

**ESTIMATES 2011 – QUESTIONS TAKEN DURING THE SUPPLEMENTARY HEARING**  
**OFFICE OF ENVIRONMENT AND HERITAGE**

**ENVIRONMENT PORTFOLIO QUESTIONS**

**QUESTION 1** (Page 2)

**The Hon. LUKE FOLEY:** Ms Corbyn, I will start with some questions about the State's recovery plan for the koala, which is a document with which you are familiar.

**Ms CORBYN:** Yes.

**The Hon. LUKE FOLEY:** One of the priority actions for conserving koalas states that the Department of Environmental and Conservation [DEC], as it was known when the plan was approved, will determine the distribution of koalas across New South Wales by conducting a community-based survey. Has that survey been conducted?

**Ms CORBYN:** I am aware that we have done some survey work and we also require others to do survey work, so there has been a significant amount of survey work done on the South Coast. We have required Forests NSW also to undertake survey work.

**The Hon. LUKE FOLEY:** Is that survey work published in the form of documents that are available for inspection by the public?

**Ms CORBYN:** I will have to ask my colleagues because I am not sure about the publication. I will get Mr Grosskopf to answer that question.

**Mr GROSSKOPF:** I can add partly to that answer. Community survey work has been undertaken through our services division which has covered areas across the Gunnedah region as well as on the South Coast. I would have to take on notice the status of reporting on that but I know we have undertaken work in areas.

**The Hon. LUKE FOLEY:** I am interested in action 1.2, which talks about a community-based survey, but also action 1.7, which goes to what you have both told us, which is the notion of local and regional surveys. Could the survey work that has been completed be provided to members of this Committee?

**Ms CORBYN:** Yes, it could be provided. I am not sure in what form it is collected; it may be in scientific information versus a published report but we would certainly make that information available.

**Mr SULLIVAN:** Other survey work is undertaken by the forestry teams, my compliance teams. Periodically in their audits they also do survey work around particular species including the koala. I know that quite recently they have done some work on surveys in particular locations, so we are happy to provide that if it is of assistance.

**The Hon. LUKE FOLEY:** Yes, that would be, thank you very much.

**ANSWER:**

I have been advised that, in 2006, the then Department of Environment and Climate Change conducted a state-wide community-based survey. The results of the survey were published in the journal, *Wildlife Research*, in 2009 (Attachment 1).

## **QUESTION 2.** (Page 4)

**Mr GROSSKOPF:** The kind of work we have been looking at particularly in relation to management of forestry issues is how koalas use the habitat. There are two distinct ways koalas use the habitat. One is a more sedentary habit, which relates to breeding females; they tend to stay in certain locations and use that habitat. We are looking for the features of those habitats and the relationship between the koalas and those habitats. Then there is the more wide-ranging behaviour of male koalas, particularly adolescent males as they go to find new territory and move through the landscape. We look at those two elements and how you manage connectivity - providing pathways and all those dimensions of koala management and then feed that into our regulatory programs.

**Ms CORBYN:** Mr Conroy has reminded me that from a national parks perspective there are issues that we try to deal with from a protection perspective with both fire and wild dog management.

**Mr CONROY:** Two of the major threats to maintaining viable koala populations are wild dogs and wildfire. We have developed prescriptions jointly with Forests NSW and also the Rural Fire Service that address that to identify significant koala populations in our bushfire risk management plans. Our objective is to minimise the occurrence of high intensity fire wherever there are known koala populations. Similarly, in our wild dog control programs we work with the Livestock Health and Pest Authorities and Forests NSW to target wild dog control programs where there are significant koala populations.

**The Hon. LUKE FOLEY:** Could all policy that the Office of Environment and Heritage has developed with Forests NSW and the Department of Primary Industries that is in written form be provided to the Committee within 21 days?

**Ms CORBYN:** Yes, I am happy to provide written policies, if we have them. I note that it is 1 December so we will be working very hard to get it in on 23 December. There may be some challenges in finding all that information.

### **ANSWER:**

The Office of Environment and Heritage (OEH) uses a variety of plans, policies and procedural documents that refer to measures to assist in the management of threats to koala populations from fire and pest animals, such as wild dogs. These documents include:

- The *Bush Fire Risk Management Policy*, 1/2008 is available from the Rural Fire Service website and includes three annexure documents: the Model Bush Fire Management Plan; Bush Fire Risk Management Planning Guidelines for Bush Fire Management Committees; and the Exhibition and Approval Process for Draft Bush Fire Risk Management Plans. The document is available on the NSW Rural Fire Service website at: [www.rfs.nsw.gov.au/dsp\\_content.cfm?CAT\\_ID=537](http://www.rfs.nsw.gov.au/dsp_content.cfm?CAT_ID=537)
- The *Bush Fire Environmental Assessment Code for NSW* is also available on the NSW Rural Fire Service website at: [www.rfs.nsw.gov.au/file\\_system/attachments/State/Attachment\\_20060201\\_50568EEE.pdf](http://www.rfs.nsw.gov.au/file_system/attachments/State/Attachment_20060201_50568EEE.pdf)
- All Parks and reserves are required to be covered by Reserve Fire Management Strategies (RFMS). Where there are known koala populations, the RFMS contain prescriptions aimed at conserving koalas and koala habitat. Copies of RFMS are

available on OEH website at:

[www.environment.nsw.gov.au/firemanagement/FireManagementPlans.htm](http://www.environment.nsw.gov.au/firemanagement/FireManagementPlans.htm)

- Many Plans of Management (POMS) for the OEH estate also include prescriptions specifically aimed at protecting koalas and koala habitat. POMS are developed in consultation with neighbours and stakeholders, which in some instances include the Department of Primary Industries and Forests NSW. Plans of Management are available on the OEH website at:  
[www.environment.nsw.gov.au/parkmanagement/ParkManagementPlans.htm](http://www.environment.nsw.gov.au/parkmanagement/ParkManagementPlans.htm)
  - The NPWS Wild Dog Policy is the policy that governs wild dog management in national parks and other lands reserved under the *National Parks and Wildlife Act 1974*. The Policy is available from the OEH website at:  
[www.environment.nsw.gov.au/resources/pestsweeds/wilddogpolicy.pdf](http://www.environment.nsw.gov.au/resources/pestsweeds/wilddogpolicy.pdf)
  - The NPWS is an active partner in the Port Stephens Feral Animal Committee with Port Stephens Council, Forests NSW and the Cumberland LHPA. The group undertakes collaborative wild dog control to protect a significant koala population in the Port Stephens area. The basis for this is described in the Hunter Draft Regional Pest Management Strategy on Page 33. The Strategy is available from the OEH website at:  
[www.environment.nsw.gov.au/resources/pestsweeds/110892draftHunterRPMS.pdf](http://www.environment.nsw.gov.au/resources/pestsweeds/110892draftHunterRPMS.pdf)
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### **QUESTION 3.** (Page 5)

**The Hon. LUKE FOLEY:** Has the Office of Environment and Heritage prepared this year any reports or maps on koala habitat in New South Wales State forests?

**Ms CORBYN:** I know survey work has been done in the Eden area. Mr Sullivan might know more detail about that.

**Mr SULLIVAN:** I am not sure whether koala management plans or population plans have been specifically developed but periodically we require Forests NSW to develop a population plan for a particular threatened species. One of the challenges we find is that much of the mapping tends to be modelling-based. We often need Forests NSW to go out and do some ground truthing and on-ground transects to try to identify specifically the situation in the particular area where it is proposing to undertake logging operations. When they do that, one of the tools we can look at requiring of them is to develop a population plan for a species in a particular area. We do that from time to time.

**The Hon. LUKE FOLEY:** Would the information that Forests NSW provides the OEH include information on koala habitat and koala corridors?

**Mr SULLIVAN:** Yes it would, if we asked them to provide a plan of that nature to identify, as I said, high, medium and low-quality habitat. There will be different prescriptions once they identify that.

**The Hon. LUKE FOLEY:** Once again could you provide to the Committee any reports or plans that have been developed by the OEH or by Forests NSW and provided to the OEH?

**Ms CORBYN:** Yes, if we have plans that have been developed, we will provide them.

**ANSWER:**

The Office of Environment and Heritage has not published any reports or maps on koala priorities or options in the last 12 months for State Forests.

**QUESTION 4:** (Page 5)

**Mr CONROY:** We have also a wildlife atlas, which is a database of information on wildlife occurrences across New South Wales. It certainly includes records for koalas. We share that information with State Forests. When you insert the information into the wildlife atlas it prompts you for information on habitat, habitat condition, et cetera.

**The Hon. LUKE FOLEY:** Would it be possible to provide the Committee with the information within your wildlife atlas specifically regarding koala populations?

**Ms CORBYN:** We can probably provide a link to the atlas.

**The Hon. LUKE FOLEY:** Great, thank you.

**ANSWER:**

The Atlas of NSW Wildlife is accessed through the Office of Environment and Heritage's BioNet Atlas website at: [www.bionet.nsw.gov.au/](http://www.bionet.nsw.gov.au/)

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**QUESTION 5:** (Page 7)

**The Hon. CATE FAEHRMANN:** So the department did not think it was worthwhile getting ANSTO to assess 7 and 9 Nelson Parade along with all the other lots it has just assessed?

**Mr SULLIVAN:** I believe that 7 and 9 Nelson Parade have formed part of some of the previous assessments as well. There have been assessments since 1966, 1977, a major assessment in 1987 by Sinclair Knight, the 2000 AEGIS survey which, again, is a significant survey, and then the ANSTO work, which reviewed all that as well as conducted its own survey work from a site. As I said, its conclusion, and it is the expert, is that collectively the site meets the classification of restricted solid waste.

**The Hon. CATE FAEHRMANN:** As I understand from the most recent ANSTO report, it undertook the sampling in 2010 and reported in September 2011. Has that report been made public?

**Mr SULLIVAN:** I would have to get some advice on whether that particular report is public.

**The Hon. CATE FAEHRMANN:** Could that report be tabled?

**Mr SULLIVAN:** Certainly; I will find out for you.

**ANSWER:**

The ANSTO report was prepared for the State Property Authority (SPA). SPA is the appropriate agency to table the report.

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**QUESTION 6.** (Page 12)

**The Hon. TREVOR KHAN:** I will ask one short question because I am aware of the time and we want to move on to another issue. You have spoken about incidents of post-August 2011 in terms of overflow events to a greater or lesser extent. Have these problems been only since August 2011 or are they a longstanding issue?

**Mr SULLIVAN:** These issues have become pressing because the mine is not in operation. It is really the closure of the operation and putting it into caretaker mode that has now led to the dams filling up because the water is not being used. Otherwise it would be used in the processing of the mineral ores being taken out of the mine.

**The Hon. TREVOR KHAN:** When did the mine close or cease operation?

**Mr SULLIVAN:** I would have to get the specific date of that. It was some years ago now.

**ANSWER:**

I am advised that the mine ceased operating and went into a care and maintenance mode in August 2009.

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**QUESTION 7.** (Page 12)

**Ms CORBYN:** One of the challenges also for us now would be that it has been a wet year. We were in a drought for the last decade almost.

**The Hon. MELINDA PAVEY:** It was very wet the year before.

**Ms CORBYN:** Yes.

**The Hon. TREVOR KHAN:** It is not only this year it has been wet. In fact last year was wetter up there than this year.

**The Hon. MELINDA PAVEY:** And there were major floods. Did this situation occur the year before?

**Mr SULLIVAN:** I will have to take that on notice.

**ANSWER:**

Prior to the events of this year, the last overflows at the site were in December 2000 and 1996.

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**QUESTION 8.** (Page 12)

**The Hon. MATTHEW MASON-COX:** I turn to the start-up of the Orica facility. I direct my question to Mr Sullivan. Can you update the Committee on the start-up of the facility, including what Orica has to do to satisfy the Environment Protection Authority that it can safely operate that facility?

**Mr SULLIVAN:** Thank you for that question. I am pleased to be able to provide an update on the work of the start-up committee. The start-up committee met for the eighth time yesterday. As some of you might recall, the committee comprises agencies that have had in one form or another involvement in the Orica incidents. They are Fire and Rescue NSW, WorkCover, the NSW Police Force, the Ministry of Health, the Department of Planning and Infrastructure, Newcastle City Council, Port Stephens council and, of course, the Environment Protection Authority. What the committee has been doing over the last eight meetings, which has spanned some 2½ months now, is, firstly, developing a verification plan. We identified what was required to be undertaken by Orica in order for the committee, and ultimately myself, who will have to make the decision about the prevention notices, to be satisfied that Orica can actually operate the plant in an environmentally satisfactory manner. We identified a four-part plan, which is technical, clean-up, consultation with the community and emergency. In terms of those plans and where we are at the moment, I will work backwards through that list. The emergency plan has been approved by WorkCover and endorsed by Fire and Rescue NSW. They also have conducted tests—actual testing of the new, rewritten emergency plan—and they are satisfied that Orica can implement the plan as it is now written. They have conducted testing and they have checked the testing of the Orica staff and they are satisfied that it meets the appropriate standards. So the emergency plan part of the work is complete.

**The Hon. TREVOR KHAN:** Are you able to provide us with a copy of the emergency plan?

**Mr SULLIVAN:** Yes, I am happy to table that. In relation to consultation with the community, this is not an area where the start-up committee directs Orica. What it has done is require them to provide a plan and we have been checking to make sure that they have been following the plan. They have been following the plan in the sense that they have been placing the various advertisements, conducting the public meetings, conducting the reference group meetings, doing their letterbox drops and so on. That work has been progressing and we have been noting that it is underway. The start-up committee has its own communications strategy as well, I might add.

#### **ANSWER:**

Orica has informed the EPA that its emergency response plan for Kooragang Island contains information which is sensitive from an on-site and public security point of view. The information includes the location of ammonium nitrate, as well as other hazardous and dangerous goods, on the site.

Orica is concerned that public knowledge of this information may jeopardise the overall security of the site.

Given the very strong public security issues that accompany the document, Orica has provided relevant sections of the plan that relate to notification of authorities. This is consistent with the material provided by Orica to the Upper House inquiry. (Attachment 2)

**The Hon. LUKE FOLEY:** Minister, I asked you whether coal seam gas mining was ever to be allowed by you in a protected area. That would be a first, would it not?

**Ms CORBYN:** There is a category in the legislation, not a policy question but a legislation question, of a State conservation area. Pilliga East would be a State conservation area. The legislation which was passed by the Parliament actually does allow some mining activities in those State conservation areas. There are different categories of protected areas in which certain activities are allowed and other activities are not. If it would be in a State conservation area the legislative provision is that some mining activities would be able to occur but we have to assess that.

**The Hon. MELINDA PAVEY:** That was a decision made prior to the March election.

**Ms ROBYN PARKER:** It was.

**Ms CORBYN:** We would have to assess that, so what would happen is the national parks staff would go through and determine on the merits an assessment whether there was an impact that would affect the conservation values under the State conservation area and make a determination from their perspective as to what the impacts might be on the merit. But the legislation does allow in State conservation areas some mining activities.

**The Hon. LUKE FOLEY:** Underground mining. Indeed it does, Ms Corbyn, but I am talking about coal seam gas mining in particular. Perhaps you could inform us. Can I put to you there has been no approval granted for coal seam gas mining in a protected area, in a State conservation area, in New South Wales to date, has there?

**Ms ROBYN PARKER:** They have all been under your Government. All the licences for coal seam gas were under your Government.

**Mr SULLIVAN:** Mr Foley, perhaps if I could assist there. It is actually an industry which is very much in exploration. There is only one production licence or production facility—

**Ms ROBYN PARKER:** Granted by your Government.

**Mr SULLIVAN:** —that reaches the threshold of five petajoules, which is where the Environment Protection Authority licence kicks in. So that one licensed facility is at Camden. It is an AGL facility. Really the remainder, there are a number of others that are reasonably well advanced in terms of—

**The Hon. LUKE FOLEY:** Are you talking to me about State conservation areas?

**Mr SULLIVAN:** I am talking about generally in the industry.

**The Hon. LUKE FOLEY:** I am asking about State conservation areas.

**Ms CORBYN:** From a State conservation area perspective, I would have to check and take on notice whether exploration activities have been allowed in State conservation areas. As far as I am aware we have not given an approval for coal seam gas mining in the State conservation areas, but I will have to check on exploration because they are different categorisations. We would have to take that on notice.

**ANSWER:**

I am advised in terms of exploration activities in state conservation areas no approvals have been issued since 26 March 2011.



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**QUESTION 10.** (Page 19 & 20)

**Mr CONROY:** Special areas are like a planning layer; they cover a very wide area and a number of land tenures: private land, Sydney Catchment Authority land, Crown land, national parks and nature reserves. It covers all of those categories. Special areas protect the drinking water catchments of Sydney.

**The Hon. CATE FAEHRMANN:** Minister, what is the role of Katrina Hodgkinson in managing special areas that you referred to before?

**Ms ROBYN PARKER:** Sydney Catchment is slightly different from a catchment management authority but she handles the catchment management authority—

**The Hon. CATE FAEHRMANN:** She does?

**Ms ROBYN PARKER:** She is the Minister for water as well, and one of the other things we are developing in terms of coal seam gas is an aquifer interference bill. She is also the regulator of the Sydney Catchment Authority as the Minister for water.

**Ms CORBYN:** The Hawkesbury Nepean Catchment Management Authority covers some of the same areas as the Sydney Catchment Authority, and then national parks manages some of the land as well. So there are quite a number of people involved across both agencies and ministerial portfolios.

**The Hon. CATE FAEHRMANN:** Minister, as I understand it, only two weeks ago an additional coal seam gas exploration bore hole was approved on Sydney Catchment Authority land. Are you aware of that?

**Ms ROBYN PARKER:** I think that is a question for Minister Hodgkinson.

**The Hon. CATE FAEHRMANN:** Even though the Office of Environment and Heritage is jointly responsible?

**Ms ROBYN PARKER:** I think it is the Department of Trade and Investment, Regional Infrastructures and Services that you should be asking those questions of, not me.

**The Hon. CATE FAEHRMANN:** In answer to an earlier question by the Hon. Luke Foley I think you mentioned there was no exploration—

**Ms CORBYN:** I said I would have to take that on notice because I was not aware of exploration licences—I was not aware of that information so I would have to come back and respond to that. We do not have the data with us.

**ANSWER:**

There have been no approvals issued with respect to coal seam gas exploration in lands reserved under the *National Parks and Wildlife Act 1974*. That includes any lands that are jointly managed with the Sydney Catchment Authority.