



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2020-2021 Supplementary Questions

Portfolio Committee No. 7 Planning and Environment

ENERGY AND ENVIRONMENT

Hearing: Tuesday 2 March 2021

Answers due by: 26 March 2021

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ENERGY AND ENVIRONMENT

Questions from Ms Abigail Boyd MLC

Air pollution

1. As the NSW load-based licencing fee for sulphur dioxide pollution covers only 2% of the health costs created by that pollution, will the NSW Government adjust the load-based licencing fee in line with the scale of the resulting health damage?
2. What position is the NSW Government taking to the revision of the National Environment Protection (Ambient Air) air quality standards?
3. The current annual standard for nitrogen dioxide is 30 parts per billion (ppb), but the Australian Child Health and Air Pollution study of 2400 children in Australian schools found substantial effects on childhood asthma at average exposure levels of 8.8 ppb. Will NSW support a new science based national annual standard for nitrogen dioxide of 9ppb that is being called for by health experts?

ANSWER:

1. There is currently a review underway of load-based licensing. The Government will announce its position on this issue in due course.
2. The NSW Government supports stronger revised standards in the National Environment Protection (Ambient Air Quality) Measure. The Government has been working with other jurisdictions to update the standards by taking into account health impacts, leading international standards and World Health Organization guidance.
3. The annual average nitrogen dioxide standard is proposed to become significantly stricter, from 30 to 19 parts per billion (ppb), and further tightened to 15 ppb in 2025. This will bring the annual nitrogen dioxide standard below the 19 ppb in the World Health Organization and European guidelines. The proposed standards also include establishing a nitrogen dioxide population exposure reduction framework. This framework aims to continually improve air quality across NSW.

QLD-Hunter Gas Pipeline

4. Does the pathway of the Qld-Hunter gas pipeline travel through offset sites in the Hunter Valley, set aside to offset the biodiversity impacts of coal mines and other developments?
5. Will the NSW Government give the public and affected landholders the opportunity to comment on a draft Authority to Survey for the Qld-Hunter gas pipeline, as it did for APA's Western Slopes pipeline?

ANSWER:

I am advised that:

4. At the time of approval in 2009, the project did not impact on any known biodiversity offset lands in NSW. However, since the 2009 approval, the proponent (Hunter Gas Pipeline Pty Ltd) has been advised that White Haven Coal, Boggabri Coal, Glencore Coal and Muswellbrook Coal have all established new offset lands for their developments within the approved 200-metre-wide corridor.

The proponent is now attempting to collaborate with all four coal companies to ensure the project avoids or minimises adverse impacts on these offset areas.

No other offset areas, to the knowledge of the proponent, will be impacted.

Information on the 2009 approval can be found on the NSW Government's Major Projects website at www.planningportal.nsw.gov.au/major-projects/projects.

5. If a complete Authority to Survey application is received, the NSW Government will undertake a consultation process so that affected landowners and residents can provide feedback on the conditions to be attached to any Authority to Survey granted for the approved Hunter Gas Pipeline project.

Questions from the Hon Mark Banasiak MLC

Aerial Shooting in National Parks

On 25 February 2021 the Sydney Morning Herald published an article on the new wildlife plan for New South Wales. The article stated Parks staff carried out 2000 hours of aerial shooting in 83 national parks in the year to January 2021.

6. What was the total cost for the 2000 hours of aerial shooting?
 - (a) What was the cost per hour for operating the helicopters?
 - (b) What was the total fuel cost?
 - (c) What was the total labour cost?
 - (d) What were the total travel and accommodation costs?
 - (e) What was the total cost of ammunition?
7. How many animals of each targeted species (deer, pigs, goats) were shot?
 - (a) What became of the animals that were shot – were they utilised or disposed of in any way?
8. Were any other pest species targeted?
 - (a) How many of each species were shot?
9. Has a review of aerial pest control ever been undertake to assess whether private contractors may offer better efficiencies and cost savings than NPWS?
10. Has a review of ground based pest control in national parks, looking at effectiveness, costs and efficiencies, ever been undertaken?
 - (a) Is a report available?
 - (b) Does NPWS tender out pest control within national parks to private contractors?
 - (c) If so, where are the tender notices published?
11. What firearms are used by NPWS for aerial pest control?

- (a) What are the makes, models and calibres of Category D firearms used?
- (b) In what year were the Category D firearms used by NPWS purchased?
- (c) In what year were the Category D firearms used by NPWS manufactured?
- (d) How many Category D firearms does NPWS own?

ANSWER:

- 6. 1520 hours of aerial shooting was carried out, not 2000 as stated in the Sydney Morning Herald. This is more than three times higher than the average annual effort over the last 10 years.
 - (a) \$1300 to \$1947 per hour.
 - (b) The total fuel cost cannot be accurately provided because the work is often integrated with other programs.
 - (c) The total labour cost cannot be calculated. Aerial shooting programs are integrated with other programs carried out by the National Parks and Wildlife Service (NPWS).
 - (d) The total travel and accommodation costs cannot be calculated. Aerial shooting programs are integrated with other programs carried out by NPWS.
 - (e) The total cost of ammunition is estimated to be approximately \$197,600.
- 7. 4581 deer, 7089 pigs, and 7185 goats were shot.
 - (a) Carcasses were left where they lay as aerial shooting is carried out in remote locations.
- 8. Yes.
 - (a) 151 foxes, 23 feral cats, 28 wild dogs, 11 feral cattle and one rabbit were shot.
- 9. No.
- 10. NPWS keeps under ongoing review the effectiveness and efficiency of its feral animal control operations.
 - (a) No.

(b) Yes.

(c) Opportunities are posted online on government websites and in local newspapers.

11. NPWS use factory modified FN SCAR H-LB (semi-automatic rifle) and Benelli M4 (semi-automatic shotgun) as its standard firearms for aerial shooting. These are prohibited firearms held under a permit, not a licence.

(a)-(d) NPWS does not use or own Category D firearms.

Aerial Shooting on Private Land

12. Does NPWS conduct aerial shooting on private land?

(a) If so, how many property owners have given permission for NPWS to conduct aerial shooting on their property in 2019, 2020, 2021?

ANSWER:

12. Yes.

(a) 2019 – 78

2020 – 143

2021 – 52.

Questions regarding- The Canary and Cage Bird Federation of Australia Inc.

The Canary and Cage Bird Federation of Australia Inc. (CCBFA) represents some 250 bird keeping clubs nationally, with around 100 throughout NSW. CCBFA is a member of Animal Care Australia (ACA) representing hundreds of thousands of animal keepers including bird and reptile keepers.

December 2014 saw the release of the Final Report of the Independent Biodiversity Legislation Review Panel led by Dr Neil Byron. The coalition government accepted all recommendations, including “Adoption of a tiered and risk-based approach to the regulation of wildlife management in NSW” (Recommendation 27).

CCBFA and other stakeholders (animal keeping associations) have been consulting, meeting, advising, assisting and negotiating with OEH and NPWS for six years; working to successfully develop a reform package to implement their part of the above-mentioned report. Hundreds of hours of work for volunteers, department staff and contractors - millions of dollars of taxpayer's money, yet still no implementation.

13. The final proposal of the consultation process led by contractor Robert Oliver's team remains under lock and key we believe in Executive Director, Atticus Flemings' office. Minister, why hasn't this proposal been released, and will you release it now?

- (a) Your office facilitated a meeting with Atticus Fleming in June 2020 with Animal Care Australia and CCBFA representatives. A simplified proposal for bird keepers mirroring recently implemented systems in Queensland was put to the Executive Director. He is yet to respond despite numerous promises. Minister, please explain why your Executive Director is not keeping his promise to ACA, CCBFA and for that matter why he has delayed the progress of this proposal and the recommendations made by Mr Oliver's team?
- (b) ACA and CCBFA have asked to meet with you on numerous occasions to explain and resolve the matter. This matter affects tens of thousands of NSW animal keepers. Will you commit to meet with ACA and CCBFA?

ANSWER:

13. Atticus Fleming is the Deputy Secretary of the National Parks and Wildlife Service (NPWS). I am advised that Robert Oliver was employed as an NPWS staff member, not as a contractor.

I acknowledge and thank these groups for the time invested during the consultation for the licensing reforms. The licensing reforms proposal has experienced delays, which is due to several factors. I am advised that NPWS remains committed to delivering these reforms once all outstanding matters have been resolved.

- (a) At the June 2020 meeting, Mr Fleming undertook that NPWS would investigate opportunities to progress less-complex components of the broader wildlife licensing reform package, such as bird licensing. This is currently underway.

- (b) Members of my staff have previously met with the ACA and CCBFA and continue to correspond on a regular basis. Both my office and NPWS are aware of the ACA and CCBFA position on this matter.

ENERGY

Questions from Mr David Shoebridge MLC

Electricity bill progress

14. How much of the \$50 million allocated for green hydrogen in the electricity bill has been allocated? What is the process for this? What applications have been received to date?
15. What work has been done working with First Nations communities in the renewable energy zones?
16. Was the Department involved in the development of the new scheme (given we heard from those working on REZs that they appeared to have no idea what was happening)

ANSWER:

14. The Government recently announced the Net Zero Industry and Innovation Program, which includes at least \$50 million for green hydrogen. The Government aims to start the application process in the second half of 2021.
15. Work with First Nations communities in the Central West-Orana region, host of the first NSW Renewable Energy Zone (REZ), is underway. The Department of Planning, Industry and Environment (DPIE) and TransGrid have been consulting on the Central West-Orana REZ with local Aboriginal land councils, the NSW Aboriginal Land Council and the National Indigenous Australians Agency through direct briefings and as participants in the Central West-Orana REZ Regional Reference Group.

DPIE will establish similar regional reference groups for the other five REZs, starting with the New England REZ Regional Reference Group due to commence by the end of March 2021.

DPIE is establishing a working group to oversee development of guidelines about consultation and negotiation with local Aboriginal communities for the purposes of increasing employment and income opportunities for local Aboriginal communities. DPIE intends to establish the working group by the end of March 2021 and expects the guidelines to be released by August 2021.

16. The Department is establishing a Steering Group to oversee development and implementation of guidelines about consultation and negotiation with First Nations communities. This approach has been informed by early engagement with First Nations communities as part of the Renewable Energy Zones program. The Department will also provide advice to the Minister.

Biomass

17. Will you consider amending the definitions applicable to ensure that “biomass” is not considered a renewable energy source?
18. What has been the growth in the last 5 years of the use of biomass as an energy source?
19. What is driving this?
20. Can you guarantee public native forests are not being used in any of these facilities?
21. Are there any facilities that turn logged native forest into wood pellets for burning in NSW?
22. Are there Government subsidies that should be removed or reconsidered for biomass in light of the harm it causes and the community concern about it?

ANSWER:

17. The Government intends to commence consultation on regulations under the *Electricity Infrastructure Investment Act 2020* in quarter two, 2021. This consultation will consider requirements for competitive tenders including eligibility criteria for generation infrastructure projects.

18. Based on Australian Energy Statistics 2020 Table O, available at www.energy.gov.au/sites/default/files/Australian%20Energy%20Statistics%202020%20Table%20O.xlsx, NSW biomass generation is up 16 per cent since 2015.
19. This is primarily a commercial decision of biomass energy operators. However, the ability for Biomass energy generation to access incentives under the Commonwealth's Large-scale Renewable Energy Target scheme, as well as improvements in waste recovery and generation technologies, may be contributing factors.
20. The Protection of the Environment Operations (General) Regulation 2009 prohibits the use of native forest bio-material to generate electricity, with some exceptions.
21. I am advised, no.
22. There are no current NSW Government subsidies for biomass generation.

Oven Mountain Pumped Hydro

23. What measures are in place to protect the adjoining National Park from impact by the Oven Mountain Pumped Hydro project?
24. What consultation and agreement is there with local Dunghutti people for the project?
25. What protection are in place to protect environmental water flows, especially during drought?

ANSWER Q23 – 25:

These questions should be referred to the Hon Rob Stokes MP, Minister for Planning and Public Spaces.

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

Funding

26. Will the Minister intervene and thoroughly investigate what is actually required to service and maintain an Electricity Network so it can provide safe and reliable electricity to customers

without the draconian cuts to their operating budgets by the AER which serve nothing more than impact jobs, which in turn affects service delivery to customers?

27. What proportion of the funding that network operators get goes back into funding Operational and Capital expenditure rather than as dividends to majority shareholders?
28. Is the Minister satisfied that the current regulatory regime is working to maximise efficient delivery of electricity without compromising service delivery?
29. Is the Minister satisfied that the published regulatory reliability index measures of SAIFI and SAIDI give a clear and unambiguous picture of the degree of reliability provided by NSW Electricity providers?

ANSWER:

26. The Australian Energy Regulator (AER) independently regulates energy networks under national energy legislation and rules. The AER determination process ensures that only efficient costs are passed through to customers. I note that reliability should not be equated with jobs in a network business.

The NSW Government has imposed strict licence conditions on NSW network electricity operators, including minimum standards for reliability and safety. The Independent Pricing and Regulatory Tribunal (IPART) rigorously monitors compliance with network licence conditions.

27. The AER assesses and regulates the revenue requirements of regulated electricity network businesses. The operational and capital expenditure as a proportion of total revenue of NSW network operators have been determined by the AER and can be found in the final determinations published on the AER website: www.aer.gov.au/networks-pipelines/determinations-access-arrangements?f0%5B0%5D=type%3Aaccc_aer_determination.
28. The NSW electricity industry market and regulatory rules were established when generation and transmission capacity was high. The focus was to prevent over-investment and increase the efficiency of existing plants.

The Energy Security Board (ESB) is currently undertaking work to determine the appropriate future design of the national energy market via the Post 2025 Market Design reforms. The NSW

Government will continue to engage with the ESB in this process to ensure the best outcomes for NSW businesses and consumers.

29. At the request of the Premier, IPART is conducting a public review of the electricity distribution reliability standards. IPART released a draft report in October 2020 and is finalising consultation and recommendations that include considerations of the System Average Interruption Duration Index (SAIDI) and the System Average Interruption Frequency Index (SAIFI). This report is available on IPART's website:

www.ipart.nsw.gov.au/Home/Industries/Energy/Reviews/Electricity/Electricity-Distribution-Reliability-Standards-2020.

Electricity prices

30. Is the Minister satisfied that consumers are benefiting from the maximum possible reduction in electricity prices achievable under the current regulatory regime which is characterised by an unregulated oligopoly in the retail market?

ANSWER:

30. The Electricity retailers are subject to the *Australian Competition and Consumer Act 2010* (Cth). The NSW Independent Pricing and Regulatory Tribunal's (IPART) recent review of the NSW retail electricity market's performance and competitiveness found that competitive retail electricity prices fell throughout NSW in 2019–20. IPART also found that price changes in 2019–20 were broadly in line with costs borne by retailers. The Australian Energy Regulator (AER) has also forecast that electricity prices will continue to fall due to wholesale cost reductions.

On 1 July 2019 the Default Market Offer (DMO) came into effect. The DMO is a rule that limits the price that retailers can charge electricity customers on default contracts, known as standing offer contracts. The AER's role is to determine the maximum price that a retailer can charge a standing offer customer each year.

The DMO applies to NSW small business and residential customers and acts as a 'reference price' to help customers compare the price of different offers. The current AER draft determination will see DMO prices \$90-\$136 lower in NSW in 2021–22 compared to 2020–21, depending on the distribution region.

Climate change effect

31. Given recent blackout events in Texas and the increasing frequency of climate change induced significant weather events, is the Minister comfortable with the fact that the AER regulatory regime makes no allowance for the effects of climate change in its provision for Network funding?

- (a) Have you made any representations to the Federal Government or the AER regarding this defect in the funding arrangement?

ANSWER:

31. Clause 6.6.1 of the National Electricity Rules allows networks to apply for a cost pass through. A cost pass through allows a network business to recover its efficient costs that are not accounted for in its current revenue determination and associated with nominated pass through events (such as natural disasters).

- (a) The NSW Government participates in national forums such as the Energy National Minister's Cabinet Reform Committee to advocate for NSW networks, businesses and consumers.

State Government support with AER determinations

32. Will the Government support NSW network providers with their submissions to the AER in 2023 and 2024, with a view to ending the continued de-funding of NSW energy providers?

ANSWER:

32. The Australian Energy Regulator (AER) independently regulates energy networks under national energy legislation and rules. The AER determination process ensures that only efficient costs are passed through to customers.

The NSW Government engages with the AER and network service providers on various issues to ensure efficient investment in and operation and use of energy services, for the long-term benefit of customers.

Essential Energy Operating Expenditure

33. After several years of consecutive reductions in funding to Essential Energy which severely impacts service delivery and costs jobs in rural and regional areas, the customer is only going to save around \$56 per year from what they paid in 2008. This saving is contingent on the retailers passing on the savings to customers which is not guaranteed given they are unregulated. Given this small and uncertain saving why are the Network Providers so heavily impacted on the Opex and Capex budgets?

ANSWER:

33. I am advised that:

Lower expenditure and therefore lower network charges has been achieved without impacting service levels. Essential Energy's network reliability performance today is close to 30 per cent better than 15 years ago.

Along with other reforms, savings in wages flow through to customers via lower network charges. In the 10 years to 2024, I am advised Essential Energy's reforms are forecast to result in over \$5 billion remaining in our regional communities; allowing businesses to grow, employ more staff and improve their competitiveness.

Essential Energy's latest estimates indicate there are around 667,000 jobs in communities across Essential Energy's footprint with a projected growth of 5.3 per cent over the next five years (over 35,000 jobs). Moreover, employment growth is clearly influenced by affordable energy costs, highlighting the imperative for reform and ongoing reductions in network charges.

Since its peak in 2012–13 Essential Energy's annual network charges for a typical residential customer today are, in real terms, \$466 lower.

Job security

34. As a 49% shareholder in Ausgrid, what is the government doing to reduce the impacts of the proposed redundancies on Ausgrid workers?
- (a) Does the Government have any position on whether or not Ausgrid has been proactive enough in contestable markets which could create rather than destroy jobs in that entity?

35. The job protection measures which were built into the sales Act legislation expired in June last year. As the Minister responsible for the Electricity sector, what is your plan for jobs growth in that sector as opposed to the job destruction we have witnessed since privatisation?
36. An undertaking was given that there would be no regional job losses up to August 2021. Will Essential Energy restart job reductions during the life of the next Enterprise Agreement?
37. Will you commit to no forced redundancies at Essential Energy?
38. Is the Government aware that Ausgrid has resisted attempts by Unions to bring an expression of interest process into the Ausgrid enterprise agreement in order to reduce the impacts of forced redundancy? Such a process would minimise the negative effects on those employees who wished to stay and provide a mechanism to reduce staff numbers.
39. Ausgrid has made clear their intention to reduce numbers by 300-500 before 2023. They have not given the workforce any indication as to when exactly these losses will come into effect, creating an environment of uncertainty, panic, and fear within the company. Further Ausgrid has in the past misrepresented to Unions on the areas, and types of employee, that will be targeted for redundancy. Can the Minister state clearly when Ausgrid intends to make 500 people redundant, and who specifically will be targeted for losses?

ANSWER:

34. This question should be referred to the Hon Dominic Perrottet MP, Treasurer and the Hon Damien Tudehope MLC, Minister for Finance and Small Business.

(a) Operating in the contestable market is a commercial decision for Ausgrid.

35. The NSW Government's Electricity Infrastructure Roadmap (Roadmap) is expected to drive an estimated \$32 billion of private investment in the NSW electricity system over the next decade. This investment is expected to support 6300 construction jobs and 2800 ongoing operational jobs in 2030, mostly in regional NSW.

The Electricity Infrastructure Investment Act 2020 enables the delivery of the Roadmap including establishing the Renewable Energy Sector Board and Electricity Infrastructure Jobs Advocate.

The Renewable Energy Sector Board, announced on 23 February 2021, will provide me with a plan for the NSW renewable energy sector, including how to maximise the employment of

suitably qualified local workers and to foster opportunities for apprentices and trainees. The Board is jointly chaired by Daniel Walton from the Australian Workers' Union and Craig Memery from the Public Interest Advocacy Centre and brings together 12 representatives from across the sector.

The Electricity Infrastructure Jobs Advocate will advise me on topics including workforce development, employment and education and training in the energy sector.

36–37. I am advised Essential Energy remains committed to operating a safe, reliable and affordable electricity network. Reforms since 2012–13 have seen bill savings of \$466 for a typical residential customer. Given labour makes up 46 per cent of Essential Energy's total cost base, workforce size must remain a key focus to sustain downward pressure on network charges.

I am also advised Essential Energy's preference remains to achieve the necessary workforce reductions through natural attrition, voluntary redundancy and other exits. A commitment has also been made that there will be no redundancies in Western NSW and other small NSW regional towns for the remainder of the 2019–24 regulatory period, and no depot closures across its entire footprint over the same period. Furthermore, no operations field-based redundancies will occur during the period to 30 June 2022.

38. The NSW Government is aware that Ausgrid has been working with unions through the development and adoption of the 2018 Enterprise Agreement and the implementation of the organisational restructure to make energy as affordable as possible to the community. As to industrial matters, I refer the answer to the shareholder Minister.

39. Workforce management is an operational matter for Ausgrid. Ausgrid issued a media release on organisational restructure plans on 19 October 2020. This is available on Ausgrid's website: www.ausgrid.com.au/About-Us/News/Ausgrid-to-reduce-costs-to-keep-downward-pressure-on-energy-prices.

Switchboards

40. Is the Minister aware of potential breaches of the Home Building Act and the Gas and Electricity Consumer Safety Act whereby NSW Electricity Distributors are directing unqualified workers to perform electrical wiring work in customer switch boards, and not completing the safety and compliance regime mandated by the Gas and Electricity Consumer Safety Act (CCEW)?

ANSWER:

40. This question should be referred to the Hon Kevin Anderson MP, Minister for Better Regulation and Innovation.

Wallsend Administration Building

41. Is there any intention by Ausgrid to lease, sell or partly sell off the Wallsend Administration building?

ANSWER:

41. This is a commercial and operational matter that should be directed to Ausgrid.

Charity left out of pocket

42. The Government is the overall owner of Endeavour Energy (with a current lease) and currently maintains a 49.6 per cent stake in the energy provider, as the Minister for Energy, do you think it is fair that a charity, called Our Lady of Consolation Aged Care and Services in Rooty Hill is being left out of pocket close to \$15,000 (\$14,916.80) to pay for generators to keep life support, medical equipment, nursing call systems and cooling systems going due to Endeavour Energy needing to replace a power pole in a near-by street and refusing to pay for the total cost of keeping the power on for the outage period?
- (a) What action will the Minister take regarding this issue?
43. Minister, in questions taken on notice in the 2019-2020 Budget Estimates hearing on 13 September 2019, answered on 15 October, at page 68 of the annotated transcript, the following answer was given:

ANSWER:

I am advised:

- There has been no increase in the value of the rebates for the Low Income Household Rebate, Family Energy Rebate, Gas Rebate, Life Support Rebate, Medical Energy Rebate or Energy Accounts Payment Assistance Scheme in the 2019-20 budget.
- Data on the number of households receiving rebates between July 2018 and December 2018 is publicly available in the July to December 2018 report at www.energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/social-programs-energy-code. Full year rebate data for 2018-19 continues to be processed and will be published once available. For EAPA, approximately 55,900 households received EAPA support in 2018-19.
- The disaggregated budget allocations for the energy rebates and EAPA in the 2018-19 and 2019-20 budgets are as follows:

Energy Social Program Name	Budget allocation 2018-19	Budget allocation 2019-20
Low Income Household Rebate	\$239,222,000	\$239,222,000
NSW Gas Rebate	\$29,060,000	\$29,060,000
Family Energy Rebate	\$8,618,000	\$8,618,000
Life Support Rebate	\$12,577,000	\$12,577,000
Medical Energy Rebate	\$3,000,000	\$3,000,000
Seniors Energy Rebate	<i>n/a – commenced in 2019-20</i>	\$10,400,000
Energy Accounts Payment Assistance (EAPA) Scheme	\$19,837,000	\$19,837,000

- What was the actual amount paid for each energy social program in 2018-2019?
- What was the actual amount paid for each energy social program in 2019-2020?
- How many households received assistance under each energy social program in 2018-2019?
- How many households received assistance under each energy social program in 2019-2020?
- What is the proposed expenditure for each energy social program for the 2020-2021 financial year?
- How many households are expected to be assisted under each energy social program for the 2020-2021 financial year?

44. Priority No.2 from the Net Zero Plan Stage 1: 2020-2030 says the NSW government will help consumers by publishing the emissions performance of energy retailers on the EnergySwitch website. Has this commitment been abandoned along with the EnergySwitch website?
- (a) Has the government attained data the emissions performance of each energy retailer and can you provide that data to the committee?
 - (b) If the government does not yet have this data, how do you intend to source it?
 - (c) Have all energy retailers committed to providing this information?
 - (d) How will the government fulfil its commitment to make emissions performance transparent if a retailer refuses to provide its emissions intensity to government?

ANSWER:

42. Endeavour Energy is majority owned by a consortium of investors. I am advised that Endeavour Energy met the full cost of generator hire to supply power to Our Lady of Consolation Aged Care and Services (OLOCACS), Rooty Hill during the planned interruption on Saturday 6 March 2021. I am further advised that Endeavour Energy is meeting with the senior management of OLOCACS to explore how to reduce operational impacts from any future planned power interruptions.
- 43 (a) – (d) This information is publicly available in the ‘NSW Energy Rebates Trend Analysis 2017-2020’ report at www.energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/social-programs-energy-code.
- (e) The Energy Social Programs are a protected, parameter-driven, budget item. This means there is no proposed expenditure nor cap on expenditure.
 - (f) Based on uptake data from the last three financial years and trends for the current financial year, the Energy Social Programs are expected to assist over one million households.
44. (a) – (d) The commitment has not been abandoned. The NSW Government is currently exploring a range of avenues to implement this commitment and is working with energy retailers

to determine the best way to source the data. A range of regulatory and non-regulatory approaches to deliver the commitment are being examined.

Employees

45. This question relates to an issue Mr Betts took on notice. These supplementary questions are intended to clarify the request for information and assist in the provision of the information sought in the hearing. At page 74 of the transcript of the hearing on 2 March 2021, this exchange occurred.

Tuesday, 2 March 2021

Legislative Council

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The Hon. ADAM SEARLE: I have got some questions for Mr Cleland, who will need some time to come in. So while Mr Cleland is coming in I have got a question for Mr Betts about the gender pay gap. Mr Betts, are you the cluster secretary for Planning, Industry and Environment?

Mr BETTS: Yes.

The Hon. ADAM SEARLE: I know this is the estimates for Energy and Environment, but my question is this: If you can, for the cluster what is the current pay equity gap?

Mr BETTS: I do not have that information for the cluster. I have got it for executive grades and I will source that information now, if I can.

The Hon. ADAM SEARLE: Okay.

Mr BETTS: The picture there is across different executive bands. Broadly speaking, band 3, which is the most senior band, there is a small, on average, higher salary for female band 3s than there is for males; it is about \$1,000, \$2,000. The picture is different at band 2, where there is quite a significant gap between male and female averages and—

The Hon. ADAM SEARLE: Mr Betts, I do not wish to interrupt but maybe you could take this on notice because we have only got a short time. What I would really like to know is for the cluster, by division or by agency—whatever is best—what is the gap overall and what is the gap by senior executive band [SEB] grade or its equivalent, both by division and across the whole of the cluster. I would also like to know what is the top and bottom pay for a male and a female in each of those grades, just so we can get the averages—obviously, it will be different at different parts of the organisation.

Mr BETTS: The top and bottom pay for each grade? I just want to make sure I understand the question.

The Hon. ADAM SEARLE: If you have got SEB band 2, band 3, band 4 or band equivalents, if you have got a number of male and female employees at that level, obviously the highest paid male and the bottom paid male, the highest paid female and the bottom paid female in each of those grades.

Mr BETTS: Okay.

The Hon. ADAM SEARLE: And also, if you can, the number of average direct reports? Because, not so much for your organisation but for different parts of the public service, I am getting reports of people ostensibly at the same grade, not only at different parts of the grade in terms of the pay, but having vastly differential reporting numbers of staff to them.

Mr BETTS: That would be right. Some grades are heavily operational, others are not.

The Hon. ADAM SEARLE: Understood. Happy for you to table it.

Mr BETTS: That might be quite onerous but we will see. We will get you the best information we can.

Mr Betts, the Secretary of the Cluster and the Secretary of the Department of Planning, Industry and Environment:

- (a) What is the gender pay gap in the Planning, Industry and Environment Cluster, both generally and across those employees in SEB or SEB-equivalent bands?
- (b) What is the highest remuneration for female employees—both generally and for SEB/SEB-equivalent employees? Please provide this information by band or band equivalent and by

department, agency or State-owned corporation or other body and each division of those bodies, if any, across the Cluster.

- (c) What is the lowest pay received by female employees – both generally and for SEB/SEB-equivalent employees? Please provide this information by band or band equivalent and by department, agency or State-owned corporation or other body and each division of those bodies, if any, across the Cluster.
- (d) What is the average remuneration received by female employees – both generally and for SEB/SEB-equivalent employees? Please provide this information by band or band equivalent and by department, agency or State-owned corporation or other body and each division of those bodies, if any, across the Cluster.
- (e) What is the highest remuneration for male employees in the Cluster – both generally and for SEB/SEB-equivalent employees? Please provide this information by band or band equivalent and by department, agency or State-owned corporation or other body and each division of those bodies, if any, across the Cluster.
- (f) What is the lowest pay received by male employees in the Cluster– both generally and for SEB/SEB-equivalent employees? Please provide this information by band or band equivalent and by department, agency or State-owned corporation or other body and each division of those bodies, if any, across the Cluster
- (g) What is the average remuneration received by male employees in the Cluster– both generally and for SEB/SEB-equivalent employees? Please provide this information by each band or band equivalent and by department, agency, State-owned corporation or other body and each division of those bodies, if any, across the Cluster.
- (h) How many female and how many male SEB or SEB-equivalent employees are there across the Cluster? Please provide this information by each band or band equivalent and by each department, agency, State-owned corporation or other body and each division of those bodies, if any, across the Cluster.
- (i) What is the highest number of direct reports to female SEB or SEB-equivalent employees across the Cluster? Please provide this information by band/band equivalent and by department, agency, State-owned corporation or other body and each division of those bodies, if any, across the Cluster.

- (j) What is the lowest number of direct reports to female SEB or SEB-equivalent employees across the Cluster? Please provide this information by band/band equivalent and by department, agency, State-owned corporation or other body and each division of those bodies, if any, across the Cluster.
- (k) What is the average number of direct reports to female SEB or SEB-equivalent employees across the Cluster? Please provide this information by band/band equivalent and by department, agency, State-owned corporation or other body and each division of those bodies, if any, across the Cluster.
- (l) What is the highest number of direct reports to male SEB or SEB-equivalent employees across the Cluster? Please provide this information by band/band equivalent and by department, agency, State-owned corporation or other body and each division of those bodies, if any, across the Cluster.
- (m) What is the lowest number of direct reports to male SEB or SEB-equivalent employees across the Cluster? Please provide this information by band/band equivalent and by department, agency, State-owned corporation or other body and each division of those bodies, if any, across the Cluster.
- (n) What is the average number of direct reports to male SEB or SEB-equivalent employees across the Cluster? Please provide this information by band/band equivalent and by department, agency, State-owned corporation or other body and each division of those bodies, if any, across the Cluster.
- (o) What is the highest number of staff managed by female SEB or SEB-equivalent employees across the Cluster? Please provide this information by band/band equivalent and by department, agency, State-owned corporation or other body and each division of those bodies, if any, across the Cluster.
- (p) What is the lowest number of number of staff managed by female SEB or SEB-equivalent employees across the Cluster? Please provide this information by band/band equivalent and by department, agency, State-owned corporation or other body and each division of those bodies, if any, across the Cluster.
- (q) What is the average number of number of staff managed by female SEB or SEB-equivalent employees across the Cluster? Please provide this information by band/band equivalent

and by department, agency, State-owned corporation or other body and each division of those bodies, if any, across the Cluster.

- (r) What is the highest number of staff managed by male SEB or SEB-equivalent employees across the Cluster? Please provide this information by band/band equivalent and by department, agency, State-owned corporation or other body and each division of those bodies, if any, across the Cluster.
- (s) What is the lowest number of number of staff managed by male SEB or SEB-equivalent employees across the Cluster? Please provide this information by band/band equivalent and by department, agency, State-owned corporation or other body and each division of those bodies, if any, across the Cluster.
- (t) What is the average number of number of staff managed by male SEB or SEB-equivalent employees across the Cluster? Please provide this information by band/band equivalent and by department, agency, State-owned corporation or other body and each division of those bodies, if any, across the Cluster.
- (u) What steps are you taking to eliminate the gender pay gap across the Cluster and within each department, agency, corporation or other body in the Cluster?
- (v) What timeframe have you set to eliminate the gender pay gap across the Cluster and within each department, agency, corporation or other body in the Cluster?

46. Minister, for each department, agency, State-owned corporation or other body, and for each division of those bodies, if any, in your portfolio:

- (a) What is the gender pay gap, both generally and across those employees in SEB or SEB-equivalent bands?
- (b) What is the highest remuneration for female employees— both generally and for SEB/SEB-equivalent employees?
- (c) What is the lowest pay received by female employees – both generally and for SEB/SEB-equivalent employees?
- (d) What is the average remuneration received by female employees – both generally and for SEB/SEB-equivalent employees?

- (e) What is the highest remuneration for male employees– both generally and for SEB/SEB-equivalent employees?
- (f) What is the lowest pay received by male employees – both generally and for SEB/SEB-equivalent employees?
- (g) What is the average remuneration received by male employees – both generally and for SEB/SEB-equivalent employees?
- (h) How many female and how many male SEB or SEB-equivalent employees are there?
- (i) What is the highest number of direct reports to female SEB or SEB-equivalent employees?
- (j) What is the lowest number of direct reports to female SEB or SEB-equivalent employees?
- (k) What is the average number of direct reports to female SEB or SEB-equivalent employees?
- (l) What is the highest number of direct reports to male SEB or SEB-equivalent employees?
- (m) What is the lowest number of direct reports to male SEB or SEB-equivalent employees?
- (n) What is the average number of direct reports to male SEB or SEB-equivalent employees?
- (o) What is the highest number of staff managed by female SEB or SEB-equivalent employees?
- (p) What is the lowest number of number of staff managed by female SEB or SEB-equivalent employees?
- (q) What is the average number of number of staff managed by female SEB or SEB-equivalent employees?
- (r) What is the highest number of staff managed by male SEB or SEB-equivalent employees?
- (s) What is the lowest number of number of staff managed by male SEB or SEB-equivalent employees?
- (t) What is the average number of number of staff managed by male SEB or SEB-equivalent employees?

- (u) In providing answers to questions (a) to (t) please provide the information for each SEB band or band equivalent.
- (v) What steps are you taking to eliminate the gender pay gap?
- (w) What timeframe have you set to eliminate the gender pay gap?

ANSWER:

I am advised:

45.

- (a) Generally (non-executive): -1.0 per cent

SEB (Bands 1 – 4): 3.7 per cent

SEB (Bands 1 – 3): 2.9 per cent

The gender pay gap measures the difference between the average earnings of women and men in the workforce. A positive percentage indicates men, on average are paid more than women; a negative percentage indicates women, on average are paid more than men.

- (b) Generally (for non-executive staff): \$164,725

SEB: \$487,029 (Band 3).

- (c) Generally (non-executive): \$42,460

SEB: \$192,602 (Band 1)

- (d) Generally (non-executive): \$105,612

SEB: \$245,568

- (e) Generally (non-executive): \$164,725

SEB: \$605,500 (Band 4)

(f) Generally (non-executive): \$42,460

SEB: \$192,600 (Band 1)

(g) Generally (non-executive): \$104,602

SEB: \$255,030

(h) Female SEB: 226

Male SEB: 238

(i–n) The Department of Planning Industry and Environment (DPIE) Establishment data is currently housed across five different Enterprise systems. As such direct report data is not consistently available or able to be accurately determined to this level of detail within the given timeframes.

(o–t) The exact number of staff managed is unavailable give the timeframes for the same reasons, however data is provided on the size of the Business Divisions led by SEB Band 3 (Deputy Secretaries) and SEB Band 2 (Executive Directors):

Highest headcount of a Group led by a female Band 3 SEB (Group/Deputy Secretaries): 1339.

Highest headcount of a Division led by a female Band 2 SEB (Executive Directors): 316.

Lowest headcount of a Group led by a female Band 3 SEB (Group/Deputy Secretaries): 14.

Lowest headcount of a Division led by a female Band 2 SEB (Executive Directors): 3.

Average headcount of a Group led by a female Band 3 SEB (Group/Deputy Secretaries): 399.

Average headcount of a Division led by a female Band 2 SEB (Executive Director): 91.

Highest headcount of a Group led by a male Band 3 SEB (Group/Deputy Secretaries): 3744.

Highest headcount of a Division led by a male Band 2 SEB (Executive Directors): 1968.

Lowest headcount of a Group led by a male Band 3 SEB (Group/Deputy Secretaries): 22.

Lowest headcount of a Division led by a male Band 2 SEB (Executive Directors): 3.

Average headcount of a Group led by a male Band 3 SEB (Group/Deputy Secretaries): 820.

Average headcount of a Division led by a male Band 2 SEB (Executive Directors): 118.

(u) DPIE is taking the following steps:

- The recruitment of a remuneration specialist to develop principles and guidelines to undertake a review of consistency and monitoring of all salaries.
- Develop a span of control around salaries and work within a clearly defined parity process.
- Conduct a detailed analysis on pay parity principles to identify differences between salaries and work to bridge the difference in pay parity.
- Review recruitment processes and ensure salary consistency for women and men, ensuring women are not disadvantaged when taking leave to have children.
- Every role has a Mercer evaluation to determine work value points based on responsibilities and accountabilities of the role. Salary appointments are determined by these work value points.

(v) The Premier's target of gender parity in senior leadership roles by 2025 is the target date that DPIE will align to for gender pay parity.

46. (a) – (w). Please see response to question 45.

*Please note data reflects all DPIE as at 28 February 2021, and references data on non-executive (general) staff and SEB staff. All SEB data only includes ongoing and fixed term Public Service Senior Executive contracts. Acting arrangements are excluded from the analysis contained within this response.

Questions from Mr Justin Field MLC

Redbank Power Station

47. Is Verdant Technology's (formerly Hunter Energy) Redbank Biomass project eligible for subsidies under the NSW Electricity Infrastructure Investment Act 2020?

(a) If so, is it currently being considered?

48. Is this project eligible for funding under the NSW Emerging Energy Program?

(a) If so, is it currently being considered?

49. Would Verdant's Redbank Biomass project be eligible under any other NSW Government programs for subsidies?

50. Are any activities that burn native forest biomaterial for energy eligible under the abovementioned initiatives for funding?

(a) If so, are any currently being considered? Please name and provide details of the proposal.

ANSWER:

47. The NSW Government intends to commence consultation on regulations under the *Electricity Infrastructure Investment Act 2020* in quarter two, 2021. This consultation will consider requirements for competitive tenders including eligibility criteria for generation infrastructure projects.

(a) The project is not currently being considered.

48. There are no further funding rounds scheduled for the Emerging Energy Program.
49. There are no other current programs in the Energy and Environment portfolio that the project would be eligible for.
50. No, as the regulations under the *Electricity Infrastructure Investment Act 2020* are still being developed and the Emerging Energy Program has no further funding rounds scheduled.

ENVIRONMENT

Questions from Mr David Shoebridge MLC

EPA prosecutions

51. We are aware of a number of well documented cases of hazardous waste being illegally dumped on private land and properties in the Western Suburbs in 2019 and 2020 which were reported to the EPA, can you advise why these were not prosecuted?
52. What percentage of hazardous waste matters referred to the EPA each year are investigated? Of this how many are prosecuted? How many of these prosecutions are successful?

ANSWER:

I am advised:

51. The NSW Environment Protection Authority's (EPA) regulatory response in any matter is informed by the EPA's Compliance Policy, its Guidelines on Enforceable Undertakings and its Prosecution Guidelines.
52. The EPA received over 1700 reports involving illegal dumping or asbestos in 2019 and 2020, all of which were investigated. Details of the EPA's prosecutions and success rates can be found in EPA Annual Reports at www.epa.nsw.gov.au/about-us/publications-and-reports/annual-reports.

55 Coonara Avenue, West Pennant Hills

53. Given that there are large areas of critically endangered ecological communities of Blue Gum High Forest and Sydney Turpentine Ironbark Forest on the Mirvac site at 55 Coonara Ave, West

Pennant Hills, why didn't your department insist on getting a survey of the trees within the development area, when it now turns out there are over 450 trees within the demolition footprint alone?

ANSWER:

I am advised:

53. In June 2020 the Minister for Planning and Public Spaces approved the planning proposal for 55 Coonara Avenue, West Pennant Hills. Under the Gateway Determination for the planning proposal, the Environment, Energy and Science Group (EES) had a consultation role to provide advice to The Hills Shire Council.

EES's submission and further advice can be viewed at www.planningportal.nsw.gov.au/ppr/lep-decision/hills-lep-2019-55-coonara-avenue-west-pennant-hills-amendment-facilitate.

The development consent is a matter for The Hills Shire Council.

Clean Air Strategy

54. Can the Minister explain how the health of Sydney residents will be protected when the 4 waste incinerators currently under consideration for construction in the Sydney basin burn more than 1.5 million tonnes of waste in the Sydney basin per year?
55. Can the Minister confirm what air quality modelling has been done to verify this?

ANSWER:

54 – 55 These questions should be referred to the Hon Rob Stokes MP, Minister for Planning and Public Spaces. Any proposal must comply with the NSW Energy from Waste Policy Statement, which specifies best practice measures, including air emission controls, to protect human health.

Waste to energy will be dealt with as a part of the Government's 20 year Waste Strategy.

Questions from Ms Cate Faehrmann MLC

Ammonia Nitrate

56. What reviews or regulatory changes have been made regarding the storage of Ammonia Nitrate in response to the tragic explosion at Port of Beirut?
57. What other cities in the world permit up to 12,000 tonnes of Ammonium Nitrate stockpiles stored less than 800m from residents, as is permitted in Newcastle?
 - (a) What other ports permit 12,000 tonnes of Ammonia Nitrate stockpiles within their vicinity?
58. What is the annual tonnage of Ammonium Nitrate hauled via trucks in NSW?
 - (a) How many truck movements does that equate to?
59. What proportion of road-based Ammonium nitrate haulage is undertaken by independent contractors/sole traders?
60. How are the transport of dangerous goods requirements enforced for contractors and sole traders transporting ammonium nitrate?
 - (a) What monitoring is undertaken?
61. What is the tonnage of Ammonia Nitrate transported by rail in NSW?
 - (a) Is this transported on lines shared by passenger trains?
 - (b) Is this transported through tunnels? What special safety measures are in place for the haulage of AN on trains?
62. What is the estimated blast radius of an Ammonium Nitrate explosion if there was an accident at the Port of Newcastle?
63. Would the RAAF Base at Williamtown be within that blast radius?
64. How has the security risk associated with the stockpile of ammonium nitrate in a strategic port adjacent to strategic military facilities been assessed?

ANSWER:

I am advised:

56. In NSW, premises that store significant quantities of ammonium nitrate are classified as Major Hazard Facilities under the Work Health and Safety Regulation 2017. SafeWork NSW is the lead regulator for Major Hazard Facilities and the safety aspects of ammonium nitrate storage.

There is a robust regulatory regime across regulators, including SafeWork NSW; Department of Planning, Industry and Environment (DPIE); NSW Police, Fire and Rescue; and the NSW Environment Protection Authority (EPA) to ensure that the potential risks from Major Hazard Facilities are managed.

The EPA conducted a series of inspections of ammonium nitrate storage facilities following the Beirut incident involving ammonium nitrate in August 2020.

57. The EPA does not hold this information.

58. Approximately 600,000 tonnes of ammonium nitrate are transported annually in NSW by road and rail.

(a) The EPA does not hold information about the proportion of ammonium nitrate transported by road as opposed to rail.

59. The EPA understands that the importers and manufacturers of ammonium nitrate generally use third party transport contractors.

(a) Dangerous goods transport requirements are enforced by dangerous goods trained EPA operations officers. The requirements are enforced by the issuing of penalty notices and prosecutions. Compliance monitoring is conducted by both the EPA and the NSW Police Highway Patrol, and regular dangerous goods transport patrols and compliance operations are undertaken.

60. Approximately 600,000 tonnes of ammonium nitrate is transported annually in NSW by road and rail. The EPA does not hold information about the proportion of ammonium nitrate transported by road as opposed to rail.

(a) Yes.

(b) Yes. Rail operators are required to comply with the Australian Code for the Transport of Dangerous Goods by Road and Rail (the ADG Code).

62–63. These questions should be referred to the Hon Kevin Anderson MP, Minister for Better Regulation and Innovation.

64. This question should be referred to the Hon David Elliot MP, Minister for Police and Emergency Services. NSW Police is the lead regulator for security sensitive substances, including ammonium nitrate.

Native Vegetation Management Compliance

65. How many active investigations into breaches under part 4 of the Local Land Services Act 2013 are there?

66. What is the number of active investigations into breaches under the National Parks and Wildlife Act 1974?

67. What is the number of active investigations into breaches under the Biodiversity Conservation Act 2016?

68. How many FTE compliance officers were employed by the department in;

(a) 2020?

(b) 2019?

(c) 2018?

(d) 2017?

69. How many new investigations were launched into breaches under part 4 of the Local Land Services Act 2013 in;

(a) 2020?

(b) 2019?

(c) 2018?

(d) 2017?

70. How many investigations into breaches under part 4 of the Local Land Services Act 2013 were resolved in;

(a) 2020?

(b) 2019?

(c) 2018?

(d) 2017?

71. How many charges were brought for breaches under part 4 of the Local Land Services Act 2013 were resolved in;

(a) 2020?

(b) 2019?

(c) 2018?

(d) 2017?

72. How many cases of unexplained clearing were discovered in;

(a) 2020?

(b) 2019?

(c) 2018?

(d) 2017?

73. How many hectares of unexplained clearing were discovered in;

(a) 2020?

(b) 2019?

(c) 2018?

(d) 2017?

74. How many new investigations were launched into breaches of the National Parks and Wildlife Act 1974 in;

(a) 2020?

(b) 2019?

(c) 2018?

(d) 2017?

75. How many investigations into breaches of the National Parks and Wildlife Act 1974 were resolved in;

(a) 2020?

(b) 2019?

(c) 2018?

(d) 2017?

76. How many charges were brought for breaches of the National Parks and Wildlife Act 1974 were resolved in;

(a) 2020?

(b) 2019?

(c) 2018?

(d) 2017?

77. How many new investigations were launched into breaches of the Biodiversity Conservation Act 2016 in;

(a) 2020?

(b) 2019?

(c) 2018?

(d) 2017?

78. How many investigations into breaches of the Biodiversity Conservation Act 2016 were resolved in;

(a) 2020?

(b) 2019?

(c) 2018?

(d) 2017?

79. How many charges were brought for breaches of the Biodiversity Conservation Act 2016 were resolved in;

(a) 2020?

(b) 2019?

(c) 2018?

(d) 2017?

ANSWER:

65. As of 9 March 2021, there are 353 open investigations into potential breaches of Part 5A of the *Local Land Services Act 2013*.

66. As of 23 March 2021, there are 12 active investigations into breaches under the *National Parks and Wildlife Act 1974*.

67. As of 9 March 2021, there are 246 open investigations into potential breaches of the *Biodiversity Conservation Act 2016*.

68. The monthly average full-time-equivalent compliance officers employed each year was:

(a) 2020: 27

(b) 2019: 30

(c) 2018: 24

(d) 2017: 19

69. New investigations commenced under Part 5A of the *Local Land Services Act 2013*:

(a) 2020: 672

(b) 2019: 578

(c) 2018: 488

(d) 2017: 175

70. Investigations closed under Part 5A of the *Local Land Services Act 2013*:

(a) 2020: 444

(b) 2019: 371

(c) 2018: 462

(d) 2017: 63

71. The number of prosecutions for breaches under Part 5A of the *Local Land Services Act 2013* that were completed in each year were:

(a) 2020: zero

(b) 2019: zero

(c) 2018: zero

(d) 2017: zero

72. The number of cases of unexplained clearing detected in each year was:

(a) 2020: data not yet available.

(b) 2019: data not yet available.

(c) 2018: 1584 properties with greater than one hectare unexplained clearing detected.

(d) 2017: 1647 properties with greater than one hectare unexplained clearing detected.

Note: to reduce false positive detections results are limited to properties containing greater than one hectare of unexplained clearing.

73. The hectares of unexplained clearing detected in each year was:

(a) 2020: data not yet available.

(b) 2019: data not yet available.

(c) 2018: 16,998 hectares of woody vegetation clearing and 38,035 hectares of non-woody vegetation clearing.

(d) 2017:

1 January 2017 to 24 August 2017: 8,500 hectares of woody vegetation clearing.

25 August 2017 to 31 December 2017: 9,078 hectares of woody clearing and 2,717 hectares of non-woody clearing.

Note: unexplained woody vegetation clearing prior to August 2017 was measured over all rural lands. With the introduction of Part 5 A of the *Local Land Services Act 2017*, clearing on Category 1—Exempt land is considered explained, by way of exemption.

74. New investigations commenced under the *National Parks and Wildlife Act 1974*:

(a) 2020: 17

(b) 2019: 9

(c) 2018: 9

(d) 2017: 4

75. Investigations into breaches under the *National Parks and Wildlife Act 1974*, resolved:

(a) 2020: 16

(b) 2019: 8

(c) 2018: 4

(d) 2017: 1

76. (a) - (d) Since 2017, there have been three prosecutions commenced for the section 156A 'damage reserved land' offence under the *National Parks and Wildlife Act 1974*. This includes one in 2017 and two in 2018. Of those three matters, one was resolved in 2019 and two were resolved in 2020.

77. New investigations commenced under the *Biodiversity Conservation Act 2016*:

(a) 2020: 394

(b) 2019: 359

(c) 2018: 186

(d) 2017: 61

78. Investigations closed under the *Biodiversity Conservation Act 2016*:

(a) 2020: 263

(b) 2019: 260

(c) 2018: 189

(d) 2017: 35

79. The number of prosecutions for breaches of the *Biodiversity Conservation Act 2016* that were completed in each year were:

(a) 2020: zero

(b) 2019: zero

(c) 2018: zero

(d) 2017: zero

Protection of the Environment Operations Act 1997

- 80. What budget has been allocated to revise the Protection of the Environment Operations Act 1997?
- 81. When this will any planned revision of the Protection of the Environment Operations Act 1997 be completed by?

ANSWER:

- 80. Revisions to legislation are budgeted as part of the NSW Environment Protection Authority's recurrent budget.
- 81. The *Protection of the Environment Operations Act 1997* is routinely updated as part of the continuous improvement of environment protection legislation.

Narrabri Gas Project Legacy GHG Emissions

- 82. Has the NSW government taken into consideration the need to measure and monitor fugitive GHG emissions from project wells after each well has been abandoned ?
- 83. Has the NSW government taken into consideration the need to measure and monitor GHG emissions over the entire area of the NGP after the 25 year project has ended ? (Such GHG measurement and monitoring would be required to determine if post-project GHG emissions over the project area are above pre-project GHG base level/s).
- 84. What carbon offset requirements will the NSW government impose on Santos for any GHG emissions from project wells that occur after those wells have been abandoned ?
- 85. What carbon offset requirements will the NSW government impose on Santos for any GHG emissions caused by the project that occur after the 25 year project has ended ?

ANSWER:

82–85. These questions should be referred to the Hon Rob Stokes MP, Minister for Planning and Public Spaces.

Snowy 2.0

86. What Biodiversity offsets and species credits are able to be realised if there are no equivalent ecosystem areas to purchase and bring into the conservation network?

ANSWER:

86. Equivalent biodiversity credits are termed ‘like-for-like’ offsets. Where a proponent demonstrates they cannot secure like-for-like credits, they may seek approval from the consent authority to use the offset variation rules. Before applying the variation rules, the proponent must demonstrate to the consent authority that they have been unable to find like-for-like credits after following stipulated reasonable steps. The variation rules cannot be used to offset the impact on a listed threatened species or ecological community for a controlled action under the *Environmental Protection and Biodiversity Conservation Act 1999*.

Instead of meeting an offset obligation with credits, proponents can instead fund a biodiversity conservation action that benefits the threatened entity impacted by the development.

For more information about the variation rules and biodiversity conservation actions permissible under the Biodiversity Offsets Scheme please see: www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/rules.

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

Illawarra Escarpment Mountain Bike Strategy

87. In relation to the review of environmental factors on the proposed mountain bike network between Mount Keira and Mount Kembla;

(a) Will the REF be completed by the end of June 2021?

- (b) Is the REF process fully funded?
- (c) If the REF is not completed by end of June 2021, will funding be made available in the 2021-2022 budget?
- (d) Has the community consultation process commenced? What will the community consultation process consist of?
- (e) When will the Draft Illawarra Escarpment Mountain Bike Strategy be finalised?

88. In relation to the construction of the Illawarra Escarpment Mountain Bike Network;

- (a) How much will the construction of the mountain bike network cost?
- (b) When will the government provide funding for the construction of the Illawarra Escarpment Mountain Bike Network?

ANSWER:

87.

- a) No.
- b) Yes.
- c) Yes.
- d) Yes. Targeted community consultation at Kembla Heights and Kembla Village has commenced. Further public consultation will occur when the review of environmental factors (REF) is completed and goes out on public exhibition for comment.
- e) It is anticipated that the strategy will be finalised in November 2021, based on the REF being completed.

88.

- a) Mountain bike network costings, including infrastructure off park, have not been finalised. Costings will be done as part of the REF process, alongside detailed track network design.

b) Once planning assessments are completed, the Government will consider funding for the mountain bike network's construction and maintenance.

Bush fire preparation in the Illawarra Escarpment

89. How much of the \$125.9 million commitment over 4 years announced by the Government in June 2019 to upgrade and maintain the fire trail network in NSW national parks, has been allocated to the Illawarra in this 2020/21 budget?
90. How much of these funds have been spent on maintaining fire trails in the Illawarra?
91. What are the details of these activities?
92. What hazard reduction activities have been/will be conducted in the Illawarra Escarpment this financial year in preparation for the 2021 bush fire season?
93. How much has/will the government spent on bush fire preparation in the Illawarra Escarpment this financial year?

ANSWER:

89. \$600,000.
90. \$28,300 was spent between 1 July 2020 to 28 February 2021.
91. Works will include passing bays, turn-arounds, drainage upgrades and minor surface upgrades to bring the trails up to the standards in the Fire Access Fire Trails Plan.
- In addition, the National Parks and Wildlife Service (NPWS) has maintained all fire trails that are either tactical or management trails that can be used for fire management. NPWS has also prepared all Asset Protection Zones across the Illawarra NPWS estate.
92. NPWS has three hazard reduction activities planned, pending suitable weather conditions:
- o Coalcliff Dam hazard reduction (151 hectares)
 - o Kembla West hazard reduction (65 hectares)
 - o Regent Mountain hazard reduction (10 hectares).

NPWS has also treated 27 Asset Protection Zones (APZ) since 1 July 2020:

- o Mt Keira Scout Camp
- o Mt Keira Guide Camp
- o Buttenshaw Dr South
- o Mt Keira Rd
- o Parrish Ave
- o Longview Cres
- o National Ave
- o Austinmer RFS Brigade
- o Koloona Place
- o Byarong Park
- o Tumbling Waters
- o Southview Ave
- o Yates Ave
- o Mt Kembla Pit Pony Stable
- o PK 2-3-4 Cottage
- o Buttenshaw Dr North
- o Morandoo Ave
- o Hawthorn St
- o PK2 Pit Pony Stables
- o Nunans Cottage

- o Sandhurst St
- o Foothills Rd
- o Harry Graham Drive
- o GRN Tower APZ
- o Transgrid Tower APZ
- o Longview Cres
- o Southview Ave

93. \$60,559 has been spent, and a further \$163,000 will be spent on hazard reduction planning and Asset Protection Zone maintenance this financial year. This does not capture the full cost of fire management for this financial year in the Illawarra escarpment.

Walking tracks in the Illawarra Escarpment State Conservation Area

94. How much of the \$149.5 million investment over four years announced by the Government in June 2019 for improving NSW National parks has been allocated to national parks and walking trails the Illawarra in this 2020/21 budget?
95. How much has/will the Government spent on maintaining, upgrading and improving walking trails and visitor facilities in the Illawarra this financial year?
96. What are the details of these activities?

ANSWER:

94. \$158,750.
95. \$158,750 plus undertaking the routine maintenance of walking tracks and visitor facilities across the Illawarra.
96. Funds will be spent on improving surface condition, installing steps, improving signage and repairing handrails and ladders on the Mount Keira Ring Track and Sublime Point Walking Track.

National Parks and Wildlife Service

97. On Monday 1 February 2021, the National Parks and Wildlife Service Director of Visitor Experience stated that visitation across the State had increased 150 per cent over Summer 2020/21.
- (a) What are the most recent visitation metrics for national parks visitation, particularly regarding increased visitation in 2020/21?
98. How many vacant positions existed within the NPWS as at 2 March 2021?
99. How many vacant positions within the NPWS have been vacant for more than three months?
100. How many vacant positions within the NPWS have been vacant for more than six months?
101. How many vacant positions within the NPWS have been vacant for more than twelve months?
102. How many vacant positions within the NPWS have been vacant for more than eighteen months?
103. How many vacant positions within the NPWS have been vacant for more than twenty-four months?
104. What is the current full time salary range of Field Officer General Operations positions?
105. What is the average full time salary for Field Officer General Operations positions?
106. Are national parks staff prevented from publicly commenting on their work or responsibilities without prior approval?
107. How many media or communications staff are currently employed by the NPWS?
108. Is it true that the media guidelines within the NPWS only permit the minister or their spokesperson to comment on or engage media?
109. What was the cost for a one year All Parks Pass (including Kosciuszko) in:
- (a) 2015
- (b) 2016
- (c) 2017

- (d) 2018
- (e) 2019
- (f) 2020
- (g) 2021

110. What was the cost of a one year Multi Park Pass in:

- (a) 2015
- (b) 2016
- (c) 2017
- (d) 2018
- (e) 2019
- (f) 2020
- (g) 2021

111. What was the cost of a one year Country Parks Pass in:

- (a) 2015
- (b) 2016
- (c) 2017
- (d) 2018
- (e) 2019
- (f) 2020
- (g) 2021

112. What was the average cost for overnight camping in a NSW National Park in:

- (a) 2014

- (b) 2015
- (c) 2016
- (d) 2017
- (e) 2018
- (f) 2019
- (g) 2020
- (h) 2021

113. What was the seniors concession for overnight camping in a NSW National Park in:

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

ANSWER:

97. During the 2020–21 summer holiday period from 18 December 2020 to 26 January 2021, 402,000 visitors stayed overnight at national park campgrounds and/or accommodation. This is an approximate increase of 150 per cent on the 2018–19 summer holiday period (164,000 visitors). (Summer 2019–20 data has been excluded due to the significant impact the bushfires had on visitation.)

98–103. In 2019–20, the National Parks and Wildlife Service (NPWS) expended 100.22 per cent of its allocated labour expense cap, excluding capital funded positions, which are in addition to this figure. In addition, between July 2017 and January 2021, the number of full time equivalent (FTE) employees in NPWS increased from 1511 FTE to 1881 FTE (excluding casual staff, contractors and board members). The figure in January 2021 does not include additional temporary positions funded by stimulus. As with any large organisation, there may be vacancies from time to time as a result of transfers, resignations, promotions and other staff movements.

104. The full-time salary of a Field Officer General Operations in 2020–21 is \$42,460 per annum.

105. As there are no grades or increments in the Field Officer General Operations classification, the average full-time salary is the same as the answer to question 104.

106. NPWS staff are required to comply with the Department of Planning, Industry and Environment's Code of Ethics and Conduct (www.dpie.nsw.gov.au/__data/assets/pdf_file/0009/297108/DPIE-Code-of-Ethics-and-Conduct-External.pdf).

Like all NSW public sector employees, NPWS staff are also required to comply with the NSW Government's Social Media Guidelines.

107. Communications services for NPWS are primarily provided by the Department of Planning, Industry and Environment, as a shared service. A range of staff within NPWS provide advice or input, as required from time to time, in relation to media or communications. As at 1 March 2021, there was also one FTE dedicated to communications in relation to fire management and 2.8 FTE dedicated to communications in relation to visitor management.

108. Please refer to the response to question 106.

109. (a) – (g): \$190

110. (a) – (g): \$65

111. (a) – (g): \$45

112.

(a) 2014: \$7.25*

(b) 2015: \$8.38* from 6 October

(c) 2016: \$8.63* from 4 October

(d) 2017: \$8.75* from 3 October

(e) 2018: \$8.75*

(f) 2019: \$8.75*

(g) 2020: \$8.75*

(h) 2021: \$8.75*

* simple average per person per night, adult, peak season, camping cost, including GST across the four standard camping pricing categories comprising 99.4 per cent of camping areas.

113. (a) – (h): Nil.

Kosciuszko National Park

114. When is the new horse management plan for Kosciuszko National Park due to be publicly released for public comment?

115. When will the new horse management plan be implemented?

116. Is the Minister aware of allegations made by former Nationals MP Peter Cochrane accusing NPWS staff of poisoning feral horses?

(a) Has that allegation been investigated?

(b) What was the outcome of that investigation?

(c) Was that allegation publicly refuted by the NPWS?

117. What penalties exist if a person releases animals without authorisation into a national park?

118. Is the NPWS aware of the unauthorised release of animals into Kosciuszko National Park?

(a) If yes, what animals have been released?

- (b) Have any actions been taken against people releasing animals into Kosciuszko National Park?

119. What is the expected feral horse population in Kosciuszko National Park in:

- (a) 2022?
- (b) 2025?
- (c) 2030?

120. Was the Minister aware that of 343 feral horses removed from Kosciuszko National Park, 169 were released back into the Park?

121. Was the 2016 Draft Wild Horse Management Plan ever adopted or implemented?

122. How many feral horses would the Environment Minister like to see in Kosciuszko National Park?

ANSWER:

114. The draft plan is intended to be released for public comment in the first half of 2021.

115. Plan implementation will commence once it is adopted.

116. Yes.

(a) Yes.

(b) Cause of death could not be ascertained through a post-mortem due to the age of the carcass. However, there is no evidence to suggest poisoning, given only one carcass was present (a foal), and the feed lures used at the trap site were salt blocks. The death was referred to a veterinarian, who advised there was no cause for further investigation unless there were more deaths, of which there have been none.

(c) No.

117. The maximum penalty for the release of an animal into a park is \$3,300.

118.

(a) NPWS is aware of anecdotal evidence over the past 20 years of domestic horses being released into the park.

(b) No. Insufficient evidence was available to prosecute offenders.

119. (a) – (c). It is not possible to definitively predict the future size of the wild horse population.

120. No horses removed from the park have been released back into the park. Where necessary on welfare grounds horses were released from trap yards located in the park. Details about the overall number of horses removed during post bushfire operations were provided in the hearing. Please refer to page 82 of the uncorrected transcript.

121. No.

122. The approach to achieving a sustainable wild horse population in the park will be determined in the wild horse heritage management plan.

Save Our Species

123. What are the current funding arrangements for the Save Our Species program?

124. Has the Government committed to further funding beyond 2020/21?

125. How many temporary or non-permanent staff are employed under the Save Our Species program?

126. Will the Government commit to transferring temporary staff employed under the Save Our Species program to permanent positions?

(a) If not, why are these workers and their conservation outcomes considered temporary and not permanent?

127. Will any staff employed under the Save Our Species program lose their jobs in the next six months?

128. Will the Government guarantee that no jobs employed under the Save Our Species program will be cut?

ANSWER:

123. The Saving our Species program is funded from a range of sources. The NSW Government has provided \$100 million over five years from 1 July 2016 until 30 June 2021. In 2018–19 the Government contributed additional resources valued at \$8.6 million and external organisations contributed \$5.6 million.
124. Funding for the Saving our Species Program beyond June 2021 is being considered as part of NSW Government budget processes.
125. The NSW Government currently employs the equivalent of 62.7 full time equivalent staff under the Saving our Species program.
126. Temporary staff are employed in accordance with the *Government Sector Employment Act 2013*. The NSW Government has a legislated requirement to deliver a biodiversity conservation program for threatened species and threatened ecological communities under the *Biodiversity Conservation Act 2016*.
127. There are no planned job losses for permanent staff working on the Saving our Species Program. Temporary staff contracts may end as per the terms of their contract.
128. Please refer to response to question 127.

Royal Botanic Gardens

129. How many apprentices are currently employed at the Royal Botanic Gardens?
130. How many apprentice positions are currently vacant at the Royal Botanic Gardens?
131. Are these vacant apprentice positions unfilled because of budgetary constraints?
132. Will the Government provide additional funding to the Royal Botanic Gardens to fill these vacant positions?

ANSWER:

- 129–132. These questions should be referred to the Hon Rob Stokes MP, Minister for Planning and Public Spaces.

Agnes Place Mine Extension

133. The Shadow Minister for Environment has been advised that Centennial Coal's Angus Place Mine Extension project will result in roughly half of the endangered Newnes Plateau Shrub Swamps being destroyed. How does the Government intend on protecting the remaining endangered communities?
134. Have offset arrangements been entered into regarding the destruction of 300 hectares of the endangered Newnes Plateau Shrub Swamps?
- (a) If yes, how have offsets been granted regarding this unique endangered ecosystem, and in what location do those offsets exist?

ANSWER:

133–134. These questions should be referred to the Hon Rob Stokes MP, Minister for Planning and Public Spaces.

Colebee Reserve

135. When will Colebee Reserve be transferred to the National Parks and Wildlife Service?
136. In 2017, an ecologist was contracted by OEH to do surveys on Colebee Reserve. The Shadow Minister for Environment was advised that the ecologist found the site was infested with weeds and feral animals and the ecological conditions were deteriorating. What steps has the Government taken to improve the situation following this report?
137. If the Colebee Reserve was determined to be an offset, why has its biodiversity values been allowed to deteriorate to such a degree that it cannot be transferred to the NPWS?

ANSWER:

135. Colebee Reserve will be transferred to the National Parks and Wildlife Service (NPWS) when Transport for NSW (TfNSW) has completed all required works. These include installing boundary fencing and remediating a former tip site on the property.
136. TfNSW is the current landowner and is responsible for the management of ecological conditions on the property, including any weeds or pests. TfNSW has created a Remediation Action Plan in

collaboration with NPWS to remediate the former tip site. This includes capping the surface and monitoring the effectiveness of the works. TfNSW liaises with NPWS when management issues are identified.

137. TfNSW is the landowner of the reserve and is responsible for its management. NPWS remains supportive of receiving this land for inclusion into the reserve system once TfNSW completes the required works.

Land Management Framework

138. Has the Government conducted its promised review of the land management framework, which was due within three years of implementation?
- (a) If yes, what were the terms of reference, and will the review be published?
- (b) If not, why has the review not been conducted?

ANSWER:

- 138 (a) – (b) The NSW Government's three-year review of the implementation of the land management and biodiversity conservation (LMBC) framework will examine the biodiversity impacts of parts of the Land Management (Native Vegetation) Code. It will also examine issues raised in the Audit Office's report 'Managing Native Vegetation' and the Natural Resource Commission's report 'Land management and biodiversity conservation reforms'.

The Government is committed to the three-year review and was the basis on which the then Environment Minister gave her concurrence to the Code. Draft terms of reference have been prepared and the Department of Planning, Industry and Environment and the Department of Regional NSW are undertaking preparatory work for the review.

Zero Interest Loans for Solar and Batteries

139. How many zero interest loans for solar and batteries has the Government granted in the last two years?
140. Please list the number of zero interest loans granted to each postcode.
141. When will the program move from pilot stage to full implementation?

ANSWER:

139. As at 5 March 2021, 199 solar-battery systems have been installed through the Empowering Homes pilot since its launch on 28 February 2020. A further 33 households have had their loan application approved and are awaiting installation of their solar-battery system to be completed.

140.

Postcode	Loans Approved	Installations Completed
2256	1	0
2257	1	0
2261	1	1
2264	4	4
2265	2	1
2267	3	3
2278	1	1
2280	8	7
2281	3	3
2282	7	6
2283	8	5
2284	7	7
2285	16	15
2286	1	1
2287	1	0
2290	10	9
2293	1	1
2295	2	2
2304	2	0
2305	1	0
2315	7	7
2316	3	2
2317	3	3
2318	6	6
2319	1	1
2320	16	15
2321	13	12
2322	7	7
2323	7	6
2324	10	10
2325	6	5
2326	1	1
2327	2	2
2328	4	4
2329	1	0

2330	8	7
2333	6	6
2334	1	1
2335	5	4
2336	1	1
2337	2	2
2338	2	2
2340	1	0
2420	3	2
2421	1	1
2423	1	1
2427	3	2
2428	7	6
2429	3	3
2430	12	11
2439	1	1
2753	1	1
2756	1	0
2765	1	0
2777	1	1
2779	1	0
2783	2	0
2795	1	0
TOTAL:	232	199

141. An evaluation of the current pilot is being undertaken. The learnings from the evaluation and delivery of the pilot will be used to ensure future programs are effective, efficient and delivers the greatest possible value to the people of NSW. In the interim the pilot has been expanded to a further 15 local government areas to further test and refine delivery mechanisms.

Cumberland Plain Conservation Plan

142. Is it true that the draft Cumberland Plain Conservation Plan allows the destruction of more than ten per cent of the critically endangered Cumberland Woodland and only protects one of the six east-west movement corridors recommended in the Chief Scientist Koala Report?
143. Does the Minister intend on signing off the biodiversity certification for the Cumberland Plain Conservation Plan given these issues?

ANSWER:

142. No. The exhibited draft Cumberland Plain Conservation Plan 'Cumberland Plain Assessment Report' states that the plan will impact 1014.52 hectares of Cumberland Plain Woodland. This represents 4.4 per cent of remaining Cumberland Plain Woodland in the Cumberland Interim Biogeographic Regionalisation of Australia (IBRA) Sub-Region.

The exhibited draft Cumberland Plain Conservation Plan 'Sub-Plan B: Koalas' proposes to protect at least one east-west koala movement corridor.

143. The draft Cumberland Plain Conservation Plan forms part of a strategic biodiversity certification application currently being prepared by the Minister for Planning and Public Spaces for four Western Sydney growth areas. Once finalised, the application for strategic biodiversity certification will be made to me as the Minister for Energy and Environment.

At that time, I will decide whether to confer biodiversity certification. As Minister, I may confer biodiversity certification only if satisfied that the approved conservation measures under the biodiversity certification adequately address the likely impacts on biodiversity values of the land.

Snowy 2.0

144. What exemptions have been granted, or will be granted, to Snowy Hydro with respect to the Plan of Management for Kosciuszko National Park?
145. Does the Minister support the Snowy 2.0 project being connected to the grid via underground cables instead of overhead transmission wires?
146. The current proposal is to clear an 8k track through Kosciuszko National Park to make way for overhead transmission wires, with an easement of at least 120m-wide along the length of the

transmission wires. Is the Minister concerned with the level of habitat destruction through a national park, and what is the Minister doing to limit that destruction?

147. What specific actions has the Minister undertaken to investigate the underground option? How has the Minister satisfied himself that alternative, less destructive options, have been appropriately explored?
148. The Environmental Impact Statement seems to suggest that the initial clearing needed to bury an underground cable would have the same, or similar, environmental impact as a permanent 8km-long, 120m-wide easement. Does the Minister accept that the overhead option is not only unsightly, but locks in permanent habitat destruction underneath the transmission wires?
149. Does the Minister believe that underground cables would have less environmental impact on the Kosciuszko National Park compared with overhead transmission wires?

ANSWER:

144. The *Snowy Hydro Corporatisation Amendment (Snowy 2.0) Act 2018* enabled the Snowy 2.0 project to be undertaken for a period of three years, despite any provisions of the Kosciuszko National Park Plan of Management.

The proposed amendments to the Kosciuszko National Park Plan of Management in relation to Snowy 2.0 are publicly available at www.environment.nsw.gov.au.

145–146. The Environmental Impact Statement (EIS) for the Snowy 2.0 Connection Project is currently on exhibition and will be assessed according to the statutory requirements.

147–149. The EIS for the Snowy 2.0 Connection Project details the expected environmental impact of four different construction options, including three underground options. The EIS will be assessed according to the statutory requirements.

Koalas

150. The Government ‘noted’ recommendation 41 of the Parliamentary inquiry into koala populations and their habitat in NSW, relating to the investigation of the establishment of the Great Koala National Park. The government response states: “The Government will continue to work with local communities, councils and industry to investigate a range of options and measures for koala habitat protection across NSW. Has the government consulted with the Wanggaan (Southern)

Gumbaynggirr Nation Aboriginal Corporation, which holds native title on behalf of the Gumbaynggirr People whose lands lie within the proposed GKNP?

(a) If not, will the government consult with the Gumbaynggirr People?

151. The government's response to the Parliamentary inquiry into koalas notes the reversion to operations under SEPP 44 while a new policy 'to protect koalas and the interest of farmers' is being developed. Which local communities, organisations, Councils and industry groups has the government consulted to develop its new policy?
152. Which local communities, organisations, Councils and industry groups will the government consulted to develop its new policy?
153. Will the new policy be released for community consultation prior to it being given effect?
154. What is the current timeline for release and implementation of the new policy?
155. Will the new policy be implemented by way of a planning instrument, regulation or legislation?

ANSWER:

150 – 150 (a): The NSW Government has a long-standing partnership with the Gumbaynggirr People, developed under the NSW Koala Strategy 2018–21. The Gumbaynggirr region extends approximately from Nambucca to Grafton and out to the Dorrigo ranges, and incorporates numerous Aboriginal stakeholders and interest groups.

The Good Gumbaynggirr Koala Country Plan is funded under the NSW Koala Strategy 2018–21. This culture-inspired plan outlines how the broader Gumbaynggirr community can conserve and manage koalas and their habitat across the region, including on Aboriginal-owned land and across tenures. It includes appropriate community-driven consultation between government and all of the Aboriginal interest groups, including the Wanggaan (Southern) Gumbaynggirr Nation Aboriginal Corporation.

151 to 153. Questions about the consultation taken on the development of the new SEPP should be directed to the Hon Rob Stokes MP, Minister for Planning and Public Spaces.

154. On 8 March 2021, the NSW Government announced it would introduce the State Environmental Planning Policy (SEPP) (Koala Habitat Protection) 2021. Further information about the new

policy can be found at www.planning.nsw.gov.au/News/2021/NSW-Government-delivers-Koala-SEPP-2021

155. On 8 March 2021, the NSW Government announced:

- Koala SEPP 2019 will be remade across NSW as Koala SEPP 2021
- The Private Native Forestry Codes of Practice and the Land Management (Native Vegetation) Code will be revised to ensure robust protection for koalas in areas of high value koala habitat
- The Minister for Planning and Public Spaces will issue a new section 9.1 direction.

Further information about the new policy can be found at www.planning.nsw.gov.au/News/2021/NSW-Government-delivers-Koala-SEPP-2021

Biodiversity Offset Scheme

156. When will the government review the Biodiversity Offset Scheme?

157. How long will the review take, and what process will be undertaken?

158. Under the Biodiversity Offset Scheme:

- (a) Can high quality koala habitat be cleared and offset?
- (b) For developments involving the clearing of high quality koala habitat, can developers pay for credits instead of identifying and purchasing land to be offset?
- (c) Can offsets be delayed until the completion of the development?

ANSWER:

156. The legislation authorising the Biodiversity Offsets Scheme is not under active review. The scheme will be reviewed as appropriate as part of the statutory five-year review of the *Biodiversity Conservation Act 2016*.

157. Not applicable.

158.

(a) The Biodiversity Offsets Scheme's Biodiversity Assessment Method requires assessment of koala habitat where the accredited assessor confirms the presence of koala habitat. However, the method does not stratify koala habitat into categories based on habitat quality. If koala habitat is present this will be identified in an assessment report which is submitted with the development application to the consent authority. Under the Biodiversity Offsets Scheme the consent authority can approve clearing of koala habitat with offsetting.

(b) As above, the Biodiversity Offsets Scheme does not recognise quality of koala habitat. If koala habitat is approved to be cleared, developers can pay for credits by purchasing them on an open market directly from a credit seller or by paying the Biodiversity Conservation Trust the credit value of the offset obligation.

(c) No. Section 7.13(5) and section 7.14(4) of the *Biodiversity Conservation Act 2016* require that offsets are met before there are impacts to biodiversity. However, if the conditions of development consent allow the staging of development, the consent conditions can allow for the requirement of credits to also be staged.

Clean Air Strategy

159. Has the Minister or the Government ever taken a decision to abandon the standalone clean air strategy and instead, fold those issues into other programs and plans?

160. When will the Clean Air Strategy be publicly released?

161. When will the Clean Air Strategy be implemented?

162. The process to create the clean air strategy began in 2016. At the time, the EPA described it as a 10-year-plan. Five years later, the plan has not been released or implemented. Will the Clean Air Strategy still be a 10-year-plan?

ANSWER:

159. No.

160. The draft NSW Clean Air Strategy is available for public consultation on the NSW Government Have Your Say website until 23 April 2021 at www.nsw.gov.au/have-your-say/draft-nsw-clean-air-strategy.

161. At the close of public consultation, all submissions on the draft Clean Air Strategy will be considered. A final Clean Air Strategy will be considered by Government and published on the Department of Planning, Industry and Environment's website, subject to approval.
162. The Clean Air Strategy is a 10-year plan from 2021–30.

Load Based Licencing Review

163. In 2016, the Government commenced a review into the Load Based Licencing Scheme. 52 submissions were received, and in 2017, the EPA was supposed to prepare a proposal paper. Has the EPA ever prepared a proposal paper?
164. Has the Minister seen this proposal paper?
165. When will the Load Based Licencing Scheme review be completed?

ANSWER:

163. This report is continuing.
164. No.
165. The NSW Government intends to progress the load-based licensing review in 2021.

Truegain

166. In what year did the EPA first issue a fine, notice or begin any regulatory action against the Truegain facility in Rutherford?
167. How many regulatory actions have been taken against Truegain, including formal warnings, fines, notices, prosecutions?
168. Aggregated into each year of Truegain's licence, how many regulatory actions have been taken against Truegain each year?
169. How much money has the EPA received from fines issued against Truegain?
170. Has the EPA's June 2017 clean up notice against Truegain yet been complied with?

171. Has any internal review been conducted in relation to the EPA's investigations into Truegain, and in which year did that review begin?

ANSWER:

I am advised of the following:

166. 2001.

167. 38.

168. The numbers of regulatory actions taken against Truegain for each year of the licence are:

1990 – 0

1991 – 0

1992 – 0

1993 – 0

1994 – 0

1995 – 0

1996 – 0

1997 – 0

1998 – 0

1999 – 0

2000 – 0

2001 – 1

2002 – 1

2003 – 3

2004 – 4

2005 – 2

2006 – 0

2007 – 2

2008 – 1

2009 – 1

2010 – 2

2011 – 0

2012 – 6

2013 – 2

2014 – 1

2015 – 4

2016 – 7

2017 – 0

2018 – 1

169. Nil, noting there are ongoing legal processes/prosecutions against Trugrain/owners/directors

170. No.

171. No.

Millers Forest Asbestos Dumping

172. Following the case of asbestos dumping at a property in Millers Forest where a Sydney-based waste company admitted to transporting fill to that property, and given that fill had allegedly tested positive for asbestos prior to its transportation, has that Sydney-based waste company been subject to any regulatory action as a result of that investigation?

- (a) If so, what is that regulatory action?
- (b) How many other regulatory actions have been taken against that particular waste company in the past five years?
- (c) Has the waste company previously been the subject of regulatory action relating to asbestos waste?

ANSWER:

172. I am advised:

- (a) The NSW Environment Protection Authority's (EPA) investigation is ongoing.
- (b) In the last five years, the EPA has taken 13 regulatory actions against the Sydney recycler and is currently investigating two matters.
- (c) Yes.

Questions from Mr Justin Field MLC

EPA: PNF reporting and information sharing

173. For each of the Private Native Forestry (PNF) Code areas, how many PNF annual report (as per Sect 2.2 of PNF Codes) were received for the reporting years ending:

- (a) 31 March 2018
- (b) 31 March 2019
- (c) 31 March 2020

174. For each of the PNF Code areas, how many PNF annual reports have been received for the reporting year ending 31 March 2021, as at 4 March 2021.

175. For each of the PNF Code areas, what was the total volume of timber products harvested as reporting in annual reports for the reporting years ending:

- (a) 31 March 2018
- (b) 31 March 2019
- (c) 31 March 2020

176. For each of the PNF Code areas, what was the total volume of timber products harvested, as reported in annual reports for the reporting year ending 31 March 2021, as at 4 March 2021.

177. For each of the PNF Code areas, what was the total area of land on which PNF forest operations occurred, as reported in annual reports, for the reporting years ending:

(a) 31 March 2018

(b) 31 March 2019

(c) 31 March 2020

178. For each of the PNF Code areas, what was the total area of land on which PNF operations occurred, as reported in annual reports for the reporting year ending 31 March 2021, as at 4 March 2021?

179. How many complaints/reports did the EPA receive in each of the following years that related to PNF operations:

(a) FY18/19

(b) FY19/20

180. How many complaints/reports have the EPA received relating to PNF operations in FY20/21 as at 4 March 2021?

181. How many PNF operations were inspected by the EPA in each of the following years:

(a) FY18/19

(b) FY19/20

182. How many PNF operations were inspected by the EPA in FY20/21 as at 4 March 2021?

183. What regulatory actions (ie. cautions/fines/prosecutions etc) have the EPA taken in regards to PNF operations in each of the following years:

(a) FY18/19

(b) FY19/20

184. What regulatory actions (ie. cautions/fines/prosecutions etc) have the EPA taken in regards to PNF operations in FY20/21 as at 4 March 2021?

185. What information/data about PNF operations does the EPA currently provide to the following organisations? (please provide information about the nature of the data/information provided,

how that information is provided and the timing/regularity of reporting - for example is it routine on a specific timeline or as requested):

- (a) Department of Primary Industries
- (b) Local Land Services
- (c) Environment, Energy and Science
- (d) Other

186. What information/data about PNF operations does the EPA currently receive from the following organisations? (please provide information about the nature of the data/information provided, how that information is provided and the timing/regularity of reporting - for example is it routine on a specific timeline or as requested):

- (a) Department of Primary Industries
- (b) Local Land Services
- (c) Environment, Energy and Science
- (d) Other

187. When will the Forestry Snapshot 2019/20 be published?

ANSWER:

I am advised:

173-178.

These questions should be directed to the Hon Adam Marshall MP, Minister for Agriculture and Western New South Wales, as the Minister responsible for the administration of private native forestry.

179

- (a) 12

(b) 16

180. 23

181.

(a) 35

(b) 18

182. 27

183.

(a)

Compliance action taken	Number of actions
Advisory letters	9
Directions (voluntary)	2
Formal warnings	10
Prosecutions	1

(b)

Compliance action taken	Number of actions
Advisory letters	9
Formal warning letters	11
Official cautions	6
Show cause letters	5

184.

Compliance action taken	Number of actions
Advisory letters	10
Formal warnings	7
Official cautions	1

185.

- (a) Nil.
- (b) The NSW Environment Protection Authority (EPA) provides Local Land Services (LLS) with verbal updates regarding PNF compliance trends and issues during regular meetings.
- (c) The EPA may refer a PNF issue to the Environment, Energy and Science Group if it appears to be an illegal native vegetation clearing issue under the *Local Land Services Act 2013*.
- (d) The EPA provides information on non-compliance trends and PNF Code prescriptions to the Natural Resources Commission (NRC) as part of its state-wide Forest Monitoring and Improvement Program. This is done through formal steering committees and technical working groups established to support the NRC's program.

186

- (a) The EPA has received information on the research undertaken by the Department of Primary Industries' Forest Science areas on the PNF industry, which is available on its website at www.dpi.nsw.gov.au/forestry/private-native-forestry
- (b) LLS is required under section 14.7A(2) of the *Biodiversity Conservation Act 2016* to provide the EPA with relevant information or records for the purposes of regulation or enforcement. LLS holds information and copies of PNF Plans it issues and landholder details which are required to inform EPA regulatory decisions. The EPA continues to seek regular updates and access to PNF information.

(c) The EPA may seek expert advice from the Environment, Energy and Science Group to guide regulatory practice or regulatory decisions.

(d) Nil.

187. The EPA is currently compiling the Forestry Snapshot 2019–20 report which requires input from several NSW agencies. It is intended to publish the report in mid-2021.

EPA: post-fire logging consultant

188. What is the role of Wall Consulting Group in post-fire logging negotiations?

(a) How much have they been paid to date?

(b) Are they still being contracted?

i. If so, when is the contract expected to expire?

ANSWER:

188. This question should be referred to the Hon John Barilaro MP, Deputy Premier.

EPA: transitional arrangements under the previous IFOA

189. Please explain what the transitional arrangements are for logging under the previous IFOA

190. What is the time limit to extending these transitional arrangements?

191. Is the Forestry Corporation complying with requirements surrounding these transitional arrangements?

(a) If not, how?

ANSWER:

189. Coastal Integrated Forestry Operations Approval (IFOA) transitional arrangements specify where, and under what circumstances, the Forestry Corporation of NSW can carry out forestry operations under conditions of the former IFOAs during the two-year transition period.

The arrangements were to minimise disruption to forestry operations that had commenced prior to the Coastal IFOA coming into effect in November 2018. Transitional arrangements are provided in Protocol 40 and can be viewed at www.epa.nsw.gov.au/your-environment/native-forestry/integrated-forestry-operations-approvals/coastal-ifo.

190. Transitional arrangements for operating under the former IFOAs expired on 15 November 2020. The NSW Environment Protection Authority (EPA) did not extend these arrangements.

191 – 191 (a). Between 16 November 2018 and 15 November 2020, the EPA undertook approximately 49 compliance actions. These included advisory letters, show cause letters, formal warnings, official cautions, clean-up notices, penalty notices and a prosecution.

EPA: salvage logging

192. Has salvage logging occurred before in the types of forest that occur in the Southern and Eden Forestry Regions?

193. What research or evidence was relied upon to permit salvage logging of Southern and Eden Forestry Regions after the bushfires?

ANSWER:

I am advised:

192. Post-fire harvesting has not previously occurred under the Coastal Integrated Forestry Operations Approvals (IFOA). The NSW Environment Protection Authority (EPA) does not hold records on the occurrence of historical salvage logging in the types of forest that occur in the Southern and Eden regions.

193. The EPA used scientific information and data, on-ground surveys and assessment, and expert advice to develop site specific operating conditions that are tailored to individual fire damaged sites. This includes:

- NSW Bionet Atlas threatened species data
- biodiversity, water quality and aquatic impact data
- Department of Planning, Industry and Environment (DPIE) fire extent and severity mapping

- expert advice from DPIE, Department of Regional NSW and independent experts.

The EPA has also considered the NSW Wildlife and Conservation Bushfire Recovery Immediate Response, the NSW Koala Strategy and the Australian Government's provisional list of species requiring urgent intervention. The EPA has also considered fauna surveys undertaken by the Forestry Corporation of NSW before and after the fires.

EPBC independent review

194. Professor Graeme Samuel AC provided the Final Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) in January 2021 (found at <https://epbcactreview.environment.gov.au/resources/final-report>). Recommendation 15 of the report provided that states should immediately ensure that Regional Forest Agreements (RFAs) are consistent with the National Environmental Standards. As a party to the Regional Forest Agreements, has the NSW Government considered the implications of this recommendation?

ANSWER:

194. On 25 February 2021 the Commonwealth Government introduced the Environment Protection and Biodiversity Conservation Amendment (Standards and Assurance) Bill 2021 to allow national environmental standards to be made. The NSW Government will consider any implications for Regional Forest Agreements as part of discussions with the Commonwealth on an approval bilateral agreement and the national environmental standards.

Koala strategy research sites

195. Were any research sites that were a part of the Government's Koala Strategy burnt since the bushfires? If so:
- (a) Which sites?
 - (b) What is the degree of burn/loss in these sites?
 - (c) Has research at any of these sites been terminated?
196. Since the bushfires, have any research sites that were a part of the Government's Koala Strategy been logged by Forestry Corporation? If so:

- (a) Which state forests were logged?
- (b) When were they logged?
- (c) Has research at any of these sites been terminated?

ANSWER:

195. Two of the 10 research projects funded under the Koala Strategy's NSW Koala Research Plan had sites burnt in the 2019–20 bushfires.

In addition, eight research sites related to Koala Strategy research on how koalas are responding to harvesting in state forests on the NSW North Coast, being independently overseen by the Natural Resources Commission (NRC), were burnt during the 2019–20 bushfires.

There are no reports of any Koala Strategy project sites being burnt to date since the 2019–20 bushfires.

(a) The Koala Research Plan sites impacted by the 2019–20 bushfires were in the Greater Blue Mountains region and North-East Coast region.

The NRC koala research sites impacted by the 2019–20 bushfires were in Kiwarra, Bril Bril, Bellangry, Mt Boss, Kerewong, Burrawan, Bagawa and Kangaroo River state forests.

(b) The extent and severity of the 2019–20 bushfires at these sites is available at https://datasets.seed.nsw.gov.au/anzlic_dataset/fire-extent-and-severity-mapping-fesm.

(c) No. Research objectives and timelines have been modified to incorporate new objectives around the impact of bushfires on koalas. Information on changes to the NRC research is at www.nrc.nsw.gov.au/koala-research.

196. No project sites under the Koala Strategy's Koala Research Plan have been logged by the Forestry Corporation of NSW since the 2019–20 bushfires.

Selective timber harvesting occurred at four of the NRC Koala Research Program sites since the bushfires, as per the research plan.

(a) Parts of Lower Bucca, Kalateenee, Cowarra and Bagawa state forests.

(b) Harvesting occurred in parts of Lower Bucca State Forest between March and October 2020; Kalateenee State Forest between May and August 2020; Cowarra State Forests between April and July 2020; and Bagawa State Forest between October and December 2020.

(c) No. The research objectives have instead been changed from understanding how koalas respond to intensive harvesting to selective harvesting.

Land clearing

197. Which agency is required to enforce set asides required under the Land Management (Native Vegetation) Code 2018?

198. Since the introduction of the Land Management (Native Vegetation) Code 2018 how many non-compliances in regards to required set asides have been:

(a) Investigated? Please list how many in specific LGAs.

(b) Prosecuted? Please list how many in specific LGAs.

(c) Subject to other enforcement actions? Please list what action and how many apply to specific LGAs.

ANSWER:

197. In accordance with clause 18 of the Land Management (Native Vegetation) Code 2018, Local Land Services (LLS) is the lead agency for working with landholders to ensure they meet the requirements of issued mandatory code compliant certificates. LLS refers cases to the Department of Planning, Industry and Environment–Environment, Energy and Science Group compliance staff if there are outstanding matters that cannot be resolved under LLS’s internal procedures and clause 18 of the code.

198.

(a) Nil.

(b) Nil.

(c) Nil.

Implementation of the ICAC recommendations into Water Management

199. Regarding recommendation 11 of the November 2020 ICAC report into water management that reads: “That the DPIE formalises communication, information-sharing and consultation protocols with officers performing the functions of the Environment, Energy and Science Group”, are there currently formalised communication, information-sharing and consultation protocols between officers at DPIE(Water) and EES?
- (a) If yes,
- i. in what form do these protocols take?
 - ii. how are they communicated to staff?
 - iii. how are they implemented?
- (b) If no, what is the nature of any informal communication, information-sharing and consultation processes that operate between EES and DPIE(Water) officials in relation to water issues where the Environment Minister has concurrence powers?
- (c) What action, if any, has been taken since the ICAC report to implement this recommendation?

ANSWER:

I am advised:

199. There are no specific ‘protocols’ for communication, information sharing and consultation between the Department of Planning, Industry and Environment’s (DPIE) Water Group and the Environment, Energy and Science Group (EES).
- (a) Not applicable
- (b) Staff at various levels of the Water Group and EES regularly communicate, share information and consult through a series of forums. These include:
- the DPIE Leadership Team, chaired by the Secretary of DPIE
 - the Regional Water Senior Officers Group (RWSOG)
 - Ministerial Council and Basin Officials Committee pre/de-briefs
 - the Critical Water Technical Advisory Group
 - Regional Water Strategies governance and technical committees

- the Environmental Objectives Monitoring working group
- the NSW Modelling and Monitoring Hub
- the Regulatory Issues Working Group
- Water Science and Regional working groups
- coastal and inland planning and policy working groups.

All key water policy and plan development, reviews and amendments are shared through the RWSOG. This includes proposed amendments to water sharing plans as part of statutory reviews and remakes, prior to and after public consultation.

Consultation also occurs through the water sharing plan development governance structure, including officer level Water Science and Regional working groups, manager level coastal and inland planning and policy working groups, and the RWSOG comprising senior executives.

Regulatory and implementation issues arising from implementation of water sharing plans and other statutory instruments are communicated through the Regulatory Issues Working Group.

The DPIE Leadership Team reviews all major cluster policy issues and endorses all submissions to the Cluster Ministers Committee and Cabinet.

- (c) A Government response to the Independent Commission Against Corruption (ICAC) is being prepared. This will detail the actions that have and will be implemented in response to the recommendations in the ICAC report, *Investigation into complaints of corruption in the management of water in NSW and systemic non-compliance with the Water Management Act 2000*.

National parks closing after fires

200. Which National Parks are currently fully closed or partially closed, as a result of the Black Summer bushfires?
201. For those partially closed, what areas of those parks are closed (please specify the trails, campaign, or other park areas that remain closed)?
202. For each of the National Parks fully or partially closed, can the Minister provide the following information:
- (a) what is the reason for those closures (eg. at risk trees, damage to trails, damage to access roads/infrastructure)?

- (b) what work is being done or is scheduled to be done to rectify the issues that have resulted in closure?
- (c) what is the anticipated cost of the work to be done?
- (d) when are the parks or park areas expected to be opened?

ANSWER:

200–201. The following visitor precincts within the stated reserves are closed as at 12 March 2021:

Reserve	Visitor Precinct*
Bandahngan Aboriginal Area	Tooloom Falls
Bargo River State Conservation Area	Cave Creek
Bargo State Conservation Area	Little River
Biamanga National Park	Biamanga Cultural
Blue Mountains National Park	Batsh
Blue Mountains National Park	Golden Stairs
Blue Mountains National Park	Ruined Castle
Clyde River National Park	Beach
Clyde River National Park	Red Gum Clyde River
Cottan-Bimbang National Park	Maxwells Flat
Deua National Park	Hanging Mountain
Goulburn River National Park	Lees Pinch
Guy Fawkes River National Park	Chaelundi
Guy Fawkes River National Park	Ebor Falls
Guy Fawkes River State Conservation Area	Dalmorton
Innes Ruins Historic Site	Innes Ruins
Kanangra-Boyd National Park	Dingo Dell
Kosciuszko National Park	Bradleys Hut
Kosciuszko National Park	Buddong Falls
Kosciuszko National Park	Clover Flat
Kosciuszko National Park	Dry Dam Cross Country Ski Trails
Kosciuszko National Park	Four Mile Hut
Kosciuszko National Park	Gooandra
Kosciuszko National Park	Jounama Homestead

Kosciuszko National Park	O'Hares
Kosciuszko National Park	Paton's Hut
Kosciuszko National Park	Round Mountain
Kosciuszko National Park	Selwyn Cross Country Ski Trails
Kosciuszko National Park	Yolde
Monga National Park	Corn Trail
Morton National Park	Beehive Point
Morton National Park	Little Forest
Morton National Park	Toorooroo
Morton State Conservation Area	Grassy Gully
Nadgee Nature Reserve	Jewfish
Nadgee Nature Reserve	Mallacoota
Nymboi-Binderay National Park	The Junction
South East Forest National Park	Postmans
South East Forest National Park	Waalimma Wilderness
South East Forest National Park	White Rock
Tallaganda State Conservation Area	Mulloon Creek
Wadbilliga National Park	Cascades Wadbilliga
Wadbilliga National Park	Lake Creek
Wadbilliga National Park	Tuross River
Wadbilliga National Park	Wadbilliga Crossing
Wollemi National Park	Colo Meroo
Wollemi National Park	Nullo Mountain
Wombeyan Karst Conservation Reserve	Grattons Ruins
Yengo National Park	Big Yengo

* A visitor precinct is a discrete geographic area that contains customer experience assets that provide single or multiple experiences normally accessed by visitors during a single visit to the area.

202.

- (a) The reasons for the remaining closures include visitor safety risks such as tree and vegetation damage, damage to trails and damage to access roads and infrastructure.

(b) Over 40,000 National Parks and Wildlife Service (NPWS) infrastructure assets were inside the burned area of the 2019–20 fires. Impacts are still being assessed and NPWS estimates reconstruction work will take up to three years to complete.

(c) The cost to replace damaged infrastructure is estimated at \$97 million.

(d) The NPWS recovery strategy has two key phases:

Phase 1 – Make Safe and Reopen. This focuses on enabling safe access to undertake assessment, reconstruction activities and provide community access to visitor attractions where possible. To date 81 per cent, or 208 of 257, of the visitor precincts closed by fire damage have been made safe and re-opened to the public. This work will continue to prioritise key destinations to maximise regional tourism recovery. NPWS aims to have all precincts reopened by December 2021.

Phase 2 – Reconstruction of infrastructure damaged and destroyed by the fires. This phase commenced at the same time as Phase 1 and involves the reconstruction of assets. This phase is estimated to be completed by June 2023.

Wildlife response by NPWS

203. In the January 2020 Wildlife and Conservation Bushfire Recovery Immediate Response, Appendix 1 listed detailed impacts on threatened species. The same information has not been provided in the Medium-term response plan or supporting documentation. Is there an update to the information in Appendix 1 and will this be made publicly available?

ANSWER:

203. The Fire and the Environment 2019–20 Summary, released in May 2020, provided a high-level update on the broad environmental effects of the fires.

A summary of conservation assessments done to date was also released in February 2021 as a companion document (Supplement A – Assessing the impact of bushfires on wildlife and conservation) to the NSW Wildlife and Conservation Bushfire Recovery: Medium-term response. This document is available at www.environment.nsw.gov.au/research-and-publications/publications-search/wildlife-and-conservation-bushfire-recovery-medium-term-response-plan.

The findings from these assessments have informed the NSW Government's prioritisation of species and ecological communities for targeted conservation action over the medium term, as well as for further monitoring and field assessments.

The current list of priority plant species is available at www.environment.nsw.gov.au/research-and-publications/publications-search/priority-nsw-plants-for-post-fire-field-assessment.

Three other lists that indicate priority species for animals, threatened ecological communities and plant community types are being refined as new data becomes available. These lists and the datasets used for the prioritisation analysis will be published soon.

Questions from the Hon Mark Pearson MLC

Dingoes

204. Can the Minister confirm that after thousands of years of habitation in Australia, dingoes are:

- (a) a native animal
- (b) not afforded the same legal protections as other native animals
- (c) declared a wild dog pest that can be controlled to the point of local extinction by lethal means including
 - i. 1080 baiting and
 - ii. Shooting

205. What is the objective of dingo/wild dog management programs in NSW National Parks?

206. How has scientific evidence highlighting the role of dingoes in the ecosystem informed dingo management policy in National Parks across NSW?

207. Is the Minister aware of a study in 2019 by Cairns et al. "Geographic hot spots of dingo genetic ancestry in south-eastern Australia despite hybridisation with domestic dogs" February 2020 Conservation Genetics 22(1):77-90 which reported:

- (a) the results of DNA testing finding that:

- i. nearly 25% of the animals were pure dingoes
 - ii. dingo hotspots at Myall Lakes, north of Port Macquarie and Washpool National Park?
- (b) What actions have been taken to conserve these South-Eastern Australia dingo populations?
- (c) Were these dingo populations subjected to aerial or ground 1080 baiting in 2019 or 2020?

208. Can the Minister provide the following details about the National Parks dingo/wild dog 1080 aerial or ground baiting programs?

- (a) How many dingo/wild dog 1080 baits were deployed in NSW across National Parks during 2020?
- (b) How many dingo/wild dog 1080 baits are planned to be deployed in NSW National Parks during 2021?
- (c) Who funds dingo/wild dog 1080 baiting programs in NSW National Parks, including in-kind contributions?
- (d) What was the cost of 1080 baiting programs targeting dingoes/wild dogs in NSW National Parks during 2020?

209. How many hectares of public land in NSW was 1080 baited (ground or aerial) for dingo/wild dog management during 2020?

210. What was the per-capita farmed animal deaths due to dingo/wild dog predation for 2018, 2019 and 2020?

ANSWER:

204.

(a) Yes.

(b) Dingoes are specifically exempted from protection under Schedule 5 (protected animals) of the *Biodiversity Conservation Act 2016*.

(c) In NSW, the term 'wild dog' refers to dingoes, feral dogs and their hybrids. Most wild dogs in NSW are hybrids. Wild dogs are listed as priority pests in all regions of NSW.

Wild dog control aims to minimise negative impact, not achieve "local extinction".

(i) wild dog control is carried out by 1080 baiting

(ii) wild dog control is carried out by shooting.

205. The National Parks and Wildlife Service (NPWS) carries out wild dog control to meet its obligations under the *Biosecurity Act 2015* and the NSW Wild Dog Management Strategy.

206. As indicated above, NPWS wild dog control is undertaken to meet obligations under the *Biosecurity Act 2015*. To the extent consistent with these obligations, NPWS does not bait for wild dogs in some parts of the national park estate. In these areas, wild dogs play an ecological role. However, there remains some uncertainty about the precise nature and extent of that role across different ecosystems. NPWS regularly reviews scientific evidence about the role of wild dogs whether positive (for example, helping prevent over-abundance of kangaroos and feral goats) or negative (such as their potential impact on some threatened native species, as recognised by the Threatened Species Scientific Committee).

207.

(a) Yes.

(b) Wild dog control is generally not done in areas where there is a low risk that wild dogs negatively impact neighbours. On this basis, NPWS performs aerial baiting in Washpool National Park, but not in the region north of Port Macquarie or Myall Lakes. Where ground baiting is necessary in these three locations, it is strategically focussed on minimising impacts on neighbours while also minimising population level impacts on wild dogs.

(c) Please see above answer.

208.

(a) 277,138 baits were deployed by aerial baiting and 24,294 baits were deployed by ground baiting for wild dogs in 2020.

(b) The 2021 baiting level is expected to be similar to 2020.

(c) The NSW Government and the Commonwealth Government.

(d) The baiting program for wild dogs is embedded in a broader, integrated feral animal control program and it is not possible to isolate the costs specifically attributable to wild dog baiting.

209. This answer relates to land declared under the *National Parks and Wildlife Act 1974*, which covers approximately 7.45 million hectares.

Questions relating to the extent of baiting on other public land are a matter for the Hon Adam Marshall MP, Minister for Agriculture and Western New South Wales.

Baiting for wild dogs on national park land is undertaken to meet NPWS's obligations under the *Biosecurity Act 2015*.

Baiting is typically delivered in linear strips (by air or along roadsides) rather than on a block basis. For example, aerial baiting in national parks extended for 24,713 kilometres in 2020. Accordingly, it is difficult to provide a meaningful estimate of the number of hectares of national park that were baited. However, if we assume that the home range of a wild dog is 5000 hectares, a broad upper estimate of the effective area baited for wild dogs is around 50 per cent of the national park estate.

210. This question should be referred to the Hon Adam Marshall MP, Minister for Agriculture and Western New South Wales.

Biomass and Native Forests

211. Can the Minister confirm that all NSW native forests, including NSW Forestry Corp, private landholder and native timber plantations are prohibited from harvesting trees specifically for sale to power generators as biomass?

212. Can the Minister confirm that 'offcuts' from native forests cannot be supplied to power generators without a "resource recovery order" and that to date, none have been applied for or granted?

ANSWER:

I am advised:

211. The Protection of the Environment Operations (General) Regulation 2009 prohibits the use of native forest bio-material to generate electricity, with some exceptions.
212. Off-cuts from clearing carried out in accordance with a private native forestry plan or forestry operations carried out in accordance with an integrated forestry operations approval can be supplied to power generators without a resource recovery order.

There are currently two resource recovery orders in force which facilitate the use of certain biomaterials under the Protection of the Environment Operations (General) Regulation 2009.

Wildlife and Exclusion Fencing

213. Can the Minister advise if your department has raised concerns with you about Local Land Service's promotion of private landholder exclusion fencing that restricts the free movement of wildlife?
214. Is the Minister aware
- (a) that your department has a Kangaroo Management Program representative on the Western Region Local Land Services' Kangaroo Management Taskforce?
 - (b) that the KMT released the report: "Options for integrated kangaroo management in the Western region" * which recommended water point closure
 - i) as a supplementary control
 - ii) to reduce impact on spelled areas
 - iii) even if an exclusion fence is in place.
 - (c) of any reports of native animals such as emus, kangaroos and echidnas dying of dehydration under such circumstances?

* https://www.lls.nsw.gov.au/_data/assets/pdf_file/0005/1253705/Integrated-Kangaroo-Management_web.pdf Taskforce at p22

216. Is the Minister able to advise how many licences to harm have been issued to kill kangaroos trapped inside landholder exclusion fencing?
217. Does the Minister support the complete exclusion of all native animals from vast tracts of private land in NSW given that page 2 of the “Options for integrated kangaroo management in the Western region” report states that “exclusion of all unmanaged herbivores to permit the periodic resting of native pastures is an essential component of improving rangeland grazing systems and regenerative management?”
218. Can the Minister advise whether his department has
- (a) concerns about the Gilgunnia Cluster Fence Project* cluster of 22 landholders extending over 210 kms covering 177,000 hectares in regards to responsible kangaroo management?
 - (b) been asked to advise on the impact of excluding or entrapping native animals in a 210 kilometre area covering 177,000 hectares?
 - (c) aside from the immediate welfare concerns of death by starvation, dehydration and stress myopathy caused by being trapped, is the Minister concerned about interruptions to migration patterns of kangaroos being impeded by the fencing?

*<https://www.westernmagazine.com.au/story/4894443/biggest-exclusion-fence-in-nsw-stops-pests-in-their-tracks/>

I am advised:

213. Staff from the Department of Planning, Industry and Environment, Environment, Energy and Science Group (EES), Local Land Services (LLS) and the Department of Primary Industries (DPI) have met to discuss the potential impact of cluster fencing on the movement of native animals.
214. (a) As the regulator, EES attends taskforce meetings. EES provides clarification, advice and comments on the administration of the commercial harvesting and non-commercial culling programs.
- (b) EES has not forwarded the Kangaroo Management Taskforce report to my office.

(c) No reports have been forwarded to EES of animals dying under such circumstances.

216. EES does not know how many licences to harm have been issued to all of the properties with exclusion fencing across the State. However, EES can advise that since 2018, 18 licences to harm kangaroos have been issued to landholders associated with the Gilgunnia Cluster Fence Project north of Cobar (the subject of question 218).

217. EES will continue to liaise with DPI and LLS on cluster fencing and, if required, consider strategies to address impacts on native species.

218. (a) EES is not aware of the specific details concerning the Gilgunnia Cluster Fence Project.

(b) No.

(c) General movement patterns, feeding and behaviour are seasonal and weather dependant (McCullough & McCullough, 2000; Coulson et al., 2014). It is possible that cluster fences could restrict movement by kangaroos in such a way that their access to available resources is limited, including during periods when resources are scarce (such as drought). Noting this, further research may be required to better understand the impact of cluster fencing on native species.

References: McCullough, D. R. and McCullough, Y. (2000) 'Kangaroos in outback Australia: comparative ecology and behavior of three coexisting species.' (Columbia University Press: New York.)

Coulson, G., Cripps, J. K., and Wilson, M. E. (2014). Hopping Down the Main Street: Eastern Grey Kangaroos at Home in an Urban Matrix. *Animals: an open access journal from MDPI* 4, 272-291.

Kangaroo Management Plan

Calculation errors

219. Is the Minister aware of the following calculation errors made in the Commercial Kangaroo Harvest Management plan 2017-2021 version 1? *

(a) population densities for wallaroos in the Northern tablelands were incorrectly calculated.

(b) the Upper Hunter the density was calculated at 9.2 when in actual fact the correct density was 3.03.

(c) the 2017 estimate for the wallaroo population cited four different figures (at page 6) until such time as my office recently advised the department of the calculation errors where upon it was changed in the second edition?

* see Appendix 'A' for Top table from Commercial Kangaroo Harvest management plan 2017-2021 (first edition (190709))

220. Is the Minister aware that in the 2019 quota report after 'applying the correction factor', the density decreased from 2.83 to 2.03 which cannot be mathematically correct? *

* see Appendix 'A' for Bottom table from Commercial Kangaroo Harvest management plan 2017-2021 (second edition (200485))

221. Can the Minister explain how these above-cited reports can contain so many calculation errors?

222. Can the Minister explain how according to the Commercial Kangaroo Harvest Management Plan 2017-2021 (first edition (190709) page 29, the Western Grey Kangaroo population;

(a) increased by 72% in 2012 and

(b) increased by a further 116% in 2013 which is

(i) well in excess of expected natural population increases

(ii) inexplicable even if there was an end to the drought during this time.

223. Can the Minister explain how the kangaroo population more than doubled between 2000 and 2001 from 7,689,100 to 13,915,500 according to the Red and Grey Kangaroos Annual Population Estimates – Annual Quotas – Annual Cull Figures and Relative Percentages* given that the accepted annual population growth rate of macropods is between 8-10%?

* <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Wildlife-management/Kangaroo-management/red-grey-kangaroo-annual-population-estimates.pdf?la=en&hash=044527042E38335F9B3ACFAB355AA89500ADB309>

ANSWER:

I am advised that:

219. (a) and (b). Table A13b in the 2020 Quota Report expresses the density of 9.2 in a different way to the densities for previous years. It is expressed as a density of the surveyed medium and high strata rather than the total kangaroo management zone. The comparable density with most of the previous years in the table is 5.03. This variation in the way the density is expressed does not change the population estimation.
- (c) Wallaroos were not surveyed in 2017.
220. The stated change in value is due to expression of the densities using the medium and high strata rather than the total kangaroo management zone area.
221. Any errors detected by or brought to the attention of the Department of Planning, Industry and Environment—Environment, Energy and Science Group (EES) will be published as a correction on the EES website.
222. (a) and (b). Page 29 of the 2020 Quota report (that has the date reference ‘190709’ in the file name) contains data for grey kangaroos in the Bourke Kangaroo Management Zone. The data for 2012 and 2013 does not show the population changes referred to in the question.
223. This appears to be an error that EES will investigate further. Any corrections will be published on the EES website.

Correction Factor

224. Is the Minister aware that in 1997 a study was done by Clancy et al, which

(a) compared aerial surveys with land surveys

(i) at 5 sites for kangaroos and wallaroos

(ii) with four of those conducted during winter and summer and

(ii) one conducted during Autumn.

(b) found no significant difference in population estimates between the two methods in Summer and Winter for either kangaroos or wallaroos and that

(i) the only site study which investigated population estimates during autumn found that aerial surveys during this one and only season were approximately 50% lower than the ground estimates.

225. Does the Minister agree that it is well past time for the estimation of kangaroo populations to be made transparent and subject to independent review by international experts given that the Clancy 1997 study is the authoritative published peer-reviewed article which Cairns references and yet,

- (a) DPI continues to apply a correction factor of 1.85 on the Wallaroo population estimates at all times of the year?
- (b) DPI continually recalculates changes in population estimates proposed for wallaroo?.
- (c) the public are expected to have confidence that wallaroo populations has increased by 269% over 3 years in the drought-affected Upper Hunter, given that
 - (i) this level of growth would only be possible if the population was entirely comprised of adult females of reproducing age,
 - (ii) all could give birth by parthenogenesis,
 - (iii) and no individuals ever died.
 - (iv) scientific studies of rates of growth suggest annual values around 8-10%. *

* Appendix 'A' Bottom table from Commercial Kangaroo Harvest management plan 2017-2021 (second edition (200485)

226. Can the Minister explain

- (a) how DPI's estimated population growth rate for Upper Hunter wallaroos was possible and
- (b) why the population estimates and quota projections do not use any drought measures in their estimates such as the SPEI, The Standardised Precipitation-Evapo-transpiration Index which is globally recognised as an indicator for drought.

227. Can the Minister

- a) explain why the wallaroo population densities and abundances (along with their associated statistics) were determined using bootstrapping techniques? *
- b) provide the mathematical modelling and variables used, i.e. analysis output to numerically justify how the sighting Wallaroo total for 2020 **was 208 yet the population estimate was 296555? Statistically, even using bootstrapping techniques and the “concerning correction factor of 1.85” this number seems implausible?

*This method takes from one sample, and re-samples with replacement from that sample to gain an “estimate” from all the estimates? If the locations of the transects are reflective of the entire zone, and sufficient animals were seen bootstrapping techniques would not be needed as accurate estimates would have been achieved through the aerial surveys.

**A report to the Biodiversity and Conservation Division, New South Wales Department of Planning, Industry and Environment on the consultancy: “Design and analysis of helicopter surveys of the kangaroo populations of the Northern Tablelands kangaroo management zones, 2019.” The number 208 was also from the above report page 18: Sixty-four transects comprising 480.0 km of survey effort were flown across the two survey strata of the Glen Innes kangaroo management zone (Zone 13, Fig. 1). A total of 1,861 eastern grey kangaroos were counted on these transects, along with 208 common wallaroos. DEPARTMENT OF PLANNING, INDUSTRY & ENVIRONMENT 2021 Quota Report New South Wales Commercial Kangaroo Harvest Management Plan 2017–2021

228. Can the Minister advise

- (a) what role, if any, the University of New England had in the design and analysis of helicopter surveys undertaken for the “Kangaroo populations of the Northern Tablelands Kangaroo Management Zones 2019 report
 - i) given that one of the listed authors Dr S.C. Cairn and
 - (ii) publisher G.E. & S.C Cairns Consulting Pty. Ltd
 - (iii) lists his University of New England email and University of New England Armidale campus address in the report.

ANSWER:

I am advised:

224 (a) – (b). The Department of Planning, Industry and Environment is aware of the research by Clancy et al. (1997).

225. Population estimates are available on the Department of Planning, Industry and Environment– Environment, Energy and Science Group’s website. The Department plans to undertake a review of its historic commercial kangaroo management data, followed by an evaluation of the need for an external expert review.

(a) The Clancy et al. study shows the correction factor should be used for helicopter surveys of wallaroos. This is the best available science.

(b) The Department does not continually recalculate the wallaroo estimates. If the Department discovers errors in published data, it publishes a correction on its website.

(c) The question does not reference a specific time period. As a result, the Department cannot comment on the accuracy of the figures or the drought status referenced in the question.

226. (a) The question does not reference a specific time period. As a result, the Department cannot comment on the accuracy of the figures or the drought status referenced in the question.

(b) Drought indices are not used as the population estimates are calculated from direct surveys of kangaroos in the field.

227. (a) Bootstrapping is an important part of the best available science applied by the Department to estimate wallaroo numbers.

(b) The assertion in the question is incorrect. 296,555 is the total estimated wallaroo population across the three Northern Tablelands kangaroo management zones. The total number of wallaroos observed in the surveys was 508, not 208.

228. The University of New England had no role in the design and analysis of the 2019 Northern Tablelands helicopter surveys documented in the 2020 report.

GE and SC Cairns Consulting is contracted by the Department to assist with the design and analysis of the surveys.

Transparency

229. Can the Minister explain why it took until a request from the Animal Justice Party in February 2021 for the 2019 Northern Tablelands Kangaroo Management Zones report to be published on your department's website?
230. Can the Minister explain why your department
- (a) publishes the three yearly reports for the Northern Tablelands, Central Tablelands, and South East NSW but
 - (b) the only information published for the Western Plains, which makes up the remaining 9 zones, is a table which shows the population count for Red and Grey Kangaroos?
231. Can the Minister advise why the transect reports for the Western Plains are not available on your department's website?
232. Can the Minister assist me in accessing the following statistical information that should be publicly available on your website under the topic of kangaroo management zones;
- (a) the tab labelled 'more information' lists the SEED Commercial kangaroo management harvest zone is inactive.
 - (b) when you click into this portal, none of the links to the data set downloads were operational.
233. Can the Minister furnish the information requested and explain why
- (a) the above-mentioned data is not publicly accessible and why our biostatistical, Claire Galea's initial request in December to repair the tabs has been ignored?
 - (b) on your website under the commercial takes tab - the tab says summary of commercial takes from 1973 to 2017, however the table only includes data to 2001.

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Wildlife-management/Kangaroo-management/red-grey-kangaroo-annual-population-estimates.pdf?la=en&hash=044527042E38335F9B3ACFAB355AA89500ADB309>

ANSWER:

I am advised that:

229. Publication of the 2019 Northern Tablelands Kangaroo Management Zones report was delayed due to the report's late referral to the Department of Planning, Industry and Environment (DPIE) from the contractor.
230. The survey techniques and results for the western plains surveys are provided in the annual quota report, alongside the results from the tablelands surveys. This is available at www.environment.nsw.gov.au/research-and-publications/publications-search/2021-quota-report-new-south-wales-commercial-kangaroo-harvest-management-plan-2017-2021.
231. It is not clear what is meant by transect reports. DPIE will publish the surveyed transects map as an appendix to the annual quota report.
232. The weblinks were active and the information was available at the time of preparing this response. DPIE is not aware of any problems accessing this information in the recent past.
- Help using the SEED Portal is available by clicking the 'Need Help' option that is next to the search button. The direct link is: www.seed.nsw.gov.au/need-help.
233. If the data is on the SEED Portal, it is publicly available. DPIE can also provide additional data on request.
- (a) A staff member from the kangaroo management team replied to Ms Galea on 22 December 2021 to clarify exactly what data was requested.
- (b) Thank you for identifying this error. This has now been corrected.

Kangaroo Management Plan Panel

234. Is the Minister aware that
- (a) the last published minutes of the panel are from 27 November 2019?
- (b) my office sent a letter in December 2020 requesting that the KMP minutes from 2020 be published on the department's website?

235. Can the Minister explain why the Kangaroo Management Plan Panel Minutes from 2020 have not been published on the department's website?
236. Can the Minister advise as to
- (a) why Dr Robert Mulley from Western Sydney University was appointed to represent 'Research Institutions' on the KMP panel despite his apparent lack of credential regarding macropod research?
 - (b) the criteria for selection onto the KMP panel to represent research institutions given that Dr Mulley is the Chair of the Game and Pest Animal Advisory Board which represents the interests of licensed hunters in matters arising under the Game and Feral Animal Control Act 2002?
 - (c) whether there is a conflict of interest regarding Dr Mulley given that he is on the panel representing research institutions as well as representing licensed hunters as Chair of the Game and Pest Animal Advisory Board?

ANSWER:

I am advised that:

234. (a) – (b) and 235.

At the time of the Budget Estimates hearing on 2 March 2021, the most recently published minutes were from 27 November 2019. The April 2020 Kangaroo Management Advisory Panel (KMAP) minutes, adopted and ratified at the November 2020 KMAP meeting, have since been published. The November 2020 minutes will be considered at the April 2021 meeting and once adopted and ratified they will be published on the Department of Planning, Industry and Environment–Environment, Energy and Science Group's website.

236. (a) Dr Robert Mulley from Western Sydney University was appointed to represent 'Research Institutions' on the KMAP panel because he has extensive experience in wildlife research. Dr Mulley was appointed KMAP Chairperson after nomination by a panel member due to his range of experience, including chairing committees such as the Animal Care and Ethics Committee, and appointments to panels including the NSW Animal Research Review Panel,

NSW Biosecurity Consultative Committee and the Game and Pest Management Advisory Board of NSW.

(b) Experience as Chair of the Game and Pest Animal Advisory Board is only one example of Dr Mulley's board and committee experience, research experience and contributions towards better outcomes for humane interactions with wildlife and animal welfare.

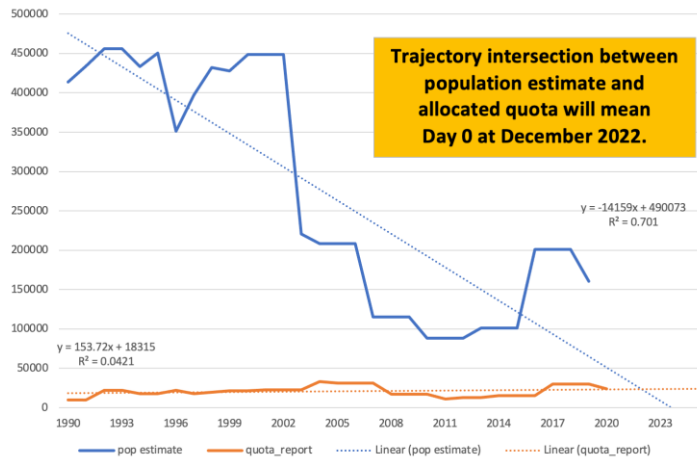
(c) All interests were declared by panellists when they agreed to and signed the terms of reference.

Appendix “A’



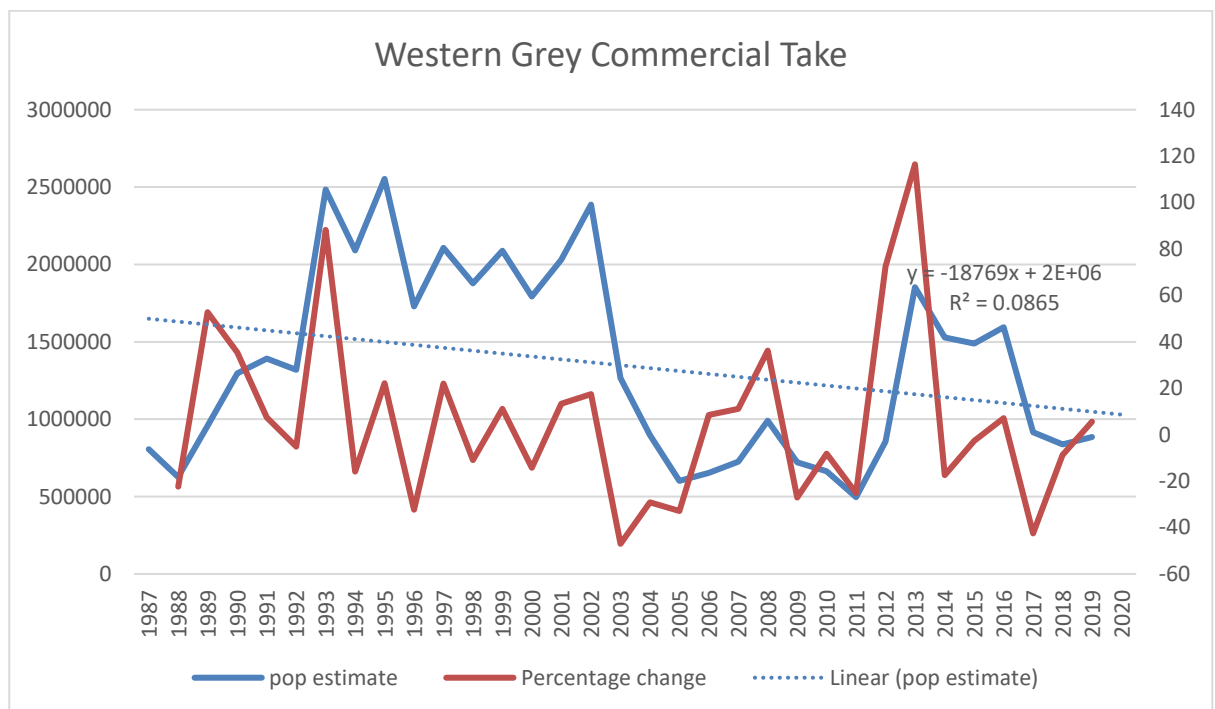
3a. Trends and predictions– Wallaroo Northern Tablelands

Table A21: Commercial take Wallaroo Northern Tablelands
(prior to updated correction factor)



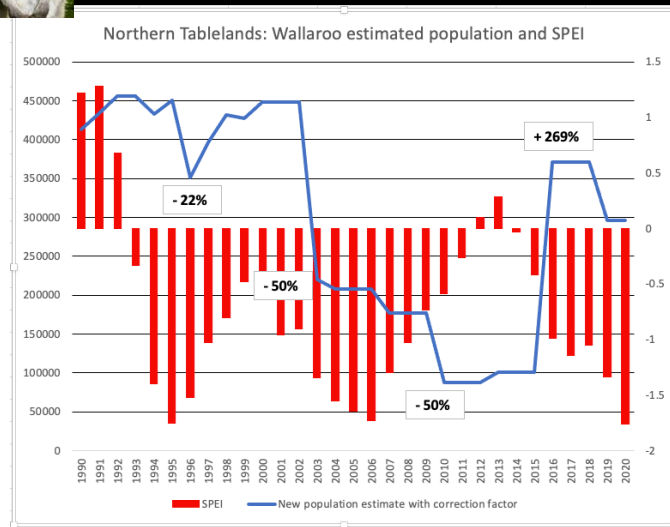
Blue
Population estimate over time
Negative gradient

Orange
Quota estimate over time
Positive gradient





2b. Percentage Changes – Wallaroo Northern Tablelands



RED

The standardized
Precipitation-
Evapotranspiration
Index.
A multiscale drought
index based on climatic
data.

BLUE

Percentage change over
time: 269% increase
during drought?