



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO. 5

# **BUDGET ESTIMATES 2008-2009**

## **QUESTIONS ON NOTICE**

### **General Purpose Standing Committee No. 5**

Climate Change and the Environment

Thursday 16 October 2008

Answers to be lodged by: Tuesday 11 November 2008

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**Questions relating to the portfolio of Climate Change and the Environment**

**16 OCTOBER 2008, 9.15 am – 11.45 am**

**Questions from Mr Cohen**

1. Given the pressure on Rural Lands Protection Boards to manage TSRs as a business in the adoption of the IMC report recommendations:
  - a. How will the nature conservation values of the ground cover and shrub layers be maintained, not gradually lost through pest animal or weed invasion, pasture improvement or inappropriate grazing regimes such as regular grazing in good seasons as well as droughts?
  - b. In any areas where grazing, harvesting (e.g. of timber or firewood), new uses or more intensive recreation are permitted, how will all common and rare plant and animal species that live in or depend on the area have adequate opportunities for their populations to maintain or recover to near-natural density and abundance following these disturbances or periods of stress such as droughts?
2. The assessment of Biobank sites will be conducted by accredited persons. However, these persons will only determine the number and class of biodiversity credits. What economic modelling has been done to demonstrate minimum due diligence, particularly in consideration of the fact that the land will be secured under a Biobanking Agreement in perpetuity?
3. Will the initial credit sale and/or ongoing annual payments from the Trust Fund to landholders be subject to income tax?
4. Under the BioBanking Scheme the Minister can resume land where a person has contravened a BioBanking Agreement (for example, by failing to maintain the biodiversity values on their BioBanking site). Does this apply to Aboriginal land holders?
5. When is the NSW Government going to complete the transfer of Crown lands to the National Parks estate promised by the North-eastern NSW forest decision and the Brigalow/Nandewar western regional assessment?
6. When is the NSW Government going to implement its pre-election promise to implement the Goulburn Comprehensive Regional Assessment outcome?
  - a. When will the new National Parks contained in that outcome be gazetted?
7. For each of the four Private Native Forestry regions/vegetation types specified in the Native Vegetation Regulation 2005, what results have been obtained for the 2007 calendar year from reporting requirements contained in the Code of Practice in relation to:
  - a. The number of landowners that conducted forestry operations
  - b. The approximate total volume of timber products harvested
  - c. The approximate volume of timber harvested by product category
  - d. The approximate total area in hectares on which forest operations occurred
  - e. The frequency of different silvicultural treatments that were applied during that period?

- f. How many landowners have indicated, via the reporting requirements contained in the Code of Practice, that they intend to conduct forest operations in the 2008 calendar year?
8. What area of mapped Candidate Oldgrowth Forest is contained in areas that have been made available for logging?
9. Of the subset of mapped Candidate Oldgrowth Forest that is identified for protection under the oldgrowth protocol contained in the Code, what area is contained in blocks that have been given approved PVPs?
10. What area of that has been subject to a field based review? What area has been made available for logging?
11. During these field reviews, what area of additional oldgrowth forest has been identified?
12. What area of mapped Rainforest referred to in the Rainforest Protocol has been subject to a field test?
13. What area has been made available for logging?
14. How many Ecological Harvest Plans have been approved that allow logging in Endangered Ecological Communities?
15. What scientific evidence is there to show that these Plans will not have a negative environmental impact?
16. What field surveys were required for threatened species and other important environmental attributes prior to approval of these Ecological Harvest Plans?
17. What action has DECC taken to investigate the very serious matter of the logging by Forests NSW of a Spotted-tailed Quoll exclusion zone in Forestland State Forest earlier this year? Has DECC determined how such a monumental error could occur, and put in place a pre-emptive monitoring process to ensure that it does not happen again?
18. When will the NSW Government finally implement s27 of the north-eastern NSW Regional Forest Agreement, which requires parties to actively investigate the potential for north-eastern NSW to be recognized as a centre of eucalypt species diversity as identified by the World Heritage Expert Panel report? Can the NSW Government indicate a start and end date for this assessment and provide an assurance that it will be a proper, landscape wide assessment?
19. When will the NSW Government, in concert with the Federal Government, finally implement the long overdue five-year review of the Regional Forest Agreement?
20. When will the NSW Government finally implement the long-overdue five-year legislative review of the Forestry and National Parks required by s 49 of that Act? Can the Minister give me an assurance that any such review will properly investigate and consider re-instatement third party appeal rights? Can the Minister give me an assurance that any such review will remove the exemption from the NSW Wilderness Act 1987 for Crown-timber Lands?

21. Why hasn't there been an annual report prepared on each NSW Forest Agreement, as required by s 21 (1) of the NSW Forestry and National Parks Estate Act 1998, since 2002? When will the missing annual reports be released?
22. How many hectares has Bell Miner Associated Dieback expanded across forests of NE NSW over the past five years?
23. What area of the Blue Mountains World Heritage Forest is impacted by Bell Miner Associated Dieback and what plans are in place to remedy the situation?
24. Does the Minister consider this an appropriate way to treat one of our highest conservation value wetland ecosystems in the Murray Darling Basin, during the worst drought in history and in the face of impending severe climate change?
25. Is the Minister aware that River Red Gum forests meet four of the seven priority themes identified for building the DECC reserve system over the next decade in the new National Park Establishment Plan?
26. Is the NSW Government waiting until these outstanding high conservation value areas have been patch-clearfelled into oblivion until it reserves them? With a rate of 5,500 hectares logged each year, and 1,000 hectares clearfelled, why isn't urgent action being taken?
27. Can the Minister assure me that any new PNF Act will provide positive measures to protect high conservation value forest areas, rather than just regulating exploitative uses?
28. Will the Minister ensure that the terms of reference of the coastal Forest Reviews are expanded to fully consider the additional threat posed to biodiversity by climate change and the implications for protection measures under the Forest Agreement and IFOA?
29. Will the Minister ensure that grave new threats, such as forest dieback, will also be properly considered as part of the review?
30. Can the Minister guarantee that the impact of logging on Green Carbon in NSW is also considered as part of the reviews, and options identified to better protect forest carbon stores and thus mitigate greenhouse emissions from logging?
31. Does the Minister acknowledge that the credibility of public forestry regulation has been severely undermined by the failure to meet basic regulatory requirements, including the failure to conduct a five-year review of the Forestry and National Parks Estate Act 1998, failure to conduct the five-yearly reviews required of Forest Agreements and Regional Forest Agreements, and failure to prepare annual reports required by the FNPE Act? How and when will these embarrassing failures be fixed and finally delivered?
32. Will the Minister consider integrating the approval process for plantation establishment into the Native Vegetation Act 2003 to prevent any further land-clearing for plantations and to dramatically improve the environmental constraints which apply?
33. This question relates to the State Government's buyback of Toorale Station:

- a. How much is the State Government investing in rehabilitation of Toorale Station?
  - b. How will the State Government integrate their investment with the Commonwealth Government funding?
34. Has any government money been spent looking into the costs to orchardists of netting their orchards to protect their assets from flying-foxes?
35. Is the government prepared to assist orchardists with their netting costs in order to halt the shooting of flying foxes in orchards?
36. Has a costing been done into the introduction of legislation similar to that in Queensland to ban the shooting of flying-foxes?
37. Will a government assessment be done, particularly in northern NSW into the role of flying-foxes in the pollination of rainforest plant species?
38. Does the National Parks and Wildlife Service, or DECC, have a policy of promoting consultation agreements with Aboriginal people over the management of National Parks?
39. Does the National Parks and Wildlife Service, or DECC, have an official or unofficial policy of negotiating consultation agreements with Aboriginal people, instead of more formal agreements which deliver actual control over the running of national parks to Aboriginal people, or require the formal consent of Traditional Owners?
40. What budget has DECC allocated to support joint management of national parks in NSW?
  - a. Is this budget more or less than in previous years?
41. How many consents to damage, deface or destroy Aboriginal objects or sites did DECC issue last year?
42. How many stop work orders or other protection orders has the Director General issued, in relation to Aboriginal objects or sites?
43. How many penalties has the DG enacted against landholders who have illegally destroyed Aboriginal objects or damaged Aboriginal sites?
44. Has the Government given any consideration to the establishment of an Aboriginal Heritage Commission to ensure Aboriginal people have more control over decisions relating to objects and sites?
45. Will the Department re-establish the Increasing Capacity of Aboriginal People in Environmental, Heritage and Natural Resource Management project that was undertaken with 2 aboriginal communities and completed in November 2007 for use across NSW?
46. What budgetary allocations are in place to facilitate the running of a similar program within other Aboriginal communities across NSW?

47. Has the Department finalized the Access Agreements publication as indicated in the Two Ways Together report to encourage Aboriginal communities to enter into access agreements with the NSW Government?
  - a. If not, when will the publication be finalised?
48. Has the Minister or the Department of Environment and Climate Change received reports about the clearing of Sydney Freshwater Wetland, Swamp Sclerophyll Forest and Coastal Saltmarsh by Energy Australia on the Wakehurst Parkway?
  - a. If yes, what actions has the Department taken in response?
49. Has the Department of Lands, Energy Australia or any agent of Energy Australia applied for any necessary approvals to clear native vegetation and Endangered Ecological Communities along the Wakehurst Parkway?
  - a. If yes, provide details of any approval?
50. What exemptions are be applicable to the clearing of EECs on Crown Land?
51. Does the Department have any role in assisting Energy Australia minimise destruction and disturbance of EECs and VECs when undertaking work on powerlines?
52. Is there any requirement on Energy Australia to undertake powerline maintenance in a manner that minimises disturbance and damage to EECs and VECs?

### **Questions from Mr Brown**

Further to my questions about Toorale being used in the future for agricultural purposes, while still being part of the national reserve system –

During the Estimates Hearing (16 October) you spoke about Toorale purchase being contingent on NSW retaining the property as a protected area and managing it in perpetuity as a component of the national reserve system and the cessation of its use for irrigation purposes. Given that much of the property was already being managed as a wildlife refuge – and that all the dams on the Warrego and man made ponds will be dismantled, the fact there will be no irrigation does not mean Toorale is not a viable farming operation.

Even Federal Minister Garrett seems to have backed away from the “no-farming” edict, (Land page 5, 16 October). Speaking about a plan for more conservation land he said ”This is not about land.....but working with land owners to, for example, fence off an area like a gully that has got high biodiversity values.....”

53. Would you be prepared to reconsider the previous “lock-out” stance, or at the very least – establish a forum where the issue can be fully discussed before final decisions are made?
54. Could you inform the Committee of the names of the grazing properties either side of Toorale? Do they have access to water for their stock? Do they conduct any irrigation for cropping?

55. What employment opportunities do you see for the current workers on Toorale – not all can be employed as “park management”? How many people do you think will be needed to manage Toorale, and what other realistic work will there be for the majority of staff?
56. How many dams across the Warrego will be removed?
57. How many man made ponds are there on Toorale?
58. How often does the Warrego actually flow – and does that mean the only time “extra” water will reach the Darling is during irregular flooding because of rain in Queensland?