have been undertaken or

explored to ensure that targets of Clean Air for NSW can be met?

Clean Air for NSW is still under development.

132. What if any current budget allocations or future budget projections have been undertaken or explored to ensure a capacity to manage risk, Specifically that which may be generated by other Departments and Agencies of the NSW Government?

This is a matter for the Department of Planning and Environment. The EPA has an advisory role in the planning process and has provided advice to the Department of Planning and Environment (the consent authority).

Spring Gully

133. With regard to the recently exhibited proposal for a road easement through the Royal National Park to the proposed eco-tourist facility at 60-70 Bournemouth St, Bundeena, can the Minister advise:

- (a) Whether the proposed road includes use of any of the currently unformed roads at Spring Gully?

The proposal includes a short section of unformed road that is located outside of the Royal National Park.

- (b) Whether it is more accurate to describe the proposed route of the proposed road as being across or along the existing management and fire trail joining Beachcomber Ave?

The proposal is to use and upgrade the existing fire management trail for access.

- (c) The length of the proposed roadway over Royal National Park land?

440 metres.

- (d) The maximum width of the proposed roadway?

The proposal includes a maximum width of eight metres on the sharpest curve, and generally has a minimum width of 6.5 metres as per bushfire safety requirements.

- (e) The total land area of the proposed road easement/license on Royal National Park land?

Approximately 3000 square metres (0.3 hectares).

- (f) Whether all documents provided by the applicant and referred to in the Review of Environmental Factors and whether all appendices to the Statement of Environmental Effects, Recreation Camp where exhibited?

All appendices referred to in the Review of Environmental Factors were exhibited.

Not all appendices to the Statement of Environmental Effects (SEE) were exhibited. The SEE and appendices were prepared in support of the Development Application for the facility as determined by the Land and Environment Court, which was separate from the access proposal currently being considered by the Office of Environment and Heritage (OEH) and the National Parks and Wildlife Service (NPWS).

- (g) Whether any figures, diagrams or drawings were redacted from any documents provided by the applicant prior to their exhibition?

No.

- (h) Which, if any, endangered ecological communities listed under the Biodiversity Conservation Act 2016 are likely to be in the relevant area of consideration for the proposal?

This matter is currently being assessed.

- (i) Which, if any, fauna species listed under the Biodiversity Conservation Act 2016 are likely to be in the relevant area of consideration for the proposal?

This matter is currently being assessed.

- (j) Which, if any, protected flora species listed under the Biodiversity Conservation Act 2016 are likely to be in the relevant area of consideration for the proposal?

This matter is currently being assessed.

- (k) Which, if any, endangered ecological communities listed under the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) are likely to be in the relevant area of consideration for the proposal?

This matter is currently being assessed.

134. With regard to the removal of the 5.6 hectare former Scout land at 60-70 Bournemouth St, Bundeena from the Spring Gully Strategic Fire Advantage Zone (SFAZ) within the Royal National Park Bushfire Management Strategy, NPWS, can the Minister advise:

- (a) Where the Eastern containment line for the SFAZ will be located for future hazard reduction burns?

On the Category 1 fire trail commencing at the end of Beachcomber Avenue.

- (b) What is the slope and terrain of the new Eastern boundary of the SFAZ and what vegetation communities are present?

The boundary is a horse-shape with a westerly aspect, the slope is approximately 15 per cent.

- (c) Whether, in the Minister's opinion, removal of the former Scout land from the Spring Gully SFAZ increases or decreases the operational difficulty of managing a controlled hazard reduction burn at the Eastern end of Spring Gully?

Neither. The former Scout land remains part of the cross-tenure Spring Gully SFAZ as identified in the Sutherland Bush Fire Risk Management Plan.

- (d) What is the Minister's response to the residents adjoining the former Scout land to the north of the wetland who are concerned that recent changes to the area of the Spring Gully SFAZ will decrease bushfire safety for their properties?

The former Scout land remains part of the Spring Gully SFAZ in the Sutherland Bush Fire Risk Management Plan, which encompasses all tenures. The land will continue to be managed as a SFAZ, through regular prescribed burning to reduce overall fire hazard and the intensity of future wildfires.

- (e) Whether the NPWS is aware of any expert opinion that the reduction in area of the Spring Gully SFAZ subject to periodic controlled hazard reduction burn will result in ecologically negative outcomes in this area?

The Spring Gully SFAZ has not been reduced in size.

Use of artificial intelligence

135. What current uses of artificial intelligence does the department undertake?

Note: Please include all uses of AI including uses for resource allocation and administrative support, big data analysis, replacement and assistance of experts and researchers, procedural matters, or summarising diverse data – for reference this might include:

- Chatbots for customer service or advice
- Customer management systems
- Scanning legal documents to find relevant case law
- Categorising and searching documents
- Directing petitions efficiently
- Translation
- Document drafting

136. What planned uses does the department have for artificial intelligence?

137. What policy guidelines, if any, guide the exploration and use of artificial intelligence by the *Environment, Heritage, Local Government*

department?

138. What research, if any, has the department undertaken regarding the use of AI in Government services?

135–138. As outlined in the Digital Government Strategy, the NSW Government will continue to explore the use of cognitive and machine learning, and related Artificial Intelligence technologies, to simplify processes, eliminate duplication, and improve customer experience.

Air Quality Monitoring

139. Is the Government considering commissioning any new air quality monitoring sites in NSW?

(a) If so, where?

NSW Government will re-establish air quality monitoring in the Sydney and Parramatta CBDs and will establish one long-term roadside monitor. NSW Government will also investigate what monitoring is needed for the Penrith CBD.

The NSW Dust Watch network will become the state's first rural air quality monitoring network, with Dust Watch monitors being deployed along the Tablelands in towns such as Armidale, Orange and Goulburn. The Government will look to expand this network to the North Coast in centres such as Coffs Harbour or Lismore. The Office of Environment and Heritage (OEHL) is currently investigating sites for the deployment of particle monitoring as part of the rural air quality monitoring network.

Air quality monitoring in Gunnedah and Narrabri will commence by the end of 2017. The EPA will work with the coal mining industry to establish the North-West Air Quality Monitoring Network, integrating the existing industry monitors with the OEHL-operated stations into a comprehensive network providing real-time air quality data to the people of the Namoi.

Real time air quality data: <http://www.environment.nsw.gov.au/aqms/aqitable.htm>

140. Is the NSW Government satisfied that the current number of monitoring sites in Western Sydney is sufficient to give an accurate picture of air quality in Western Sydney?

The NSW Air Quality Monitoring Network includes a sufficient number of air quality monitoring stations to assess regional air quality within Western Sydney.

141. How long has the Vineyard monitoring station been inoperative? When was it brought back online?

The Vineyard air quality monitoring station located at the Riverstone Sewerage Processing Plant, Vineyard, was decommissioned on 17 November 2016 due to the expansion of the plant in the North West Growth Centre (NWGC). OEHL is currently in negotiations with land owners to re-establish a new site.

142. Are there any legally enforceable standards for ambient air toxics in NSW or Nationally?

The *National Environment Protection (Air Toxics) Measure* establishes monitoring investigation levels for five air toxics - benzene; formaldehyde; benzo(a)pyrene as a marker for Polycyclic Aromatic Hydrocarbons; toluene; and xylenes.

143. How does the NSW Government intend to meet the fine particle standard of $7\mu\text{g}/\text{m}^3$ that the NSW Government is committed to complying with by 2025?

The NSW Government is already implementing a number of actions to reduce particle emissions. The Government is also developing a 10-year *Clean Air for NSW* strategy that includes actions to improve air quality across NSW.

144. How many investigations into non-compliance with air quality standards have been commenced by the EPA in each of the past 4 years?

The EPA regulates emissions at the source and does not use national air quality standards as ambient limits on environment protection licences.

145. How many breaches of air quality standards have been identified by the EPA in each of the past 4 years?

**2013 – 110
2014 – 21
2015 – 27
2016 – 59**

146. How many penalty notices have been granted by the EPA for breaches of air quality standards in each of the past 4 years?

The EPA regulates emissions at the source and does not use national air quality standards as ambient limits on Environment Protection Licences.

147. How many prosecutions by the EPA have been commenced for breaches of air quality standards in each of the past 4 years?

During this period the EPA commenced five prosecutions for air pollution offences and 86 prosecutions for smoky vehicle offences.

Major resource recovery infrastructure program

148. What criteria was used to assess projects for the major resource recovery infrastructure grant program under the Waste Less, Recycle More Initiative in 2013 and 2014?

Amount diverted; market analysis; technical analysis; cost benefit analysis; planning and environmental protection licensing; project impacts; value for money; demonstrated ability to deliver the project to a high standard.

149. What has happened to the almost \$5million not allocated under that fund?

Any funds not awarded within a round are made available in subsequent rounds.

150. How much of their own money did the organisation receiving the grant put in for each of the following projects:

- (a) Boral Berrima cement kiln alternative fuel
- (b) Eastern Creek UR-3R facility RDF circuit and expansion
- (c) Tuncurry Resource Recovery Park
- (d) KEE - landfill resource recovery facility
- (e) Project advantage: Hexham stage two
- (f) Dunmore resource recovery redevelopment (R3)
- (g) Camellia Recycling Centre

- (h) Earthcare SRF manufacturing facility
- (i) Geneses Xero Waste C&I Plant
- (j) Doyle Bros C&I materials recovery facility
- (k) Summerhill C&I dirty MRF
- (l) NSW next generation e-waste recycling facility
- (m) Relivit recycling resource recovery project - Nowra
- (n) ResourceCo Processed Engineered Fuel (PEF) facility

As this is commercial third party information, we would require approval to release it.

151. For each of the following projects, has the grant money been already given to the organisations who were successful:

- (a) Boral Berrima cement kiln alternative fuel
- (b) Eastern Creek UR-3R facility RDF circuit and expansion
- (c) Tuncurry Resource Recovery Park
- (d) KEE - landfill resource recovery facility
- (e) Project advantage: Hexham stage two
- (f) Dunmore resource recovery redevelopment (R3)
- (g) Camellia Recycling Centre
- (h) Earthcare SRF manufacturing facility
- (i) Geneses Xero Waste C&I Plant
- (j) Doyle Bros C&I materials recovery facility
- (k) Summerhill C&I dirty MRF
- (l) NSW next generation e-waste recycling facility
- (m) Relivit recycling resource recovery project - Nowra
- (n) ResourceCo Processed Engineered Fuel (PEF) facility

Yes, some milestone payments have been paid.

152. For each of the following projects, where is the facility up to in terms of construction and operation?

- (a) Boral Berrima cement kiln alternative fuel
- (b) Eastern Creek UR-3R facility RDF circuit and expansion
- (c) Tuncurry Resource Recovery Park
- (d) KEE - landfill resource recovery facility
- (e) Project advantage: Hexham stage two
- (f) Dunmore resource recovery redevelopment (R3)
- (g) Camellia Recycling Centre
- (h) Earthcare SRF manufacturing facility
- (i) Geneses Xero Waste C&I Plant
- (j) Doyle Bros C&I materials recovery facility
- (k) Summerhill C&I dirty MRF
- (l) NSW next generation e-waste recycling facility
- (m) Relivit recycling resource recovery project - Nowra
- (n) ResourceCo Processed Engineered Fuel (PEF) facility

As this is commercial third party information, we would need approval to release it.

153. Can you provide the committee with a copy of the deed of agreement for the Geneses Xero Waste C&I Plant

Deeds of Agreement contain commercial in confidence information.

- (a) What are the conditions under the deed of agreement?
- (b) Does one of the conditions specify the percentage of waste that must be recycled at the facility?

No.

- i. If so what is the percentage?

N/A

- ii. If not, what percentage does the NSW Government expect will be recycled?

In their application form, Dial-a-Dump claim the project will achieve a 47% recovery rate at start up, increasing to 60%. With the energy from waste plant they claim the recovery rate would increase to 89%.

- (c) On the Office of Environment website it states that Dial-a-Dump “intend to eventually recover up to 89 per cent of all waste processed at this facility”. Is this based on the Western Sydney Incinerator proceeding?

Yes.

- i. How will Dial-a-Dump meet this percentage if the incinerator is not given planning approval?

Dial-a-Dump claim that the project will achieve a 47% recovery rate at start up, increasing to 60%. This provides guidance on what can be achieved without the energy from waste plant.

154. Can you provide the committee with a copy of the deed of agreement for the Eastern Creek UR-3R facility RDF circuit and expansion?

- (a) What are the conditions under the deed of agreement?

Deeds of Agreement contain commercial in confidence information.

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

National Parks

155. For each of the National Parks and Wildlife Service’s 8 Park Operations Branches (Blue Mountains, Hunter Central Coast, Greater Sydney, North Coast, Northern Inland, South Coast, Southern Ranges, West), and for previous years 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, and 2016-17 for each NPWS Region if no breakdown into the current Park Operations Branches is available:

- (a) How many full-time national parks rangers are currently employed?
- i. Of these current ranger employees, how many are permanent and how many are temporary positions?
- (b) What was the number of full-time national parks rangers in each of the years 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, and 2016-17?

- i. In each year, how many were permanent and how many were temporary positions?

Answer to (a) and (b)

All data is provided as FTE (full-time equivalent) and excludes casual staff.

During the six years period of interest, Area and Region boundaries have changed and position data is not matched across the changed boundaries. Data is therefore provided at a state-wide level only.

Rangers FTE		2011-12 (as at July 2011)	2012-13 (as at Aug 2012)	2013-14 (as at July 2013)	2014-15 (as at July 2014)	2015-16 (as at July 2015)	2016-17 (as at July 2016)	2017-18 (as at July 2017)
Full time	Ongoing	229.8	224.8	210.3	190.7	192.2	171.1	167.1
	Term	18.0	16.8	22.5	25.8	13.7	22.8	25.8
Part time	Ongoing	15.1	15.9	15.7	19.0	15.9	16.4	14.0
	Term	1.3	0.7	1.2	1.8	3.3	1.4	1.3
Total		264.2	258.2	249.7	237.3	225.1	211.7	208.2

Permanent employees are denoted as having "on-going" assignments under the GSE Act

Temporary employees are denoted as having "limited term" appointments under the GSE Act

Figures includes all staff in the ranger classification (i.e. Ranger and Senior Ranger)

- (c) How many full-time field officers are currently employed?

- i. Of these current field officer employees, how many are permanent and how many are temporary positions?

- (d) What was the number of full-time field officers in each of the years 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, and 2016-17?

- i. In each year, how many were permanent and how many were temporary positions?

Answer to (c) and (d)

Field Officers FTE		2011-12 (as at July 2011)	2012-13 (as at Aug 2012)	2013-14 (as at July 2013)	2014-15 (as at July 2014)	2015-16 (as at July 2015)	2016-17 (as at July 2016)	2017-18 (as at July 2017)
Full time	Ongoing	580.7	572.6	551.7	563.3	533.1	509.9	559.1
	Term	82.0	138.6	129.6	142.0	155.6	158.2	82.3
Part time	Ongoing	5.8	5.7	6.3	5.2	4.1	2.9	4.4
	Term	0.4	0.6	1.8	1.8	3.3	4.4	3.8
Total		668.9	717.5	689.4	712.3	696.1	675.4	649.6

Permanent employees are denoted as having "on-going" assignments under the GSE Act

Temporary employees are denoted as having "limited term" appointments under the GSE Act

Figures includes all staff in the field officer classification (i.e. Field Officer General Operation to Senior Field Supervisor)

- (e) How many Regional Managers are currently employed?

The position of Regional Manager was removed in December 2016.

- (f) What was the number of Regional Managers in each of the years 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, and 2016-17?

FTE	2011-12 (as at July 2011)	2012-13 (as at Augⁱ 2012)	2013-14 (as at July 2013)	2014-15 (as at July 2014)	2015-16 (as at July 2015)	2016-17 (as at July 2016)
Regional Managers	15.0	14.0	17.0	15.0	17.0	16.0

- (g) How many Area Managers are currently employed?

See 2017-18 figures in the table provided at (h).

- (h) What was the number of Area Managers in each of the years 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, and 2016-17?

FTE	2011-12 (as at July 2011)	2012-13 (as at Augⁱ 2012)	2013-14 (as at July 2013)	2014-15 (as at July 2014)	2015-16 (as at July 2015)	2016-17 (as at July 2016)	2017-18 (July 2017)
Area Managers	71.6	67.9	50.3	50.4	54.2	48.0	46.1

156. Which categories of employee positions within the National Parks and Wildlife Service have undergone a change of job title, position description or award?

- (a) What are the details of changes that have been made?
- (b) How many employees within each category have been affected? Please provide a list.

Answer to (a) and (b)

No staff member can have their salary or remuneration altered except through a standard recruitment process.

157. Which categories of employee positions within the National Parks and Wildlife Service have undergone a change of salary or remuneration (other than a regularly negotiated annual increase)?

- (a) What changes have been made to salary or remuneration? Please provide a list.
- (b) How many employees within each category have been affected? Please provide a list.

Answer to (a) and (b)

No staff member can have their salary or remuneration altered except through a standard recruitment process or disciplinary action.

158. How many NPWS Regions and Areas are proposed under the current restructure process? Please provide a list.

Branches (8)	Proposed Areas (36)	
Blue Mountains Branch	Hawkesbury-Nattai Area	Kanangra - Upper Mountains Area
	Mudgee Area	Wollemi-Yengo Area
Greater Sydney Branch	Cumberland Area	Sydney North Area
	North Western Sydney Area	Sydney South Area
	Royal Area	
Hunter Central Coast Branch	Barrington Tops Area	Lower Hunter Area
	Central Coast Area	Manning - Great Lakes Area
	Hunter Coast Area	
North Coast Branch	Clarence Area	Richmond River Area
	Coffs Harbour Area	Tweed - Byron Coast Area
	Hastings - Macleay Area	
Northern Inland Branch	Barwon Area	New England Area
	Bourke Area	Northern Tablelands Area
	Castlereagh Area	
South Coast Branch	Eurobodalla Area	Sapphire Coast Area
	Illawarra - Highlands Area	Shoalhaven Area
Southern Ranges Branch	Alpine, Queanbeyan Area	Riverina - Highlands Area
	Murrumbidgee Area	Snowy River Area
West Branch	Central West Area	Riverina Area
	Lower Darling Area	West Darling Area

159. Regarding each of the following list of national parks offices and visitor centres:

- What is the budget allocation for 2017-18?
- What was the actual expenditure for each financial year 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, and 2016-17?
- What was the total actual expenditure on new tracks and visitor facilities for each financial year 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, and 2016-17, and allocated for 2017-18??
- What was the total actual expenditure on upgrades of existing track and facilities each financial year 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, and 2016-17, and allocated for 2017-18?

Answers to (a) to (d)

Budgets are not aligned with offices or visitor centres but are managed at an Area or Branch level.

- (e) What was the total number of permanent staff positions (both full and part time) related to each office, including the number of staff in each of the following categories (eg Regional Manager, Area Manager, Ranger, Field Officer, Administrative staff, Visitor Centre staff, Project Officer, Other specialist staff eg fire and pest management, world heritage management, Aboriginal heritage management), for each financial year 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, and 2016-17 and estimated for 2017-18?

Data to this level of detail is not available.

- (f) What was the total number of temporary staff positions (both full and part time) related to each office, including the number of staff in each of the following categories (eg Regional Manager, Area Manager, Ranger, Field Officer, Administrative staff, Visitor Centre staff, Project Officer, Other specialist staff eg fire and pest management, world heritage management, Aboriginal heritage management), for each financial year 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, and 2016-17 and estimated for 2017-18?

- (1) Abercrombie Caves - National Parks office
- (2) Alpine Resorts - National Parks office
- (3) Alstonville - Northern Rivers Region - National Parks office
- (4) Alstonville - Richmond River Area - National Parks office
- (5) Armidale (local office) - National Parks office
- (6) Armidale (regional office) - National Parks office
- (7) Baradine (Pilliga Forest Discovery Centre) - National Parks office
- (8) Baradine - National Parks office
- (9) Bathurst - National Parks office
- (10) Blue Mountains (Blackheath) - National Parks office
- (11) Blue Mountains (Glenbrook) - National Parks office
- (12) Blue Mountains (Katoomba) - National Parks office
- (13) Bombala - National Parks office
- (14) Borenore Caves - National Parks office
- (15) Bourke - National Parks office
- (16) Broken Hill - National Parks office
- (17) Bulga - National Parks office
- (18) Bungonia local office - National Parks office
- (19) Buronga - National Parks office
- (20) Byron Bay - National Parks office
- (21) Cape Byron Information Centre - National Parks office
- (22) Cape Byron Lighthouse - National Parks office
- (23) Central Coast - National Parks office
- (24) Chatswood - National Parks office
- (25) Coffs Coast Area National Parks Office - National Parks office
- (26) Dorrigo Rainforest Centre - National Parks office

- (27) Dubbo - National Parks office
- (28) Fitzroy Falls Visitor Centre - National Parks office
- (29) Forbes - National Parks office
- (30) Glen Innes - National Parks office
- (31) Gloucester - National Parks office
- (32) Grafton - National Parks office
- (33) Great Lakes (Pacific Palms) - National Parks office
- (34) Griffith - National Parks office
- (35) Hartley Historic Site - National Parks office
- (36) Hay Area - National Parks office
- (37) Highlands - National Parks office
- (38) Hill End - National Parks office
- (39) Hurstville (NPWS main administration office) - National Parks office
- (40) Hurstville (Park Management Policy Unit) - National Parks office
- (41) Illawarra - National Parks office
- (42) Jenolan Caves - National Parks office
- (43) Jindabyne - National Parks office
- (44) Khancoban - National Parks office
- (45) Killcare - National Parks visitor centre
- (46) Kurnell (Kamay Botany Bay National Park) - National Parks office
- (47) Kyogle - National Parks office
- (48) La Perouse Museum (Botany Bay National Park) - National Parks office
- (49) Lake Munmorah - National Parks office
- (50) Macleay area (local office) - National Parks office
- (51) Manly - National Parks office
- (52) Merimbula - National Parks office
- (53) Merimbula - National Parks visitor centre
- (54) Minnamurra Rainforest Centre - National Parks office
- (55) Moama (South West Area) - National Parks office
- (56) Mosman (venue information and bookings) - National Parks office
- (57) Mudgee - National Parks office
- (58) Narooma - National Parks visitor centre
- (59) Narrabri - National Parks office
- (60) National Parks Contact Centre - National Parks office
- (61) Nattai Area office - National Parks office
- (62) Nelson Bay - National Parks office
- (63) Newcastle - National Parks office
- (64) Northern Beaches (Forestville) - National Parks office
- (65) Nowra - National Parks office
- (66) Oberon - National Parks office
- (67) Parramatta - National Parks office
- (68) Perisher Range Resorts - National Parks office
- (69) Port Macquarie - National Parks office
- (70) Queanbeyan (National Parks and Wildlife) - National Parks office
- (71) Richmond - National Parks office
- (72) Royal National Park Area Office - National Parks office
- (73) Royal National Park visitor centre - National Parks office
- (74) Scone - National Parks office
- (75) Sea Acres Rainforest Centre, Port Macquarie - National Parks office
- (76) South West Rocks (Trial Bay Gaol) - National Parks office
- (77) Sydney Harbour - National Parks office
- (78) Sydney North (Hornsby) - National Parks office

- (79) Sydney North (Kalkari Discovery Centre) - National Parks office
- (80) Taree - National Parks office
- (81) Tenterfield - National Parks office
- (82) Tibbooburra - National Parks office
- (83) Tumut - National Parks office
- (84) Tumut National Parks and Wildlife Service Office - National Parks office
- (85) Tweed Area Office - National Parks office
- (86) Ulladulla - National Parks office
- (87) Vacluse (general inquiries, venue information and bookings) - National Parks office
- (88) Walcha - National Parks office
- (89) Warrumbungles Visitor Centre - National Parks office
- (90) White Cliffs Visitor Centre (Paroo Darling National Park) - National Parks office
- (91) Windsor - National Parks office
- (92) Wombeyan Caves - National Parks office
- (93) Yanga National Park - National Parks office
- (94) Yarrangobilly Caves - National Parks office

Budgets are not aligned with offices or visitor centres but are managed at an Area or Branch level.

160. Did the Minister discuss with the Deputy Premier the timber recently allocated to commercial sawmills in the Riverina, derived from the ecological thinning trial from the Murray Valley National Park?

I regularly meet with my colleagues to discuss issues relating to NSW.

- (a) How much timber is proposed to be allocated for commercial use?

Approximately 10-20 per cent of the 13,000-tonne stockpile.

- (b) What is the estimated commercial value of this timber?

National Parks and Wildlife Service has not estimated the commercial value.

161. Did any commercial operators in receipt of the timber from the Murray Valley National Park benefit from the \$97 million compensation package upon the gazettal of the red gum national parks?

To date, no ecological thinning residue has been distributed.

162. Are any other national parks in NSW are being considered for commercial logging or for the provision of timber derived from any national park for commercial use? If so, please provide details.

No. The NSW Government does not support commercial logging in national parks.

163. What action has the Minister taken to ensure that environmental water allocations to the red gum national parks in the Murray and Murrumbidgee Valleys are secure?

OEH engages regional knowledge and expertise to inform the use of NSW and Commonwealth environmental water.

164. Regarding reserves managed by the National Parks and Wildlife Service for which tickets are sold or an entry fee is charged to access areas to observe Sydney's New Year's Eve fireworks:

(a) What was the ticket price for each ticketed/fee-restricted area in 2016? Please list each area separately.

Nielsen Park: Adult \$30, Child \$15, Under 5 Free

Bradleys Head, Athol Lawn: Adult \$30, Child \$15, Family \$90, Under 5 Free

Bradleys Head, Mast Precinct: Adult \$45, Child \$15, Family \$100, Under 5 Free

Bradleys Head, Amphitheatre: Adult \$75, Child \$35, Family \$180, Under 5 Free

Goat Island: Adult \$195, Child \$130, Under 5 Free

Shark Island: Adult \$225, Child \$160, Under 5 Free

Clark Island: Adult \$375, Child \$225, Under 5 Free

Fort Denison: Third party commercial information as the event was not managed by NPWS.

Ticket prices exclude booking and transaction fees.

(b) How many tickets were sold for each ticketed/fee-restricted area in 2016? Please list each area separately.

Nielsen Park: 450

Bradleys Head, Athol Lawn: 2500

Bradleys Head, Mast Precinct: 1600

Bradleys Head, Amphitheatre: 800

Goat Island: 776

Shark Island: 776

Clark Island: 480

Fort Denison: Third party commercial information as the event was not managed by NPWS.

- (c) What is the proposed ticket price for each ticketed/fee-restricted area in 2017? Please list each area separately.

Nielsen Park: Adult \$30, Child \$15, Under 5 Free

Bradleys Head, Athol Lawn: Adult \$30, Child \$15, Family \$90, Under 5 Free

Bradleys Head, Mast Precinct: Adult \$45, Child \$15, Family \$100, Under 5 Free

Bradleys Head, Amphitheatre: Adult \$75, Child \$35, Family \$180, Under 5 Free

Goat Island: Adult \$195, Child \$130, Under 5 Free

Shark Island: Adult \$225, Child \$160, Under 5 Free

Clark Island: Adult \$385, Child \$235, Under 5 Free

Fort Denison: NPWS is still considering event options for 2017

Ticket prices exclude booking and transaction fees.

- (d) How many tickets are proposed to be available for each ticketed/fee-restricted area in 2017? Please list each area separately.

Nielsen Park: 450

Bradleys Head, Athol Lawn: 2500

Bradleys Head, Mast Precinct: 1600

Bradleys Head, Amphitheatre: 800

Goat Island: 776

Shark Island: 776

Clark Island: 480

Fort Denison: NPWS is still considering event options for 2017

165. How many section 121 'occupier licences' to permit harm to native animals were issued; which species were subject of licenses issued; how many of each species were permitted to be harmed; and how many of each species were destroyed in 2016-17? Please provide the full list in table form.

Commercial Kangaroo Harvest licences:

In 2016, 2,878 section 121 occupier licences were issued by OEH. In 2017 up to 7 September, 2,400 have been issued. The species subject of licences issued are Eastern Grey kangaroo, Red kangaroo, Western Grey kangaroo and Wallaroo kangaroo.

Species	Permitted 2016	Taken 2016	Permitted 2017 (up to 7 th Sept)	Taken 2017
Eastern Grey	198,684	179,957	192,415	134,072
Red	167,795	151,059	166,415	114,352
Western Grey	24,438	21,448	24,838	15,741
Walleroo	8,303	7,060	5,725	3,064

Non-commercial licences issued:

Species	Number of licences issued*	Permitted*	Taken
Bell Miner	1	50	0
Black Duck	5	110	4
Black Kite	1	1	0
Black Swan	1	15	0
Brushtail Possum	9	16	0
Common Wombat	58	267	36
Crested Pigeon	1	30	0
Currawong	2	26	1
Eastern Grey Kangaroo	1855	149,171	38,754
Eastern Snake-necked Turtle	1	5	0
Emu	17	1135	539
Galah	13	2409	254
Great Cormorant	6	281	0
Grey Butcherbird	3	5	1
Kookaburra	1	3	0
Lapwing	10	80	7
Little Black Cormorant	5	256	0
Little Corella	32	6510	384
Little Pied Cormorant	6	171	0
Long-billed Corella	11	1470	70
Magpie	25	247	6
Magpie Lark	5	53	0
Nankeen Kestrel	1	6	0
Noisy miner	5	3350	0
Pied Butcherbird	5	11	0
Purple Swamphen	1	100	0
Rainbow Lorikeet	4	145	20
Raven	15	186	51
Red Kangaroo	94	11,870	5937
Red-necked Wallaby	66	2102	561
Ringtail Possum	1	4	0
Straw neck Ibis	1	10	0
Sulphur crested Cockatoo	44	3476	608
Swamp Wallaby	18	361	124

Wallaroo	176	5103	1592
Welcome swallow	9	449	0
Western Grey Kangaroo	57	4900	2665
White Ibis	7	661	0
White Ibis - Eggs	11	1712	749
White Ibis - Nest & Eggs	8	3380	26
White Ibis - Nests	8	708	220
Wood Duck	24	760	24
TOTAL	2103**	201,605	52,633

* Includes non-lethal harm

** A licence may be issued for more than one species.

166. How many section 121 'occupier licences' to permit harm to native animals were applied for and not issued or approved in 2016-17?

No commercial kangaroo harvest licences were rejected or not approved in 2016-17.

This data is not available for non-commercial section 121 licences.

(a) What were the amounts and species subject to these applications?

As above.

Forestry

167. When will the Natural Resources Commission's 'Independent Review of Coastal Integrated Forestry Operations Approvals' be finalised and made public, as detailed in the Forest Industry Roadmap?

The Natural Resources Commission's 'Independent Review of Coastal Integrated Forestry Operations Approvals' will be made public when the draft Integrated Forestry Operations Approval (IFOA) is released for public consultation.

168. What were the findings and recommendations of the NRC review regarding:

- (a) What baseline the NRC used when making a decision on the area of available forest for harvest and how this baseline was derived;
- (b) Whether wood supply commitments and environmental protection commitments are mutually achievable, or whether trade-offs must be made;
- (c) If trade-offs must be made, what environmental or wood supply trade-offs were recommended by the NRC;

(d) What recommendations the NRC made in regards the maximum allowable coupe size and

the minimum allowable return time to harvest an adjacent coupe for intensive regeneration harvesting;

- (e) What basal area limit the NRC recommended for selective logging;
- (f) What percentage of each harvest area the NRC recommended should be retained as tree retention clumps;
- (g) What percentage of each harvest area the NRC recommended should be retained as habitat clumps; and
- (h) What definitions the NRC used to define large trees, rocky outcrops or other key habitat features?

See answer at question 167.

169. What role has the Office of Environment and Heritage had in the development of a Light Detecting and Ranging (LIDAR) dataset for use in forestry planning and operations? In particular:

- (a) What areas of the State have been surveyed?
- (b) What forestry decision-making will the LIDAR dataset inform and what, if any, current management processes will LIDAR replace?
- (c) How will the LIDAR dataset relate to the management of threatened species and ecological communities?
- (d) How much has the dataset cost?

The LIDAR dataset was developed by Forest Corporation NSW, this question should be referred to the Minister for Lands and Forestry.

170. Where can the dataset be accessed?

See answer at question 169.

Koala habitat

171. Regarding the strategy underpinning the \$10 million earmarked for the purchase of koala habitat:

- (a) What analyses have been undertaken to identify high quality habitat, and what has this analysis shown?

A state-wide analysis of koala spatial data is being developed through the Saving our Species Iconic Koala Project.

(b) What cost-benefit analyses have been undertaken?

Potential acquisitions are assessed against a range of criteria, which are available on the OEH website (<http://www.environment.nsw.gov.au/animals/purchasing-koala-habitat-factsheet.htm>).

(c) How has climate change been considered in any prioritisation of areas for purchase?

NPWS considers connectivity of habitat and corridors across ranges of elevations and north-south gradients in informing prioritisation of suitable areas for purchase. These are important considerations in the context of a changing climate.

(d) How has long-term persistence of koala populations been considered in any prioritisation?

The long-term persistence of koala populations has been considered by assessing the “generational persistence” of koalas across the landscape.

(e) What analysis has taken place as to the relative cost-benefit of purchasing timber contracts in order to protect koala habitat on public land?

The conditions of the koala land purchase grant from the Environmental Trust require that funds are used to purchase suitable lands for reservation under the National Parks and Wildlife Act 1974.

(f) Have any alternatives to land purchase been proposed to protect koala habitat on public or private land?

The government is developing a Koala Strategy which will include alternatives to protect koala habitat outside of the koala land purchase grant.

172. Has any priority land been identified under recommendation 7 of the Whole of Government Koala Strategy, and has this analysis been tenure blind?

This recommendation comes from the Report of the Independent Review into the Decline of Koala Populations in Key Areas of NSW, prepared by the NSW Chief

Scientist and Engineer and released by the government on 4 December 2016. The government has acted on the NSW Chief Scientist and Engineer's recommendation that a whole-of-government NSW Koala Strategy be developed. The government has committed funding to deliver a state-wide map of koala habitat. The government has also committed \$10 million from the NSW Environmental Trust to purchase and permanently conserve land that contains priority koala habitat.

Land clearing and native vegetation

173. Given the Native Vegetation Regulatory Map is not available to allow landholders to confirm the category of land they wish to clear, what will be the penalty if vegetation is cleared without the required approval?

Section 60N of the *Local Land Services Act 2013* states that:

The maximum penalty:

- (a) for an offence that was committed intentionally and that caused or was likely to cause significant harm to the environment:**
 - (i) in the case of a corporation—\$5 million, or**
 - (ii) in the case of an individual—\$1 million, or**
- (b) for any other offence:**
 - (i) in the case of a corporation—\$2 million, or**
 - (ii) in the case of an individual—\$500,000.**

174. How many Local Government Areas (LGAs) have identified core Koala habitat that will show up on the current regulatory map as category 2 sensitive lands?

Six

- (a) What will protect other koala habitat outside of these LGAs being open to potential clearing under the Land Management Codes?**

See answer at Question 12.

175. How does the new regime provide protection for *Environment Protection and Biodiversity Conservation Act 1999*-listed threatened and migratory species and communities and how will a landholder know whether they need federal approval under the Act for the clearing they wish to undertake?

The *Environment Protection and Biodiversity Conservation Act 1999* will continue to provide protection for threatened and migratory species and communities listed under

that Act. Some agricultural activities may need Commonwealth government approval – as they would before these new laws.

176. Has the Government conducted a cost benefit analysis into the Biodiversity Offsetting Scheme?
- (a) If so, what were the key findings in relation to whether the new scheme would be a positive or negative impact on the NSW community?

A Regulatory Impact Statement assessing the costs and benefits of the draft Biodiversity Conservation Regulation, including provisions relating to the biodiversity offsets scheme, was publicly exhibited in May 2017.

177. Given the regulations and codes under the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* were not released until 25 August 2017, the date they came in to force, what training have LLS and OEHL compliance staff had in the details of the new regime? Please outline the length of training, the number of staff who undertook such training from each agency and the dates of the training.

Sixty-two OEHL and DPE compliance and legal staff attended a training session on the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* from 8-10 August 2017.

This question should be referred to the Minister for Primary Industries for advice on LLS staff training.

178. Has there been an assessment of the extent of clearing that could occur using each of the codes?
- (a) If so, when will this be released publicly?
- (b) Has there been an impact assessment done to quantify the impact those extents will have on threatened species and endangered ecological communities?

This question should be referred to the Minister for Primary Industries.

179. Is the Government committed to protecting in perpetuity the equivalent biodiversity values that will be cleared by landholders under this new regime?

Where set asides or offsets are required under the Code, these will be retained in perpetuity.

180. Can the Government confirm how regularly and within what time period satellite data will be made publically available which outlines the extent of native vegetation clearing?

The Office of Environment and Heritage will continue to prepare annual reports on vegetation clearing.

181. Will there be interim core habitat layer produced for the regulatory map, based on expert knowledge of Koala distribution and preferred food trees at the local scale, until comprehensive statewide mapping is completed?

Clearing under the Land Management (Native Vegetation) Code is not permitted on land identified as Core Koala Habitat.

182. Will the set asides and offsets be monitored regularly by an independent auditor?

Set asides and offset sites will be monitored.

183. How is the application of the Biodiversity Assessment Method to determine offsets and credits going to be audited?

See answer to Question 51

184. How will the Government ensure that the carbon emissions from all clearing which takes place is counted in the Government's pledge to reach net zero emissions by 2050?

See answer to Question 13

185. What model of private landowner support and compliance will the new Biodiversity Conservation Trust (BCT) adopt under its stewardship program and what resources will be allocated to this function?

The Board of the Biodiversity Conservation Trust is preparing its Business Plan, which will model landholder support.

Compliance functions will sit with the Office of Environment and Heritage.

186. How will the BCT be able to move quickly enough to secure, sell and protect high conservation

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value land at acceptable commercial rates as a government entity?

The Biodiversity Conservation Trust Board will outline the most appropriate approach for fulfilling its legislative obligations through its first Business Plan.

187. How does the Government or the BCT plan to fund the BCT in the long term?

The NSW Government has committed \$240 million over five years, and an additional \$70 million in each following year subject to performance reviews, for a new private land conservation program, to be administered by the NSW Biodiversity Conservation Trust.

188. As NSW will be the only State without an NGO covenanting entity, have the experiences in other States been fully assessed regarding this change in NSW?

(a) If so, what were the outcomes of this assessment?

The NSW Biodiversity Conservation Trust is a statutory not-for-profit body established under the *Biodiversity Conservation Act 2016*. The BCT was established in response to a recommendation of the Independent Biodiversity Legislation Review Panel in 2014.

189. How will landholders know what money is available to them for stewardship payments, as an alternative to clearing, if there is no private conservation investment strategy in place to identify the price per hectare?

See answer at Question 16

190. How is the Government addressing concerns that once the new laws are implemented, significant cultural heritage sites, such as scar trees could be destroyed?

Provisions under the *National Parks and Wildlife Act 1974* relating to scar trees are unchanged. Compliance functions continue to sit with the Office of Environment and Heritage.

(a) What resources has the Government allocated to ensuring compliance with the new laws?

The Government has provided an additional \$9.6 million to support compliance.

191. Has the Government allocated funds for awareness and education about the new laws to ensure that landholders properly understand them?

(a) If so, how much?

(b) How are the funds being targeted across NSW?

The NSW Government has funded Local Land Services (LLS) to get extra resources and staff to assist landholders with the new system under the Land Management and Biodiversity Conservation reforms. This matter should be referred to the Minister for Primary Industries, if further detail about funding is required.

The NSW Government has committed \$2.2 million funding to build capacity of local government to implement the reforms. Further information can be found here:

<http://www.environment.nsw.gov.au/biodiversity/localgovernment.htm>

192. Of the \$240 million announced for the new Biodiversity Conservation Trust:

- (a) How much will be made available in 2017/18?
- (b) When will funds become available?
- (c) Will all land holders be able to access the funds or only landholders who meet a certain threshold or criteria, and if so what is the criteria?

The NSW Budget allocated \$44 million to private land conservation in 2017/18.

This funding will be administered by the Biodiversity Conservation Trust, the approach will be part of its first Business Plan. The Trust will be guided by the Biodiversity Conservation Investment Strategy.

193. Of the \$100 million announced for the Saving our Species program

- (a) Are these funds are quarantined for government spending or whether there will be any specific streams of funding that land holders will be able to access or apply for?

Approximately 80 per cent of the \$100 million allocation for Saving our Species (SoS) will go towards on-ground conservation works, much of which will be on private land. This will include a contestable grant scheme that will target projects on private and public land to conserve threatened ecological communities and threatened species that respond to management at a landscape scale, commencing in 2018-19. In addition to the \$100 million commitment, partnerships will continue under the NSW Environmental Trust's \$10 million Saving our Species Partnerships Grants

Program.

(b) How much will be made available in 2017/18?

\$24 million has been committed under Saving our Species.

194. Will the Government publicly release all submissions to the consultation on the draft Regulations and other key products supporting the *Biodiversity Conservation Act 2016* and *Local Land Services Amendment Act 2016*?

(a) If so, when?

(b) If not, why not, considering all submissions to the original draft bill were made public?

See answer at Question 11.

195. Has the Government considered or reviewed the impact of the new land clearing and native vegetation laws to threatened and migratory species and endangered ecological communities listed in the federal *Environment Protection and Biodiversity Conservation Act 1999*?

(a) If so, what were the findings?

(b) If not, why not?

The *Biodiversity Conservation Act 2016* and *Local Land Services Act 2013* do not change the requirements of the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act 1999*.

196. Does the current Native Vegetation Regulatory Map include coastal and Ramsar wetlands, littoral rainforest, core koala habitat, critically endangered ecological communities, old growth forests and high conservation value grasslands?

The published Native Vegetation Regulatory Map category called Sensitive Regulated Land includes: Coastal Wetlands (SEPP14), RAMSAR Wetlands, Littoral Rainforest (SEPP26), core koala habitat from approved Comprehensive Koala Plans of Management, critically endangered ecological communities and old growth forests.

197. How will the loss of biodiversity at the property level be mitigated at the regional level?

See answer at Question 20.

198. How will the objective to address biodiversity decline be achieved by the increased dependence *Environment, Heritage, Local Government*

on offsetting in the proposed system?

See answer at Question 21.

199. How do the regulations apply the principles of ecologically sustainable development?

See answer at Question 23.

200. Will the Biodiversity Assessment Method be applied for most rural clearing?

- (a) If not, how are the regulations a scientifically robust way of assessing and conserving biodiversity?

See answer at Question 24.

201. Will there be special considerations and limitations based on the regional extent of native vegetation, such as the over-cleared North West floodplains and lower slopes east of Moree?

Responsibility for administering the Code falls within the portfolio responsibilities of the Minister for Primary Industries.

202. How will Koala habitat be protected in over-cleared landscapes considering that two of their main preferred food trees Bimble box and River Red gum have the least protection as paddock trees and can be cleared as invasive species?

See answer at question 26.

203. Can Koala habitat be cleared using the Biodiversity Assessment Method and the use of offsets?

See answer at question 27.

204. Will the LLS be able to refuse clearing applications in over cleared landscapes when the application is consistent with the codes?

Responsibility for administering the Code falls within the portfolio responsibilities of the Minister for Primary Industries.

205. Will the equity code enable broadscale clearing of woodlands, open forests and grasslands previously not cleared?

This question should be referred to the Minister for Primary Industries.

206. Can the Equity Code still clear up to 625ha or down to 10% category 2 remnant vegetation per property?

Responsibility for administering the Code falls within the portfolio responsibilities of the Minister for Primary Industries.

207. Can Invasive Native Species thinning clear up to 900ha, including trees up to 30cm dbh, and retain just 20 trees per ha?

Responsibility for administering the Code falls within the portfolio responsibilities of the Minister for Primary Industries.

208. Can pasture expansion activities thin trees up to 90cm dbh, providing the area does not exceed 30% of total property?

Responsibility for administering the Code falls within the portfolio responsibilities of the Minister for Primary Industries.

209. Can farm plan code clearing remove up to 25% of category 2 remnant vegetation on a property?

Responsibility for administering the Code falls within the portfolio responsibilities of the Minister for Primary Industries.

210. Will determining serious and irreversible impacts be at the Minister's discretion?

No.

211. Will the loss from clearing be balanced by gains from plantings, set asides, offsets and stewardship agreements?

(a) If so, over what timeframe are such gains estimated to be achieved?

See answer at Question 39.

212. For category 1 land, how will property vegetation planning be incorporated to consider the landscape significance of the vegetation and factors such as soil erosion, salinity recharge and discharge areas, protected lands, stream buffers, landscape corridors, and protection of hollow trees?

Responsibility for administering the *Local Land Services Act 2013* falls within the portfolio responsibilities of the Minister for Primary Industries.

213. Will all clearing be considered according to the ‘maintain or improve’ standard for both the property and region levels?

The land management and biodiversity conservation reforms do not apply a “maintain or improve” standard.

214. Does the principle of no net loss apply?

Biodiversity impacts will be assessed using a scientifically rigorous Biodiversity Assessment Method, which meets a “no net loss” standard.

215. How do people nominate areas of Outstanding Biodiversity Value?

See answer at Question 46.

216. What is included in vulnerable regulated land and how have they been identified and mapped?

See answer to Question 47

217. What is included in sensitive regulated land and how have they been identified and mapped?

See answer to Question 47

218. What scientific evidence underpins the assumption that offsetting is successful in the timeframe necessary to conserve threatened species?

See answer to Question 55.

219. What will be the acceptable minimum standard for offsets in terms of age classes and time to regenerate mature habitats for threatened species?

See answer to Question 56

220. Is protection of existing remnant vegetation not under threat considered a conservation gain if it offsets the loss of an area of habitat that was a larger total area?

See answer at Question 219.

221. Do the regulations allow offsets across a species range and swapping between species?

(a) If so, what is the scientific evidence that this will lead to positive biodiversity outcomes?

See answer at Question 57.

222. What scientific evidence underpins the use of flexible and indirect offsets?

See answer at Question 58.

223. What assurance or security is there to guarantee that an offset will achieve a biodiversity gain?

See answer to Question 59.

224. When will the Government publicly release the native vegetation and clearing data for 2014-15 and 2015-16, as has been released in previous years in the annual 'NSW Report on Native Vegetation'?

(a) Why has the release of this data been delayed?

OEH expects to release a combined 2014-16 report and a 2016-17 report before July 2018.

OEH plans to release a 2017-18 report before July 2019.

Air pollution

225. What actions will the Minister and the responsible agencies take in the next year to bring PM2.5 levels in Muswellbrook under the national standard?

The EPA tackles sources of PM2.5 through strict environment protection licence conditions placed on industries listed in Schedule 1 of the *Protection of the Environment Operations Act 1997*, compliance inspections of coal mines, and the Dust Stop pollution reduction program, and funding local government to conduct a wood smoke education and reduction program in Muswellbrook.

226. Does the EPA have an estimate of the number of years of life lost, or the number of asthma attacks suffered in Muswellbrook that is caused by this polluted air?

a. If not, why not?

This is a matter for NSW Health.

227. Will the Minister declare the Muswellbrook region noncompliant with the national air pollution standards and commit to an action plan to reduce PM2.5 concentrations to beneath the national standard?

a. If so, will this be incorporated in the NSW Air Pollution Strategy?

An Upper Hunter Air Particles Action Plan was developed and released in 2013. Measures to

reduce air emissions in the Upper Hunter, including Muswellbrook, are already being implemented. Relevant measures will be incorporated in Clean Air for NSW.

228. What measures is the Minister undertaking to reduce toxic pollution from power stations causing unhealthy air in Muswellbrook?

Refer to answers at questions 118 and 121.

229. What progress has been made on the one-year benchmarking study of international best-practice for regulating coal-fired power stations, as proposed at the “Clean Air for NSW” consultation?

a. Will the Government commit to implementing findings of world’s best practice?

The Clean Air for NSW is still under development.

230. What actions has the NSW EPA taken since the WHO reduced its guideline for SO₂ pollution to 7 parts per billion, to provide the community with this greater degree of protection?

NSW is participating in a national review of ambient air pollutant reporting standards for ozone, nitrogen dioxide and sulfur dioxide.

231. Does the EPA have an estimate for the number of years of lives lost, number of hospital visits or the number of asthma attacks suffered in Muswellbrook that are caused by the high level of sulphur dioxide in the air breathed at times of low air quality?

This is a matter for NSW Health.

232. Are power stations’ SO₂ limits currently too low for the best health and wellbeing of the local residents?

a. If not, why not?

Refer to answer at question 118.

233. Is the Minister considering tightening their pollution limits or requiring AGL Macquarie to consistently burn lower sulphur coal or install scrubbers?

a. If not, why not?

This is a matter for NSW Health.

234. Does the Minister consider it acceptable that in NSW the standards protecting people’s health are four times weaker than in Europe, given that NSW power stations must report to the EPA if their SO₂ stack emissions exceed a concentration of 600 ppm, while in Europe the limit is 140 ppm?

Refer to answer at question 118.

235. Will the Minister commit to reviewing pollution licences for the five NSW coal-fired power stations and setting stack emission limits consistent with international standards as summarised in the recent 'Toxic and Terminal' report?

Refer to answer at questions 118 and 234.

Botanic Gardens

236. Regarding areas of the Botanic Gardens for which tickets are sold or an entry fee is charged to observe Sydney's New Year's Eve fireworks:

- a. What was the ticket price for each ticketed/fee-restricted area in 2016? Please list for each area separately.

Lawn with a View	\$325
The Point	\$390
Midnight at the Oasis	\$415
Harbour Hoopla	\$295

- b. How many tickets were sold for each ticketed/fee-restricted area in 2016? Please list for each area separately.

Lawn with a View	950
The Point	770
Midnight at the Oasis	1676
Harbour Hoopla	3000

- c. What is the proposed ticket price for each ticketed/fee-restricted area in 2017? Please list for each area separately.

Lawn with a View	\$340
The Point	\$405
Midnight at the Oasis	\$430
Harbour Hoopla	\$325

- d. How many tickets are proposed to be available for each ticketed/fee-restricted area in 2017? Please list for each area separately.

Lawn with a View	960
The Point	800
Midnight at the Oasis	1676
Harbour Hoopla	3050

Environment Protection Authority

237. What is the timeframe for implementing all of the recommendations from the Legislative Council inquiry into the Performance of the NSW Environment Protection Authority?

- a. When will the Government resolve the conflict created by the dual role performed by Mr Barry Buffier who is both the Chair and CEO of the EPA?

The governance regime of the NSW Environment Protection Authority established by the *Protection of the Environment Administration Act 1991* is appropriate.

238. What compliance actions have been taken by the EPA in respect of the vapour recovery program for petrol stations in 2016-17?

During 2016-17 the EPA's VR compliance program targeted service stations that were not yet compliant.

Compliance actions included: advisory letters, formal warnings, show cause, Penalty Notices and exemptions.

239. How many of the 351 service stations required to install VR2 by 1 January 2017 complied with this deadline?

By January 2017, 291 of 401 (73 per cent) service stations requiring VR2 had installed it.

240. How many petrol stations, and what proportion of those required to, have complied with the requirement to install VR1 to date?

To June 30 2017, 1102 of 1123 (98 per cent) service stations requiring VR1 have installed it.

241. How many petrol stations have still not complied to date with the requirement to install VR1, and why have they not complied?

Of 21 service stations without VR1 as at 30 June 2017:

- **3 not installed**

- 4 have been exempt
- 4 had VR1 works scheduled
- 7 under construction
- 3 were not dispensing petrol or not operating.

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

Three penalty notices have been issued.

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

See answer to Question 242.

Spring Gully, Bundeena

244. With reference to the former Minister for the Environment's answers to Supplementary Questions 73-77, Budget Estimates 2016-17:

- What action has the National Parks and Wildlife Service (NPWS) taken to resolve the discrepancies in land title records it has identified with the Registrar General?

NPWS is seeking legal advice regarding the discrepancies in the land titles.

- With reference to the advice that the NPWS identifies 'The Reform Land Investment and Building Company Limited (deregistered) as the owner of the paper roads, and the former Minister's stated intention to acquire the roads for addition to the Royal National Park, what action has the NPWS or the Minister taken in relation to the proceedings in the Land and Environment Court (RVA Australia Pty Ltd v Rosemary Elizabeth Marzouk, case 2017/00190236) whereby other parties claiming ownership of the roads are seeking a Court endorsed dealing?

Land and Property Information is completing their investigation.

245. In June and August 2017 the NPWS placed "Review of Environmental Factors, Bundeena Coast Eco Lodge request alternative right of way" (REF) and accompanying documents on public exhibition. The proposed activity requires the approval of the Minister or her delegate under s153C of the National Parks and Wildlife Act 1974. With regard to the exhibited REF:

- Can the Minister advise of the author of the exhibited REF?

RVA Pty Ltd.

- b. Is the Minister satisfied as to the legal permissibility of the proponent's proposal to:
 - i. gift approximately five hectares of land, being part of the unmade roads, to the Minister for the Environment for addition to the Royal National Park, and
 - ii. extinguish the right of way of other land owners over that land to the benefit of the Minister for the Environment in consideration of the granting of the proposed right of way through the Royal National Park (REF pp 11, 12, 30, 43)?

The legal and ownership status of the paper roads is yet to be established.

- c. Can the Minister confirm that the NPWS were satisfied as to the ownership and legal permissibility of the proposed gift of land prior to exhibition of the REF in compliance with the Guidelines for preparing a Review of Environmental Factors, Office of Environment and Heritage, 2016?

Consideration of this matter forms part of the REF assessment.

- d. Is the lack of progress in the addition of the unmade paper roads into the Royal National Park, as previously advised by then Minister for the Environment, The Hon. Rob Stokes MP in March 2015, and the resolution of ownership of the paper roads with the Registrar General (as advised in the answers to Supplementary Questions, Budget Estimates 2016-17) related to the public exhibition of the proposed gift of the land by RVA Australia Pty Ltd as consideration for their proposed road access over the Royal National Park?

The legal and ownership status of the paper roads is yet to be established.

Warragamba Dam

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

An EPA response was provided to the Department of Planning and Environment on 2 June 2017.

- 247. 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

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Conservation Areas) if the Warragamba Dam wall is lifted?

There is no current proposal to revoke land.

Mangrove Mountain landfill

248. Given concerns regarding environmental damage and potential pollutants intercepting local groundwater, as well as the vast increase in the allowable amount of deposited waste, has the Government considered cancelling the environment protection licence (EPL 11395) for the landfill?

a. If not, will the Government consider such action?

Six rounds of water sampling downstream of the landfill by the EPA and quarterly monitoring by Central Coast Council and the former Gosford City Council has not shown any evidence of any environmental impact from the landfill. Groundwater monitoring around the landfill has not identified impacts on local groundwater. The size and location of the landfill is a matter for council as the consent authority.

Environmental Contamination

249. When you met with the Member for Newcastle on 4 May 2017 you suggested the NSW Chief Scientist undertake a comprehensive research and analysis of heavy metal contamination in Newcastle. Why have you now decided this is not an appropriate course of action?

There is considerable research already undertaken into this issue, as well as extensive planning controls and education initiatives.

250. Will you now get the EPA to undertake an analysis of heavy metal contamination in Newcastle?

a. If so, when will this occur

b. If so, when will the results be presented to the Newcastle community?

c. If not, why not?

Refer to answer to question 249.

Walking Tracks in the Illawarra Escarpment State Conservation Area

251. Will the Minister commit to increasing funding to the Office of Environment and Heritage to maintain and improve walking tracks in the Illawarra Escarpment State Conservation Area?

a. Specifically in relation to the Mt Keira Ring Track?

b. In relation to the small number of tracks open to the public in the Illawarra Escarpment State Conservation Area?

In 2016-17, \$200,000 was spent on works to reopen the closed section of the Mt Keira Ring Track and carry out improvements to the remainder of the track. In 2017-18,

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\$75,000 has been allocated to complete the works.

252. Is the Minister happy with the current state of disrepair and underdevelopment of the network of walking tracks in the Illawarra Escarpment State Conservation Area due to lack of funding?

- a. Specifically in relation to the Mt Keira Ring Track of which large sections are closed due to the need for maintenance?

No section of the Mt Keira Ring Track has been closed due to disrepair. In September 2013, a 550 metre section of the 5.5 kilometre track was closed by a rockfall. The remainder of the track is open to visitors.

- b. In relation to the small number of tracks available in the Illawarra Escarpment State Conservation Area?

The National Parks and Wildlife Service (NPWS) is delivering walking track improvements in line with the Illawarra Escarpment State Conservation Area Walking Tracks Master Plan. The master plan is available at:
<http://www.environment.nsw.gov.au/resources/parks/illawarraEscarpmentTracksDraftMasterplan.pdf>

253. Can the Minister provide details of any planned investment that will be made via the Office of Environmental and Heritage to upgrade and maintain the Mt Keira Ring Track

- (a) In 2017-18?

\$75,000 has been allocated in 2017-18 to complete works to re-open the closed section of the Mt Keira Ring Track and \$40,000 for installation of walking track directional signs.

- (b) In 2018-19?

Funding information for 2018-19 is not available.

254. Will the Minister provide assurances that no part of the Royal National Park will be compromised in any way by the current proposal to extend the F6 through a section of this iconic protected area?

Roads and Maritime Services is yet to finalise the preferred route for the F6.

- a. How will the Minister protect the environmental values of this Royal National Park should this extension of the F6 go ahead?

Roads and Maritime Services is yet to finalise the preferred route for the F6.

Office Administration

255. How many staff are in your ministerial office?
- a. What was the average salary for staff members in your office during 2016-17?
 - b. What is the estimated average salary for a ministerial staffer in your office in 2017-18 based on current appointments?

Ministers' staff numbers and salary bands are available on the DPC website. Refer to: http://www.dpc.nsw.gov.au/about/publications/premiers_and_ministers_staff_numbers

256. How many blackberries/iphones/smart phones are assigned to your staff?
- a. For each phone, how much was each bill in 2016-17?
 - b. How many phones have been lost or replaced due to damage in your office?
 - i. What is the cost of replacing those phones?

There were 240 smart phones allocated across the Ministerial Offices in 2016-17. The total usage cost of these smart phones and other mobile devices (including iPads) was \$269,644, a 53.4 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, Corporate and Ministerial Services.

257. 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 2016-17?
 - b. How many iPads or tablets have been replaced due to lost or damage in 2016-17?
 - i. What was the cost of replacing these devices?

There were 139 iPads in use across the Ministers' IT network in 2016-17. 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, Corporate and Ministerial Services.

258. Has any artwork been purchased or leased for display in your ministerial office in 2016-17?

a. What is the cost of this?

Artwork in the Minister's office includes photographic artwork on loan from OEH.

259. Have any floral displays or indoor plants or potplants been hired or leased for display in your ministerial office in 2016-17?

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

Floral arrangements purchased by the Ministry are managed within the office's budgets.

260. Have any floral displays or indoor plants or potplants been purchased for display in your ministerial office in 2016-17?

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

Floral arrangements purchased by the Ministry are managed within the office's budgets.

261. What was the total cost of all subscriptions by you and your staff to online news services, newspapers, magazines, journals and periodicals in 2016-17?

a. What are these services/newspapers/magazines/journals/periodicals?

i. Who is the subscriber for each of these?

The Minister's office subscribes to a modest number of publications, the cost of which is managed within the office's budget.

262. What was the total amount your office spent on stationery?

Expenditure on stationery in 2016-17 across the Ministry was \$146,596. This includes the cost of printed stationery (business cards and letterheads).

263. What was the total value of all gifts purchased for use by you and your office in 2016-17?

a. What were the gifts purchased?

i. Who were they gifted to?

Gifts are presented to dignitaries during overseas missions and to dignitaries visiting NSW.

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

a. What is the monthly cost of this?

No.

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

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

Ministers, the Leader of the Opposition, other nominated public office holders and certain former office holders are provided with official cars and drivers. During 2016-17 all costs associated with these vehicles were paid from the relevant office's budget.

266. What was the total bill for your office in 2016-17 for:

- a. Taxi hire
- b. Limousine hire
- c. Private hire care
- d. Hire car rental
- e. Ridesharing services

Expenditure on taxis, hire cars and ride share services in 2016-17 across the Ministry was \$82,771, down from \$99,463 last year. This compares with 2009-10 expenditure of \$175,776.

267. Were any planes or helicopters chartered by you or your office and paid for with public money in 2016-17?

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

Expenditure on charter flights for the Ministry totalled \$6,921 in 2016-17, down from \$28,706 last year. This compares with expenditure in 2009-10 of \$281,567.

Hospitality

268. How much did your ministerial office spend on hospitality, including catering and beverages, in 2016-17?

Expenditure on hospitality across the Ministry totalled \$32,021 in 2016-17- which includes catering for stakeholder meetings and courtesy calls with visiting dignitaries

269. How much did your Department/agency spend on hospitality, including catering and beverages, in 2016-17?

Costs are managed within each agency's recurrent budget.

Labour Hire Firms

270. Do any Departments/agencies within your portfolio responsibilities utilise the services of Labour Hire Firms? If yes, please advise in table form for 2016-17:

- 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

The Environment, Heritage and Local Government portfolio agencies use labour hire firms in accordance with NSW Public Service policies to cover temporary vacancies as required. Such arrangements are subject to relevant approvals and the overall labour expense cap.

Media and Public Relations

271. How many media or public relations advisers are employed for each of your portfolio agencies and what is the total cost to employ these advisers?

Staffing details are included in the agency annual reports.

272. 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?

Staff numbers undertaking media or public relations activities are commensurate with need and can go down or up as required.

273. 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.

274. By how much has the number of media or public relations advisers employed for each of your portfolio agencies increased since 2011-12 to the current date?

Staffing details are included in the agency annual reports.

275. By how much has the expenditure on media or public relations advisers employed for each of your portfolio agencies increased since 2011-12 to the current date?

Staffing details are included in the agency annual reports

276. 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 2016-17?

No.

Facebook

277. How much did your ministerial office spend on Facebook advertising or sponsored posts in 2016-17?

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

278. How much did your Department/agency spend on Facebook advertising or sponsored posts in 2016-17?

Where appropriate social media is used by agencies alongside other forms of advertising as a cost effective medium of communication.

Overseas Trips

279. 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?

Details of overseas travel including costs are published on the Department of Premier and Cabinet's website.

280. 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?

Details of overseas travel including costs are published on the Department of Premier and Cabinet's website.

Department/Agency Travel

281. What was the total expenditure in 2016-17 by Departments/agencies within your portfolio on:

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

All travel by environment and heritage agencies was in accordance with the NSW Government Travel and Transport Policy. Expenditure on taxis and hire cars for 2016-17 was \$222,503.

282. Do any senior executive service employees in your Departments/agencies have a driver that is paid for by the Departments/agencies? If so, what is the number of senior executive service employees that have a driver and which senior executive service employees have a driver?

- a. How much was spent on these drivers in 2016-17?

No.

Consulting

283. How much did the Department/agencies under your portfolio responsibility spend in legal costs

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in 2016-17?

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

284. Have Department/agencies under your portfolio engaged any consultants to provide the following services or advice in 2016-17:

- 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

283 and 283 (a) and 284 (a) to (d): Financial statements, including Legal Services expenditure and expenditure on consultants, are available in agency annual reports.

Department/Agency Staffing

285. What was the number of senior executive service employees employed by Departments/agencies within your portfolio in 2016-17?

- a. How much was this number in 2011-12?

The number of senior executives are reported in agency annual reports.

286. What was the expenditure on senior executive service employees employed by Departments/agencies within your portfolio in 2016-17?

- a. How much was this number in 2011-12?

The expenditure on senior executive service employees is reported in agency annual reports.

287. What was the number of internal legal counsel employees employed by Departments/agencies within your portfolio in 2016-17?

- a. How much was this number in 2011-12?

Staff numbers and their cost are managed within the agency's Labour Expense Cap, as part of the sector's Budget Controls.

288. What was the expenditure on internal legal counsel employees employed by Departments/agencies within your portfolio in 2016-17?

- a. How much was this number in 2011-12?

Staff numbers and their cost are managed within the agency's Labour Expense Cap, as part of the sector's Budget Controls.

289. How many redundancies were processed by Departments/agencies within your portfolio responsibilities during 2016-17?

- a. Of these redundancies, how many were:
 - i. Voluntary
 - ii. Forced
- b. What was the total cost of all redundancies?

290. 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?

291. Are any staff formerly employed by your ministerial office now employed by Departments/agencies under your portfolio responsibility?

292. How many staff were dismissed from Departments/agencies under your portfolio responsibilities in 2016-17?

- a. What were the reason/s for each dismissal?

289-292. Voluntary redundancies are a component for agencies to achieve their efficiency dividends. Redundancy figures across the sector for 2016/17 are anticipated to be in the order of 1,222, totalling 12,999 Since July 2011. The Labour Expenses Cap introduced in the 2012-13 Budget continues to give Secretaries 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.

293. What was the total amount your Departments/agencies spent on stationery?

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Stationery costs are managed within each agency's recurrent budget.

Smart Phone Accounts

294. Do the Departments/agencies within your portfolio have an iTunes account?
- a. What was the total expenditure in 2016-17 on iTunes?
 - i. What applications/subscriptions/services were purchased through iTunes?
295. Do the Departments/agencies within your portfolio have an Android account?
- a. What was the total expenditure in 2016-17 on Android?
 - i. What applications/subscriptions/services were purchased through Android?

294-295. Information Technology costs are managed within each agency's budget and are guided by NSW Government's ICT and procurement policies and frameworks.

Websites Visited

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

296-297. The configuration of the Ministers' IT network infrastructure by our third party service providers does not allow the determination of such data.

Merchant fees

298. 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.
299. 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.
300. What was the total amount paid in merchant fees on credit and/or debit card payments in your Department/agency in 2016-17?

298-300: All NSW Government agencies are required to impose surcharges to recoup their merchant interchange fees, pursuant to Treasury Circular TC12/13. Customers pay merchant fees across a range of invoiced and non-invoiced revenue categories such as accommodation, licensing, registrations, subscriptions and miscellaneous visitor services.

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

301. 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, Heritage and Local Government 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. Each agency's Annual Report includes all consultancies including those involving probity advisers valued more than \$50,000.

Questions from Ms Dawn Walker MLC
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Environmental Protection Agency

302. How many audits and investigations did the Environmental Protection Agency undertake for native forestry operations over the last financial year?

- a. How many were for Forestry Corporation of NSW?
- b. How many resulted in:
 - i. Advisory letters
 - ii. Formal warnings
 - iii. Show causes
 - iv. Clean up notices
 - v. Remedial action
 - vi. Official cautions
 - vii. Penalty notices
 - viii. Other

The EPA undertook 155 audits, monitoring inspections and investigations of native forestry operations in 2016-17. Of this, 71 audits, monitoring inspections and investigations were for Forestry Corporation of NSW (FCNSW).

i.	11
ii.	3
iii.	11
iv.	1
v.	14
vi.	15
vii.	7
viii.	6

c. Can you provide a breakdown of the above compliance matters for each forest in NSW?

The compliance actions issued to FCNSW include:

i. Advisory letters	Styx River State Forest Wang Wauk State Forest Bulga State Forest Brother State Forest Tantawangalo State Forest Mogo State Forest
ii. Formal warnings	Bodalla State Forest (2)
iii. Show causes	Bretts State Forest Brother State Forest Cherry Tree State Forest
iv. Clean up notices	Bulls Ground State Forest
v. Remedial action	N/A
vi. Official cautions	Bulga State Forest (2) Bulls Ground State Forest Bretts State Forest Brother State Forest Cherry Tree State Forest Mt Belmore State Forest
vii. Penalty notices	N/A
viii. Other	Prosecutions: Glenbog State Forest (2)

Badja State Forest

303. What investigations has the EPA done into illegal harvesting?

The EPA undertook 155 audits, monitoring inspections and investigations of compliance on public and private native forestry operations in 2016-17.

a. Has the EPA sought legal advice about this illegal harvesting?

The EPA routinely seeks legal advice about its compliance and enforcement work.

i. Are they able to provide the committee with this legal advice?

These advices are the subject of legal professional privilege.

304. What role will the EPA play in negotiations of the integrated forestry operations approvals (IFOAs)?

IFOAs are issued by the Minister for the Environment and the Minister for Lands and Forestry. The EPA has been working with the Department of Industries – Fisheries, Forestry Corporation of NSW and Department of Industry - Lands to finalise a draft IFOA for public consultation.

305. Does the EPA currently have enough resources to conduct compliance works?

The EPA maintains an active compliance program and approach to the regulation of native forestry on both public and private land.

a. How many officers does the EPA currently have committed to forestry issues?

The Forestry Branch of the EPA has a full time equivalent of 26.5 staff.

b. Can the EPA provide a breakdown of number of compliance officers for each region of NSW?

The Forestry Branch of the EPA has a full time equivalent of 26.5 staff based around the state.

c. Are there any areas that are currently without compliance officers?

No.

306. Is the EPA concerned about the nature of non-compliance within Forestry Corporation?

The EPA takes appropriate enforcement action if non-compliances are identified in line with the EPA's Compliance Policy.

- a. Has the EPA undertaken any investigations into non-compliance by Forestry Corporation?

See answer to Question 302.

Koala mapping

307. How much money did the Government invest in the Predictive Koala Habitat Model?

The NSW Government invested \$64,400 to develop the predictive koala habitat model.

308. How much has the Government invested in Koala mapping, including the trial four state forests in Northern NSW?

The NSW Government has invested over \$794,000 in koala mapping since July 2014.

- a. Can you provide the spending for 2014-15; 2015-16; 2016-17?
- b. Can you provide a breakdown of the spending in these years?

2014-15 - \$263,000

- **Koala habitat mapping, data collection and surveys in forests, local government areas and state-wide map**

2015-16 - \$180,318

- **Koala habitat mapping, data collection and surveys in forests, local government areas and state-wide map**

2016-17 - \$351,177

- **Koala habitat mapping, data collection and surveys in forests, local government areas and state-wide map.**
- **Threat hotspot mapping**

HERITAGE

Questions from the Hon Paul Green MLC

Wild Play Garden and Horse Track

309. How could your department grant an approval in 2015 for a playground and then pretend that such approval included permission to radically change the nature and usage of a different part of the park which is the exceptional heritage horse track?

The location of the Ian Potter Children's Wild Play Garden was determined following extensive consultation as part of the Centennial Parklands Master Plan process in 2013. Project consultation continued in 2015 with appropriate design and heritage approvals secured.

The Ian Potter Children's Wild Play Garden was approved by the Heritage Council of NSW as a s60 application in May 2016.

The horse track is not a listed heritage item.

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

Aboriginal Heritage

310. What is the number of Aboriginal heritage impact permits (AHIPs) that have been issued in the last financial year?

118

a. What is the number for each financial year since the commencement of *National Parks and Wildlife Amendment Act 2010*?

2010–11: 59

2011–12: 66

2012–13: 85

2013–14: 82

2014–15: 112

2015–16: 113

2016–17: 118

311. How many breaches related to Aboriginal heritage were reported to the OEH in 2016-17?

Eighty-six reports were received by OEH's Environment Line in 2016-17 alleging breaches related to Aboriginal heritage.

- a. How many of these were investigated?
- b. If suspected harm to Aboriginal heritage was not investigated, why not?

OEH investigates all alleged breaches of legislation on a risk basis.

312. How many staff will be employed by the Office of Environment and Heritage in 2017-18 to specifically undertake work in relation to Aboriginal culture and heritage?

- a. How many were employed in each of the previous five financial years?

In the Office of Environment and Heritage, Aboriginal culture and heritage responsibilities are shared across the organisation.

313. How many Aboriginal staff will be employed by the Office of Environment and Heritage in 2017-18 to specifically undertake work in relation to Aboriginal culture and heritage?

As at 30 June 2017, 10.5 per cent of the OEH workforce identify as Aboriginal and Torres Strait islander.

- a. How many were employed in each of the previous five financial years?

This information can be found in the agency's Annual Reports.

314. What was the budget for litigation associated with Aboriginal sites and objects in 2016-17?

OEH Legal Services Division prosecutes offences under the legislation administered by OEH.

315. What is the budget for litigation associated with Aboriginal sites and objects in 2017-18?

OEH Legal Services Division prosecutes offences under the legislation administered by OEH.

316. Of the \$409 million allocated to 'Encouraging communities to enjoy their environment and heritage' in the 2017/18 budget and in particular the \$29 million of this to 'conserve, celebrate and enjoy the State's unique Aboriginal and other historic heritage', how much is allocated to be spent in 2017/18 on the following:

- a. Protecting Aboriginal heritage sites?

- b. Delivering programs to Aboriginal communities?
- c. Delivering Aboriginal culture and heritage -sites training courses?
- d. Staffing costs?
- e. Promoting Aboriginal heritage?

A-e. The conservation, celebration, protection and promotion of heritage, including Aboriginal Heritage, in NSW is a responsibility shared across the Office of Environment and Heritage.

- f. Increasing the number of Aboriginal sites and areas protected?

The Heritage Listings team reviews all nominated sites on a case by case basis.

- g. Providing Aboriginal people with opportunities to protect their culture and heritage and access traditional lands by increasing the number of Aboriginal comanagement?

In 2017–18, \$6.79 million of the \$409 million allocated to ‘Encouraging communities to enjoy their environment and heritage’ has been allocated to the Aboriginal joint management program. This is separate from the individual park operation budgets that apply to the reserves subject to joint management arrangements.

317. What is the OEH’s total budget for joint management (activities specifically related to national parks and reserves that are-will be jointly managed under Part 4A of the *National Parks and Wildlife Act 1974* in 2017-18?

In 2017-18, the Aboriginal owned and lease back parks under Part 4A of the *National Parks and Wildlife Act 1974* have a budget of \$2,668,988. This is part of the total \$6.79 million Aboriginal joint management budget, which also funds joint management arrangements established through Indigenous Land Use Agreements and Memoranda of Understanding.

(a) Of this, how much is spent on the following:

i. Staff?

\$178,819. Note this does not include staff funded through each park’s operational budget.

ii. Rents?

\$2,123,464

iii. Proposals to develop new jointly managed parks?

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\$260,000

318. What is the OEH's total budget for comanagement activities related to increasing Aboriginal people's participation and management in national parks and reserves?

- a. What is the budget for arrangement over national parks and other conservation areas' (Goal 26, NSW 2021)?

In 2017-18, \$6.79 million

- b. What is the budget for investigating incidents of alleged unauthorised harm to Aboriginal heritage?

OEH compliance and enforcement investigations related to Aboriginal heritage are incorporated into the broader compliance and enforcement program.

319. How much money has been allocated to specifically increase the number of Aboriginal heritage items listed on the State Heritage Register in 2017-18?

- a. How much was spent in each of the previous five financial years?

There is no separate budget allocation for the review of Aboriginal culture and heritage items nominated for listing on the State Heritage Register.

320. 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?

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

See answer at Question 310 (a).

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

322. How many items listed on the State Heritage Register for their Aboriginal Heritage significance does the OEH expect to be listed in 2017-18?

Two.

- a. How many have been listed in each of the previous five financial years?

2016-17 = 0
2015-16 = 2
2014-15 = 1
2013-14 = 2
2012-13 = 4

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

The inclusion of Aboriginal culture and heritage items on the State Heritage Register is the responsibility of all listing staff across the state.

a. What is the forecast budget for this role-these roles in the future?

See answer to Question 319.

324. How much money has been allocated in 2017-18 to improve the information contained in AHIMS reports?

In 2017-18 the forecast expenditure for the Heritage Database team, which includes staff working on AHIMS, is \$787,999.

a. What specifically is this funding intended to be spent on?

Within the Heritage Database team there are three staff who maintain the AHIMS database and a short-term contractor to assist with archiving AHIMS reports.

325. What was the actual budget for managing and operating AHIMS in 2016-17?

The budget for the Heritage Database team, which includes AHIMS, was \$741,287

326. What is the forecast expenditure for operating the AHIMS database in 2017-18?

See answer to Question 324

327. How many Aboriginal cultural, heritage or archeological sites did Aboriginal Heritage Information Management System (AHIMS) identify in the following years:

AHIMS records Aboriginal cultural, heritage or archaeological sites identified by staff or community members

a. 2015?

2492 sites were added to AHIMS

b. 2016?

3285 sites were added to AHIMS

328. How many places that have been proposed as possible declared Aboriginal places are currently under consideration or are awaiting review to proceed to assessment, and what was the date that a nomination was received for each outstanding place under consideration or awaiting review?

There are currently 74 Aboriginal place proposals being considered by OEH across NSW.

329. Does the Minister acknowledge the concerns of local Awabakal women that the cultural and heritage values of the Butterfly Cave are threatened by a proposed development on surrounding land?

Butterfly Cave was declared an Aboriginal place (AP) under the National Parks and Wildlife Act 1974 (NPW Act) and is afforded a high level of protection.

330. Will the Minister direct that a full assessment of the bushland around the Butterfly Cave as a potential Aboriginal place be carried out, as requested by local community members including local Awabakal women?

a. If not, why not?

b. Is it correct that one reason OEH has not undertaken a full assessment of the bushland is that the OEH believes that “Pursuing a full assessment of the bushland around the

Butterfly Cave will create expectations that an Aboriginal place gazettal will result from the process”?

c. If so, is this an appropriate consideration given that such a nomination should proceed on a merits-basis, rather than on “expectations”?

OEH considers a range of factors in determining an Aboriginal place having regard to the intended purpose of an Aboriginal place declaration under the NPW Act, OEH Aboriginal Places Policy, and OEH Draft Guidelines for the Assessment, Declaration and Management of Aboriginal Places.

Windsor Bridge

331. Will the Minister intervene to ensure the irreplaceable heritage in the vicinity of the Windsor Bridge project is protected and conserved, including stopping earthworks that could impact on heritage items or potential heritage values near Thompson Square?

Environment, Heritage, Local Government

The Windsor Bridge replacement project was approved by the former Minister for Planning and Infrastructure as a state significant infrastructure project on 20 December 2013. I am advised that a number of the Conditions of Approval relate to heritage matters, including archaeological investigations.

Questions about this project should be addressed to the Minister for Planning.

Office Administration

332. How many staff are in your ministerial office?

- a. What was the average salary for staff members in your office during 2016-17?
- b. What is the estimated average salary for a ministerial staffer in your office in 2017-18 based on current appointments?

See answer at Question 255.

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

- a. For each phone, how much was each bill in 2016-17?
- b. How many phones have been lost or replaced due to damage in your office?
 - i. What is the cost of replacing those phones?

See answer at Question 256.

334. 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 2016-17?
- b. How many iPads or tablets have been replaced due to lost or damage in 2016-17?
 - i. What was the cost of replacing these devices?

See answer at Question 257.

335. Has any artwork been purchased or leased for display in your ministerial office in 2016-17?

- a. What is the cost of this?

See answer at Question 258.

336. Have any floral displays or indoor plants or potplants been hired or leased for display in your ministerial office in 2016-17?

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

See answer at Question 259.

337. Have any floral displays or indoor plants or potplants been purchased for display in your ministerial office in 2016-17?

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

See answer at Question 260.

338. What was the total cost of all subscriptions by you and your staff to online news services, newspapers, magazines, journals and periodicals in 2016-17?

a. What are these services/newspapers/magazines/journals/periodicals?

i. Who is the subscriber for each of these?

See answer at Question 261.

339. What was the total amount your office spent on stationery?

See answer to Question 262.

340. What was the total value of all gifts purchased for use by you and your office in 2016-17?

a. What were the gifts purchased?

i. Who were they gifted to?

See answer at Question 263.

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

a. What is the monthly cost of this?

See answer at Question 264.

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

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

See answer at Question 265.

343. What was the total bill for your office in 2016-17 for:

a. Taxi hire

Environment, Heritage, Local Government

- b. Limousine hire
- c. Private hire care
- d. Hire car rental
- e. Ridesharing services

See answer at Question 266.

344. Were any planes or helicopters chartered by you or your office and paid for with public money in 2016-17?

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

See answer at Question 267.

Hospitality

345. How much did your ministerial office spend on hospitality, including catering and beverages, in 2016-17?

See answer at Question 268.

346. How much did your Department/agency spend on hospitality, including catering and beverages, in 2016-17?

See answer at Question 269.

Labour Hire Firms

347. Do any Departments/agencies within your portfolio responsibilities utilise the services of Labour Hire Firms? If yes, please advise in table form for 2016-17:

- 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

See answer at Question 270.

Media and Public Relations

348. How many media or public relations advisers are employed for each of your portfolio agencies and what is the total cost to employ these advisers?

See answer at Question 271.

349. 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?

See answer at Question 272.

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

See answer at Question 273.

351. By how much has the number of media or public relations advisers employed for each of your portfolio agencies increased since 2011-12 to the current date?

See answer at Question 274.

352. By how much has the expenditure on media or public relations advisers employed for each of your portfolio agencies increased since 2011-12 to the current date?

See answer at Question 275.

353. 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 2016-17?

See answer at Question 276.

Facebook

354. How much did your ministerial office spend on Facebook advertising or sponsored posts in 2016-17?

See answer at Question 277.

355. How much did your Department/agency spend on Facebook advertising or sponsored posts in 2016-17?

See answer at Question 278.

Overseas Trips

356. Were any of your overseas trips in the last financial year paid for in part or in full by using public *Environment, Heritage, Local Government*

money?

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

See answer at Question 279.

357. 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?

See answer at Question 280.

Department/Agency Travel

358. What was the total expenditure in 2016-17 by Departments/agencies within your portfolio on:

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

See answer at Question 281.

359. Do any senior executive service employees in your Departments/agencies have a driver that is paid for by the Departments/agencies? If so, what is the number of senior executive service employees that have a driver and which senior executive service employees have a driver?

- a. How much was spent on these drivers in 2016-17?

See answer at Question 282.

Consulting

360. How much did the Department/agencies under your portfolio responsibility spend in legal costs in 2016-17?

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

See answer at Question 283.

361. Have Department/agencies under your portfolio engaged any consultants to provide the following services or advice in 2016-17:

- 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

See answer at Question 284.

Department/Agency Staffing

362. What was the number of senior executive service employees employed by Departments/agencies within your portfolio in 2016-17?

- a. How much was this number in 2011-12?

See answer at Question 285.

363. What was the expenditure on senior executive service employees employed by Departments/agencies within your portfolio in 2016-17?

- a. How much was this number in 2011-12?

See answer at Question 286.

364. What was the number of internal legal counsel employees employed by Departments/agencies within your portfolio in 2016-17?

- a. How much was this number in 2011-12?

See answer at Question 287.

365. What was the expenditure on internal legal counsel employees employed by Departments/agencies within your portfolio in 2016-17?

- a. How much was this number in 2011-12?

See answer at Question 288.

366. How many redundancies were processed by Departments/agencies within your portfolio responsibilities during 2016-17?

- a. Of these redundancies, how many were:
 - i. Voluntary
 - ii. Forced
- b. What was the total cost of all redundancies?

See answer at Question 289.

367. 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?

See answer at Question 290.

368. Are any staff formerly employed by your ministerial office now employed by Departments/agencies under your portfolio responsibility?

See answer at Question 291.

369. How many staff were dismissed from Departments/agencies under your portfolio responsibilities in 2016-17?

- a. What were the reason/s for each dismissal?

See answer at Question 292.

370. What was the total amount your Departments/agencies spent on stationery?

See answer at question 293.

Smart Phone Accounts

371. Do the Departments/agencies within your portfolio have an iTunes account?

- a. What was the total expenditure in 2016-17 on iTunes?
 - i. What applications/subscriptions/services were purchased through iTunes?

See answer at Question 294.

372. Do the Departments/agencies within your portfolio have an Android account?

- a. What was the total expenditure in 2016-17 on Android?
 - i. What applications/subscriptions/services were purchased through Android?

See answer at Question 295.

Websites Visited

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

See answer at Question 296.

374. What were the top 20 most accessed (by number of times accessed) unique domain names accessed by your Ministerial office this year?

See answer at Question 297.

Merchant fees

375. 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.

See answer at Question 298.

376. 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.

See answer at Question 299.

377. What was the total amount paid in merchant fees on credit and/or debit card payments in your Department/agency in 2016-17?

See answer at Question 300.

Probity Auditor

378. 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.

See answer at Question 301.

Questions from the Mr David Shoebridge MLC

Heritage listings

379. How many State Heritage listings has the Minister determined each month since she became Minister?

15 from February to August.

380. How many listings are currently outside of the 14 day time limit?

None.

381. What is the reason for failing to comply with relevant time limits around heritage listing?

See above answer.

382. What were the reasons for refusing to list the Sirius building despite its obvious significance?

The reasons for this refusal are available on the OEH website at:

<http://www.environment.nsw.gov.au/heritageapp/minister.aspx>

383. When will the Nielsen Park recommendation be determined (noting it is more than 265 days since it was recommended)?

Nielsen Park was listed on the State Heritage Register on 28 August 2017 (item No. 01988).

Aboriginal heritage impact permits

Aboriginal heritage impact permits

384. What was the total number of Aboriginal Heritage Impact Permit applications that were received in the following financial years:

- a. 2013/14?
- b. 2014/15?
- c. 2015/16?
- d. 2016/17?

OEH does not retain statistics on the number of applications received within a financial year.

385. What was the total number of Aboriginal Heritage Impact Permit applications that were approved in each of the following financial years:

Note: “approved” is taken to mean “issued”

- a. 2013/14?

82

- b. 2014/15?

112

c. 2015/16?

113

d. 2016/17?

118

386. What was the total number of Aboriginal Heritage Impact Permit applications that were refused in each of the following financial years:

(a) 2013/14?

(b) 2014/15?

(c) 2015/16?

(d) 2016/17?

No permit applications were refused in the specified periods.

Aboriginal cultural heritage reform

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

Consultation on the Aboriginal cultural reforms is open from 11 September 2017 to 18 December 2017.

388. When will a report be released?

Relevant material has been released as part of the public consultation on the Aboriginal cultural reforms.

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

389. What budget is set aside to increase the number of Aboriginal culture and heritage items listed on the State Heritage Register in 2017/18?

a. Is this more or less than previous years?

See answer to Question 319.

390. How many items listed on the State Heritage Register for their Aboriginal Heritage significance does the OEH expect to be listed in 2017/18?

Two.

a. Is this more or less than last year?

More.

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

See answer to Question 323

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

See answer to Question 319.

Supercar race

392. The Newcastle 500 Supercar race will go through a local and state-listed Heritage Conservation Zone, what steps has the Minister taken to protect the fragile heritage homes in the area from the vibration damage from construction vehicles and low-frequency sound waves?

In relation to the State Heritage listed Coal River Precinct, the Heritage Council of NSW approved Destination NSW' section 60 application under the *Heritage Act 1977* subject to conditions to avoid, minimise and mitigate any adverse heritage impacts to the precinct and other State Heritage Register (SHR) items in the vicinity of the track. The Coal River Precinct is the only SHR item being affected by the race track. OEH is monitoring compliance with these conditions on behalf of the Heritage Council.

Destination NSW is the consent authority for the entire event and is responsible for monitoring and taking action in relation to state and local heritage items in accordance with the relevant approvals. These matters should be addressed to the Minister for Tourism and Major Events.

393. What guidance has the Office of Environment and Heritage provided to Destination NSW to ensure that Newcastle's fragile heritage is protected?

See answer at Question 392.

Windsor Bridge

394. Is the Minister aware of the community group, Community Action for Windsor Bridge (CAWB)?

Yes.

395. Is the Minister aware this group has recently commenced their fifth year of a continuous, 24-hour a day, protective vigil in Thompson Square, Windsor..... That's seventy two thousand hours....the equivalent of one person's working life, or put another way, more than 17,000 4-hour shifts this community has invested in protecting their heritage.

Yes.

396. Has the Minister contacted this group? Organised to meet with them? Visited the Square? Protested to Cabinet colleagues about this project?

Questions on this matter should be addressed to the Minister for Planning

397. Is the Minister happy about what is being done by the Government to the oldest public square in the nation?

See question 396.

398. Is Thompson Square the new benchmark for heritage "management" in NSW?

See question 396.

399. Has the Minister been briefed on the archaeological findings?

See question 396

400. Is the Minister aware that the RMS archaeologists have been unable to "find" previously identified and highly significant archaeological remains such as the brick barrel drains (likely to prove to be the oldest example of such public infrastructure in Australia)?

See question 396

401. Does this "loss" worry the Minister?

See question 396

402. Has the Minister been briefed on the RMS "landscaping" plans that involve removing almost every single tree in the Square, leaving a steep, bare, unprotected hill towered over by a concrete monolith, topped with very large, noisy vehicles?

See question 396

403. Is the Minister satisfied with these plans?

See question 396

404. Is the Minister satisfied with the reports being prepared by the RMS?

See question 396

405. Has the Minister read the Strategic Conservation Management Plan?

See question 396

406. Are you happy that the "Plan" excludes all the built structures in the Square?

See question 396

407. Are you satisfied with the community consultation processes to date?

See question 396

408. Do you have any concerns regarding the sequence of preparation and release of the mandatory heritage documents for this project?

See question 396

Use of artificial intelligence

409. What current uses of artificial intelligence does the department undertake?

Note: Please include all uses of AI including uses for resource allocation and administrative support, big data analysis, replacement and assistance of experts and researchers, procedural matters, or summarising diverse data – for reference this might include:

- Chatbots for customer service or advice
- Customer management systems
- Scanning legal documents to find relevant case law
- Categorising and searching documents
- Directing petitions efficiently
- Translation
- Document drafting

See answer at questions 135-138.

410. When did the department implement AI technologies and which technologies were these?

None directly within OEH, the EPA or Trusts.

411. What planned uses does the department have for artificial intelligence?

See answer at questions 135-138.

412. What is the anticipated timeline for the expansion of existing AI uses or implementation of new

technologies?

Over the next 12-18 months, it is anticipated OEH will introduce AI technologies and EPA and Trusts will obtain access to AI technologies.

413. What policy guidelines, if any, guide the exploration and use of artificial intelligence by the department?

See answer at questions 135-138.

414. What research, if any, has the department undertaken regarding the use of AI in Government services?

See answer at questions 135-138.

LOCAL GOVERNMENT

Questions from the Hon Mark Pearson MLC

Council Pounds

415. In the previous two years, how many complaints has your department received about substandard conditions and treatment of animals in council pounds?

These complaints are a matter for Prevention of Cruelty to Animals Act enforcement agencies. The Minister for Primary Industries is responsible for administering the *Prevention of Cruelty to Animals Act 1979*.

416. Does your Department have a memorandum of understanding or some other protocol with RSPCA NSW, AWL NSW or the Police to notify the Minister for Local Government where they have investigated any alleged breaches of POCTAA or complaints concerning council pounds?

These complaints are a matter for Prevention of Cruelty to Animals Act enforcement agencies. The Minister for Primary Industries is responsible for administering the *Prevention of Cruelty to Animals Act 1979*.

417. Is the Minister aware of which council pounds have been investigated by RSPCA NSW in the last two years?

Enforcement agencies under the Prevention of Cruelty to Animals Act report annually to the Department of Primary Industries on their total investigation activities over the previous year. The Minister for Primary Industries is responsible for administering the *Prevention of Cruelty to Animals Act 1979*.

418. Does the Minister acknowledge there is a high level of dissatisfaction within the NSW community regarding the management of council pounds including non-compliant pounds, high kill rates and inadequate council responses to community concerns?

The NSW Government is strongly committed to safeguarding animal welfare and expects that all pounds and shelters comply with all relevant legislation and take appropriate care of animals for which they are responsible.

419. Will the Minister implement an Inquiry into the state of NSW council pounds and private

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shelters?

The NSW Government has appropriate policy and regulatory frameworks in place to safeguard animal welfare at facilities for the keeping of animals in NSW.

420. Given the increasing public concern in regards to the poor treatment of impounded companion animals, will the Minister commit to directing the Auditor-General to conduct a performance audit of Council pounds to ensure they comply with their obligations under the NSW Animal Welfare Code of Practice for Dogs and Cats in Animal Boarding Establishments?

If consulted by the Auditor-General on future performance audit topics the government will raise this suggested topic for consideration. However, the Auditor-General is an independent office and the Government cannot direct the work program.

421. Of the more than 150 local government councils in NSW, how many councils actively promote and undertake collaboration with rehoming of animals to approved welfare organisations including grass roots companion animal rescue groups in order to reduce the numbers of impounded companion animals that are killed?

Under the Guideline on the Exercise of Functions under the *Companion Animals Act 1998* councils are required to include in the annual report, their strategies for the rehoming of animals. In the most recent annual reports, the significant majority of councils work with welfare groups.

422. Given that analysis of pound data is available, including seasonal and yearly intake trends and outcome trend comparisons by year, region and council types, what steps, if any, has your department taken to assist Councils in planning and implementation for reducing kill rates?

Local councils are required under section 64 of the *Companion Animals Act 1998* to seek alternatives to euthanasia for unclaimed animals held in council pounds. The Office of Local Government issues Exercise of Functions Guidelines under the Companion Animals Act that require councils to report on the strategies they have undertaken to seek alternatives to euthanasia in their annual report each year.

Under section 67A of the Companion Animals Act, councils are also required to report on animals entering their impounding facilities and outcomes for these animals. This information is published on the Office of Local Government's website.

All information provided by and in relation to councils informs the ongoing work of the Responsible Pet Ownership Program. The aim of this program is to safely return lost animals, keep the community and other animals safe from dangerous animals and to reduce the number of animals admitted to pounds and shelters.

The Office of Local Government is assisting to reduce the number of animals that enter pounds by working with councils to promote Responsible Pet Ownership, including registration that enables pets to be returned safely home and measures that encourage de-sexing.

423. The pound data shows significant disparities between different NSW local councils in terms of kill rates and release rates to animal welfare organisations. What steps, if any, has the Minister taken to investigate whether these disparities are indicative of lack of compliance with s.64(5)

Companion Animals Act, which mandates councils to consider alternatives to killing and (if practicable) to adopt any such alternative?

See answer at question 422.

424. Given that NSW Rescue Groups rehome more cats and dogs than all council pounds, and nearly as many as RSPCA pounds and shelters combined, what assistance does your department provide to these groups?

Animals held by animal rescue organisations approved by the Chief Executive, Office of Local Government for the purposes of rehoming are exempt from registration under clause 16(d) of the Regulation when they are in the custody of the approved organisation.

425. Ever since mandatory pound reporting data was required to be lodged with the Office of Local Government, a number of councils have consistently failed to provide this information. What steps has the Minister taken to remedy this gap in the information, and to ensure that it will not happen again?

Councils are required to report data about the outcomes of their pound operations with the Office of Local Government. The Office of Local Government monitors compliance with this requirement and follows up with any councils that have failed to comply with their reporting obligation. Once data has been collated it is publicly

released on the Office of Local Government's website. A large proportion of councils are also choosing to report this data in their annual reports each year.

426. What is the total number and names of those NSW council pounds that allow staff to undertake the killing of impounded companion animals?

- a. Why are these NSW council pounds undertaking their own killing, what methods are being used and what qualifications do these council staff have to enable them to lawfully kill companion animals?

The *Prevention of Cruelty to Animals Act 1979* provides for animals to be euthanased provided animals are not euthanased or inflicted with pain unreasonably, unnecessarily or unjustifiably. The *Poisons and Therapeutic Goods Act 1966* allows the use of pentobarbitone sodium for the euthanasia of animals by individuals employed by councils but only where suitable training in its use for euthanasia has been completed and authorisation provided by NSW Health.

Questions from the Hon Paul Green MLC

Local Government Regulation

427. What progress has been made in reviewing the Local Government (General) Amendment (Performance Management) Regulation 2016 (financial controller regulation) so it contains objective criteria to guide the decision to impose a financial controller on a council?

- a. What discussions has your office and/or the Office of Local Government had with the local government sector on this matter?
- b. What analysis of LGNSW's proposed criteria has been undertaken? When will a revised regulation be introduced?
- c. Will that revised regulation include objective criteria to guide the decision to impose a financial controller on a council?

The Local Government (General) Amendment (Performance Management) Regulation 2016 (financial controller regulation) provides criteria to be considered by the Minister in deciding whether to appoint a financial controller to a council.

LGNSW has proposed additional criteria for the financial controller regulation. Since it was made, the Office of Local Government has met with LGNSW to discuss the LGNSW

proposal and the operation of the financial controller regulation more generally.

A review of the operation of the financial controller regulation during its first six months of operation has commenced. Any decision to revise the regulation or impose additional criteria will be informed by the outcome of this review.

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

Forced Council Mergers

428. When did you read the secret \$499,895 KPMG Reports that were prepared in the second half of 2015 on the then proposed forced council mergers?

a. Have you read the main report titled 'Merger Impacts and Analysis,' as well as the related documents entitled 'Implementation of Local Government Mergers: Business Case' also prepared by KPMG and collectively called 'the KPMG documents?'

b. What do these reports say about other councils that you want to forcibly merge in the future?

c. In *Ku-ring-gai Council v Garry West as delegate of the Acting Director-General, Office of Local Government* [2017], the Court of Appeal in its judgement said this at paragraph 91: *Further, there is no reason to assume that when an organisation such as KPMG, applying its own*

professional expertise, prepares a business case in relation to council amalgamations in the statutory context provided by the Local Government Act, it would do so on an assumption that the government would never disclose the figures and information it supplied. The claim that, in such a case, candour and frankness might be compromised by disclosure borders on the fanciful.'

On the basis of this judgement, why is the NSW Government still keeping this report a secret?

(a –b) I have read KPMG's analysis since becoming the Minister for Local Government.

c. Information about KPMG's analysis and modelling has been made publicly available in the following documents:

- **An overarching report outlining merger benefits entitled Local Government Reform Merger Impacts and Analysis, released on 18 December 2015.**
- **A technical report outlining KPMG's modelling assumptions entitled Outline of Financial Modelling Assumptions for Local Government published on 20 January 2016.**

429. The Administrator of the Inner West Council recently stated that there were discrepancies between the actual budget savings and alleged KPMG cost savings. Do you stand by the assumptions in the KPMG 'Outline of Financial Modelling Assumptions for Local Government Merger Proposals?'

- Is it not the case that the bulk of these supposed cost savings under your policy of forced mergers, are largely expected to come from the cutting of staff to reduce the wages bill?
- If not, where will they come from?

The 20 new councils created in 2016 are already demonstrated significant savings which are funding improved services for residents and ratepayers.

430. Can you provide details of the total amount each individual Delegate received for their role in the assessment of the forced merger proposals?

Delegates were paid at a rate of \$1,600 per day. Delegates that were already employed by the NSW Government did not receive any additional remuneration.

431. Minister Dominello revealed in his local newspaper that the name of the new merged Ryde/Hunters Hill and Lane Cove council would be 'Riverside.'

- Can you confirm that this was the proposed name?
- Can you provide all the documents prepared for the gazettal of this forcibly merged council?

The government announced on the 27 July 2017 that it was no longer proceeding with the remaining proposed mergers.

432. What will be the impact of a road user pricing system on local government?

- Given that local councils are responsible for around 80 per cent of all roads and this directly impacts their budgets, what discussions are you currently having in regard to

local government and the imminent introduction of road user pricing?

b. What current per kilometre models are being proposed for all road users that will so significantly impact local government?

c. Have there been any discussions between the Government and the private sector, either Australian or Multinational organisations, on the introduction of road user pricing and its impact on Local Government in New South Wales?

i. What was discussed? With whom?

This question should be directed to the Minister for Roads.

433. In Estimates last year, I asked for the calendar year 2015/16 how much had the Government paid for advertising in relation to its local merger campaign. The written answer I finally received was that this information would be in the Annual Report.

a. Of course, the only figure provided in the Annual Report when it was finally published in November 2016 was for 'Promotions and Publicity' amounting to \$3.721 million. Accordingly, I ask again: how much of this amount was paid specifically for advertising in relation to your local government merger campaign?

b. Will the figure be available in the 2016/17 Annual Report in a useable format, or will it again not be disaggregated?

(a) \$3.689 million.

(b) Yes.

Spending Caps

434. Minister on 31st May last year the former Premier Mike Baird told the Legislative Assembly that the government would introduce spending caps prior to the September 2016 local government elections as an important measure to prevent corruption. In June 2016 the Joint Standing Committee on Electoral Matters unanimously recommended spending caps for local government elections.

a. But the government failed to introduce them for the 2016 elections, and has failed to introduce them for the 2017 council elections. Why?

Donation and expenditure caps are prescribed under the *Election Funding, Expenditure and Disclosures Act 1981*.

As stated when the legislation introducing donation caps for local government elections was passed by the Parliament, the Government is committed to introducing expenditure

caps for local government elections as part of a broader review of the State's election funding legislation. In response to recommendations made by the Joint Standing Committee on Electoral Matters, the Government advised that the review will continue, in consultation with stakeholders. Matters relating to the timing of the introduction of expenditure caps will be considered as part of that process and in consultation with the NSW Electoral Commission.

Smart and Skilled funding

435. In its document "NSW Local Government Workforce Strategy 2016-2020", funded by the Office of Local Government and Local Government NSW, Local Government NSW says it has been working to secure some Smart and Skilled funding for local government. This involves funding for pre-employment programmes, apprenticeships, traineeships and funding for improving existing worker qualifications. Can you please advise how much funding has been provided to local councils in NSW, and for what programmes?

As funding for the Smart and Skilled program is administered by Training Services NSW, this question should be directed to the Deputy Premier as Minister for Skills.

Annual Report

436. In what month this year do you expect the 2016/17 Annual Report of the Office of Local Government to be published?

The *Annual Reports (Departments) Act 1985* requires the Chief Executive of the Office of Local Government to make copies of the annual report available for public sale or distribution as soon as practicable after it has been laid, or is deemed to have been laid, before both Houses of Parliament.

Contracts

437. Since the commencement of calendar year 2016 to date, what contracts have been awarded relating to the council mergers or the performance of forcibly merged councils? To whom were they awarded, and for what amounts?

The *Annual Reports (Departments) Regulation 2015* requires details on consultants engaged by Departments to be provided in the annual report.

The 2015/16 annual report was tabled on 17 November 2016 and a copy is available on the Office of Local Government website at <https://www.olg.nsw.gov.au/about-us/annual-reports>

Lighting

438. Local Government NSW has been seeking an investment of \$50 million from your sale of poles and wires to enable councils to switch from obsolete street lighting to less expensive, energy- efficient LED lighting. Can you please provide an update on the progress of this submission please?

The NSW Government's Climate Change Fund Strategic Plan outlines options for achieving the State's energy savings target. The strategic plan will be supported by a \$1.4 billion funding allocation between 2017 and 2022.

Cladding

In the then Minister's response to my question regarding the role of the Office of Local Government in the issue of flammable cladding such as Alucobest being used in high rise buildings, the answer I received was: 'The Office of Local Government does not have a role in the identification of such materials, and no record was identified of any involvement by OLG in these matters.'

439. Is the Office of Local Government still ignoring this issue or, following the tragedy in the UK, and given the role that councils are being asked to play, have you decided it might finally be time to take action before we have a similar tragedy in this state?

The NSW Government is committed to ensuring that all residents are as safe as possible in their homes. Following the issues highlighted by the Grenfell Tower Fire in London earlier this year, the Government has established an inter-agency Fire Safety and External Wall Cladding Taskforce to ensure that fire safety requirements for residential buildings are prioritised and properly addressed through a whole of government action plan for dealing with the fire safety risks associated with external wall cladding.

The risks arising from flammable cladding affect multiple portfolios across government, and successfully addressing these risks requires a multi-portfolio response. In this context, the Office of Local Government is represented on the inter-agency taskforce, along with representatives from the Department of Finance, Services and Innovation, the NSW Data Analytics Centre, the Department of Planning and Environment, Fire and Rescue NSW, Treasury and the Department of Premier and Cabinet.

Cats

440. Last year this committee was advised regarding the seizure of cats: 'The Office of Local Government is undertaking a review of pound statistical data to ensure that it is presented in a meaningful and useable format.' As that was a year ago, can we now please be given a copy of this data in the new 'meaningful and useable format'?

The Office of Local Government releases a wide range of performance and other data

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about councils in NSW each year, including pound statistical data. The format, presentation and usefulness of this data is reviewed on a regular basis to identify how it might be improved, taking into account feedback received from users of the data.

Amalgamations

441. What would you estimate was the amount of taxpayer dollars spent by the Government on its failed attempt to forcibly amalgamate 14 metropolitan and a similar number of regional councils that have now been advised they can continue to stand alone?

- a. What was the total amount of money that would have been allocated to these Councils had they been forced to amalgamate – both the funding available to them to assist with amalgamation, and the additional incentive funding drawn from the Stronger Communities Fund?
- b. Will you confirm that this funding will no longer be available to the councils slated for forced amalgamation but now given a reprieve?
- c. How much remains of this residual funding allocation?
- d. Where will this residual funding allocation now be spent?
- e. Will you confirm that this residual funding will be kept within the local government sector and used to assist councils?

The Government committed to provide each new council with between \$5 and \$10 million towards merger implementation costs, and between \$10 and \$15 million through the Stronger Communities Fund to invest in improved infrastructure and services.

The amounts allocated in the 2017-18 Budget towards the costs of mergers that did not proceed will not be drawn down by the Office of Local Government from The Treasury and remain unexpended at the end of the 2017-18 financial year, unless an alternative use for the funds is approved.

442. Will you confirm that the Government is considering amendments to the Local Government Act that would clarify the council amalgamation process and incorporate meaningful community consultation processes, thereby preventing any future waste of taxpayers' funds on forced amalgamations?

The Local Government Act already contains requirements for extensive community consultation.

443. Will you commit to the Coalition's previous pledge to work with the local government sector to achieve greater financial sustainability, rather than forcing council amalgamations which continue to

claim a significant political price?

The NSW Government has been working to improve the financial sustainability of the sector since 2011. The Office of Local Government continues to work with all councils to deliver improved financial performance.

Local Government Act

444. How many Office of Local Government staff are currently engaged with the primary responsibility of reviewing the Local Government Act?

While there are no positions at the Office of Local Government dedicated to reviewing the *Local Government Act 1993*. Staff from the Office undertake a broad range of duties, which include policy, research and review work to support legislative and regulatory reform.

445. What, if any, steps has the Office of Local Government has taken in the last year to consult with the sector on the effective and ineffective sections of the existing local Government Act?

The NSW Government is always examining way to improve the legislative, regulatory and operating framework for local government in NSW.

446. How has this sector feedback, if any, been incorporated into existing and future amendments to the Local Government Act?

The Government will continue to work with councils, sector stakeholders and members of the community to ensure that the legislative, regulatory and operating environments for local councils remain efficient and effective.

Regional Councils

447. Does the Government intend to proceed with the Joint Organisation model for regional councils?

The NSW Government remains strongly committed to supporting better regional collaboration and helping each region to meet its full potential.

IPART

448. When will the Government release the IPART's final report into the Review of the Local Government Rating System, which was provided to the previous Minister for Local Government in December 2016?

The Government is currently considering the report's recommendations and will respond

in due course.

449. Why has the Government failed to respond to the recommendations in this report for at least eight months?

See answer at question 448.

450. When will you respond to the recommendations in this Rating Review report?

See answer at question 448.

451. Will the Government release the IPART's final report into the Review of Reporting and Compliance Conditions for Local Government – commonly known as the Local Government Red Tape Review - which was provided to the previous Minister for Local Government in April 2016?

a. Why has the Government failed to respond to the recommendations in this report for at least 16 months?

b. When will you respond to the recommendations in this report?

The Government is carefully considering the recommendations of the IPART report and will respond in due course.

452. Why do councils found by IPART to be financially fit for the future -but not fit on the grounds of scale and capacity - continue to be denied access to low-interest T-Corp loans available to amalgamated councils?

To access the NSW Treasury Corporation local government borrowing facility a council must achieve financial, asset management, efficiency and scale and capacity criteria.

Low Interest Loans

453. Do you believe it is in the best interest of ratepayers to prevent councils accessing low interest loans to invest and maintain infrastructure desperately needed to support an increasing population?

a. Why haven't you or OLG developed a process to reassess these councils?

The local government reform program aims to ensure that all councils in NSW are sustainable and in a strong position to meet the long-term needs of their ratepayers.

OLG

454. What is the annual rent in total and per square metre of OLG's head office space in Nowra?

Property expenses are included in the audited financial statements to the annual report.

455. What is the annual rent in total and per square metre of OLG's new office space in Pitt St in Sydney?

See answer at question 454.

456. How many staff have designated offices or desks in both places?

One.

457. What are the salary bands/levels/gradings of these staff?

Senior Executive Band 3.

458. How many staff have been transferred from the Department of Premier and Cabinet to boost the performance of the Office of Local Government?

The transition of support for new councils from the Department of Premier and Cabinet to the Office of Local Government saw seven staff transferred between the agencies.

459. How many of the most senior OLG staff – that is, OLG staff in Bands 1, 2 and 3 - are based in Nowra, where the Office of Local Government is located?

Five.

460. How many OLG staff live and work remotely from Nowra where the OLG offices are?

All Office of Local Government staff are assigned a workplace in either Sydney or Nowra.

461. Are these staff paid a living-away-from-home allowance or similar while attending the Nowra offices, or are they reimbursed for actual expenses?

Not applicable.

462. What was the total annual expenditure attributable solely to this arrangement (ie living-away-from-home allowance or actuals) in 2015 and 2016?

Meal, travelling and other allowances are reported in the audited financial statements to the annual report.

463. How much has been budgeted for this purpose in 2017?

The Office of Local Government does not have a separate budget item for meal, travelling and other allowances.

464. How much of this actual expenditure is attributable to OLG staff in Band 1, how much to Band 2 staff and how much to Band 3 staff?

Meal, travelling and other allowances are reported in the audited financial statements to the annual report.

465. How much of this budgeted expenditure is attributable to OLG staff in Band 1, how much to Band 2 staff and how much to Band 3 staff?

See answer at question 463.

466. How did the OLG's results relating to job satisfaction and morale in the most recent People Matters survey conducted by your Government compare to the public sector averages?

The Public Service Commission publishes comparative results from the People Matters Employee Survey. For the 2017 Survey, a Main Findings report with key results will be published by the Public Service Commission in early October 2017.

467. Given absentee rates are an acknowledged barometer of a healthy workplace culture, could you advise the Committee of the absentee rates for Nowra-based staff at the Office of Local Government, and compare these to the state average?

The Office of Local Government does not collect aggregated information on staff absenteeism.

468. Was the reduced funding allocated to the Office of Local Government in the most recent State Budget a reduction in real terms?

The 2017-18 Budget provides for recurrent expenses of \$255.3 million for the Office of Local Government in 2017-18, compared to a revised budget of \$258.1 million for 2016-17. The 2017-18 Budget provides for capital expenditure of \$2.2 million for the Office of Local Government in 2017-18, compared to a revised budget of \$1.2 million for 2016-17, an increase of 95.2%.

469. Can you confirm that the Office of Local Government was the only Government agency who lost funding in real terms in the latest NSW State Budget?

a. Why was the funding allocation reduced?

Funding was reduced due to the one-off grants payments to councils under the Stronger Communities Fund and the New Council Implementation Fund being made during 2016-17.

Parking infringements

470. How many parking infringement notices were issued by the following Local Governments during

the financial year 2016-17:

- a. Cessnock City Council
- b. Maitland City Council
- c. Singleton Council
- d. Newcastle City Council
- e. Dungog Shire Council
- f. Port Stephens Council
- g. Lake Macquarie Council
- h. Muswellbrook Shire Council
- i. Upper Hunter Shire Council?

The Office of Local Government does not collect this information from councils.

471. How many of these infringements were referred to Revenue NSW for collection?

The Office of Local Government does not collect this information from councils. Matters relating to Revenue NSW should be referred to the Minister for Finance, Services and Property.

472. Of the finances returned to each Council from Revenue NSW, where does each of the abovementioned Councils direct

The Office of Local Government does not collect this information from councils. Matters relating to Revenue NSW should be referred to the Minister for Finance, Services and Property.

473. How many of these infringements were collected by the Council?

The Office of Local Government does not collect this information from councils.

474. Were these infringement notices issued by Council employed Rangers?

- a. If so, how many in each LGA?

The Office of Local Government does not collect this information from councils.

475. As at 30 August 2017, how many Rangers are employed on FTE basis at:

- a. Cessnock City Council

- b. Maitland City Council
- c. Singleton Council
- d. Newcastle City Council
- e. Dungog Shire Council
- f. Port Stephens Council
- g. Lake Macquarie Council
- h. Muswellbrook Shire Council
- i. Upper Hunter Shire Council?

Staffing levels are a matter for the individual councils.

476. As at 30 August 2017, how many Rangers are employed on a part-time basis at:

- a. Cessnock City Council
- b. Maitland City Council
- c. Singleton Council
- d. Newcastle City Council
- e. Dungog Shire Council
- f. Port Stephens Council
- g. Lake Macquarie Council
- h. Muswellbrook Shire Council
- i. Upper Hunter Shire Council?

Staffing levels are a matter for the individual councils.

477. In the 12 months to 1 July 2017, how many Ranger positions were publicly advertised by:

- a. Cessnock City Council
- b. Maitland City Council
- c. Singleton Council
- d. Newcastle City Council
- e. Dungog Shire Council

- f. Port Stephens Council
- g. Lake Macquarie Council
- h. Muswellbrook Shire Council
- i. Upper Hunter Shire Council?

Staffing levels are a matter for the individual councils.

Office Administration

478. How many staff are in your ministerial office?

- a. What was the average salary for staff members in your office during 2016-17?
- b. What is the estimated average salary for a ministerial staffer in your office in 2017-18 based on current appointments?

See answer at question 255.

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

- a. For each phone, how much was each bill in 2016-17?
- b. How many phones have been lost or replaced due to damage in your office?
- ii. What is the cost of replacing those phones?

See answer at question 256.

480. 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 2016-17?
- b. How many iPads or tablets have been replaced due to lost or damage in 2016-17?
- iii. What was the cost of replacing these devices?

See answer at question 257.

481. Has any artwork been purchased or leased for display in your ministerial office in 2016-17?

- a. What is the cost of this?

See answer at question 258.

482. Have any floral displays or indoor plants or potplants been hired or leased for display in your ministerial office in 2016-17?

- a. If so, what was the cost of these items?

See answer at question 259.

483. Have any floral displays or indoor plants or potplants been purchased for display in your ministerial office in 2016-17?

- a. If so, what was the cost of these items?

See answer at question 260.

484. What was the total cost of all subscriptions by you and your staff to online news services, newspapers, magazines, journals and periodicals in 2016-17?

- a. What are these services/newspapers/magazines/journals/periodicals?
iv. Who is the subscriber for each of these?

See answer at question 261.

485. What was the total amount your office spent on stationery?

See answer at question 262.

486. What was the total value of all gifts purchased for use by you and your office in 2016-17?

- a. What were the gifts purchased?
v. Who were they gifted to?

See answer at question 263.

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

- a. What is the monthly cost of this?

See answer at question 264.

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

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

See answer at question 265.

489. What was the total bill for your office in 2016-17 for:

- a. Taxi hire
b. Limousine hire
c. Private hire care

- d. Hire car rental
- e. Ridesharing services

See answer at question 266.

490. Were any planes or helicopters chartered by you or your office and paid for with public money in 2016-17?

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

See answer at question 267.

Hospitality

491. How much did your ministerial office spend on hospitality, including catering and beverages, in 2016-17?

See answer at question 268.

492. How much did your Department/agency spend on hospitality, including catering and beverages, in 2016-17?

See answer at question 269.

Labour Hire Firms

493. Do any Departments/agencies within your portfolio responsibilities utilise the services of Labour Hire Firms? If yes, please advise in table form for 2016-17:

- 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

See answer at Question 270.

Media and Public Relations

494. How many media or public relations advisers are employed for each of your portfolio agencies and what is the total cost to employ these advisers?

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See answer at question 271.

495. 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?

See answer at question 272.

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

See answer at question 273.

497. By how much has the number of media or public relations advisers employed for each of your portfolio agencies increased since 2011-12 to the current date?

See answer at question 274.

498. By how much has the expenditure on media or public relations advisers employed for each of your portfolio agencies increased since 2011-12 to the current date?

See answer at question 275.

499. 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 2016-17?

See answer at question 276.

Facebook

500. How much did your ministerial office spend on Facebook advertising or sponsored posts in 2016-17?

See answer at question 277.

501. How much did your Department/agency spend on Facebook advertising or sponsored posts in 2016-17?

See answer at question 278.

Overseas Trips

502. 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?

See answer at question 279.

503. 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?

See answer at question 280.

Department/Agency Travel

504. What was the total expenditure in 2016-17 by Departments/agencies within your portfolio on:

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

The Office of Local Government's travel during 2016-17 was in accordance with the NSW Government Travel and Transport Policy. Travel costs for 2016-17 were as follows:

- a) **\$2,589.80**
- b) **Nil**
- c) **\$8,795.73**
- d) **Nil**

505. Do any senior executive service employees in your Departments/agencies have a driver that is paid for by the Departments/agencies? If so, what is the number of senior executive service employees that have a driver and which senior executive service employees have a driver?

- a. How much was spent on these drivers in 2016-17?

No.

Consulting

506. How much did the Department/agencies under your portfolio responsibility spend in legal costs in 2016-17?

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

507. Have Department/agencies under your portfolio engaged any consultants to provide the following services or advice in 2016-17:

- a. Social media
 - vi. And the cost of these services

- b. Photography
 - vii. And the cost of these services
- c. Acting training
 - viii. And the cost of these services
- d. Ergonomics
 - ix. And the cost of these services

506-507. See answer at questions 283-284.

Department/Agency Staffing

508. What was the number of senior executive service employees employed by Departments/agencies within your portfolio in 2016-17?

- a. How much was this number in 2011-12?

See answer at question 285.

509. What was the expenditure on senior executive service employees employed by Departments/agencies within your portfolio in 2016-17?

- a. How much was this number in 2011-12?

See answer at question 286.

510. What was the number of internal legal counsel employees employed by Departments/agencies within your portfolio in 2016-17?

- a. How much was this number in 2011-12?

511. What was the expenditure on internal legal counsel employees employed by Departments/agencies within your portfolio in 2016-17?

- a. How much was this number in 2011-12?

510-511. See answer at questions 287-288.

512. How many redundancies were processed by Departments/agencies within your portfolio responsibilities during 2016-17?

- a. Of these redundancies, how many were:
 - x. Voluntary

xi. Forced

b. What was the total cost of all redundancies?

513. 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?

514. Are any staff formerly employed by your ministerial office now employed by Departments/agencies under your portfolio responsibility?

515. How many staff were dismissed from Departments/agencies under your portfolio responsibilities in 2016-17?

a. What were the reason/s for each dismissal?

516. What was the total amount your Departments/agencies spent on stationery?

512-516. See answer at questions 289-293.

Smart Phone Accounts

517. Do the Departments/agencies within your portfolio have an iTunes account?

a. What was the total expenditure in 2016-17 on iTunes?

xii. What applications/subscriptions/services were purchased through iTunes?

518. Do the Departments/agencies within your portfolio have an Android account?

a. What was the total expenditure in 2016-17 on Android?

xiii. What applications/subscriptions/services were purchased through Android?

517-518. See answer at questions 294-295.

Websites Visited

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

520. What were the top 20 most accessed (by number of times accessed) unique domain names accessed by your Ministerial office this year?

519-520. See answer at questions 296-297.

Merchant fees

521. 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.

522. 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.

523. What was the total amount paid in merchant fees on credit and/or debit card payments in your Department/agency in 2016-17?

521-523. All NSW Government agencies are required to impose surcharges to recoup their merchant interchange fees, pursuant to Treasury Circular TC12/13. Customers pay for companion animal registrations using credit or debit cards, using the online NSW Pet Registry, with a merchant interchange fee of 0.4%. There were 8,002 transactions in 2016-17.

OLG 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 charges to Departmental 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

524. 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), the Planning and Environment Cluster has internal mechanisms in place to ensure that probity considerations are routinely taken into account in its procurement decisions, and the use of external probity advisers and auditors is the exception rather than the rule. Each agency's Annual Report includes all consultancies including those involving probity advisors valued more than \$50,000.

Questions from the Mr David Shoebridge MLC

Property developers on council

525. How many of the Liberal Party's candidates for the 2017 council elections are property developers or real estate agents?

Information on whether candidates were property developers or close associates of corporations that are property developers was published in the candidate information sheets submitted by candidates with their nominations. These were published on the relevant election manager's website. The NSW Electoral Commission was the election manager for all councils who held elections in September 2017 other than Maitland City Council.

Administrators standing for council

526. How many of council Administrator are standing as candidates for the 2017 council elections?

Information on candidates who stood at the first elections for new councils is published on the NSW Electoral Commission's website.

Waverley code of conduct

527. What consideration has been given to a report from Waverley Council's independent conduct review committee which found Mayor Sally Betts acted ignored the clear majority of council when adjourning a meeting on 17 May 2016, and that these actions constituted a breach of Waverley Council's Code of Conduct?

Councils are responsible for determining what action to take with respect to alleged breaches of their codes of conduct by councillors in response to a determination and recommendations of a conduct reviewer.

528. What steps has the Minister taken to reprimand Mayor Sally Betts for her conduct?

See answer at question 527.

529. Is the Minister aware of Active Chief Executive Tim Hurst's intervention in this complaint that went beyond Section 9.6 of the model code of conduct, and sought to review the finding of the investigation?

The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* provide various rights to seek a review by the Office of Local Government of the consideration of matters under councils' codes of conduct. Cr Betts exercised her rights to request a review by the Office of Local Government in relation to this matter and the review was undertaken in accordance with the procedures. Notwithstanding the office's

review, it was ultimately a matter for the council to make its own decision on the matter.

Climate change

530. What consideration has been given to the Australian Climate Council's report 'Local Leadership: Tracking Local Government Progress on Climate Change'?

The Government considers a range of reports in policy development.

531. What steps is the government taking to partner with local councils to implement Climate Change Action Plans to address climate change?

The NSW Government is investing \$1.4 billion, from 2017-2022, through the Climate Change Fund Strategic Plan, to help it achieve its long-term objective of net-zero emissions by 2050 and build the State's response to a changing climate. The strategic plan explores ways to improve partnerships with local government in addressing climate change. This includes supporting councils to upgrade public lighting, helping councils to reduce exposure to coastal hazards, ensuring councils have access to relevant, localized climate change information and helping local government to access the benefits of carbon markets.

The Government has also been supporting councils directly through the Building Resilience to Climate Change funding program, providing more than \$1.3 million for local projects in the first three rounds of funding.

Countbacks

532. What progress has been made on the regulations for introducing countbacks in the case of casual vacancies?

The Office of Local Government has been consulting with the NSW Electoral Commission on the drafting of regulations to prescribe the procedures governing the administration of countback elections and the counting rules to be used.

533. Why has there been such a significant delay in specifying the regulations for introducing countbacks in the case of casual vacancies on council?

Work on the drafting of regulations to prescribe the procedures governing the administration of countback elections was deferred prior to the September 2016 council elections at the request of the NSW Electoral Commission.

534. What was the total cost of the Campbelltown City Council by-election in February 2017?

The NSW Electoral Commission publishes reports on by-elections it administers, including the costs of by-elections, on its website.

By election costs

535. Is the Minister aware that 26,000 voters were issued fines by the NSW Electoral Commission for not voting in the March 2017 Campbelltown Council by-election?

The “failure to vote” provisions of the *Local Government Act 1993* are administered by the NSW Electoral Commission.

536. What was the total revenue accrued from these fines?

See answer at question 535.

537. What consideration has been given to passing this revenue on to Campbelltown City Council to cover the cost of the by-election?

See answer at question 535.

Implementation Advisory Committees

538. Was the establishment of local representative committees at merged councils required by the state government?

New councils were encouraged to establish local representative committees to assist with implementation.

539. Was the payment to each former councillor part of that requirement?

Decisions regarding their remuneration were a matter for the council.

540. How was that amount determined?

See answer at question 539.

541. How did the ratepayers get value for money?

Local Representative Committees provide advice on local views and issues.

542. Why hasn't Georges River Council published the minutes of these meetings? The council is claiming to be open and transparent.

Membership of local representation committees included persons who were not councillors, therefore meeting provisions of the *Local Government Act 1993* and the Local Government (General) Regulation 2005 did not apply to their meetings. This includes

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requirements in relation to the keeping of and the public availability of minutes.

543. Why and how can information provided at these meetings be deemed confidential?

See answer at question 542.

544. How can Council decisions that are based on the advice received at these meetings be considered valid?

The manner in which advice was provided by local representation committees will have no bearing on the validity of council decisions that may have been informed by that advice.

Constitutional recognition of local government

545. What steps is the Minister taking to advocate for constitutional recognition of local government that gives local councils proper legal protections?

Local government within NSW has constitutional recognition and legal protection by virtue of section 51 of the NSW *Constitution Act 1902*.

Use of artificial intelligence

546. What current uses of artificial intelligence does the department undertake?

Note: Please include all uses of AI including uses for resource allocation and administrative support, big data analysis, replacement and assistance of experts and researchers, procedural matters, or summarising diverse data – for reference this might include:

- Chatbots for customer service or advice
- Customer management systems
- Scanning legal documents to find relevant case law
- Categorising and searching documents
- Directing petitions efficiently
- Translation
- Document drafting

547. When did the department implement AI technologies and which technologies were these?

548. What planned uses does the department have for artificial intelligence?

549. What is the anticipated timeline for the expansion of existing AI uses or implementation of new technologies?

550. What policy guidelines, if any, guide the exploration and use of artificial intelligence by the

department?

551. What research, if any, has the department undertaken regarding the use of AI in Government services?

546-551. See answer at questions 135-138.