



The Hon. Mark Pearson MLC  
Chair  
Legislative Council Portfolio Committee No. 7  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

By email: [portfoliocommittee7@parliament.nsw.gov.au](mailto:portfoliocommittee7@parliament.nsw.gov.au)

Dear Mr Pearson

Thank you for the opportunity to respond to the questions I took on notice at the 15 October 2021 committee hearing into the Protection of the Environment Operations Amendment (Clean Air) Bill 2021 and to check the transcript.

Please find attached answers to the questions I took on notice. I have no corrections to make to the transcript.

If you need to include a departmental point of contact, or if you have any questions about this advice, please arrange for Committee staff to contact me by phone on \_\_\_\_\_ or email at \_\_\_\_\_

Yours sincerely

Sarah Balmanno  
**Manager Policy**  
**Climate Change and Air Policy Branch**

29 October 2021



## Legislative Council Inquiry into the Protection of the Environment Operations Amendment (Clean Air) Bill 2021

15 October 2021 hearing

### Responses to questions on notice

Transcript page 40:

The Hon. PENNY SHARPE: Great. Thank you. My second question is: Have you done modelling in relation to the electric vehicles announcement recently on the impact on air quality as a result, obviously, of the massive growth in electric vehicles in the market and on the road?

Ms BALMANNO: I understand modelling was undertaken. I was not involved in that, so I cannot speak with any authority. I could take that one on notice and provide the Committee with some information.

The Hon. PENNY SHARPE: Yes, if you could, that would be terrific. Thank you.

Ms BALMANNO: Yes.

#### Answer:

The Department of Planning, Industry and Environment—Environment, Energy and Science Group has undertaken a preliminary assessment of the air quality related health benefits of the NSW Electric Vehicle Strategy. The cumulative health benefits were estimated to be in the range of \$670-\$950 million (AUD2020, undiscounted) over the period to 2050.

Transcript page 41:

Ms ABIGAIL BOYD: Yes. Thank you. Just picking up on that point, we already have two systems in that we already have a set of restrictions as well as a load-based levy—sorry, limitations on emissions as well as a load-based levy. That is correct, is it not, Ms Balmanno?

Ms BALMANNO: Yes.

Ms ABIGAIL BOYD: You said you have got some legal concerns. As I am sure you are aware, the bill was drafted by the Parliamentary Counsel's Office and is intended to—and my understanding is it does—act to override the regulation to the extent of any inconsistency. Do you have any specifics about the legal concerns?

Ms BALMANNO: No. I am not a lawyer. That is just the advice that I have been given, that that would have to be something that the EPA would need to work through in terms of how they implemented the new policy.

Ms ABIGAIL BOYD: Okay. With respect, it seems quite simple that you would have certain limits. But, yes, if you do have any more information on that I would love to see it, because we are of course open to amending the bill to make it more legally robust if it is in fact a problem.

#### Answer:

The NSW Environment Protection Authority (EPA) advises that the proposed limits in the Protection of the Environment Operations Amendment (Clean Air) Bill 2021 are unenforceable because they do not specify the measurement technique, reference conditions, nor averaging period needed to enable industry to understand the standards they must meet and the EPA to enforce them. The Protection of the Environment Operations (Clean Air) Regulation 2021 currently

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specifies these parameters for all air standards. Without specifying this information, it is impossible to say whether the Bill actually imposes more stringent standards, or in fact erodes current standards which could impact on air quality in NSW and the health of the community.

The current NSW clean air regulation and EPA-issued environment protection licences operate together to specify the actual environmental performance that is required for each power station. This enables the EPA to adaptively manage these limits for the specific circumstances of the power stations and air sheds they are located in.