

Department/Agency Administration
Hon Shaoquett Moselmane MLC

- 249. How many redundancies were processed by Departments/agencies within your portfolio responsibilities during 2014-15?**
- (a) Of these redundancies, how many were:**
 - i. Voluntary**
 - ii. Forced**
 - (b) What was the total cost of all redundancies?**
- 250. Have any staff who received a redundancy in the last two years undertaken any paid work or provided any paid services for the agency with which they were formerly employed?**
- (a) What was the nature of these works/services?**
 - (b) What was the total cost of these works or services?**
- 251. Are any staff formerly employed by your ministerial office now employed by Departments/agencies under your portfolio responsibility?**
- 252. How many staff were dismissed from Departments/agencies under your portfolio responsibilities in 2014-15?**
- (a) What were the reason/s for each dismissal?**
- 253. How much was spent on corporate hospitality by Departments/agencies within your portfolio responsibilities during 2014-2015?**
- 254. How much was spent on indoor plant hire and maintenance by Departments/agencies within your portfolio responsibilities during 2014-2015 year?**
- 255. How much did Departments/agencies within your portfolio responsibilities spend on restaurant bills during the year 2014/2015?**
- (a) How much of these bills were alcohol?**
- 256. Were instances of internal fraud detected by Departments/agencies within your portfolio responsibilities during 2014-2015?**
- (a) What was the sum total of any such fraud and what was the result of any investigations?**
- 257. How large is the Department's vehicle fleet?**
- (a) What is the composition of this fleet in terms of engine size?**
 - (b) How many of the fleet were involved in an accident during the year 2014-2015?**
 - (c) What was the total cost of insurance claims and repairs?**
- 258. How much did departments/agencies spend on newspaper and journal subscriptions during 2014-2015?**

259. How many SES employees are employed within departments/agencies under your ministerial portfolio?

(a) What is their remuneration band?

(b) For each SES employee, how many have:

- i. 0 staff reporting to them;**
- ii. less than 2 staff reporting to them; and**
- iii. less than 5 staff?**

260. How many sick days, leave days or days attributable to workers compensation were lost for each department/agency within your portfolio responsibility during 2014-15 for:

(a) workplace bullying;

(b) stress leave; and

(c) sick leave?

261. Do any of the departments/agencies under your portfolio area employ actors for staff training?

(a) If so, what is:

i. the size of the contract for the provision of actors for staff training in your departments?

ii. the term of the contracts for the provision of actors for staff training in your departments?

iii. the tender numbers for each of the contracts?

249 – 261: See questions 167-179.

Department/Agency Travel
Hon Shaoquett Moselman MLC

- 262. What was the total expenditure in 2014-15 by Departments/agencies within your portfolio on:**
- (a) Taxi hire**
 - (b) Limousine/private car hire**
 - (c) Hire car rental**
- 263. Do the Departments/agencies within your portfolio have a policy on utilising Uber services for travel on official business?**
- 264. Have staff in your Department/agencies either paid for with departmental funds or been recompensed for official travel using Uber services?**
- (a) Were any of these payments for UberX services?**
- 265. Have staff in your Department/agencies either paid for with departmental funds or been recompensed for official travel using Airbnb services?**
- 266. Did any officers within departments/agencies under your ministerial portfolio use charter aircraft during the year 2014-2015?**
- (a) If so what was the purpose and cost?**
- 262-266. See questions 180-184.

Departmental/Agency IT
Hon Shaoquett Moselmane MLC

267. Do the Departments/agencies within your portfolio have an iTunes account?

(a) What was the total expenditure in 2014-15 on iTunes?

i. What applications/subscriptions/services were purchased through iTunes?

268. Do the Departments/agencies within your portfolio have an Android account?

(a) What was the total expenditure in 2014-15 on Android?

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

269. How many Department/agency mobile phones, tablets and laptops were replaced due to loss or damage during 2014-2015?

(a) What was the total cost of replacing these items?

270. Did any staff within departments/agencies within your portfolio responsibilities incur data charges on a mobile phone or tablet device greater than \$1000 for a single billing period?

(a) If so, how many times did this occur?

i. What was the individual cost of each data charge over \$1000 for a single billing period?

267 – 270: See questions 185-188.

**Efficiency Dividend
Hon Shaoquett Moselmane MLC**

271. What was the efficiency dividend required of the department in the 2014/15 financial year?

272. What is the efficiency dividend required of the department in the 2015/16 financial year?

273. What savings measures were implemented by the Department for:

- a) 2014/15 financial year
- b) 2013/14 financial year
- c) 2012/13 financial year?

274. What actual savings were achieved by each strategy in:

- a) 2014/15 financial year
- b) 2013/14 financial year
- c) 2012/13 financial year?

271-274. See question 88 – 89.

275. What reduction of staff occurred and at what cost as a result of each strategy in:

- a) 2014/15 financial year
- b) 2013/14 financial year
- c) 2012/13 financial year?

The Labour Expense Cap introduced in the 2012/13 Budget also continues to give agency heads as much flexibility as possible to achieve these savings in the most appropriate ways to meet the service requirements of their agencies.

276. For the 2015/16 financial year:

- a) What savings measures will the Department save?
- b) What is the expected saving to be achieved for each measure?
- c) Will they require a reduction in staffing?
- d) How many positions within the Department remain unfilled due to the imposition of savings measures?

See question 91.

Firefighting
Dr Mahreen Faruqi MLC

277. How many frontline firefighting staff does the National Parks and Wildlife Service have as of September 2015?

1,115

a) Where are these staff located?

At NPWS workplaces throughout NSW.

278. How many frontline firefighting staff did the National Parks and Wildlife have in:

(a) 2014/2015

1,125

(b) 2013/2014

1,102

(c) 2012/2013

1,183

(d) 2011/2012

1,134

i. Where were these staff located?

At NPWS workplaces throughout NSW.

Aerial Kangaroo Shooting
Dr Mehreen Faruqi MLC

279. Is the National Parks and Wildlife Service engaged in aerial shooting of kangaroos in any part of the state?

No.

a) If yes, under what conditions is this killing taking place?

N/A

b) Please provide a list of each location and date of any shooting conducted since March 2015

N/A

c) Are there any plans to conduct aerial shooting of kangaroos in the future?

No.

i. If yes, please provide a list of each proposed location and date?

N/A

Proposed Zoo in Western Sydney
Dr Mehreen Faruqi MLC

280. What was the selection process through which the Sydney Zoo proposal was selected to occupy the tourism hub identified in the draft Master Plan for Bungarribee?

The Sydney Zoo proposal was selected through a public Expression of Interest process.

281. How much income will the Western Sydney Parklands receive from the development of the proposed zoo in Western Sydney?

This information is commercial in confidence for the time being.

282. What are the conditions of approval for the proposed new zoo in Sydney?

Sydney Zoo is required to gain planning approval and construct the zoo in accordance with any planning approval conditions. The detailed public planning consent process, to be undertaken over the next 6 months, will prescribe the full range of approval conditions to be satisfied.

a) Are there conservation requirements for the approval of a new zoo in Sydney?

i. If yes, what are they?

Under the terms of the agreement, the zoo is required to provide for the management of conservation issues, environmental education and habitat protection.

283. Is the NSW Government aware that several forested private properties in western NSW received money from the Emissions Reduction Fund (ERF) for not logging?

The government is aware that around three quarters of NSW projects funded by the Australian Government's Emissions Reduction Fund's first auction were for avoided deforestation or regeneration of native forest on land issued a clearing permit before 2010. Most of these were on lands in western NSW with a Property Vegetation Plan that allowed clearing, including for invasive native species.

284. Does NSW Government intend on bidding in the next round of the Emissions Reduction Fund?

Two thirds of the emissions reductions purchased in the first auction round of the ERF were from NSW projects. The NSW Government has been working with businesses to encourage a strong representation of NSW bids in the second auction round, occurring on 4 and 5 November 2015. We are actively supporting businesses regarding opportunities for further participation in future auctions, including by government agencies.

(a) If yes, does this include exempting koala habitat in State Forests from logging?

The Australian Government does not currently have an ERF method that would allow the NSW Government to access ERF funds for not logging, including exempting koala habitat in State Forests.

285. Has any work been commissioned by OEH around the Emissions Reduction Fund and any opportunities that might exist for ending or decreasing forest degrading logging practices as part of the ERF system?

OEH is investigating how NSW (government, industry and non-government entities) can maximise participation in the Emissions Reduction Fund (ERF) and is working with the Australian Government to assist in the development of ERF methods.

OEH has not yet commissioned work on opportunities to access ERF funding for ending or decreasing logging but is considering all opportunities.

Kangaroo Cull at Lithgow
Dr Mehreen Faruqi MLC

286. Regarding the Kangaroo cull undertaken in Lithgow on September 3, 2015.

(a) What was the reason for the cull?

To mitigate the immediate safety risk to a residential community from large aggressive kangaroos.

(b) What community consultation took place with regards to this cull?

Lithgow City Council notified local residents.

Were landholders the instigators of the cull?

i. If landholders were the instigators of the cull, how many landholders complained about kangaroos?

This is matter for Lithgow City Council.

(c) Were the bodies of culled kangaroos left on the property with tags for inspection?

Yes.

i. If no, why not?

N/A

(d) Was this cull undertaken by a commercial operator?

No.

(e) Were the kangaroos culled used for commercial purposes?

No.

(f) How many kangaroos were taken in this cull including how many joeys (in-pouch and at-foot) were killed and by what method was used?

Eighteen large male kangaroos were removed from the population by shooting. No joeys were culled.

(g) What species was targeted?

Eastern Grey Kangaroo

i. Were any others killed?

No.

(h) What qualifications did the shooters have?

The shooter was experienced and appropriately licensed under Section 120 of the *National Parks and Wildlife Act 1974*.

(i) Who undertook the pre-cull survey of the kangaroos?

An officer of the National Parks and Wildlife Service.

(j) How many kangaroos remain at Marangaroo after the cull and what are Lithgow Councils plans for them?

A post assessment survey identified approximately 130 kangaroos residing on the golf course. Any questions for Lithgow Council will need to be directed to them.

- (k) **According to National Parks and Wildlife Service, all non-lethal methods of control of native animals should be investigated before a cull is considered. What non-lethal methods were considered, what was the process of consideration and what was the outcome of these investigations?**

Non-lethal methods, such as improved boundary fences and community education were discussed with Lithgow City Council officers. The cull was justified to mitigate the immediate safety risk to a residential community from large aggressive kangaroos.

Indigenous Issues
Dr Mehreen Faruqi MLC

287. What is the OEH's total budget for joint management (activities specifically related to national parks and reserves that are/will be jointly managed under Part 4A of the *National Parks and Wildlife Act 1974*) in 2015/16?

- a) Of this, how much is spent on the following:
- i. Staff?
 - ii. Rents?
 - iii. Proposals to develop new jointly managed parks?

OEH's budget for joint management of Aboriginal owned national parks (established under Part 4A of *National Parks and Wildlife Act 1974*) is \$4,782,064. Of this total figure:

- i. \$2,101,877
- ii. \$2,047,084
- iii. \$100,000

The remainder is budgeted for direct expenditure on operational programs.

288. What is the OEH's total budget for co-management activities related to increasing Aboriginal peoples participation and management in national parks and reserves?
\$9,335,720.

289. Of the \$47 million to conserve, celebrate and enjoy NSW's unique Aboriginal and historic Heritage, how much is allocated specifically to protecting and promoting Aboriginal heritage?

The conservation, celebration, protection and promotion of Aboriginal heritage in NSW is the responsibility of all OEH areas. There is no separate budget allocation for Aboriginal heritage.

290. Of the \$468.4 million allocated to the National Parks and Wildlife Service Group in the 2015-16 budget, how much is allocated to be spent on the following:

- a) Protecting Aboriginal heritage sites?
- b) Delivering programs to Aboriginal communities?
- c) Delivering Aboriginal culture and heritage /sites training courses?
- d) Staffing costs?
- e) Promoting Aboriginal heritage?
- f) Increasing the number of Aboriginal sites and areas protected?
- g) 'Providing Aboriginal people with opportunities to protect their culture and heritage and access traditional lands by increasing the number of Aboriginal co-management arrangement over national parks and other conservation areas' (Goal 26, NSW 2021)?

Service group statements provide high-level aggregate expenses for a service group, with significant items of particular public interest listed, and do not reflect NSW Government funding on a program basis.

291. Of the \$502.0 million allocated to the Regional Operations and Heritage Service Group in the 2015-16 budget, how much is allocated to be spent on the following:

- a) Developing new legislation to protect Aboriginal Culture and Heritage?
- b) Protecting Aboriginal heritage sites?
- c) Listing Aboriginal heritage sites on the State Heritage Register?
- d) Listing Aboriginal heritage sites on the Aboriginal Place register?
- e) Delivering programs to Aboriginal communities?
- f) Delivering Aboriginal culture and heritage /sites training courses?
- g) Staffing costs?
- h) Promoting Aboriginal heritage?
- i) Increasing the number of Aboriginal sites and areas protected?

- j) **'Providing Aboriginal people with opportunities to protect their culture and heritage and access traditional lands by increasing the number of Aboriginal co-management arrangement over national parks and other conservation areas'(Goal 26, NSW 2021)?**

- k) **Investigating incidents of alleged unauthorised harm to Aboriginal heritage?**

Service group statements provide high-level aggregate expenses for a service group, with significant items of particular public interest listed, and do not reflect NSW Government funding on a program basis.

- 292. How many staff will be employed by the Office of Environment and Heritage in 2015/16 to specifically undertake work in relation to Aboriginal culture and heritage?**

Aboriginal culture and heritage is an integral function of many OEH staff.

- 293. How many Aboriginal staff will be employed by the Office of Environment and Heritage in 2015/16 to specifically undertake work in relation to Aboriginal culture and heritage?**

As at 30 June 2015, 10.13 per cent of OEH staff identify as Aboriginal and Torres Strait Islander; this is almost four times the government target of 2.6 per cent.

Aboriginal culture and heritage is an integral function of many Aboriginal staff employed in OEH.

- 294. What was the budget for litigation associated with Aboriginal sites and objects in 2013/14?**

OEH Legal Services Division prosecutes offences under the legislation administered by OEH, including for Aboriginal sites and objects. Prosecutions are undertaken as appropriate and are not budgeted for by offence type.

- 295. What is the budget for litigation associated with Aboriginal sites and objects in 2015/16?**

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Native Vegetation Regulations
Dr Mehreen Faruqi MLC

296. In response to questions on notice provided by the Minister's office regarding the new native vegetation regulation recently, it was noted that there had been approximately 89 notifications for the clearing of almost 6,500 isolated paddock trees since November 2014 and that none of these notifications had been monitored for compliance. Instead it is stated that it will be monitored on an annual basis?

- a) If someone did misuse the regulation how likely is it that OEH would be able to detect it?
 - b) Will all notifications for individual paddock trees be monitored by satellite in a years' time?
 - i. If no, what proportion of notifications are expected to be monitored by satellite?
 - c) What evaluation is OEH undertaking of the impact of the native vegetation regulation and self-assessable codes, especially on biodiversity?
 - d) Under the paddock tree self assessable code, there is a 'set aside' area that is required to cut down paddock trees. How does the Government monitor if the set aside area is in accordance with the code?
- a) Highly likely. The Office of Environment and Heritage (OEH) would be able to detect nearly all misuses of the paddock tree code of practice through the satellite monitoring program.
- b) Yes. All clearing of woody native vegetation in NSW, including clearing of paddock trees, is monitored annually by the satellite monitoring program. The satellites have a resolution of 5x5 metre pixels which can detect individual paddock trees.
- c) OEH evaluates the impact of clearing across the whole of NSW annually. OEH also evaluates the conservation and management measures under property vegetation plans. This information is published in the *NSW Report on Native Vegetation*.
- d) The paddock tree code of practice allows one year for the establishment of a set aside area in most cases. As the code began operation less than a year ago no monitoring of set aside areas has been undertaken to date.

297. Does the NSW Government make the SPOT5 and Landsat pictures publically available?

- (a) If not, why not?
 - (b) If yes, where is it available?
- a) Yes.
- b) SPOT5 images are available on the OEH website at <http://mapdata.environment.nsw.gov.au/>.
Landsat8 images are available on the United States Geological Survey website at <http://landsat.usgs.gov/landsat8.php>

298. Given the recommendations proposed by the Biodiversity Legislation Review Panel is to have clearing managed by local councils and the significant amount of work this would add to council workloads, how much extra funding and resources will the Government be putting into local councils for this proposed work?

The Government is currently considering the resourcing needs to build capacity within local government as part of the reform process.

299. Has the Minister engaged with the Local Government Association or any individual councils about the proposals in the Biodiversity Legislation Review Panel?

- (a) If yes, how, when and with which councils and what concerns were raised?
- The Minister for the Environment has met once with Local Government NSW to discuss LGNSW's views on the reforms. The Office of Environment and Heritage, along with the Department of Planning and Environment and Department of Primary Industries, has also met with LGNSW once. At this meeting, LGNSW outlined its views on the reforms and OEH, DPI and DPE provided advice on the possible roles of local councils under the proposed new

system. This covered councils' role as the consent authority for local development and how the proposed biodiversity offsets scheme will work. The next meeting with LGNSW is scheduled for 9 October and it is expected that the proposed new system for managing native vegetation clearing will be discussed in more detail. OEH has also committed to work with LGNSW on the design of technical consultation workshops that will be held with councils on the single biodiversity assessment method during the bill's exhibition. A further meeting or meetings will also take place with LGNSW before the exposure bill is released.

- 300. The self assessable code for paddock trees states that if the 'total set aside required is in place, prior to a notification, the above limit (the limit imposed on the landholder on the number of trees that can be cleared per 1000 ha per notification) does not apply'. If no one is required to approve or respond to a notification can the Minister explain how indiscriminate clearing will not occur over and above the tree per hectare limit, under this clause?**

Indiscriminate clearing is detected by the annual satellite monitoring program, with an appropriate response undertaken by OEH in accordance with the *Compliance Policy for OEH Regional Operations*.

Offsets

Dr Mehreen Faruqi MLC

301. Is there any central database of offset sites in NSW?

- (a) If no, how does the NSW Government know if the same site is being used twice as an offset?
- (b) If yes, where is this database located?
- (c) If yes is it publically available?
- (d) If yes, why does 'double dipping' still occur?

OEH maintains a database of offset sites that are secured using Biobanking and conservation agreement mechanisms.

- (a) Where Biobanking is used as the mechanism to secure an offset, as part of reviewing the application, OEH consults with Department of Planning and Environment (DPE), the Local Land Services, the relevant Local Government Authority, and Land and Property Information for a title search, to check whether the land has previously been used as an offset. Under the Biobanking Regulation, land that is a part of a previous offset arrangement is ineligible to be a Biobank site.
- (b) A register showing approved biobanking agreements is publicly available from the OEH website. To identify the location of offset sites, the Biodiversity Investment Spatial Viewer is being developed by OEH to record Conservation Commitments. This will show the location of bio-banking agreements and conservation agreements, and a number of other types of permanent conservation commitments.
- (c) Once completed, the Biodiversity Investment Spatial Viewer will be publicly available
- (d) OEH is not aware of instances of 'double dipping' occurring in relation to the use of biobanking or conservation agreements – as both types of agreements are registered on title.

302. Does the NSW Government monitor biodiversity offsite sites to ensure they are being preserved in perpetuity?

Offset sites that are secured under a Biobanking agreement are monitored on an annual basis to ensure that the conservation work is being carried out on the site.

303. The Government has accepted the Biodiversity Legislation Review recommendation number 13 to expand the Biodiversity Offsets Policy for Major Projects. How can this be justified when that policy only commenced on 1 October, just two months before the recommendations were handed down in December?

- (a) How can you evaluate the effectiveness of a policy in two months?
 - a. How many projects were entered into under the Offsets policy between 1 October, when this policy commenced, and 18 December 2014?
 - b. Please provide a list of all projects entered into under the Biodiversity Offsets Policy for Major Projects between 1 October 2014 and 1 September 2015, including details of the project, offset and proponent.

The NSW Biodiversity Offsets Policy for Major Projects incorporates international best practice standards.

It is based on the hierarchy of avoid, minimise and then offset impacts. The offsetting principles reflect international best practice, including limits on what can be offset (through impacts for further consideration), the need for offsets to be additional, equivalency where offsets must target the biodiversity values being lost or higher conservation priorities, and permanence.

The NSW Biodiversity Offsets Policy for Major Projects builds on years of NSW Government experience with offsetting schemes, including the NSW Biodiversity Banking Scheme and clearing assessed under the *Native Vegetation Act 2003*.

The Policy seeks to address a number of issues with the current process, including a lack of consistency in how offset sites are secured and how they are assessed. The Policy

addresses these issues by introducing clear rules around the use of biodiversity offsets for major projects.

303 (a) a. and b. Please refer to the Minister for Planning, as the Minister responsible for the assessment of projects to which the Biodiversity Offsets Policy for Major Projects applies.

304. What evidence is there that biodiversity offsetting works?

Offsetting to compensate for impacts to biodiversity is a developing practice recognised under the Convention on Biological Diversity as an important component of environmental impact assessment. It is internationally accepted as part of the 'avoid, minimise, offset' hierarchy.

Native Vegetation Act
Dr Mehreen Faruqi MLC

305. What is the projected total cost of administering the Native Vegetation Act for 2015/16?

The estimated cost for the Office of Environment and Heritage and the Environment Protection Authority is \$10,190,000.

306. How much was spent on administering the Native Vegetation Act 2003 in:

- (a) 2014/2015
- (b) 2013/2014
- (c) 2012/2013
- (d) 2011/2012

The estimated costs for the Office of Environment and Heritage and the Environment Protection Authority are:

Financial year	Estimated total costs
a) 2014/2015	\$10,620,000
b) 2013/2014	\$11,450,000
c) 2012/2013	\$9,000,000
d) 2011/2012	\$10,900,000

307. What is the total budget dedicated to the enforcement of provisions in the Native Vegetation Act on land clearing for 2015/16, including a breakdown by staff and type.

The estimated total budget dedicated for the enforcement provisions in the Native Vegetation Act on land clearing for 2015/16 is \$7,500,000.

308. What was the total budget dedicated to the enforcement of provisions in the Native Vegetation Act on land clearing, including a breakdown by staff and type in:

- (a) 2014/2015
- (b) 2013/2014
- (c) 2012/2013
- (d) 2011/2012

The estimated costs for the Office of Environmental and Heritage and the Environment Protection Authority are:

Financial year	Estimated total costs
a) 2014/2015	\$7,230,000
b) 2013/2014	\$6,150,000
c) 2012/2013	\$4,860,000
d) 2011/2012	\$6,760,000

309. What is the total number of staff FTEs working on enforcement of Native Vegetation Act provisions for 2015/16?

The estimated total number of staff FTE in the Office of Environment and Heritage and Environmental Protection Authority working on the enforcement of Native Vegetation Act provisions in 2015/16 is 31.

310. What was the total number of staff FTEs working on enforcement of Native Vegetation Act provisions in:

- (a) 2014/2015
- (b) 2013/2014
- (c) 2012/2013
- (d) 2011/2012

The estimated total number of staff FTEs in the Office of Environment and Heritage and the Environment Protection Authority working on the enforcement of Native Vegetation Act provisions are:

Financial year	Estimated total staff FTEs
a) 2014/2015	31
b) 2013/2014	24
c) 2012/2013	19
d) 2011/2012	19

- 311. What was the projected cost for satellite imagery to assist in land clearing data gathering for 2015/16? Please breakdown by source.**

\$2,800,000. This is entirely funded by the NSW Government.

- 312. What was the projected cost for satellite imagery to assist in land clearing data gathering, broken down by source in:**

- (a) 2014/2015
- (b) 2013/2014
- (c) 2012/2013
- (d) 2011/2012

The estimated costs for satellite imagery to assist in land clearing data gathering are:

Financial year	Estimated costs	Funding source
a) 2014/2015	\$2,400,000	NSW Government
b) 2013/2014	\$1,700,000	NSW Government
c) 2012/2013	\$1,040,000	NSW Government
d) 2011/2012	\$2,730,000	NSW Government

- 313. What was the total cost for the review of the Biodiversity legislation review for 2014/15 and how much is budgeted for the development of the proposed Biodiversity Conservation Act?**

OEH provided \$328,489 funding for the Biodiversity Legislation Review during 2014-15.

- 314. What is the timeline for the proposed new Biodiversity Conservation Act and what is the community consultation plan?**

The Government has stated that it will release an exposure draft Bill in November 2015.

- 315. What resources have been allocated to Local Land Services to assist in the implementation of a new Biodiversity Conservation Act?**

The Government is currently considering the resourcing and capacity building needs within Local Land Services as part of the reform process.

- 316. What resources have been allocated to local councils to assist in the implementation of a new Biodiversity Conservation Act?**

The Government is currently considering the resourcing and capacity building needs within local government as part of the reform process.

- 317. What resources, if any, have been allocated for protecting native vegetation and the conservation of native animals on private land in light of government commitments to repeal the Native Vegetation Act 2003?**

The Government has allocated an additional \$100 million to Saving our Species over five years from 2016-17.

The Government is also considering the Independent Biodiversity Legislation Review Panel's recommendation to make additional investment in private land conservation.

Climate Change
Dr Mehreen Faruqi MLC

318. What recommendations did the Office of Environment Heritage make to the national post-2020 emissions goals?

Departments and agencies, including the Office of Environment and Heritage, provided advice to the NSW Government. In this instance the NSW Government did not make a submission to the Australian Government.

319. Was a submission prepared by the Office of Environment and Heritage?

(a) If yes, why was it not submitted

See 318.

Transport Emissions
Dr Mehreen Faruqi MLC

320. Is an Environmental Pollution Licence required for motorway operators to operate a pollution stack?

No.

(a) If yes, what are the conditions for this and where can existing licenses be found?

N/A

(b) If no, why not?

Ventilation outlets (commonly known as pollution stacks) from motorways are not scheduled activities under Schedule 1 of the *Protection of Environment Operations Act 1997* and therefore do not require an environment protection licence.

(c) If no, is there a specific exemption for motorway tunnel operators from having an environmental pollution licence?

There are no exemptions for motorway tunnel operators, as ventilation outlets (commonly known as pollution stacks) from motorways are not scheduled activities under Schedule 1 of the *Protection of Environment Operations Act 1997* and therefore cannot be licenced.

Woodsmoke
Hon Dr Mehreen Faruqi MLC

321. Given that Chief Medical Officer, Dr Kerry Chant, has advocated the phase out of wood heaters in built up urban areas, why was this not provided as an option in the Proposed Wood Smoke Control Framework/Protection of the Environment Operations (Clean Air) Amendment (Heaters and Fireplaces) Regulation 2015?

The draft Protection of the Environment Operations (Clean Air) Amendment (Heaters and Fireplaces) Regulation 2015 was informed by broad stakeholder consultation on the discussion paper '*Options for local government wood smoke control in NSW*'. The outcomes of the consultation found that a state-wide ban or mandatory phasing out of wood heaters was not supported by the wider community as wood heaters are still considered a viable and cost-efficient form of heating for many people.

Compliance Staff and Kangaroos
Dr Mehreen Faruqi MLC

- 322. The 2013 NSW Commercial Kangaroo Harvest Annual Report detailed 234 inspections of commercial kangaroo harvesters, how many inspections have taken place in 2014 and 2015 and where were these inspections?**

There were 162 chiller inspections in 2014 and 91 in 2015 as at 17 September 2015. Inspections are conducted at chiller premises located across the commercial kangaroo harvesting zones.

- 323. Responses to questions on notice dated 1 July note that "These compliance activities are part of the role of Office of Environment and Heritage (OEH) Compliance Officers".**

- (a) Does this mean that there are no compliance officers dedicated to monitoring license holders under the Commercial Kangaroo Harvest Program?**
 - (b) Have there previously been compliance officers dedicated to monitoring license holders under the Commercial Kangaroo Harvest Program?**
 - i. If yes, when did this change?**
- (a) Yes.**
 - (b) Yes.**
 - (i) 2012.**

- 324. How many compliance staff have actually carried out inspections monitoring license holders under the Commercial Kangaroo Harvest Program in 2015?**

Kangaroo Compliance activities are part of the role of OEH compliance officers. The Commercial Kangaroo Harvest Management Plan 2012–2016 sets out the compliance requirements.

- 325. The United States EPA has a Scientific Integrity Policy which promotes a culture of scientific integrity for all employees and is intended to improve the internal management and operation of the Agency. Given the widespread concern and perception in the community of the EPA being too close to industry, will the NSW EPA commit to a similar 'Independence and Integrity Charter' to reassure the community of its independence?**

The government re-established the EPA in 2012. The Upper House Inquiry into the Performance of the EPA found that, in the period since its re-establishment, the EPA has worked to develop a relationship with industry that strikes the right balance between oversight and effective collaboration. The Inquiry Committee stated that the EPA has struck this balance appropriately and professionally.

The values of integrity, trust, service, accountability, innovation and transparency are reflected in the EPA's Strategic Plan. These values are also captured in the guiding principles that underpin the EPA's Compliance Policy. Both the Plan and Policy are publicly available documents.

The EPA has adopted the Office of Environment and Heritage Scientific Rigour Position Statement, which ensures that all science undertaken or commissioned by the EPA meets globally accepted standards of scientific rigour from start to finish.

- 326. The former Environment Minister Robin Parker removed community representatives from the board of the EPA in 2011. Through this inquiry it is clear that the removal of community representatives from the Board of the EPA has significantly damaged their ability to connect with the community. Will the Government make moves to return community representatives to the board?**

The EPA Board is functioning well. It is a governance and advisory board with expertise in environmental law and science, corporate, financial and risk planning and management and business. The Board regularly meets with all stakeholders, including the community, and, where appropriate, establishes community consultation committees.

- 327. In September 2013, the United States EPA decided to regulate carbon as a pollutant through the Clean Air Act in order to reduce greenhouse gas emissions. Will the NSW EPA do the same?**

(a) If not, why not?

The NSW EPA is responsible for managing air pollution that affects local and regional air quality and impacts human health. The NSW EPA manages these pollutants under the *Protection of the Environment Operations Act 1997*. Several pollutants and precursor pollutants managed by the NSW EPA contribute to global warming such as tropospheric ozone and black carbon. EPA regulation reduces the impacts of these pollutants.

Within Australia, the Australian Government is responsible for national greenhouse policies to reduce greenhouse gases.

State of the Environment Report
Dr Mehreen Farqui MLC

328. I understand the next State of the Environment Report is due this year and I understand there is a significant amount of scientific expertise required and years of work involved. During the inquiry into the EPA, we learnt that the EPA does not have an in-house scientific capacity and 'buys in' expertise. Who is providing the independent scientific expertise?

As with previous State of the Environment Reports, the EPA invites external experts, distinguished in their fields, to review the report during its compilation. The external experts come from a variety of organisations, especially federal agencies (e.g. CSIRO), and key universities. Subject to availability, two separate experts are engaged to review each topic in the report. This is in addition to extensive consultation with subject matter experts across multiple NSW government agencies.

329. Has the EPA used consultants to complete the State of the Environment Report and if yes, what was the cost of this?

The EPA has contracted-out three items of work for *SoE 2015*:

1. Data compilation, analysis and reporting on economics matters to assist meeting the requirements of s10(3)(d) of the *Protection of the Environment Administration Act 1991*. The contract for this work also included preparation of material for the EPA's 2014–15 Annual Report. The cost of this contract for *SoE 2015* is approximately \$11,000.
2. Being a "flagship" publication for the EPA, a refresh of the graphic design of the report is being undertaken. The contract for this design refresh is approximately \$5,000.
3. The information systems used for web-publication of previous SoE reports were developed back in 2003. Updated web-publication processes are being developed -- \$7,500.

330. Who is providing the oversight for developing the State of the Environment Report?

The EPA Board oversees the process for developing the State of the Environment Report.

Preparation of the SOE involves extensive consultation with other NSW government agencies.

Oversight of the content is via a formally-established CEO-level interagency review process (supported by an inter-agency Steering Committee). The agencies involved are:

- Office of Environment and Heritage
- Department of Planning and Environment
- Department of Premier and Cabinet
- Department of Industry (including Primary Industries and Resources and Energy)
- The Treasury
- Transport for NSW
- NSW Ministry for Health
- Hunter Water Corporation
- Sydney Water Corporation.

Auditor General Report into the EPA Handling of Contaminated Sites
Hon Dr Mehreen Faruqi MLC

- 331. The NSW Auditor General in July last year found that the EPA has no systematic processes for prioritising contaminated sites and there was a backlog of around 800 sites awaiting assessment. What progress has been made in clearing this backlog?**
- The EPA has received a budget enhancement of \$1.4million in 2015-16, which is having a substantial impact upon the accumulated backlog of notified sites. To date some 25 percent of the backlog has been progressed. The EPA will seek further funding in 2016-17 to continue this work.

Penalties

Hon Dr Mehreen Faruqi MLC

332. In October last year the Parliament passed the Protection of the Environment Legislation Amendment Bill 2014 which saw an increase in the maximum penalties for many environmental offences. Has the maximum penalty been applied to any cases?

(a) Please provide a list on notice of how many times the maximum penalty has been issued, to whom and for what, to date.

The Protection of the Environment Legislation Amendment Bill 2014, which was passed by Parliament on 28 October 2014, increased maximum penalties for some offences under the *Contaminated Land Management Act 1997* (CLM Act). In addition, it also strengthened and aligned the enforcement provisions of the CLM Act, *Protection of the Environment Operations Act 1997* and the *Radiation Control Act 1990*.

The new maximum penalties have not been applied since the amendments were made.

Illegal Waste Bill
Hon Dr Mehreen Faruqi MLC

333. How many penalties have been issued under the provisions of the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013 including:

- (a) knowingly supplying false or misleading information about waste**
- (b) Repeat waste offenders**

None.

334. How many motor vehicles or vessels have been seized by the EPA under provisions of the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013.

None.

Minimum Set Back
Hon Dr Mehreen Faruqi MLC

335. Why does the Victorian EPA have minimum separation distances for mining, gas extraction and quarrying from houses and NSW does not? For example the Victorian EPA requires a 500 metre distance for a blasting quarry?

(a) Will the Minister consider introducing minimum separation distances?

This is a matter for the Minister for Planning.

- 336. Regarding the Mangrove Mountain Tip, what environmental and controls are in place? Can the EPA detail inspections of the weighbridge, spot checks of the site and truck loads, responses to complaints and results of water testing to demonstrate that there is independent oversight of operations at the site since 2001?**

Environmental Controls

In 2001 the EPA issued environment protection licence no. 11395 to permit landfilling of inert or general solid waste, such as building and demolition waste, at Mangrove Mountain Landfill. The licence issued by the EPA contains conditions relating to pollution prevention and includes requirements to regularly monitor surface water, groundwater and gas emissions.

The monitoring required by the licence is done by the licensee and is reported to the EPA in the annual return. The EPA reviews the annual returns for any exceedances or anomalies. The licensee is also required by law to notify the EPA immediately of any incident causing or threatening to harm the environment and to provide written details of the notification within seven days.

Licence conditions require the lining of cells prior to waste disposal and requirements are in place to mitigate and monitor potential environmental impacts. In addition, the licence restricts the type of waste permitted to be accepted at the site to non-putrescible general solid waste.

Gosford City Council brought proceedings against the current landfill operators in the Land and Environment Court for operating outside the 1998 development consent. Court Orders were issued on 29 August 2014 that require the EPA to approve a Landfill Environmental Management Plan and a Leachate Management Plan before landfilling operations can restart.

Following a technical review of the plans, the EPA requested further information from the site operators to finalise its assessment. Landfilling at the licensed site cannot occur until the EPA approves the revised plans and is satisfied that all environmental and engineering controls are in place to protect the local community and environment.

The EPA will also continue to work with Gosford City Council to ensure appropriate conditions and controls are in place and enforced during the operation of the landfill and re-development of the golf course.

Inspection Regime

The EPA has conducted in excess of 35 announced and unannounced inspections of the landfill since the issue of the licence in 2001. Twenty of these have been done since 2011.

During the period 2011 to 2015 the EPA has conducted both covert and overt monitoring of the weighbridge. Periodic audits have also checked truck movements against weighbridge records. Twelve inspections have specifically targeted truck movements and weighbridge records. On two occasions the EPA has checked the calibration reports to ensure the weighbridge is measuring the correct weight. The EPA has no evidence of breaches during this time in relation to truck movements and recording of movements at the weighbridge.

The EPA has received approximately 15 environment line reports during the life of the landfill that have been investigated by EPA officers.

The EPA continues to provide regulatory oversight of the landfill, using a range of tools as are deemed necessary at any particular time. These tools may include, but are not limited to, variations of licence conditions, additional pollution reduction programs, announced and unannounced inspections and covert and overt surveillance.

National Parks and Protected Areas
Dr Mehreen Faruqi MLC

- 337. We know that NSW has the second lowest percentage of land protected in the National Reserve System. We know the Aichi Biodiversity Target calls for at least 17% of terrestrial land to be protected by 2020. But NSW 2021 Performance Report 2014-2015 notes that the number of hectares of public land under permanent conservation has increased just 0.4% under this Government up to 2013/2014. Does the NSW Government have targets for increasing land protected in the National Reserve System?**

NSW is contributing to the agreed Commonwealth Strategy for the National Reserve System aimed at meeting Australia's Aichi responsibilities under the Convention on Biological Diversity.

- (a) If yes, what are these targets**

A draft *Directions Statement for National Park Establishment 2015-2020* is currently being prepared for consideration by Government before finalisation and public release.

- (b) If no, why not?**

N/A

- 338. Please provide a list on notice of all National Parks acquisitions for the 2013/2014 and 2014/2015 financial years?**

NAME OF SERVICE AREA	EFFECTIVE DATE
Wereboldera State Conservation Area (SCA)	14/02/2014
Everlasting Swamp National Park (NP)	14/02/2014
Glenrock SCA	6/06/2014
Everlasting Swamp (NP N1191)	10/03/2014
Blue Mountains NP	22/01/2014
Glenrock SCA	19/11/2013
Werakata Nature Reserve (NR)	10/02/2014
Sugaloaf NP	10/02/2014
Dooragan NP	7/04/2014
Culgoa NP	23/12/2013
Willi Willi NP	30/07/2013
Crawney Pass CCA1	15/08/2013
Morton NP	26/09/2013
Chambigne NR	6/08/2013
Everlasting Swamp NR	26/08/2013
Everlasting Swamp NR	3/04/2014
Oxley Wild Rivers NP	23/09/2013
Oxley Wild Rivers NP	23/09/2013
Nangar NP	6/12/2013
Tuggerah SCA	2/04/2014
South East Forest NP	17/03/2014
Capertee NP	22/04/2014
Camerons Gorge NR	16/06/2014
Jervis Bay NP (Heritage Estates)	Various

NAME OF SERVICE AREA	EFFECTIVE DATE
Everlasting Swamp NP	24/12/2014
Goulburn River NP	8/05/2015
Yarrahapinni Wetlands NP	11/08/2014
Hunter Wetlands NP	31/07/2014
Nightcap NP	1/08/2014
Woomargama NP	19/08/2014
Ellerslie NR	7/11/2014
Nattai NP	10/10/2014
Jervis Bay NP	21/08/2014
New England NP (lot 8)	11/08/2014
Yengo NP	28/07/2014
Deua NP	10/07/2014
Brisbane Water NP	31/10/2014
Kybeyan NR	23/04/2015
Morton NP	27/03/2015
Barakee NP	26/05/2015
Cumbebin Swamp NR	20/03/2015
South East Forest NP	26/05/2015
Kanangra-Boyd NP	29/04/2015
Gardens of Stone NP	11/06/2015
Nattai NP	10/06/2015
Brisbane Water NP	26/03/2014
Brisbane Water NP	2/04/2015
Brisbane Water NP	2/04/2015
Yellowmundee Regional Park (RP)	19/06/2015
Verges Creek NR (proposed)	4/03/2015
Jervis Bay NP (Heritage Estate)	various
Wolli Creek RP	26/09/2014
Royal NP	3/06/2015
Wianamatta RP	4/06/2015
Edmondson RP	11/08/2014
Coffs Coast RP	15/08/2014
Coffs Coast RP	12/01/2015
Coffs Coast RP	2/02/2015
Coffs Coast RP	31/10/2014

NAME OF SERVICE AREA	EFFECTIVE DATE
Rawdon Creek NR	28/04/2015
Rawdon Creek NR	28/04/2015
Blue Mountains NP	27/04/2015
Heathcote NP	27/04/2015
Heathcote NP	27/04/2015
Lane Cove NP	27/04/2015
Lane Cove NP	16/09/2014

- 339. Will the government fund the NPWS to conduct an economic assessment of the benefits to NSW of the national parks estate, including tourism, biodiversity, ecosystem services, health and intrinsic value?**

The NPWS has existing funds to undertake this work.

(a) If not, why not?

N/A

- 340. The Government has announced a cut of \$22 million to the NPWS' 2015/2016 budget. What area are these cuts in?**

Please advise what impact this will have on each of the following core functions of NPWS:

- (a) fire management**
- (b) control of invasive animals and plants**
- (c) conservation activities**

The government has not announced a cut of \$22 million to the NPWS 2015/16 budget.

- 341. Can the government confirm that it is still committed to building a Comprehensive, Adequate and Representative (CAR) reserve network in light of the cuts to the NPWS budget and the continued lack of progress on the Directions Statement, National Parks Establishment?**

(a) How will it achieve this without a timeline or targets?

The government supports the continued strategic expansion of the national park estate.

- 342. What was the final expenditure for national park acquisition and expansion in 2014/2015 and how much is budgeted for 2015/2016?**

Total expenditure for land acquisition in 2014/2015 was \$5.016 million.

Total expenditure allocated for the 2015/2016 year is \$7.01 million.

Strategic Directions for Horse Riding in National Parks
Dr Mehreen Faruqi MLC

343. Has any interim evaluations or findings been made on the policy to allow Horse Riding in National Parks?

Mid-term findings from the two year trial of horse riding in wilderness were published on the OEH website in July 2015.

- a) Is the evaluation going to consider the numbers of users and the resulting ecological impact or will there be an assessment of the total process with no regard to actual number of participants in the trial?**

The evaluation will consider the number of users and any resulting ecological impacts.

- b) Is there any requirement for registration for riders in the trial?**

No.

- i. If not, how does the Government know how many people are participating in the trial?**

Motion sensor cameras are used to record the number of trail users.

344. Have horse riding working groups specified 165 management actions to be undertaken in NSW national parks?

As part of the implementation of the Strategic Directions for Horse Riding in NSW National Parks initiative, horse riders identified 165 potential opportunities for horse riding.

- a) Will the eight horse riding work plans and 165 management actions adversely impact on park heritage values?**

Any benefits and impacts will be assessed as part of the trial.

- b) How will the NPWS fund the increased maintenance costs and establish capital works programs for the 165 management actions**

Funds will be sourced from the annual budget allocation to NPWS.

- c) How many horse yards are being built to accommodate recreational horses in the national parks under these horse riding work plans**

Three horse yards have been provided, including two sites where existing stock yards were used.

Gardens of Stone
Dr Mehreen Faruqi MLC

345. In 2013, Robyn Parker MP stated in Budget Estimates that she had asked the National Parks and Wildlife Service to investigate the Gardens of Stone Stage 2 reserve proposal. Given the ongoing threats to the area from repeated mining expansion proposals, why has there still been no action on protecting this iconic area and is the reserve still being considered?

Discussions are occurring within the NSW Government to reach a suitable outcome.

Riverina Grazing Trial

346. What is the status of the Riverina Grazing Trial and what evaluation or monitoring reports have been completed?

The grazing study commenced in August 2013 and will conclude by December 2016. Evaluation of the monitoring data will be used to prepare a report with recommendations on the future of grazing in national parks in mid-2016 ahead of the conclusion of the study.

(a) What resources has the Minister allocated to assess the environmental impacts of trial grazing in the River Red Gum National Parks and how much has been allocated to assessing social and economic impacts for 2015/16?

\$500,000 has been allocated to the ecological and biodiversity component of the grazing study for 2015-16. A social and economic study was completed in 2014-15.

Invasive Species Control
Dr Mehreen Faruqi MLC

347. How much was spent in 2014/2015 and planned for 2015/2016 on invasive species control? Please provide a list of how much is spent on the following measures:

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

The National Parks and Wildlife Service (NPWS) spent around \$38 million on all pest management actions in 2014-15. A similar amount is budgeted for 2015-16.

NPWS undertakes pest management using a range of integrated techniques and it is not possible to separately list spending for each of these techniques.

Supplementary Pest Control Program
Dr Mehreen Faruqi MLC

- 348. How much was spent in 2014/2015 on this program and how many animals were removed under the program?**

The total cost of the program in 2014/15 financial year was \$1,780,316.

2,669 pest animals were removed under the program.

- 349. Was there any government funding going to the Sporting Shooters Association last financial year or is any money budgeted in the current or future financial years?**

No.

- 350. Has the budget from the SPCP been subject to any budget cuts within National Parks and Wildlife Service in line with other budget cuts to NPWS?**

No.

Wild Horse Management Review
Dr Mehreen Faruqi MLC

351. The current Wild Horse Management Review in Kosciuszko National Park commenced in May 2014 with a public engagement process. What was the budget for this process?

As at September 2015, expenditure on works undertaken to inform the Wild Horse Management Review totals \$476,535.

(a) Was a report produced and what were the main findings?

The draft plan is anticipated to be released in December 2015.

(b) Why was it never made public?

N/A

(c) Will the Government release the report?

i. If not, why not?

N/A

Saving Our Species
Dr Mehreen Faruqi MLC

352. The Government has announced that the Australian Wildlife Conservancy is to re-introduce species which are extinct in NSW into fenced areas within Pilliga Nature Reserve and Mallee Cliffs National Park. How much does the Government intend to spend on this project and will funds come from the recurrent NPWS budget or from the \$100 million the Government announced before the last budget would be available for threatened species protection?
Project funding is in addition to the \$100 million the NSW Government is investing in the *Saving our Species* program, and is not coming from the existing NPWS recurrent budgets. The final budget for the project is subject to ongoing contract negotiations and we are not yet in a position to make that information available.

353. Can the government detail its long-term plan to reduce threats in the landscape outside of the recently announced fenced enclosures so that the investment in bringing back extinct species ensures a future for them across NSW and not simply a remote zoo with no visitors?

Details of the reintroduction project are still subject to contract negotiations. However, I can confirm that the project includes strategies to further reduce threats in the surrounding landscape to support the long term aim of the reintroduced mammals moving beyond enclosures.

354. How will the Government manage the barriers that will stop natural migration of non-invasive species in and out of the proposed reserves?

An environmental impact assessment will assess any implications the fence and the overall program may have for native species within and around the reserve.

OEH

Dr Mehreen Faruqi MLC

355. How many staff did the Office of Environment and Heritage lose last financial year due to budget cuts and in what areas?

(a) How many staff cuts are planned for the current financial year and in what areas?

This information is available in Budget Paper 3. The staff reduction is spread across all areas.

Royal Botanical Gardens
Dr Mehreen Farqui MLC

356. Minister, whilst I understand there has been an increase in the capital expenditure of around 26% at the Royal Botanic Gardens there has been a decrease in recurrent funding and staff, including 7 roles in Science and Conservation.

Why is the Government cutting science staff?

There will be 5 fewer roles in Science and Conservation. The three key objectives of the organisational change are:

- To transform the organisation into a world-class scientific institution.
- To create a sustainable organisation.
- To build new capabilities and services.

Animal Welfare and Logging
Dr Mehreen Faruqi MLC

357. What provisions are in place to protect wildlife from injury or death during logging operations when those animals are not listed as threatened species?

- (a) Are any animal welfare protocols either (a) in place or (b) under consideration to protect wildlife injured or displaced during logging operations?**
- (b) Are logging contractors required to take any precautions to protect active wombat burrows from bulldozers or other logging machinery during logging operations. In the event that a wombat is buried alive by a bulldozer or other logging machinery, is the contractor required to take any action to rescue the wombat?**

The Integrated Forestry Operations Approvals and the Private Native Forestry Code of Practice set out the minimum measures that must apply to all native forestry logging operations to protect threatened species and protected flora and fauna (non-threatened species) from logging operations.

These instruments include requirements to protect important landscape features including old growth forest, rainforest, riparian habitat and hollow-bearing trees from logging operations through the application of buffers and exclusion zones. These landscape features also provide important protection for other native species and their habitat. Non threatened species are also afforded additional protections through specific threatened species requirements implemented under both instruments.

- (a) The scope of the Integrated Forestry Operations Approvals and Private Native Forestry Code of Practice does not extend to animal welfare protocols. These are matters in the portfolio of the Minister for Primary Industries.**
- (b) For areas of State Forest north of the Oxley Highway in northern NSW, Forestry Corporation of NSW are required to search for all wombat burrows greater than one metre in length and implement a 20 metres radius exclusion zone around the burrow entrance.**

It is understood Forestry Corporation of NSW has been in negotiation with local wildlife carers to develop a protocol for the management of wombat burrows in the vicinity of proposed roads or log dumps in two compartments of Glenbog State Forest in southern NSW.

The question regarding the obligations of a contractor is a matter for the Minister for Primary Industries.

358. **Has the EPA done any post-logging monitoring or research to determine whether koalas identified prior to logging by Forestry Corp continue to be present, and in the same numbers, after logging?**

- (a) **If yes, please provide details including**
- i. **when it was carried out**
 - ii. **who undertook the research**
 - iii. **whether it is publically available**
 - iv. **what were the main findings and**
 - v. **has the research been provided to the expert panel currently reviewing the Integrated Forestry Operations Approvals?**

Under the Integrated Forestry Operations Approvals (IFOA), Forestry Corporation of NSW is required to conduct pre-logging surveys and to identify and protect koala habitat. There is no requirement to undertake monitoring or research to assess the effectiveness of these provisions.

As part of the remake of the coastal IFOAs the NSW Government has committed to the development and implementation of a strategic environmental monitoring framework. This monitoring program will assess the effectiveness and efficiency of the coastal IFOA conditions in delivering their intended outcomes.

The identification and protection of koala habitat is a compliance priority under the EPA Crown Forestry Compliance Strategy 2013 – 2016. The EPA has an active compliance and enforcement program and conducts audits of forestry operations, including pre-harvest survey documentation, to determine compliance with the requirements of the IFOA.

359. **Has the EPA done any post-logging monitoring or research to determine whether any of the following species identified prior to logging by the Forestry Corporation continue to be present, and in the same numbers, after logging, at any sites?**

- (a) **Yellow-bellied gliders?**
(b) **Glossy Black Cockatoos**
(c) **Tiger Quolls**
(d) **Masked Owls**

Under the Integrated Forestry Operations Approvals (IFOA), Forestry Corporation of NSW is required to conduct pre-logging surveys to identify threatened species and their habitat, and implement specific protections such as exclusions zones or increased tree retention. There is no requirement to undertake monitoring or research to assess the effectiveness of these provisions.

As part of the remake of the coastal IFOAs the NSW Government has committed to the development and implementation of a strategic environmental monitoring framework. This monitoring program will assess the effectiveness and efficiency of the coastal IFOA conditions in delivering their intended outcomes.

The EPA has an active compliance and enforcement program and conducts audits of forestry operations, including pre-harvest survey documentation, to determine compliance with the requirements of the IFOA.

360. **Has the EPA done any post-logging monitoring or research to determine whether habitat trees identified prior to logging by Forestry Corp continue to be present, and in the same numbers, after logging?**

The EPA has an active compliance and enforcement program and conducts audits of forestry operations to determine compliance with the requirements of the IFOA. This includes assessing logged areas to ensure that the required number of hollow-bearing and recruitment trees are present after logging. The selection, retention and protection of hollow-bearing and recruitment trees is a compliance priority under the EPA Crown Forestry Compliance Strategy 2013 – 2016.

Saving Our Species
Dr Mehreen Faruqi MLC

361. Prior to the last election, the Government announced it would make available \$100 million to protect threatened species. Please advise how that money is intended to be spent

In March 2015, the Government pledged an additional \$100 million over five years to Saving our Species to fund activities to protect all of the state's 970 threatened species.

(a) What funding commitment is the Government making to guarantee the koalas do not become extinct in NSW?

The koala is an icon under the Saving our Species program and a priority for funding.

Since the program began in 2012/13, the NSW Government has invested \$715,000 in conservation activities to secure the koala in NSW.

In 2015/16 funding of \$120,000 is available to implement koala conservation actions.

A draft iconic species conservation project is currently being developed and is planned to be publicly exhibited in late 2015 as a Priorities Action Statement, in accordance with the *Threatened Species Conservation Act 1995*.

From 2016/17 additional funding for the koala will be allocated to priority activities that reduce the extinction risk of koalas in the wild in NSW.

Koalas

Dr Mehreen Faruqi MLC

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

A new Saving our Species iconic species conservation project is being developed by the Office of Environment and Heritage (OEH). The project will provide an overarching statewide framework for koala conservation in NSW that reflects current priorities and ecological knowledge.

The draft project is planned to be publicly exhibited in late 2015 as a Priorities Action Statement, in accordance with the *Threatened Species Conservation Act 1995*. This project will replace the recovery plan actions with new priorities for investment which will be implemented under the government's \$100 million additional funding for Saving our Species (from 2016/17).

Croppa Creek
Dr Mehreen Faruqi MLC

- 363. With regards to the \$27,000 grant to the Waggamba Landcare Group for koala conservation in the Croppa Creek district, what reporting data will be available, and over what timeframes, to measure baseline and changes in koala habitat coverage, and the status and health of the koala population in that district?**

The Waggamba Landcare Group has been unable to carry out the project for koala conservation in the Croppa Creek district, and has offered to return the funding.

- 364. Is the Minister concerned about the significant clearing in the Croppa Creek district of koala habitat and what is the Government doing about it?**

The Office of Environment and Heritage has taken three sets of prosecutions and an injunction action in the Land and Environment Court to address alleged illegal clearing of native vegetation on two properties, known as 'Colorado' and 'Strathdoon' at Croppa Creek near Moree.

Wooli Beach Coastal Zone
Dr Mehreen Faruqi MLC

- 365. Is the Minister aware that the Wooli Beach Coastal Zone Management Plan, as recommended by Clarence Valley Council, is proposing to reintroduce sand mining to our coastal national parks?**

This question is a matter for the Minister for Planning

- 366. Is the Minister contemplating supporting such a proposal, given that it is contrary to the Coastal Policy, is not permissible under the National Parks and Wildlife Act 1974 and, of course, is not consistent with the current plan of management for Yuraygir National Park?**

This question is a matter for the Minister for Planning

- 367. Council has claimed that this Coastal Zone Management Plan and its recommended beach nourishment scheme was prepared with the full knowledge and support of the relevant specialists in the Office of Environment and Heritage (namely the Water Floodplains and Coast Team). Is this true and if so, how could these OEH specialists allow a plan that is contrary to the Policy to be placed on exhibition or submitted for certification by the Minister for Planning?**

This question is a matter for the Minister for Planning

- 368. Has OEH done any analysis of the costs to national park management if the sand extraction were to proceed?**

This question is a matter for the Minister for Planning

- 369. Given the requirement that approval from NPWS, as the land manager, is necessary for adoption of the CZMP, and significant environmental, financial and resource costs have not been considered, what is the OEH position on the plan**

This question is a matter for the Minister for Planning

Centennial Coal
Hon Dr Mehreen Faruqi MLC

370. What is the volume of mine effluent being emitted by Centennial Coal's mines into local waterways?

Centennial Coal reported in its Annual Returns for 2014 discharging an average of 1 Megalitre per day (ML/d) of mine water from Angus Place Colliery, 20.9 ML/d of mine water from Springvale Colliery and 13.4 ML/d of mine water from Clarence Colliery.

(a) Will the Minister for the Environment ensure that the EPA requires adequate treatment of mine effluent being emitted by the three of Centennial Coal's mines that operate under the Newnes Plateau?

The EPA has recommended to the Planning Assessment Commission (PAC) for the Springvale Mine Extension Project that Springvale Colliery be required to reduce the salinity of its mine water discharge. The EPA has recommended the salinity limits on the environment protection licence for Springvale Colliery be reduced from the current 1,200 micro-Siemens per centimetre Electrical Conductivity ($\mu\text{S/cm EC}$) 100 percentile limit to 50, 90 and 100 percentile limits of 700, 900 and 1,000 EC, respectively by 30 June 2017; and then a 90 percentile limit of 500 EC by 30 June 2019.

The EPA has recommended that these limits also be applied to Angus Place Colliery should it recommence operation.

The EPA is currently reviewing the environment protection licence for Clarence Colliery which discharges mine water into the Wollangambe River and one option available to Centennial Coal in negotiating a revised licence with the EPA is to treat the mine water to a higher standard by reducing salinity and metals such as nickel and zinc.

(b) Will the Minister for the Environment ensure that Centennial Coal ceases to pollute the Wollangambe River?

See (a).

Nationally Endangered Swamps
Dr Mehreen Farqui MLC

371. Is it correct that Centennial Coal's Springvale mine successfully avoided undermining Sunnyside Swamp on Newnes Plateau?

- (a) If mining companies can avoid undermining nationally endangered swamps, should not mining companies be required to do so as to protect these nationally threatened ecological communities?**

This is a matter for the Minister for Planning.

372. Will the Minister for the Environment ensure that the first principle of the 2014 biodiversity offset policy, that is that "Before offsets are considered, impacts must first be avoided and unavoidable impacts minimised through mitigation measures. Only then should offsets be considered for the remaining impacts" is not perverted to allow the destruction of nationally significant swamps where it can be avoided?

- (a) Will the Minister for the Environment commit to protecting nationally endangered swamps from being undermined, rather than allow damage to swamps to be offset under the NSW Biodiversity Offset Policy for Major Projects.**

The 'avoid, minimise, offset hierarchy' is a key principle of the *NSW Biodiversity Offsets Policy for Major Projects*.

Please refer 372 a) to the Minister for Planning, as the Minister responsible for the assessment of the economic, environmental and social impacts of proposed development.

Coastal Reforms

- 373. What resources have been allocated by Government for implementing stage 2 of its coastal reforms?**
- 374. What community consultation has been or will be undertaken in terms of stage 2 of the Government's coastal reforms?**
- 375. How is the Government spending the \$3.2 million announced in November 2014, anticipated for new projects to manage, enhance and protect NSW coasts and estuaries?**
- 376. To what extent has the Government considered the consequences of increasing ocean-acidification levels in the allocation of resources for its coastal reforms?**

These questions are a matter for the Minister for Planning.

Sea Level Rise Policy

- 377. Regarding sea level rise, Is the Minister/Agency satisfied that all Local Government Area's have sought and adopted information that is "widely accepted by competent scientific opinion" in setting their own local sea level rise projections?**
- (a) What action/s has the Minister/Agency taken in cases where LGA's have not adopted technically rigorous, scientifically based projections? What changes (if any) arose from such actions by the Minister/Agency?**
 - (b) Is the Minister/Agency satisfied that LGAs have properly discharged their "good faith" obligations under section 733 of the Local Government Act in setting their own local sea level rise projections?**
 - (c) Is the Minister/Agency aware that some LGA's have utilized and publicly referenced pseudo-scientific fossil fuel industry funded publications in their sea level rise projections? What is the Minister's/Agency's position regarding LGA reliance on such materials?**
 - (d) Does the Minister/Agency agree that all sea level rise policies should be abandoned? Should this be a guiding principle for NSW coastal management?**
 - (e) Can the Minister/Agency explain the difference between the Intergovernmental Panel on Climate Change and the Nongovernmental International Panel on Climate Change? What is the Minister's/Agency's position on LGAs using NIPCC materials as the basis for their sea level rise planning policies?**
 - (f) What concrete steps will the upcoming Stage 2 Coastal Reforms take to rectify the problems created in the Stage 1 reforms?**

These questions are a matter for the Minister for Planning

Flying Foxes
Dr Mehreen Faruqi MLC

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

\$2,641,669 has been spent to date for the period 2006/07 to 2014/15. The expenditure consists of approximately one third on each: salaries, monitoring and consultants.

There is uncertainty regarding the on-going expense, as this largely depends upon flying-fox roosting activity. An estimated budget forecast is \$50,000 per annum.

In 2011, prior to the dispersal of the flying foxes from the garden, the animals had caused irreversible damage to 36 trees and 34 palms of heritage significance and another 60 were immediately at risk. It is likely that the 60 immediately at risk trees would not have survived if the colony had not been dispersed.

The outcome of the dispersal ensures that the heritage listed living botanical collection continues to live. This action ensured that this significant part of Sydney, NSW and Australia, continues to fulfil its primary role engaging and educating the community about botany, horticulture and Australian history.

Spring Gully
Dr Mehreen Faruqi MLC

379. Did the Minister receive representations from members of parliament concerning Sutherland Shire Council's resolution requesting the former Scout land at Spring Gully (60-70 Bournemouth St, Bundeena (Lot 3 of DP213924) be placed on the land reservation acquisition map and marked regional open space in the Local Environment Plan (LEP) and if he did, which members of parliament made representations?

- (a) Was the Minister contacted by the Department of Planning or the Minister for Planning regarding the request?**
 - i. If yes, when and where?**
- (b) Did the Minister consult with the Department of Planning or the Minister for Planning or provide advice regarding the request? If it did, what was the advice given?**
- (c) Did the Department of Planning seek approval or support from the OEH for the land to be added to the land acquisition map in the LEP?**
 - i. If not, why not?**
- (d) Was the Minister advised of the submission made by the Office of Environment and Heritage (OEH) during public exhibition of the third draft of the LEP advising Council that it did not support zoning the land with eco-tourism facilities as an additional permissible use and questioned the compatibility of the land use with conserving the bio-diversity value of the land considering the RFS requirements for bushfire protection under that land use?**
- (e) Did the minister take the OEH submission into account in considering Council's request?**
- (f) Was the unresolved issue contained in the OEH submission to the third draft LEP, requesting removal of eco-tourism facility as a permissible use, raised with the Minister or OEH by the Department of Planning or the Minister for Planning?**
- (g) Did the Department of Planning or the Minister for Planning raise the RFS submission to the third draft LEP stating their concern over eco-tourism facility as a permissible use with the Minister or OEH?**
- (h) Was the Minister made aware that Council received 947 submissions during exhibition of the three drafts of the Sutherland Shire Local Environment Plan (as documented in Council reports CCL004-14, CCL005-15 and DAP043-15) supporting environmental conservation of the land and its reservation for addition to the Royal National Park and did the minister take this public support into account in making a decision whether to support Council's request for the land to be placed on the land reservation acquisition map?**

Barry Collier MP, then Member for Miranda, and Lee Evans MP, Member for Heathcote, made representations to the then Minister for the Environment.

- (a) The Office of Environment and Heritage is unaware of any contact.**
- (b) The Office of Environment and Heritage is unaware of any consultation.**
- (c) This is a matter for the Minister for Planning. The Department of Planning and Environment did not seek approval or support from the Office of Environment and Heritage for the land to be added to the land acquisition map in the LEP.**
- (d) The then Minister's Office was advised of the submission made by the Office of Environment and Heritage during the public exhibition of the third draft of the LEP.**
- (e) The Office of Environment and Heritage is delegated to deal with Council's request.**
- (f) Yes.**
- (g) The Office of Environment and Heritage has no record to that effect.**
- (h) The land is not on offer to the Office of Environment and Heritage. If the land is offered to the Office of Environment and Heritage in the future, it will be assessed for its suitability for addition to the reserve system.**

Bundeena
Dr Mehreen Faruqi MLC

380. Can the Minister advise what action and progress has been made in having the legal status of the paper roads in Spring Gully, Bundeena, (residue of DP1782) resolved through application of the provisions in relevant statutes so that the land can be vested into the Royal National Park?

The matter is before the Land and Environment Court.

381. Can the Minister advise when he expects Lots 15-18, Section K, DP1782 will be gazetted into the Royal National Park as was intended by the recent gift of this land from Council to the NPWS?

Lots 15-18, Section K, DP1782 were gazetted as an addition to Royal National Park on 5 August 2015.

Proposed Road in Royal National Park
Dr Mehreen Faruqi MLC

382. Has the Minister or OEH received an application for road access via the Royal National Park to Lot 3 of DP213924 25?

Yes.

(a) Is the Minister aware that Council refused development consent for a recreation camp proposal on the land in June 2015?

Yes.

(b) Will the Minister take into account any legal concerns regarding ownership, bushfire risk management, degree of vegetation removal required and public access?

All applications for access to an inholding are considered under Section 153C of the *National Parks and Wildlife Act 1974* and the relevant bushfire risk and reserve fire management plans.

**West Hornsby Sewage Plant
Dr Mehreen Faruqi MLC**

383. Is the West Hornsby Sewage Plant required by its Environmental Protection Licence (EPL) to sample sewage effluent by any particular means?

(a) If yes, what is those means?

Yes, Environment Protection Licence No. 1695 for West Hornsby Sewage Treatment System including the sewage treatment plant contains a number of sampling and monitoring requirements.

Condition M2 of the licence requires the licensee to use sampling methods as specified in the licence, this includes monitoring of a range of pollutants at varying frequencies which range from hourly to 12 times a year dependant on the pollutant. The two sampling methods generally used are grab samples which is a single sample taken at a point in time and composite samples consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.

(b) Is the West Hornsby Sewage Plant taking a sample over 24 hours and is the EPA concerned that this dilutes the sample?

The two sampling methods used are grab samples and composite samples. A composite sample is a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume. A grab sample is a single sample taken at a specific point in time. The sampling methodology is an established practice.

384. Is the West Hornsby Sewage Plant required to chlorinate its discharge into Berowra Creek?

(a) If yes, does it do so?

The West Hornsby Sewage Treatment System including the sewage treatment plant, discharges to Waitara Creek – a tributary to Berowra Creek. There is a required treatment process that must be met dependant on the flow rate into the plant, this includes disinfection. The licence does not require a particular method. UV disinfection is used as a sterilisation measure under normal flow at the West Hornsby STP; however hypochlorite is used in the event of a bypass when all phases of the treatment process cannot be met due to high flows.

(b) Does the EPA consider UV sterilisation alone a sufficient measure?

The EPA considers UV light sterilisation an acceptable measure for disinfection in this case.

385. Is the West Hornsby Sewage plant required to monitor for enterococci?

No.

(a) If yes, is the West Hornsby Sewage Plant meeting its requirements under its EPL?

Not applicable

(b) If no, why not?

The West Hornsby Sewage Treatment Plant is required to monitor for faecal coliforms as this is a more reliable indicator of the effectiveness of the disinfection processes employed at the treatment plant. West Hornsby has been consistently compliant with its faecal coliform concentration limit.

Lord Howe Island

Hon Dr Mehreen Faruqi MLC

- 386. Can the Minister explain the current impacts of the black rat on the ecology of Lord Howe Island and how a rat eradication program has been determined as the only way to preserve the ecology moving forward? What studies were undertaken and by who?**

Rats have had, and continue to have, significant adverse impacts on the biodiversity of Lord Howe Island (the Island). Ship rats are implicated in the extinction of at least five endemic birds and at least 13 invertebrates on Lord Howe Island. They are also a recognised threat to at least another 13 other bird species, 2 reptiles, 49 flowering plants, 12 vegetation communities and numerous threatened invertebrates. Rats threaten the values which gained the Island its World Heritage listing.

The eradication of rats is the only way to remove their impact totally and allow the natural environment on the Island to recover. There has been an ongoing control program on the Island for decades but it has limited ecological benefits due to its reduced scale and financial and logistical constraints. Also, control requires the ongoing application of toxicants in the environment with associated impacts, compared to a one off operation for eradication. Even at the lower rodent densities, which may be achieved with a comprehensive control program, many aspects of the environment will not recover.

As part of the planning and feasibility assessments for the operation, the options of doing nothing; continue the current control or eradication were considered. Eradication is the only way to gain the desired benefits of allowing the Island's flora and fauna to recover.

Studies undertaken on the options for reducing the impact of rats on biodiversity, flora and fauna on the Island include:

- Saunders, A. and Brown, D. (2001). An assessment of the feasibility of eradicating rodents from the Lord Howe Island Group. A report to the Lord Howe Island Board. Endangered Species Recovery Council, Hamilton.
- Parkes, J., Ruscoe, W., Fisher, P. and Thomas, B. (2003). *Benefits, constraints, risks and costs of rodent control options on Lord Howe Island*. Unpublished report to the Lord Howe Island Board. Landcare Research, Lincoln, New Zealand.

Studies undertaken on rodent eradication on islands and referenced for Lord Howe Island include:

- Howald, G., Donlan, C. J., Galvan, J. P., Russell, J. C., Parkes, J., Samaniego, A., Wang, Y., Veitch, D., Genovesi, P., Pascal, M., Saunders, A. and Tershy, B. (2007). Invasive rodent eradication on islands. *Conservation Biology* **21**, 1258-1268.
- Towns, D. R. and Broome, K. G. (2003). From small Maria to massive Campbell: forty years of rat eradications from New Zealand islands. *New Zealand Journal of Zoology* **30**, 377-398.

- 387. The rat eradication program proposes the use of Brodifacoum, an anticoagulant pesticide, which will be deployed aerially. Can the Minister explain why aerial deployment of brodifacoum was identified as the preferred option given the Department of Primary Industries has indicated in its 2013 report "Pesticides used in the Management of Vertebrate Pests in Australia: A Review" that it should not be used in open areas? How has the preferred option of 'aerial deployment of brodifacoum' been determined?**

As part of the Rodent Eradication Plan on Lord Howe Island, aerial deployment of brodifacoum will only occur in uninhabited parts of the Island, predominantly in the Permanent Park Preserve. Hand-baiting and the use of bait stations will be the method of dispersal in the populated part of the Island. There will be buffer areas between the aerial baiting sections and the settled sections of the Island. The use and method of dispersal of the bait require approval of the Australian Pesticide and Veterinary Medicine Authority.

Brodifacoum has been identified as the toxicant having the highest likelihood of success with an acceptable level of risk including negligible risk to human health. Brodifacoum has been used for most of the 300 eradications undertaken globally to date including all large island eradications, with a high success rate.

388. The Department of Primary Industries has indicated in its 2013 report "Pesticides used in the Management of Vertebrate Pests in Australia: A Review" that Brodifacoum is acutely toxic in the aquatic environment and extremely toxic to mammals and birds. Further because of its toxicity and persistence brodifacoum presents a major risk to non-target species and secondary poisoning. Minister, can you state why Brodifacoum will be used in an aerial deployment program?

The Department of Primary Industries in its 2013 report "Pesticides used in the Management of Vertebrate Pests in Australia: A Review" states that Brodifacoum has low solubility in water, and that:

- No residues were found in soil or water after aerially baiting with cereal pellets or using wax-coated cereal blocks at bait stations.
- Decay time in soil: Coumatetallyl anticholinergics are tightly bound to soil and tend not to leach from soils containing clay or organic materials. Degraded in soils (pH 5.5-8) under aerobic and flooded conditions.

The amount of bait going into water bodies will be minimised by the use of purpose developed GPS systems for guiding flight lines and highly experienced pilots, however if pellets do enter water, there is very little likelihood that they will affect the marine environment.

The Department of Primary Industries 2013 report also states that:

- Although the non-target effects after the broadcast use of this toxin are often severe with the death of a large number of individuals, there have been no reports of major impacts on non-target populations.

Brodifacoum has a proven track record in rodent eradication on islands and with a high standard of planning and implementation, as well as appropriate mitigation; there is a low risk of any significant impacts.

(a) Minister, please can you explain how the risks associated with non-targeted Brodifacoum use has been considered and how such risks will be managed? How is the Minister sure that long term effects associated with secondary poisoning and persistence will not decimate the ecology (both terrestrial and aquatic) on World Heritage Listed Lorde (sic) Howe Island?

Brodifacoum does not dissolve in water and binds strongly to soil particles. This prevents it contaminating or leaching into waterways, which consequently means run-off into the marine environment is negligible. Brodifacoum is also less likely than other rodent toxicants to accumulate in either aquatic systems or plant material. The half-life of brodifacoum in the soil is reasonably short (12 to 25 weeks depending on soil type and conditions) so there is no long-term contamination of soils from a one off operation.

An analysis of the risks to the ecology of the Island from using Brodifacoum for the rodent eradication program was undertaken as part of the planning for the project. This

included looking at the information from previous eradications, as well as the specific details for the Island. The analysis concluded that there is little risk of any long term effect on either the terrestrial or aquatic ecology of the Island.

- 389. Recent reports indicate the rabbit eradication program on Macquarie Island have been successful. But a report by Tasmanian National parks indicated the EIS did not adequately measure risk by anticipating poisoned rabbits dying in burrows or the carcasses would be retrieved to prevent poisoning. Neither of these events occurred as planned and as a result many listed bird species died as a result. Can the minister explain how the EIS process will adequately manage risk on Lord Howe Island?**

The recent eradication on Macquarie Island removed ship rats and mice as well as rabbits. The Lord Howe Island eradication program will go through all the required environmental impact assessments, consent and approval processes including the Australian Pesticides and Veterinary Medicines Authority (APVMA) approval, and approval under the Federal *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*. This will consider all risks and benefits associated with the use of the toxicant and take into account all the known information on the toxicant, as well as the knowledge gained from the 300 rodent eradications undertaken worldwide to date. The information to be considered will include the results from the recent Macquarie Island eradication program.

- 390. How long does the Government intend to close Lord Howe Island for and what is the expected impact on tourism?**

- (a) Does the Government intend to pay any compensation to tourism operators?**

It is not intended to close the Island at any stage during the program as the risk has been assessed and does not warrant this action. A comprehensive notification plan will be developed to inform all people on the Island, as well as notifying any potential visitors, about the operation and associated risks and advising on basic precautions to be taken. A detailed notification plan will be a requirement of the APVMA approval.

There is no plan to pay any compensation to tourism operators. The operation will take place in winter, which is the low season when many tourism accommodation lodges and tourism operators are closed. Those accommodation lodges that remain open during winter will be to a large part compensated by the need for accommodation for the team of field staff required to undertake the eradication.

- 391. Is the NSW Government aware of any other permanently inhabited islands that have had eradication programs based on aerial baiting?**

Yes - there have been aerial bait drops undertaken on islands that are permanently inhabited. These have largely been islands inhabited by either research or management staff. An example is Macquarie Island, which is permanently staffed and had a population of over 30 at the time of the eradication program.

Wyong Council
Dr Mehreen Faruqi MLC

- 392. In a letter to Greg Simmonds of Save Wyong Trees on 17 August 2015 your Department advised Mr Simmonds to make contact with Wyong Council to obtain information regarding what species of trees could be cleared under Council policy and which trees were protected under State legislation.**

Since Wyong Council's policy is to no longer require any approval to clear any tree on residential land of 1500m² or less and no longer provide advice to residents about which trees can be cleared, why was this misleading advice provided to residents of Wyong?

The Office of Environment and Heritage was informed by Wyong Shire Council that advice on tree removal under the Wyong Shire Council Development Control Plan 2013 could be obtained from council's Duty Planner, and this information was passed on to Mr Simmonds. Approval is required from Wyong Shire Council for owners of lots in specified residential zones of over 1,500 square metres in area.

- 393. Is the Office of Environment and Heritage concerned about the changes made by Wyong council to not require approval to clear any tree on residential land of 1500m² or less and no longer provide advice to residents about which trees can be cleared?**
(a) If yes, what is the Office of Environment and Heritage doing in this regard?
This is a matter for council under the *Environmental Planning and Assessment Act 1979*.

- 394. Will the Office of Environment and Heritage provide direct support to residents of Wyong on identification of threatened species to prevent illegal clearing?**
The Office of Environment and Heritage has a number of online resources that can assist residents to identify threatened species.

- 395. In correspondence to Ms Barbara Gorman, President of Trees of Bateau Bay on 10 July 2015, your Department advised her that the Wyong Trees policy (which allows complete clearing of all residential land of 1500m² or less) would be unlikely to allow more clearing that was permissible under the 10/50 Code? Does the Department still stand by that advice?**
OEH stands by the advice provided at the time, but notes that changes to the 10/50 Vegetation Clearing Code of Practice took effect on 4 September 2015.

**Ellerton Drive Extension
Dr Mehreen Faruqi MLC**

- 396. Given community concerns about the accuracy of the environmental consultants report, will the Minister instruct Queanbeyan City Council or the Office of Environment and Heritage to have a thorough survey undertaken of the entire woodland between Ellerton Drive and Old Cooma Road to ensure there are no endangered squirrel gliders or other endangered species, including nocturnal species, present and which were not previously detected by environmental studies undertaken as part of the project?**
- (a) If no, why not?**
- (b) If yes, will the Minister ensure that this assessment is undertaken before the Office of Environment and Heritage considers whether to give its concurrence to the Determination Report on the proposed Ellerton Drive Extension?**

No. While Queanbeyan City Council has already undertaken the surveys necessary to meet the Director-General's (now Chief Executive) requirements for the Species Impact Statement, Council has advised that, due to representations from adjoining landholders, additional surveys for squirrel gliders will be undertaken.

- 397. Will the Minister direct the Office of the Environment and Heritage to oversee a thorough assessment of the woodland along the entire route of the proposed Ellerton Drive Extension between Ellerton Drive and Old Cooma Rd to ensure that the vegetation is correctly classified and any environmental offsets are correctly and appropriately calculated, particularly those areas previously assessed as Box Gum Woodland by other environmental studies?**

Queanbeyan City Council is responsible for determining the proposed Ellerton Drive Extension project but requires the concurrence of OEH in relation to the potential impacts of the development on threatened species. OEH will review the type and extent of vegetation to be impacted and determine if any proposed offset is adequate during the process of considering its concurrence for this project.

Proposed redevelopment of Sydney Harbour National Park at Watson's Bay
Dr Mehreen Faruqi MLC

398. How much money will the NPWS receive from the proposal from the Dockside Group for the proposed redevelopment of the six buildings?

This matter is commercial in confidence.

399. How many other tenders did the NPWS receive for use of the six buildings?

Fourteen.

(a) Why is the public not able to consider the competing tenders?

The tender documents are commercial in confidence. They were considered by an evaluation panel under probity guidelines.

400. What due diligence have NPWS undertaken in selecting the winning bid?

(a) Have they undertaken independent traffic, parking, acoustic, environmental impact or heritage reports?

As part of the Expression of Interest (Eoi) process an independent assessment panel reviewed all submissions and tested proposals against selection criteria. Proponents were required to comprehensively detail their proposals, the viability of proposed uses, provide a record of the financial capacity to deliver, a track record of success, and demonstrate sustainability outcomes. All submissions were tested for compliance with the adopted Plan of Management.

Under the NPWS Review of Environmental Factors (REF) Guidelines for external proponents, Gap Bluff Hospitality (GBH) is required to prepare a detailed REF and a sustainability assessment. The traffic, parking and noise reports, which have been submitted as part of the REF, are being reviewed by independent consultants. Once the independent reviews are received, GBH will be invited to address any issues raised in the independent reports and may be required to amend their reports accordingly.

(b) What consultation have they sought with other departments including Transport for NSW and Roads and Maritime Services?

Discussions have been held with Transport for NSW.

401. What consultation did the NPWS have with the community before selecting tenders?

Prior to issuing the Eoi, the potential adaptive reuses of the properties at Gap Bluff were exhibited in the draft Sydney Harbour National Park Plan of Management. During the preparation of the Plan of Management, a Stakeholder Working Group was convened and a series of stakeholder meetings were held as well as an online discussion forum.

At the time of the Eoi, a community information session was held to advise on the process. Woollahra Municipal Council was also consulted. Advertisements about the Eoi were placed in newspapers and on the NSW Government E-Tender website.

402. What alternatives did the NPWS consider for the properties?

The potential alternative uses for the properties are outlined in the Sydney Harbour National Park Plan of Management.

403. Is the NPWS concerned about the loss of public access to spaces as a result of the proposal?

The proposal will increase public access, with public access to some of the buildings being provided for the first time.

Biosecurity
Dr Mehreen Faruqi MLC

404. Will the Minister for the Environment or the Office of Environment and Heritage have any role in the administration of the Biosecurity Bill 2015?

Yes.

(a) If yes, what will this role be?

The Minister for the Environment must be consulted before certain regulatory instruments can be made.

The Office of Environment and Heritage will also be involved in the development of supporting regulations and instruments.

(b) If no, why not?

i. Is the Minister concerned he has no role in the Biosecurity Bill 2015?

N/A

Asbestos and EPA
Dr Mehreen Faruqi MLC

405. Has the Environmental Protection Authority issued approval to the WestConnex Delivery Authority (WDA) to remove asbestos from the former Dial a Dump site at Alexandria?

I am advised that an entity that owns a site does not require an approval to remove waste from that site. However, asbestos waste, among other types of waste, must be transported by appropriately licensed persons or companies and transported to appropriately licensed facilities.

(a) If yes, what are the conditions of this approval?

N/A

406. Was the EPA aware that the WestConnex Delivery Authority would conduct extensive clean-up and a demolition activity at the former Dial a Dump site at Alexandria before the Environmental Impact Statement for the 'New M5' project was released?

WestConnex Delivery (WestConnex) is not required to report to the EPA on each specific activity undertaken at the site. The sampling of waste material at the site and the movement of waste material on-site are authorised by the two EPA licences held by WestConnex. The EPA does not regulate the demolition of structures and the EPA has been advised that no demolition activity has occurred at the site.

407. Is the establishment of a complaints line a requirement of WDA's environmental license at the former Dial a Dump site at Alexandria?

(a) Did the WestConnex Delivery Authority establish a complaints line before commencing removal of asbestos from the site?

i. If yes, when was this line established?

ii. If no, is this a breach of their license and what penalties have the EPA issued?

It is a condition of both the EPA licences held by WestConnex that it operates a telephone complaints line within three months of receiving the licences. The licences were transferred to WestConnex on 27 February 2015. WDA has arranged for a telephone line to be available for the community to make complaints and the EPA understands that members of the community have used that number to make complaints. As a result, I am advised that no regulatory action is required on this issue.

408. Is the EPA aware of reports that major earthworks are being undertaken on the former Dial a Dump site at Alexandria that are remaining uncovered at the end of the day?

(a) What action has the EPA taken to investigate such reports and were the outcomes of these actions?

EPA officers have conducted six inspections of the site since WestConnex acquired the former landfill and recycling facility in late December 2014 and is aware of stockpiles of waste and movement of waste on the site. The EPA is satisfied with the management controls and air monitoring being conducted at the site.

409. Is the Minister aware of reports that since July, the WDA has commenced extensive removals of contaminated materials from the former Dial a Dump site at Alexandria with approximately 30 to 40 truck movements per day and that there have been reports of inadequate safety precautions in place for removal of asbestos contaminated materials from this site and that the truck movements were through residential streets until residents complained?

(a) What has been the EPA's involvement in investigating these reports?

As noted above in question 405, WestConnex is able to remove waste material from the site and this does not need approval or a licence from the EPA. The EPA has observed the waste containing pieces of asbestos being wetted down prior to loading, and the loads being

transported in covered trailers. I am advised that the trucks carrying this material can lawfully travel on any public road open to those vehicles.

Inspections by EPA officers have found that the trucks are transporting the material in accordance with the legal requirements under the *Protection of the Environment Operations (Waste) Regulation 2014*, including that the trucks are appropriately covered. The EPA is satisfied with the management controls for the transportation of this waste material to landfill.

410. What waste disposal site or sites is the WestConnex Delivery Authority utilising to dispose of asbestos materials from the former Dial a Dump site at Alexandria and what type of materials are going to each site?

The EPA has been advised by WestConnex that any waste material containing pieces of asbestos cement has been taken to the landfills at Erskine Park and Marsden Park. Those landfills are licensed to take waste containing asbestos.

411. Is the EPA confident that asbestos being removed from the former Dial a Dump site at Alexandria is not being disposed of at the Transpacific General Solid Waste Landfill at Erskine Park, given that this landfill does not accept asbestos according to its website?

See the answer from Question 410 above, being that waste material containing pieces of asbestos cement has been taken to landfills at Erskine Park and Marsden Park. The landfill at Transpacific Landfill at Erskine Park can lawfully take waste containing asbestos.

412. Is the EPA aware of reports that large piles of asbestos contaminated soils are being stored in residential areas in Granville next to the M4 road widening works?

(a) Has the EPA investigated these reports and if so, what was the result of these investigations?

(b) Can the Minister provide details about the safety measures in force at this site to protect residents and children at the local school from contaminated dust from these works?

EPA is aware that stockpiles of excavated material containing asbestos are being stored within the project boundaries of the WestConnex M4 Widening project. This material has been excavated as part of the construction works and is a legacy of previous activities.

The EPA has investigated these reports and attended the project site on a number of occasions. The EPA is currently working with the contractor and WestConnex to ensure that material is stored correctly and all stockpiles containing asbestos are managed appropriately.

EPA inspections and recent correspondence have instructed the principal contractor to ensure that stockpiles containing asbestos are appropriately managed and are only being stockpiled within the project site boundaries. Only excavated material containing bonded asbestos is stored within the site and any friable material is removed. An independent hygienist is employed onsite to provide advice on the safe storage of asbestos and certify that stockpiles are appropriately contained. Specific management plans have been developed regarding the management of asbestos onsite.