

BUDGET ESTIMATES 2021-2022

Portfolio Committee No. 7 - Environment and Heritage

Answers to Supplementary Questions

Hearing: 1 March 2022

Environment and Heritage

Questions from Mr Justin Field MLC

NRC: Review of Private Native Forestry Codes

Regarding the Natural Resource Commission's review of the Private Native Forestry Codes as mentioned by Mr Wilde on page 37 of the transcript,

1. Did EES make a submission to the review?
 - a) If yes, will you provide a copy of that submission?
 - b) If no, what input did EES have into the review process?
2. Did the EPA make a submission to the review?
 - a) If yes, will you provide a copy of that submission?
 - b) If no, what input did the EPA have into the review process?

Answer:

1. Yes.
 - a) No, the work undertaken by the Natural Resources Commission is Cabinet in Confidence.
 - b) See response to 1 a).
2. Yes.
 - a) No, the work undertaken by the Natural Resources Commission is Cabinet in Confidence.
 - b) See response to 2 a).

EPA: Forestry Corporation NSW harvesting operations under the CIFOA

3. Does the EPA maintain the view outlined in the letter dated 22nd September 2020 from Ms Mackey to Mr Gary Barnes, Secretary Department of Regional NSW, and Mr Anshul Chaudhary, Acting CEO Forestry Corporation of NSW (available here: <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/forestry/letter-of-response-to-regional-nsw-and-forestry-corporation---22-september-2020.pdf?la=en&hash=3F169E7F230BCF36076591AACCF246C8DCB0EC96>) that:

“Subsequent timber harvesting in areas impacted by fire pose a major environmental risk to the extent that ecologically sustainable forest management (ESFM), as required under the NSW Forestry Act 2012, is unlikely to be achievable under a business-as-usual approach.”
4. Regarding the following statement contained in the letter dated 22nd September 2020 from Ms Mackey to Mr Gary Barnes, Secretary Department of Regional NSW, and Mr Anshul Chaudhary, Acting CEO Forestry Corporation of NSW (available here: <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/forestry/letter-of-response-to-regional-nsw-and-forestry-corporation-22-september-2020.pdf?la=en&hash=3F169E7F230BCF36076591AACCF246C8DCB0EC96>) that:

“The EPA has a statutory objective to protect, restore and enhance the quality of the environment in NSW having regard to the need to maintain ecologically sustainable development. In this context I am currently considering regulatory options to ensure the risk to the environment continues to be appropriately addressed.”

5. What 'regulatory options' have been considered by the EPA since 22 September 2020?
6. What 'regulatory options' have the EPA successfully implemented above those contained within the CFIOA or voluntarily implemented by FCNSW?
7. Has legal advice been sought on the question of the FCNSW's compliance with ESFM requirements under the NSW Forestry Act 2012 since 22 September 2020 in relation to the requirement for ESFM under the NSW Forestry Act 2012?
 - a) If so, when was this advice sought?
 - b) Was it internal or external legal advice?
 - c) What was the outcome of this legal advice?
8. Is there any ongoing work by the EPA to monitor and evaluate the question of FCNSW's compliance with ESFM requirements under the NSW Forestry Act 2012 outside of normal compliance actions?
 - a) If so, what is the nature of this work?
9. Is the EPA currently engaging with FCNSW on any protective measures for native forest harvesting operations additional to those in the Coastal Integrated Forestry Operations Approvals? If so, what is the nature of this engagement?

Answer:

3. Yes.
4. This is not understood to be a question.
5. The NSW Environment Protection Authority (EPA) has considered the full suite of regulatory options under the EPA Regulatory Strategy. The EPA continues to work collaboratively with the Forestry Corporation of NSW and the Department of Regional NSW to determine what regulatory and non-regulatory options are required to address the impacts of the 2019– 20 bushfires.
6. The EPA is actively monitoring forestry operations to ensure they comply with the Coastal Integrated Forestry Operations Approval. Information on the EPA's compliance activities is available on the EPA's website: www.epa.nsw.gov.au/your-environment/native-forestry.
7. Legal advice has not been sought on the question of the Forestry Corporation of NSW's compliance with Ecologically Sustainable Forest Management (ESFM) requirements under the *Forestry Act 2012* since 22 September 2020.
 - a-c) Not applicable.
8. The EPA participates in the Natural Resources Commission led Forest Monitoring and Improvement Program, which undertakes further research and monitoring to inform the continual improvement of the Integrated Forestry Operations Approvals and assessment of forestry operations against ESFM.
 - a) As above.
9. The EPA has maintained its compliance and enforcement program for native forestry and is working with the Forestry Corporation of NSW to encourage precautionary approaches in fire affected forests. The Forestry Corporation of NSW has committed to applying additional voluntary measures where they are necessary.

EPA: Crown forestry inspections

10. In relation to the information displayed in the crown forestry table on the EPA web page titled *Inspections of forestry operations*, (<https://www.epa.nsw.gov.au/your->

environment/native- forestry/the-epas-role-in-forestry-operations/inspections-of-forestry-operations) is this a comprehensive list of approved, active and completed harvesting operations by Forestry Corporation NSW for harvesting which was completed after 31 August 2021?

- a) On what basis was a completion date of 31 August 2021 chosen for the display of this information?
11. In relation to the information displayed in the crown forestry table on the EPA web page titled *Inspections of forestry operations*, for each of the compartments where it is noted an inspection took place, did that inspection take place, before, during or after harvesting operations?
12. In relation to the information displayed in the crown forestry table on the EPA web page titled *Inspections of forestry operations*, the EPA identifies planned and commenced logging operations as 'high risk' where no inspection has taken place.
 - a) What policy or operational procedures are in place to determine which sites are inspected before and during harvesting operations?
 - b) Are high risk sites treated differently from non-high risk sites in terms of inspections?
 - c) Will the EPA inspect all currently approved state forests that are identified as 'high risk' before harvesting commences?
 - i. If not, why not?
13. For each of the forestry regions in NSW, how many compartments were subject to pre-harvest inspections by the EPA in each of the following calendar years?
 - a) 2019
 - b) 2020
 - c) 2021
 - d) January-March 2022?
14. For each of the forestry regions in NSW, how many compartments were subject to inspections during harvest by the EPA in each of the following calendar years?
 - a) 2019
 - i. How many of these were a result of a complaint/report of a breach?
 - b) 2020
 - i. How many of these were a result of a complaint/report of a breach?
 - c) 2021
 - i. How many of these were a result of a complaint/report of a breach?
 - d) January-March 2022?
 - i. How many of these were a result of a complaint/report of a breach?
15. For each of the forestry regions in NSW, how many compartments were subject to post- harvest inspections during harvest by the EPA in each of the following calendar years?
 - a) 2019
 - i. How many of these were a result of a complaint/report of a breach?

- b) 2020
 - i. How many of these were a result of a complaint/report of a breach?
- c) 2021
 - i. How many of these were a result of a complaint/report of a breach?
- d) January-March 2022?
 - i. How many of these were a result of a complaint/report of a breach?

Answer:

10. The information displayed identifies the stage of harvest operation at the time of uploading.
- a) The NSW Environment Protection Authority (EPA) previously reported inspections of forests which were burnt in the 2019–2020 bushfires for which Site Specific Operating Conditions were issued. The report was expanded to include all Crown Forest operations, commencing on 31 August 2021. This date reflects the date the format of the report was changed.
11. One operation was inspected pre harvest.
 18 operations were inspected during active harvest.
 Two operations were inspected both during and post harvest.
 One operation was inspected during suspended harvest.
 One operation was inspected pre and post harvest.
 One operation was inspected pre and during harvest.
 One operation was inspected pre, during and post harvest.
- 12.
- a) The EPA assesses all approved and active forest operations using a risk based assessment tool. Following the initial risk assessment, additional work is undertaken on a case by case basis. Regulatory decisions are supported by the EPA Regulatory Strategy and Regulatory Policy.
 - b) Yes.
 - c) No.
 - i) The EPA has a key performance indicator of inspecting 95 per cent of all high risk harvest operations during active harvest.
- 13-15. The EPA did not categorise inspections in that way during the relevant periods.

EPA: South Brooman State Forest investigation

- 16. What is the status of the investigation into alleged breaches by Forestry Corporation in South Brooman State Forest Compartment 58A?
 - a) South Brooman State Forest Compartment 58A - Part 1
 - b) South Brooman State Forest Compartment 58A - Part 2
- 17. When will a decision be made about the outcome of the investigation into alleged breaches by Forestry Corporation in South Brooman State Forest Compartment 58A - Parts 1 and 2?

Answer:

16. The NSW Environment Protection Authority (EPA) is in the final stages of considering its regulatory response in relation to alleged breaches by the Forestry Corporation of NSW in South Brooman State Forest Compartment 58A.
17. The EPA is expecting to make decisions in relation to these matters imminently.

EPA: Mogo State Forest compartments 161, 173A, 174

18. In relation to the three penalty notices issued for breaches in Mogo State Forest compartments 161, 173A, 174:
- Who was each notice issued to?
 - What was the specific breach confirmed for each penalty notice?
 - How much was the penalty issued for each notice?
 - Have the penalty notices been complied with and any fines paid?

Answer:

18. In relation to the three penalty notices issued for breaches in Mogo State Forest compartments 161, 173A, 174:
- Forestry Corporation of NSW.
 - Alleged non-compliance with section 69SA of the *Forestry Act 2012* for allegedly contravening condition 23.5 of the Coastal Integrated Forestry Operations Approval.
 - \$15,000.
 - Yes.

EPA: Alleged breaches in Mogo State Forest and Currowan State Forest

19. Are alleged breaches in Mogo State Forest compartment 146, reported on December 31st 2021 (Reference ID 01036112), being investigated by the EPA?
- If so, why does this investigation not appear on the *Register of Crown forestry investigations* page on the EPA's website?
20. Are alleged breaches in Currowan State Forest compartment 502, reported on January 1st 2022 (Reference ID 01036142), being investigated by the EPA?
- If so, why does this investigation not appear on the *Register of Crown forestry investigations* page on the EPA's website?

Answer:

19. Yes.
- Administrative oversight which has been rectified.
20. Yes.
- Administrative oversight which has been rectified.

EES: Native Vegetation Regulatory Map

21. When will the Transitional Native Vegetation Regulatory (NVR) Map be removed and a complete NVR Map be released?
22. What are the remaining incomplete components of the final Native Vegetation Regulatory Map?

23. When an updated NVR Map is released, will it include all land that must be identified as Category 2 regulated land under Part 5A, Division 2, Section 60I of the LLS Act?
24. Is there an ongoing program of work to improve the NRV map over time? If so, what does this program of work involve, over what expected timeframes?

Answer:

21. The *Local Land Services Act 2013* (LLS Act) requires a draft Native Vegetation Regulatory (NVR) map to be published by the Environment Agency Head during the transitional period. The Government is currently considering when to release the draft NVR map (with all land categories) for a period of consultation and review.
22. There are no incomplete parts of the NVR map. Two categories are unpublished – Category 1 exempt land and Category 2 regulated land. These will be part of the draft NVR map when released but will have no regulatory effect until the transitional period ends.
23. Yes. A draft NVR map when published, will provide a land category for all lands subject to part 5A of the LLS Act including Category 2 regulated land.
24. Yes. The draft and transitional NVR maps have been continually maintained to incorporate changes arising from the operation of the Land Management Code or utilise new or improved information that relates to land categorisation. For example, new high-resolution digital elevation models have enabled refinements to the steep land (greater than 18 degrees) component of Category 2 vulnerable regulated land and integrated into the transitional NVR map. Updated land use and new rural building footprint data have also been used to refine areas of land categorisation.

BCT: Reforms to the charge framework for payments to the Biodiversity Conservation Trust under the Biodiversity Offset Scheme

25. What is the status of the reforms to replace the Biodiversity Offset Payment Calculator with a new more accurate charge framework for payments to the Biodiversity Conservation Trust instead of securing offsets?
26. What are the expected steps and timeframes to achieve implementation of the new charge framework?
27. What officials and/or Minister/Ministers have the authority to approve proposed changes to the charge framework?

Answer:

25. The NSW Biodiversity Conservation Trust (BCT) has completed design of a new draft Biodiversity Conservation Fund Charge System to replace the current Biodiversity Offset Payment Calculator. The design of the new proposed system has been subject to expert input, consultation with scheme participants and stakeholders, and independent expert peer review. The proposed new system has been endorsed by the BCT Board.
26. The BCT is completing a final round of consultation with scheme participants and stakeholders from 7 March to 4 April 2022. The BCT intends to present the proposed new charge system to me for consideration in April 2022.
27. As Minister for Environment and Heritage, I am responsible for establishing, varying or replacing an offsets payment calculator under section 6.32 of the *Biodiversity Conservation Act 2016*.

BCT: Outstanding offset obligations held by the Biodiversity Conservation Trust

28. In an answer received in August 2021 to Question on Notice 7032, asked by The

Hon. Penny Sharpe MLC, the BCT reported four offset obligations that it had held unfulfilled for more than three years. For each of these four obligations:

- a) Is the offset obligation still unfulfilled?
- b) Who was the proponent who made the payment to the BCT to discharge their offset obligation?
- c) What was the project and development application number for which the offsets were required?
- d) What biodiversity offset credit types were the payments made for?
- e) How much did they pay?

Answer:

28.

- a) Yes, the four obligations are still outstanding. The Biodiversity Conservation Trust (BCT) is seeking these credits via a statewide credit tender which is currently open until 23 March 2022.
- b)
 - i) An individual (details not disclosed for privacy reasons).
 - ii) Proten Limited.
 - iii) Proten Limited.
 - iv) South Ballina Group.
- c)
 - i) Residential development (DA not disclosed for privacy reasons).
 - ii) Euroley Poultry Farm (SSD6882).
 - iii) Euroley Poultry Farm (SSD6882).
 - iv) South Ballina Sand Quarry (PA06_0297MOD3).
- d) The outstanding obligations for each of those payments are:
 - i) 15 Forest Red Gum grass open forest on floodplains of the Lower Hunter (PCT1598)
 - ii) six Black Box grassy open woodland wetland of rarely flooded depressions in south western NSW (mainly Riverina Bioregion and Murray Darling Depression Bioregion) (PCT16)
 - iii) five White Cypress Pine open woodland of sand plains, prior streams and dunes mainly of the semi-arid (warm) climate zone (PCT28)
 - iv) 59 Banksia dry shrubland on coastal sands of the NSW North Coast Bioregion (PCT663).
- e) The amount paid into the Biodiversity Conservation Fund for the outstanding obligations (excl GST) is:
 - i) \$25,355.40
 - ii) \$14,366.71
 - iii) \$11,972.26
 - iv) \$141,272.63.

EES: Climate change adaptation

29. When will the updated NARClIM climate projections for NSW, funded under the

2017-2022 tranche of the Climate Change Fund, be published?

30. How will EES effectively educate NSW government agencies on how to use the updated climate projections to assess climate risk?
31. How will the updated NARClIM climate change projections be integrated into decision making across government?
32. When will the NSW Climate Change Adaptation Strategy, mentioned on the AdaptNSW website (<https://www.climatechange.environment.nsw.gov.au/nsw-government-action-climate-change#:~:text=Climate%20change%20adaptation%20strategy&text=It%20will%20provide%20a%20vision,%E2%80%93not%20eroding%20%E2%80%93their%20prosperity>), be published?
33. What program of work is being undertaken to develop and finalise the NSW Climate Change Adaptation Strategy?
34. How is the NSW Government responding to recommendations in the September 2021 NSW Audit Office report titled 'Managing climate risks to assets and services'?

Answer:

29-34. These questions should be referred to the Minister for Energy, the Hon Matt Kean MP.

EPA: Biomass for energy generation guidelines

35. When will the EPA biomass for energy generation guidelines, clarifying what constitutes 'higher value use' under the Protection of the Environment Operations (General) Amendment (Native Forest Bio-material) Regulation 2020, be made public?
36. Will they be available on the EPA website?
 - a) If so, where?
37. What will the legal status of the guidelines be?

Answer:

35. This work will be published once it is completed and is expected to occur in 2022.

36. Yes.

a) On the NSW Environment Protection Authority's dedicated 'burning of biomaterial' webpage: <https://www.epa.nsw.gov.au/licensing-and-regulation/licensing/environment-protection-licences/burning-of-biomaterial>.

37. This is yet to be determined.

EPA: Private Native Forestry reporting requirements

38. What steps will the EPA take to ensure comprehensive compliance with reporting requirements under Section 2.2 of the PNF Codes of Practice, ahead of the March 31 2022 reporting deadline?
39. Does the EPA work with EES to identify potential breaches of PNF reporting requirements and other requirements under the PNF Codes of Practice from the SLATS program
 - a) If yes, what is the nature of this relationship and information sharing?
 - b) How many compliance actions in relation to PNF activities have been initiated as

a result of information arising through SLATs reporting?

Answer:

38. In October 2021, the NSW Environment Protection Authority (EPA) wrote directly to over 3500 Private Native Forestry (PNF) approval holders to provide them with information about their obligations to comply with the PNF Code and reporting requirements. A reminder letter for those approval holders is being sent by the EPA.

39. Yes.

- a) Environment, Energy and Science Group and the EPA use satellite change monitoring data, including the Statewide Landcover and Tree Study (SLATS) to help identify vegetation change on land subject to a PNF approval.
- b) Current review of PNF activities stemming from SLATS data is ongoing and regulatory outcomes have not been finalised.

EPA: Private Native Forestry monitoring and compliance

40. Answers to Questions on Notice 8207 on monitoring and compliance of PNF harvesting activities in the 2021/22 financial year stated that for Southern NSW, the Riverina Red Gum and the Cypress and Western Hardwood forest regions when there has only been one, one and zero inspections, respectively, in these regions. Given this low level of inspections, what other

- a) work has the EPA undertaken in the 21/22 financial year to ensure compliance with PNF Codes of Practice in these regions?

41. Answers to Questions on Notice 8207 on monitoring and compliance of PNF harvesting activities in the 2021/22 financial year stated there had been 13 advisory letters, 7 formal warnings and 1 official caution issued as a result of investigations. For each of these 21 compliance actions:

- a) What activity, breach or potential breach was discovered by EPA that led to the stated compliance action?
- b) What forest region did the compliance action take place (Northern NSW, Southern NSW, the Riverina Red Gum and the Cypress and Western Hardwood)?

Answer:

40. The NSW Environment Protection Authority uses a variety of methods to regulate Private Native Forestry (PNF) including direct contact with PNF approval holders, improving communication with Local Land Services to obtain updated information, reviewing and responding to reports and complaints, and reviewing data obtained from systems such as Statewide Landcover and Tree Survey (SLATS) to identify areas of change .

41.

- a)
 - Advisory letters were issued for drainage issues and exclusion zones (8); deficiencies in the Forest Operations Plan (2); drainage and stormwater management (1); location of log dump (1); various issues (1).
 - Formal Warnings were issued for failure to reinstate site following harvest (1); riparian zone protection (3); removal of woody waste and not having a Forest Operations Plan (1); drainage management (1); and felling in a riparian zone (1).
 - An Official Caution was issued in relation to management of a riparian zone.

b) The regulatory actions noted relate to PNF operations in the North region of NSW.

Note that the response provided under Question on Notice 8207 relates to 2020–21 financial year, not to 2021–22.

EES: Native vegetation clearing compliance activities

42. What is the framework, guideline, or internal policy, specific to vegetation clearing, used by EES to consistently determine when a potential land clearing breach warrants the various compliance actions available (advisory letters, warning letters, official cautions, penalty notices, remedial orders, prosecutions)?
 - a) What is the trigger/decision making process to determine if a matter should be referred to the Special Investigations Branch?
43. For the 35 remedial orders that are currently being implemented, as mentioned on page 59 of the transcript, please provide the following details:
 - a) Time frames for completing remediation
 - b) Specific remediation activities ordered
 - c) Oversight by EES to ensure remediation orders are being complied with
 - d) Resources within EES to oversight of implementation of remediation orders.

Answer:

42. Decisions regarding appropriate compliance actions are made in accordance with the Compliance Policy available at: <https://www.environment.nsw.gov.au/research-and-publications/publications-search/compliance-policy>.

Decisions regarding prosecutions are made in accordance with the Prosecution Guidelines available at: <https://www.environment.nsw.gov.au/research-and-publications/publications-search/oeh-prosecution-guidelines>.

a) The Specialist Investigations Section may assist with high priority, high risk investigations. Such matters include those that present a high risk to the environment or the regulatory framework, a high level of public interest, or high culpability. Involvement of the Specialist Investigations Section in a case requires approval by a Departmental executive.

43.

a-c) A copy of each remediation order, including time frames for remediation; specific remediation actions and monitoring and reporting requirements can be found on the remediation order public register:

<https://www.environment.nsw.gov.au/policy-and-law/public-registers/remediation-orders>.

d) Oversight of remediation orders falls within the responsibility of the 43 compliance positions within the Biodiversity, Conservation and Science Directorate of the Environment, Energy and Science Group.

EES: Detection of clearing under Rural Boundary Clearing Code

44. In the March 2nd Budget Estimates hearing, an EES official noted that the Science Division was detecting clearing along boundary lines in their early change monitoring, indicating application of the Rural Boundary Clearing Code. Has EES quantified the extent of clearing that can reasonably be assumed to be clearing done under the Rural Boundary Clearing Code since it was introduced in August 2021?
 - a) If so, what is the quantity of clearing detected?

45. Will vegetation clearing which can reasonably be assumed to have been done under the Rural Boundary Clearing Code be systematically monitored and reported by EES, in the annual woody vegetation change reporting or elsewhere?

Answer:

44. The early change monitoring system enables detection of woody vegetation clearing within weeks of its occurrence. The distinct linear nature of the clearing associated with the Rural Boundary Clearing Code will likely be identifiable in satellite data. Rapid response to such clearing will prevent many instances of unauthorised clearing. Vegetation loss information is created from the analysis and interpretation of annual snapshots of satellite data in the statewide Landcover and Trees Study program. In 2022, the study will report on vegetation cover change for 2020. As the Code commenced on 26 August 2021, clearing under the Code will not be detectable in the data and will not be reflected in the report to be released in June 2022.
45. The Department of Planning and Environment's Environment, Energy and Science Group is considering the feasibility of, and method for, monitoring and reporting on the application of the Rural Boundary Clearing Code for the release of the 2021 Statewide Landcover and Trees Study in 2023.

NPWS: Infrastructure spending

46. In the 2021-22 budget, the NSW Government committed \$257 million to 170 'new and improved community infrastructure projects'. For each of the 170 projects, can NPWS list the project name, location and funds allocated?
47. How many new hut-to-hut walks are currently proposed or being built in NSW National Parks?
48. Does the NSW Government have a policy on the construction or leasing of accommodation or infrastructure in national parks and protected areas for exclusive use by private tourism operators?

Answer:

46. The NSW Government has committed to the largest ever investment in national park visitor infrastructure, with more than \$450 million proposed to be invested in more than 200 visitor infrastructure projects across the national park estate during this term of Government. A list of announced projects will be published on the National Parks and Wildlife Service (NPWS) website in April 2022.
47. NPWS is implementing 10 multi-day walks that use a combination of on-park and off-park accommodation.
48. All leasing proposals on NPWS land must comply with the provisions of the *National Parks and Wildlife Act 1974*. The NPWS Property Leasing Guidelines provide further guidance on the process to apply for leases for NPWS-managed land. The guidelines ensure that all new opportunities are compatible with the conservation of natural and cultural heritage to provide the best outcome for park visitors and the general public. The guidelines are publicly available on the Department of Planning and Environment's website at www.environment.nsw.gov.au/research-and-publications/publications-search/property-leasing-guidelines. Most property leasing opportunities will be offered to the open market through a competitive selection process.
- The construction of new infrastructure on NPWS land is subject to separate planning and environmental assessment and approval.

NPWS: Light to Light track upgrade and accommodation construction

49. In relation to the proposed accommodation being built on the Light to Light track, have environmental impacts been re-evaluated in light of the impacts from the 2019–20 bushfires?
 - a) Has a new Review of Environmental Factors (REF) been completed?
 - b) If so, is the updated REF public?
50. How can NPWS justify vegetation clearing for accommodation construction at Mowarry Point, when it is one of the few areas in Ben Boyd National Park that did not burn in the bushfires?
51. How is a direct impact of 2.9ha and indirect impact of 2.83ha, as identified in the REF, consistent with the objects of the NSW National Parks and Wildlife Act 1979?
52. What is the estimated cost per night for staying at the proposed new accommodation on the new light to light track?
53. How has community feedback been taken into account in finalising the proposal for the light to light walk?

Answer:

49. Environmental and cultural heritage assessments were conducted before the 2019–20 bushfires and were re-done after the fires.
 - a) A new Review of Environmental Factors (REF) was not required because the exhibited document included the post 2019–20 bushfire assessment.
 - b) The REF with the post 2019–20 bushfire assessment was on public exhibition from 15 September to 15 October 2021 and 142 submissions were received.
50. Mowarry Point has been selected as a site for hut accommodation for the Light to Light Walk for its amenity, access and location along the walk route to provide a high-quality walking experience. Mowarry Point was previously the site of a farm and, prior to that, a whaling station. The precinct design uses existing disturbed areas as much as possible. Where vegetation clearing would be required, this would be restricted to the minimum area required to establish the site. I am advised that pre- and post-fire environmental assessment has indicated a strong resilience and rehabilitation of the landscape.
51. *The National Parks and Wildlife Act 1974* aims to foster public appreciation, understanding and enjoyment of nature and cultural heritage. Upgrading the Light to Light walk, including providing accommodation for those who do not want to camp, will increase the range of visitors able to experience the park.
52. The Light to Light walk will remain open and accessible to all bushwalkers, with costs limited to park entry fees and accommodation fees where applicable. The costs for the different accommodation types are yet to be determined but will be similar to camping and accommodation rates in other NSW national parks. All accommodation along the walk (campgrounds and huts) will be owned and managed by the National Parks and Wildlife Service (NPWS).
53. NPWS has sought community feedback on key aspects of the proposal through public exhibition of the draft amendment to the Ben Boyd National Park Plan of Management and draft Light to Light Walk Strategy (12 July to 26 August 2019) and the draft REF (15 September to 15 October 2021). Public submissions made on these documents have provided NPWS with valuable information that has resulted in changes to the project, including that NPWS will own and operate all accommodation on the walk and provide low key walk-in public camping at Mowarry Point and Bittangabee Bay.

NPWS continues to consult with key stakeholders and organisations on this project through the Light to Light Walk Stakeholder Reference Group that was established in September 2021.

Questions from Ms Abigail Boyd MLC

Air quality

54. When will the review of the load-based licencing scheme be finalised and published?
55. The Clean Air Strategy proposes Government “Continue to better manage the impacts of mining - Support the improved management of air impacts from coal mining, as required under the *Strategic Statement on Coal Exploration and Mining in NSW*’. Through the department and EPA, work with the coal mining and extraction industries to further reduce dust emissions.” Will this recommendation inform the EPAs decision on whether or not to include coal mining emissions in its LBL review?
56. What is the EPA’s plan for public consultation on the Clean Air Regulations review?
57. Will the EPA do another round of public consultation on the load based licensing review?

Answer:

54. It is expected the load-based licensing scheme review will be finalised in 2022.
55. Yes.
56. The NSW Environment Protection Authority expects to consult on the regulation in mid-2022.
57. Yes.

Coal ash

58. When was the Memorandum of Understanding between EPA and Dams Safety NSW, in relation to the management and remediation of coal ash dams, signed and finalised?
 - a) Please provide a copy of the MOU.
 - b) Is this MOU publicly available?
59. What does the EPA consider to be adequate remediation of a coal fired power station, specifically with regards to coal ash dams?
60. Will the EPA require sites former and decommissioning coal fired power stations to remediate and rehabilitate coal ash dams prior to embarking on any new development project, and include enforceable conditions in relevant EPA administered licences or approvals?
61. Generator Property Management (GPM) requested extensions on their Munmorah remedial action plan, initially required to be presented 60 days after demolition of the power station (which was demolished in October 2018) to August 2020, then extended again to October 2020. Has GPM presented a remedial action plan?
 - a) Please provide a copy of the agreed remedial action plan.

Answer:

58. 7 September 2021.
 - a) A copy of the Memorandum of Understanding is available at:
<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/community/mou-epa-dams-safety-nsw.pdf?la=en&hash=2128BBF2CD8AD4178A756CCF57EE4D8611FEFE41> .
 - b) Yes.

59. Adequate remediation involves the implementation of actions to mitigate identified environmental impacts from coal ash dams located at a coal fired power station site.
60. Yes.
61. Yes.
- a) The Remedial Action Plan can be obtained from Generator Property Management as the owner of the report.

Greenhouse gas emissions

62. Does the EPA have a policy that will ensure NSW methane emissions are not increasing and starting to fall?
63. Will the EPA place enforceable greenhouse gas emissions intensity limits in the EPL's of coal mines?
64. The Department of Planning and Environment recommends approval of the Narrabri Underground Mine Stage 3 Extension project based on economic benefits, but finds these benefits reduce "significantly" if greenhouse emissions are properly accounted for. Why did the Department not quantify the significant reduction?
65. Will the EPA place enforceable greenhouse gas emissions intensity limits in the EPL's of minerals mines?

Answer:

62. No. The NSW Climate Change Policy Framework and NSW Net Zero Plan Stage 1: 2020-2030 are the foundation for NSW's action on climate change including methane emissions, and the NSW Environment Protection Authority (EPA) actively supports the delivery of these policies. The EPA is currently developing its own climate change policy and action plan that will complement, support and build on the foundations set in the NSW Government's climate change policies.
63. The EPA is considering a range of additional complementary approaches for managing greenhouse gas emissions from its regulated community as part of the development of the EPA's climate change policy and action plan.
64. This question should be referred to the Minister for Planning, the Hon Anthony Roberts MP.
65. As per question 63.

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

Waverley War Memorial Hospital

66. Heritage NSW has come back to Waverley Council several times saying that while the full site of the War Memorial Hospital Waverley meets the threshold for State heritage significance, it was not considered a priority for state heritage listing nomination. Please list the reasons why the site was not prioritised for listing?
67. Correspondence dated 23 February 2022 from Waverley's mayor, Paula Masselos, formally asked you to reconsider previous determinations that the site was not prioritised for heritage listing. What is your response to that request?
68. What information has Heritage NSW requested from Waverley Council in order for Heritage NSW to reconsider its prioritisation of state heritage listing for the site?
69. Will you commit to reconsidering Heritage NSW's full nomination of the entire site for heritage listing?

Answer:

66. When determining which State Heritage Register (SHR) nominations will be prioritised and progressed to a full assessment, the Heritage Council of NSW's SHR Committee considers several factors including whether the nominated item:
- may be of State heritage significance
 - aligns with Heritage Council of NSW priorities (currently First Nations, including frontier conflict heritage, and LGBTIQ+ heritage)
 - presents a strategic or important opportunity for listing
 - has been nominated by or with the support of the owner
 - is under threat or if it is afforded adequate protection via other statutory mechanisms (e.g. listing on a Local Environmental Plan).
67. This response is currently being prepared.
68. Heritage NSW has not requested any additional information from Waverley Council owing to the SHR Committee's decision that the nomination should not be progressed.
69. If new information is received that indicates that an assessment should be prioritised by the SHR Committee, it would reconsider the nomination.

Beaches Link tollway destroying Aboriginal heritage

70. How many Aboriginal sites are within the path and environs of the Beaches Link tollway and impacted by the project?
71. Can you please list the sites?
72. How much has been allocated in the State budget to protecting the Aboriginal sites around and in the path of the Beaches Link tollway?
73. How many staff are employed to work on protecting the Aboriginal sites around and in the path of the Beaches Link tollway?
74. What is the current plan for protecting and preserving heritage sites around the Beaches Link tollway?
75. A 2016 blueprint listed dozens of major heritage impacts that will be caused by the Beaches Link tollway. Will you release this blueprint?

76. What steps have been taken to ensure that blasting associated with the roadworks will not cause any damage to these precious sites?

Answer:

70. There are 10 Aboriginal sites recorded within the Transport for NSW – Beaches Link and Gore Hill Freeway Connection corridor (State Significant Infrastructure (SSI 8862)) project.

71. List of sites:

Site Number	Description
45-6-0662	Frenchs Forest; Bantry Bay; Wakehurst Parkway
45-6-0655	Bantry Bay Aboriginal Engraving
45-6-0654	Clive Park 1; Northbridge
45-6-0996	Clive Park 2; Taplin's Cicada Pupa
45-6-3032	Wakehurst Engraving MAN 104
45-6-2940	Rock engraving (Garigal National Park)
45-6-3362	Artarmon Park PAD
45-6-3361	Flat Rock Creek PAD
45-6-3363	Burnt Bridge Creek PAD
45-6-3599	Artarmon Park artefact scatter

72-73. Heritage NSW is unable to comment as the proponent for this project is Transport for NSW.

74. Heritage NSW understands Transport for NSW is proposing a variety of mitigation measures to manage both direct and indirect impacts. Heritage NSW will continue to provide advice and guidance, as requested by Transport for NSW and the Department of Planning and Environment, in consultation with the Metropolitan Local Aboriginal Land Council and the Registered Aboriginal Parties for the project.

75. This question should be referred to the Minister for Metropolitan Roads, the Hon Natalie Ward MLC.

76. This question should be referred to the Minister for Metropolitan Roads, the Hon Natalie Ward MLC.

Royal National Park coastal cabin communities

77. What is the total number of coastal cabins in the Royal National Park?

78. How much does the NSW government allocate to administering and overseeing the management of the coastal cabin communities in the national park?

79. Will you commit to ensuring the heritage protection of the cabins is included in the final Plan of Management for the Royal National Park?

80. Will you commit to starting discussions with the Royal National Park Protection League regarding the extension of the licensing arrangements that are due to expire in March 2027?

81. When do you intend for these discussions to commence and when will they finish?

Answer:

77. There are 197 cabins in Royal National Park, located in six different communities.
78. The estimated expenditure is approximately \$130,000 per annum.
79. NPWS is currently finalising the draft plan of management, which is extensive and has a range of considerations.
80. I have met with the Royal National Park Coastal Cabins Protection League in relation to the licences which expire in 2027.
81. Refer to answer 80.

Regent Theatre Mudgee

82. Do you agree with the Hon. Dugald Saunders and the Hon. Don Harwin about the importance of preserving the Regent Theatre in Mudgee following its state heritage listing?
83. Mr Saunders gave an interview on 2GB on January 20 of this year suggesting that the new owners of the building might build accommodation on the site and simply retain the façade. Would that be in line with the current heritage listing?
84. Mr Saunders, in that same 2GB interview on January 20, said that government could not be involved in bringing such a theatre back to life.
- a) Do you agree?
- b) If so, do you think local and/or state government should remove their support from fully council-owned and operated theatres across the State?
85. Will you commit to acquiring and restoring the Regent Theatre and bringing it back to life as a live performance venue?
86. Do you agree with Mr Saunders that art deco theatres like this are “a bit of a tinderbox?”
87. Would it be possible, under the current heritage listing, to redevelop the site into accommodation?
88. Is the theatre fully protected as a theatre?
89. If the current heritage listing does not fully protect the Regent as a theatre, will you promise to strengthen the Regent Theatre’s heritage listing to ensure the entire structure is protected?
90. Is there any intention whatsoever of weakening the heritage listing of the Regent Theatre in Mudgee?
91. Will you promise that the Regent’s state heritage listing will not be weakened?

Answer:

82. The Regent Theatre in Mudgee is worthy of its place on the State Heritage Register. The intention for all such listings, including the Regent Theatre, is to provide protection and encourage conservation.
- Preservation is only one of several conservation processes in contemporary heritage practice for retaining cultural significance. Adaptation, or adaptive reuse, is another.
83. Retention of the façade alone would unlikely be consistent with the heritage significance of the Regent Theatre, however, the Heritage Act 1977 does not prevent the potential for building accommodation on the site.

84. This is a matter for the Minister for the Arts, the Hon Ben Franklin MLC.
85. This is a matter for the Minister for the Arts, the Hon Ben Franklin MLC.
86. I am advised that the architectural style of the building makes it no more vulnerable to fire than any other structure with a timber roof.
87. The Heritage Act does not prevent adaptive reuse of the theatre or the potential to build accommodation on the site.
88. If this question relates to the place's use, then reinstatement of the Regent Theatre's original use as a picture theatre could be desirable from a heritage conservation viewpoint. However, retention or reinstatement of use is not an obligation under the *Heritage Act 1977* for this or any other building.
89. Protection measures for items on the State Heritage Register are outlined in the *Heritage Act 1977*.
90. I have no reason to question the appropriateness of the listing in its current form and no intention to request a review of the listing. Heritage NSW confirms that there is no proposal to review the curtilage boundary of the listing.
91. See response to question 82.

Fernhill Estate

92. When will Fernhill Estate open to the public?
93. The Fernhill Estate Foundation Plan of Management to 2026 refers to "land use opportunities" such as "glamping," boutique accommodation, food and beverage, and "health spa and wellness." How will your government protect the heritage of Fernhill with all of these plans for development appearing on the planning brochure?
94. Most of the estate is on the State Heritage Register, according to page 29 of the plan of management. "The remainder is listed as a place of local heritage significance by Penrith Council." When will you put these remaining areas of Fernhill on the State Heritage Register?

Answer:

92. Fernhill Estate is now managed by Greater Sydney Parklands. The grounds of the estate are currently open for public access.
93. The NSW Government provided protection to the place with its 2018 purchase. Proposals for the conservation and activation of Fernhill Estate are a matter for Greater Sydney Parklands, including any heritage approvals that might be required under the *Heritage Act 1977* due to its listing on the State Heritage Register.
94. I am advised there is no current proposal to add additional land to the curtilage (heritage area) of Fernhill Estate. The current extent was determined when the site was first protected under the Heritage Act in 1978 under a permanent conservation (protection) order.

Signal Hill Battery

95. What is the heritage status of Signal Hill Battery at Watsons Bay?
96. Has the NSW Government taken any steps or measures to protect the Signal Hill Battery site?
97. Has the NSW Government considered formal heritage protection?
98. If yes, when? Or if no, why not?
99. As the site is in a dilapidated state, what actions are you taking to restore and protect Signal Hill Battery – in the long-term?

100. Has the government taken any steps to open the underground complex to the public, after restoring it?

Answer:

95. The Signal Hill Battery is on the Woollahra Local Environmental Plan 2014, item number 384.

96. No.

97. No.

98. Heritage NSW has not received a nomination.

99. This would be a matter for Woollahra Municipal Council.

100. No.

Appointments to Heritage Council

101. Applications for appointments to the Heritage Council of NSW closed on October 13, 2021. How many applications were received?

102. How many applications have thus far been considered?

103. Have any of the three appointments been made?

104. Who will make the appointments?

105. Will you personally make these appointments?

106. Is there any independent consultative panel to advise you on the suitability of appointments?

107. What safeguards exist to ensure that the appointments are appropriate – and free of conflicts of interest?

108. Will you exclude property developers and real estate agents from the council?

Answer:

101. 100 applications were received for appointment to the Heritage Council of NSW.

102. All applications have been considered as part of the assessment process.

103. Two of the three appointments to the Heritage Council of NSW have been made.

104. Under the *Heritage Act 1977*, the Minister for Heritage is responsible for appointing members to the Heritage Council of NSW. Under the NSW Government Boards and Committees Guidelines, a Cabinet endorsement is required before appointments are made.

105. See response to question 104.

106. I have requested an interview panel comprising of the Chair and Deputy Chair of the Heritage Council of NSW and the Executive Director of Heritage NSW to advise on the third appointment.

107. Appointments are made in accordance with the NSW Government Boards and Committees Guidelines.

108. See response to question 107.

Glenlee

109. Have you met with the local community and the Georges River Council regarding this project?

110. In response to a petition with more than 2000 signatures requesting that your government acquire and preserve Glenlee, the previous Planning Minister said that

“there is no funding available to acquire the site.” What is your response to community calls for the state to purchase the site?

- 111. Will you commit to purchasing the site?
- 112. What work has taken place since the interim heritage listing to protect the site?
- 113. When does the date of the interim heritage order expire?
- 114. Will you extend the interim heritage order to beyond the next State election?
- 115. Will you place this site on the State Heritage Register?

Answer:

- 109. Heritage NSW is working closely with Georges Rivers Council and continues to respond to questions the local community has about Glenlee.
- 110. This question should be referred to the Minister for Planning, the Hon Anthony Roberts MP.
- 111. This question should be referred to the Minister for Planning, the Hon Anthony Roberts MP.
- 112. Heritage NSW is working with Georges River Council to assess the potential state significant values of this place.
- 113. 28 January 2023.
- 114. Interim Heritage Orders are set for 12 months only.
- 115. The State Heritage Register Committee will review the potential state significant values of this place and will make a recommendation in relation to State Heritage Register listing.

Loftus Junction Signal Box

- 116. How many heritage listings were removed last year?
- 117. How many heritage listings were removed in 2011-12?
- 118. How many heritage listings were removed in 2012-13?
- 119. How many heritage listings were removed in 2013-14?
- 120. How many heritage listings were removed in 2014-15?
- 121. How many heritage listings were removed in 2015-16?
- 122. How many heritage listings were removed in 2016-17?
- 123. How many heritage listings were removed in 2017-18?
- 124. How many heritage listings were removed in 2018-19?
- 125. How many heritage listings were removed in 2019-20?
- 126. How many heritage listings were removed in 2020-21?
- 127. What were the formal reasons for the removal of the Loftus Junction Signal Box for the State Heritage Register?
 - a) What will be built in its place – if the approval is granted and it is removed?
- 128. What will happen to the box if heritage protection is removed?

Answer:

- 116. None.
- 117. Five.

118. Five
119. 27.
120. None.
121. One.
122. One.
123. None.
124. None.
125. None.
126. None.
127. The Loftus Junction signal box has been assessed as having local rather than state significance. The item cannot be protected from vandalism in its current position as it is too close to a railway track for a security fence to be built. It is also at increased fire risk associated with climate change due to its proximity to Royal National Park.
- a) This question should be directed to the Minister for Transport, the Hon David Elliott MP.
128. I am advised Sydney Trains has made plans (subject to approval) for the signal box to be moved to Sydney Tramway Museum at Loftus, where it can be repaired and conserved before being gifted to the museum. The museum is eager to accept it and make it accessible to the public. Sydney Trains considers relocation essential to the item's long-term conservation and have funding available to cover the conservation and relocation works

Aboriginal Heritage

129. Given your predecessor declared that one of his "key projects" was to "overhaul Aboriginal cultural heritage legislation," labelling the current "legislative position... wholly unsatisfactory", does your government plan to create specific legislation for Aboriginal Cultural Heritage?
130. Will you adopt recommendations from the Inquiry into the Heritage Act which states that:
- a) Recommendation 7: "two members of the Heritage Council of NSW must be an Aboriginal man and an Aboriginal woman, with expertise in Aboriginal cultural heritage;" and
- b) Recommendation 16: "That, as a matter of priority, the NSW Government progress the reform of Aboriginal cultural heritage legislation in tandem with the review of the *Heritage Act 1977*."

Answer:

129. My predecessor as Minister for Heritage was also the Minister for Aboriginal Affairs. My colleague, the Hon Ben Franklin MLC, is now the Minister for Aboriginal Affairs and in this role has lead responsibility for the Aboriginal cultural heritage reforms. I fully support the NSW Government's continuing priority commitment to develop new legislation for the regulation of Aboriginal cultural heritage.
130. The NSW Government response to the recommendations of the Heritage Act Inquiry gives a clear statement of support for Recommendations 7 and 16.
- a) The NSW Government has committed to increasing Aboriginal representation on the Heritage Council of NSW to include an Aboriginal man and Aboriginal woman with expertise in Aboriginal cultural heritage.

b) The Heritage Act reforms and the Aboriginal cultural heritage reforms are both being developed in close association with each other. The parallel process, which began from the earliest point of the Heritage Act review, will continue.

Massacre sites

131. What massacre sites are under consideration for heritage listing?
132. How many Aboriginal massacre sites are officially protected in NSW? Please list them.
133. How many Aboriginal massacre sites are under consideration for protection?
134. What is the status of the Appin massacre site near Campbelltown and does it have any protection?

Answer:

131. The Heritage Council of NSW has adopted First Nations heritage, including frontier conflict sites, as one of its priority areas for listings and has established a working group to guide this work, including identifying potential places for listing on the State Heritage Register. The Appin Massacre cultural landscape is currently under consideration for listing.
132. There are three Aboriginal massacre sites afforded protection either under the *Heritage Act 1977*, by being listed on the State Heritage Register, or the *National Parks and Wildlife Act 1974*, by being declared an Aboriginal Place:
 - Myall Creek Massacre and Memorial Site (State Heritage Register listed)
 - Waterloo Creek Massacre Site (State Heritage Register listed)
 - Mount Dispersion Massacre Site (Aboriginal Place).
133. There is one Aboriginal massacre site under consideration for State Heritage Register listing – the Appin Massacre cultural landscape. There is one Aboriginal Place proposal under consideration for the Blackmans Point Massacre Site, near Port Macquarie.
134. Heritage NSW is working with Aboriginal communities and cultural advisors to articulate the heritage values of the Appin Massacre cultural landscape and propose a curtilage. Inter-agency discussions are ongoing around the Greater Macarthur 2040 Interim Plan and infrastructure planning to steer best heritage outcomes for the site. There are State Heritage Register and Local Environmental Plan listed items in the area, however, as a whole, the massacre site is not currently protected under heritage legislation.

Blue Plaques

135. How many nominations for blue plaques have you received?
136. How many have been rejected?
137. Who determines whether a blue plaque will be approved?
138. How many of the nominations have been rejected by the Minister and his office?
139. Is there an independent panel?
140. What are the historical and heritage credentials of the individual or group of individuals involved in determining whether a blue plaque will be approved?
141. What is the timetable for the initial round of blue plaques to be approved and then installed?

142. Do you plan to hire any more staff in addition to the three you have currently working on this program?

Answer:

135. 763 nominations have been received.

136. I will be announcing the outcome of the nominations process shortly.

137. Heritage NSW put forward a list of suitable nominations to me, recommending them for approval. I make the decision to approve a plaque.

138. I will be announcing the outcome of the nominations process shortly.

139. No. The nominations are reviewed by Heritage NSW against publicly available eligibility criteria, as well as for historical accuracy and other considerations listed in the Blue Plaque program guidelines.

140. Heritage NSW engaged independent professional historians to fact check the eligible nominations. Heritage NSW staff put forward a list of suitable nominations to me, recommending them for approval.

141. I will be announcing the outcome of the nominations process shortly. Heritage NSW intends to install the first round of plaques in the second half of 2022.

142. Heritage NSW has approval to fund four staff positions for the Blue Plaques program until June 2023. The fourth position will be filled by April 2022. This level of resourcing is to ensure that Heritage NSW can effectively manage public interest while also delivering high quality community engagement and communications, working with property owners and supporting me.

Minerva Theatre and Roxy Theatre

143. Is the NSW Government still planning to acquire the Minerva Theatre?

144. Are you planning to acquire the Roxy Theatre?

145. What steps has the government taken to protect the Roxy Theatre?

a) Does the Roxy Theatre have any heritage protection at the moment?

i. If yes, what level?

ii. If no, why not?

146. What is known about the historic colonial site beneath the Minerva Theatre?

147. Is there an Aboriginal site or convict or colonial site beneath the Minerva theatre?

a) What is known about it?

148. What steps have been taken to preserve any historic sites beneath the Minerva Theatre?

149. Will this impact on the planned renovations of the Minerva Theatre?

Answer:

143. This question should be referred to the Minister for the Arts, the Hon Benjamin Franklin MLC.

144. This question should be referred to the Minister for the Arts, the Hon Benjamin Franklin MLC.

145. The NSW Government has assessed and made recommendations to the Heritage Council of NSW on several Integrated Development Applications for the development of the Roxy Theatre in Parramatta. To date, only a minor refurbishment in 2003 has been considered consistent with conserving the heritage values of the building. More

ambitious development such as the 33-storey tower proposed for the rear of the building was rejected by the Heritage Council of NSW in 2018.

a) Yes.

i) The Roxy Theatre in Parramatta is listed on the State Heritage Register as SHR No. 0711 for its state level heritage values. It is also listed on the Parramatta Local Environment Plan 2011 as an item of local heritage significance

ii) Not applicable.

146. The Minerva Theatre is known to have been built on land formerly the site of Orwell House. The theatre was built in about 1929–30 and was a substantial early building in Colonial Potts Point.

147. Yes. Orwell House, c1829–30. There are no known Aboriginal sites in the immediate vicinity of the Minerva Theatre.

a) The Colonial period Orwell House once existed on the site and was previously demolished.

148. The proponent is undertaking appropriate due diligence and has sought an Aboriginal Heritage Impact Permit from Heritage NSW under the *National Parks and Wildlife Act 1974* to manage any impacts. A permit has already been sought and granted for wide area archaeological excavations under the *Heritage Act 1977* to determine whether any elements of Orwell House survive within the development area.

149. The combined Aboriginal archaeological program and historical archaeological program will take about two weeks once all approvals have been granted. The proponent is aware of the timeframes and has factored this into the development program. The presence of any State significant archaeology may inform the final design for the building's below ground design, such as footings.

Jenolan Caves

150. What steps are being taken to preserve and restore the Jenolan Caves historic site and its buildings?

Answer:

150. The Jenolan Caves Reserve Trust (the Trust) manages the Jenolan Caves and associated infrastructure (including the historic buildings).

The Jenolan Caves are protected under the *National Parks and Wildlife Act 1974*, forming part of the Jenolan Karst Conservation Reserve. The Jenolan Karst Conservation Reserve Plan of Management (2019) contains actions to protect the natural environment as well as Aboriginal and historic heritage. The plan of management requires a master plan to be developed to guide the development of the main visitor precinct, the Grand Arch Precinct. To meet this requirement, a master plan for the Grand Arch Precinct is currently being prepared for public exhibition. This document will guide upgrades over the next five years to ensure a quality that matches its importance as an iconic tourism destination. All future works authorised by the plan of management and master plan will be subject to detailed design and environmental assessment as per the requirements of the *Environmental Planning and Assessment Act 1979*.

Additional protection to the heritage assets at Jenolan is afforded by *the Heritage Act 1977* that seeks to protect and conserve items of state or local heritage significance. The Trust has three primary documents that outline the actions it will take to protect the heritage assets under its care and meet its obligations under the Heritage Act. These are the:

- Jenolan Caves Reserve Trust Heritage Asset Management Strategy (2007), which is currently being updated
- Jenolan Karst Conservation Reserve draft Conservation Management Plan (2017)
- Caves House Conservation Management Plan (2022).

Under the guidance of these documents, the Trust undertakes an annual works program to maintain the heritage buildings and structures under its care. In addition, a project is underway to refurbish Caves House, funded by an \$11 million grant from Restart NSW. This project is due for completion in early 2024.

Bushfires

151. How many historic sites have been damaged or destroyed by the recent bushfires?
152. What did your government do about heritage sites destroyed by bushfires?
153. How much funding have you allocated to restore heritage sites damaged by bushfires?
154. How much funding have you allocated to protect heritage sites from future bushfires?
155. What advice did you receive about best practices in terms of heritage following the 2019/20 bushfires?

Answer:

151. Only one State Heritage Register listed site was directly impacted by the 2019–20 bushfires, the Kiandra Courthouse/Chalet in the Snowy Mountains. Heritage NSW did not obtain data on the number of locally listed heritage items impacted by the fires as they are managed by local councils through their Local Environmental Plans.
152. The NSW Government offered NSW Heritage Grants – Emergency Works funding for any impacted declared Aboriginal Place or item on the State Heritage Register or subject to an Interim Heritage Order, that was impacted by the bushfires.

Heritage NSW provided specialist advice on Aboriginal Cultural Heritage site impacts and safeguarding cultural values, and on permit approvals and exemptions under the *Heritage Act 1977* and *National Parks and Wildlife Act 1974*. Heritage NSW also advised other agencies, local councils and consultants on assessing impacts and heritage work during the recovery phase and provided heritage spatial data to the State Emergency Operations Centre to overlay with bushfire mapping data.

Heritage NSW enabled the fast tracking of any heritage approvals required to assist make-safe or conservation outcomes, although these were not sought.
153. More than \$4.9 million was invested in 188 projects in local government areas affected by declared natural disasters in the 2021–23 NSW Heritage Grant funding round. \$76,380 was allocated to two projects to mitigate the impact of the 2019–20 bushfires.
154. \$5.9 million was allocated to the 2021–23 NSW Heritage Grant funding round which prioritised recovery and preparedness for natural disasters including the bushfires.
155. Heritage NSW and the Heritage Council of NSW met with key bodies such as Public Works Advisory, International Council on Monuments and Sites (ICOMOS), affected local council heritage staff and the National Parks and Wildlife Service to promote inspection, documentation, and recovery of potential fire affected heritage assets by relevant bodies. Heritage NSW provided its statewide heritage mapping data to the NSW recovery bodies to assist identification of heritage places that might have been affected by fire events, or damaged in fire clean-up activities.

Heritage staffing and budget

156. What is the total annual budget of Heritage NSW?
- a) How many staff are employed at Heritage NSW?
157. For all of the other bodies and agencies within your portfolio:
- a) What is the total annual budget for each of them?
- b) How many staff are employed by each of them?

Answer:

156. The 2021–22 budget for Heritage NSW is \$28.84 million.

- (a) As at 15 March 2022, Heritage NSW has 137 full time equivalent (FTE) employees.

157.

- (a) The total annual budget for the Planning and Environment Cluster for 2021–22 is \$7.1 billion (including \$995 million in Capital Expenditure). This includes \$349 million for the NSW Environment Protection Authority (EPA); \$53 million for the Biodiversity Conservation Trust (BCT) and \$51 million for the Environmental Trust.

The total annual budget for the Jenolan Caves Reserve Trust for 2021–22 is \$11 million.

The total annual budget for Taronga Conservation Society Australia (including the Taronga Foundation Operations) for 2021–22 is \$117.3 million.

The total annual budget for the Lord Howe Island Board for 2021–22 is \$17.5 million.

- (b) As at 28 February 2022, the Planning and Environment Cluster has 9566.3 FTE employees. This includes 766.03 FTE for the EPA and 119.2 FTE for the BCT.

As at 28 February 2022, there are 62.21 FTE for Jenolan Caves Trust.

As at 1 March 2022, there are 505 FTE for Taronga Conservation Society Australia.

As at 14 March 2022, there are 41.93 FTE for the Lord Howe Island Board.

The Environmental Trust does not employ staff and is managed from within the Department of Planning and Environment.

Walking tracks in the Illawarra Escarpment State Conservation Area

158. How much of the \$80 million committed to establishing the Great Southern Walk is allocated to the Illawarra Escarpment in 2021/22 financial year?
- a) What are the details of this work?
- b) How much of the work has been completed?
159. How much of the \$149.5 million committed over four years announced by the Government in June 2019 for improving NSW National Parks has been spent on improving national parks and walking trails in the Illawarra in the 2021/22 budget?
160. What are the details of the work the Government has completed to maintain, upgrade and improve walking trails and visitor facilities in the Illawarra this financial year?

161. Given that work is scheduled to commence on the Illawarra Escarpment Mountain Bike Network in 2022, what resources has the government allocated to fund environmental conservation work to support the new network this financial year including:
- a) resourcing for increased staffing such as Rangers;
 - b) remediation of impacted areas from unsanctioned trails;
 - c) environmental conservation activities to address the impact of invasive species such as weeds and feral deer;
 - d) ongoing management of the environmental values of the Escarpment?

Answer:

158. In 2021–22, the Government announced funding of \$80.36 million over three years for two great walks projects, including \$30.86 million for the Great Southern Nature Walk.

a) Financial breakdown of the Illawarra Escarpment components of the Great Southern Nature Walk:

- i. Illawarra section of the walk: \$6.892 million (\$1.5 million in 2021–22).
- ii. Illawarra mountain biking: \$13.4 million (\$1.3 million in 2021–22).

b) Work completed to date in 2021–22:

- i. Illawarra section of the walk: \$297,000 of \$1.5 million.
- ii. Illawarra mountain biking: \$400,000 of \$1.3 million.

159. The \$149.6 million Improving Access to National Parks program allocated \$2.8 million to projects in the Illawarra. \$1.3 million was delivered prior to 2021–22, with \$130,000 planned for 2021–22 and \$1.32 million planned for 2022–23.

160. Upgrade works funded under the Improving Access to National Parks program completed in the Illawarra Escarpment State Conservation Area in 2021–22 include planning and approvals (environmental assessment and preparation of technical specifications), engaging contractors and purchase of materials for the Sublime Point and Mt Keira Ring walking tracks. In addition, the National Parks and Wildlife Service (NPWS) staff have undertaken ongoing cyclic maintenance throughout the year across walking tracks and visitor facilities in the Illawarra. The works undertaken include clearing vegetation, minor drainage, replacing steps, signage repairs and routine engineer inspections and repairs to structures.

161.

a) As at January 2022, NPWS has 2030 Full Time Equivalent (FTE) employees, an increase of over 20 per cent since July 2019. This includes five additional roles in the Illawarra area. The additional staff are focused on delivering capital infrastructure projects, conservation projects and increasing the amount of hazard reduction burns to improve the safety of communities from bushfire.

b) Planning for the remediation of unsanctioned trails will be undertaken as part of the implementation of the Illawarra Escarpment Mountain Bike Strategy, which is expected to be finalised later this year. As part of the implementation, it is proposed that mountain bike trails not in the strategy will be closed and rehabilitated. The NSW Government has provided \$13.4 million over three years to June 2024 to complete the Illawarra Mountain Bike Network, including closure and remediation of illegal tracks.

c) In 2021–22, NPWS has allocated \$15,000 to feral deer control and \$10,000 for weed control in the Illawarra.

d) NPWS will continue to work with other agencies, land managers and committees such as the Illawarra Bush Fire Management Committee and the Illawarra Wild Deer Management Committee to manage the escarpment's environmental values. In 2021–22, NPWS has allocated \$80,000 for fire trail maintenance, \$18,000 for fire operations and \$50,000 for assessment and remediation of geohazards in the Illawarra.

Deer control in the Illawarra

162. In relation to the decision by the Government to double the pest eradication fund in NSW as part of the 2020/21 budget;

- a) Has there been any increase in the funding allocated to the National Parks and Wildlife Service for deer management in the Illawarra Escarpment State Conservation Area as a result of this decision?
- b) Has the National Parks and Wildlife Service increased its contribution to the Illawarra Wild Deer Management Program as a result of this decision?
- c) How much money has the National Parks and Wildlife Service spent on wild deer management in the Illawarra this financial year?
- d) What resources has the National Parks and Wildlife Service contributed to the Illawarra Wild Deer Management program this financial year?

Answer:

162.

- a) NPWS expects to spend approximately \$15,000 on deer management in the Illawarra Escarpment State Conservation Area this financial year, which is an increase of approximately 50 per cent.
- b) The National Parks and Wildlife Service (NPWS) has not increased its contribution to the Illawarra Wild Deer Management Program but continues to work with partners, including Local Land Services, Wollongong City Council and the Royal Society for the Protection of Cruelty to Animals, together with local businesses and landholders, to control feral deer in the Illawarra region. This cooperative approach is being guided by the Illawarra Wild Deer Management Program.
- c) No funds have been spent this financial year to date, however NPWS will expend \$15,000 on a contractor for deer control in the Illawarra Escarpment State Conservation Area this financial year.
- d) NPWS is contributing to the work of the Illawarra Wild Deer Management Program this financial year with the commitment of \$15,000 to NPWS-managed deer control work to be undertaken by a contractor in the Illawarra Escarpment State Conservation Area.

Food and Garden Organics

163. The NSW Waste and Sustainable Materials Strategy 2041 mandates that all households must have a separate collection of food and garden organics by 2030. Will the \$65 million set aside to achieve this target be sufficient?

Answer:

163. Since 2013, the NSW Government has invested \$105.5 million to divert food and garden waste from landfill under Waste Less, Recycle More. Under the Waste and Sustainable Materials Strategy 2041, a further \$65 million has been committed commencing 2022–23 to support the rollout of new food and garden collection

services. An additional \$4 million in funding will support food donation infrastructure and equipment. The NSW Government will monitor progress against the mandate.

Disability Employment

164. How many employees who identify with having a disability are employed by:

- a) Department of Planning and Environment
- b) Natural Resources Commission
- c) Environment Protection Authority
- d) Independent Planning Commission
- e) Water NSW
- f) Essential Energy
- g) Hunter Water
- h) Sydney Water
- i) Landcom

165. How many senior managers who identify with having a disability are employed by:

- b) Natural Resources Commission
- c) Environment Protection Authority
- d) Independent Planning Commission
- e) Water NSW
- f) Essential Energy
- g) Hunter Water
- h) Sydney Water
- i) Landcom

Answer:

164-165 As at 28 February 2022, in the Department of Planning and Environment, 256 employees identify with having a disability. 13 senior managers at Public Service senior executive level, or equivalent, identify with having a disability.

As at 28 February 2022, in the NSW Environment Protection Authority, 17 employees identify with having a disability. One senior manager at Public Service senior executive level, or equivalent, identifies with having a disability.

For all other agencies, the question is best directed to the relevant portfolio minister.

Questions from the Hon Mark Pearson MLC

Grey-headed Flying Foxes

166. Given that grey-headed flying foxes are a keystone species and night-time pollinators vital to the existence of our eucalyptus forests and native fruit trees, how much NSW government funding has gone into protecting grey-headed flying foxes in NSW over the last ten years?
167. How many “mass death” events of flying-foxes have occurred in NSW in the past 20 years and
- which years did these take place in, and
 - what were the reasons for these deaths?

Answer:

166. Approximately \$17 million.
167. There have been 13 mass mortality events in NSW in the past 20 years.
- The events occurred in 2002, 2003 (two events), 2004 (two events), 2005, 2006, 2013, 2014, 2016, 2019, 2020 (two events over the summer of 2019-20).
 - The events were typically caused by heat stress and two were caused by a food shortage

Wombats

168. Given that the Minister claims to support a “national approach” to combatting mange in wombats, can the Minister clarify what he sees as the role of the NSW government in combatting mange?
169. Given that the Minister has stated that bare-nosed wombats are not threatened in NSW and that the National Parks and Wildlife Service “actively manages threats to their populations, can the Department provide
- their best estimate as to the percentage of wombats in NSW that are affected by mange in NSW and
 - how was this estimated?
170. How much funding has the Department provided the University of Sydney and University of Tasmania, respectively, over the last 5 years to conduct research on mange?
171. Has the Department provided funding to wildlife charities to treat mange in wombats over the last 5 years and in particular, can the Department advise:
- which wildlife charities received funding and
 - how much funding each charity received?
172. Given that the National Parks and Wildlife Service is working with the University of Sydney to assess mange in wombats using 10 years of data, can the Minister give an indication of when final study results will be made public?
173. Given that the National Parks and Wildlife Service is working on a Bravecto trial in the Bents Basin area, and taking into consideration that several wildlife carers I have spoken to say Bravecto is not a “magic bullet” and that funding must be spread across several avenues, can the Minister advise:
- how much funding is going toward Bravecto

- b) how much funding is going toward Cydectin (moxidectin)?
174. Given the Minister says the Government has dedicated \$6.25 million toward its Volunteer Wildlife Rehabilitation Strategy, can the Minister state how much of this funding will be dedicated to munge and
- a) which wildlife rescue groups will receive what amount of funding
 - b) which wombat-focused rescue groups will receive what amount of this funding?
175. In a letter dated 28th February 2022, the Minister mentioned meeting with wombat wildlife carers on the 8th February 2022. To which group(s) did these wildlife carers belong?
176. Given the APVMA has allowed “persons general”, such as landholders, to treat wombat munge:
- a) why does the National Parks and Wildlife Service continue to restrict munge treatment activities to trained wildlife carers?
 - b) will this be the case going forward?
177. Given the spot-on treatment Fluralaner and its potential utility as a treatment for munge in free- living wombats is at initial experimental stage and requires handling of wombats to apply, and given there is no minor permit for its use provided by the APVMA:
- a) will the National Parks and Wildlife Service support the higher dose minor permit held by the Wombat Protection Society of Australia with the APVMA using pour-on moxidectin until appropriate efficacy, application and dose rates of Fluralaner are established?
 - b) If not, why not?
178. Given many wombat carers say that the treatment options that work in the field are different to the treatment methods that academic sample studies promote, can the NPWS advise how many wombat carers or groups NPWS has consulted with in formulating policies on the treatment of munge in wombats?
179. Has the Depart undertaken any study of the wombat’s role in maintaining biodiversity in NSW, and if not, why not?
180. How many licenses to harm wombats did the Depart provide to landholders each year over the last 10 years?
181. In cases where the Department has given landholders licenses to harm wombats over the last 10 years, does the Department record the justifications landholders give, and if so, what was the most common justification used to obtain a license to harm wombats?
182. Under what circumstances is it lawful for landholders in NSW to fill in wombat burrows, and what precautions, if any, must be taken to avoid burying wombats alive?
183. What does the NSW Government advise concerned residents to do when their neighbours are known to be filling in wombat burrows?
184. Did the NSW Government receive a complaint about wombats being buried alive at an Exeter property in December 2021, and
- a) did the Department investigate this incident?
 - b) if not, why not?

c) if so, what did the investigation find?

Answer:

168. The National Parks and Wildlife Service's (NPWS) role is to advise, support and implement a national approach to wombat mange. NPWS works collaboratively through the national Government Roundtable for Mange in Wombats to share learnings on approaches to treat wombats with mange.

The National Environmental Science Program's Threatened Species Recovery Hub developed national guidelines for the treatment of mange in wildlife. NPWS provided input to the national guidelines and aligned the NSW guidelines for wildlife rehabilitation with the national approach. All jurisdictions agree that more information is required on mange in wombats and appropriate treatments. NPWS continues to support research into the prevalence of mange and treatment options and supports the NSW wildlife rehabilitation sector in treating wombats.

169.

a) The percentage of wombats in NSW affected by mange is not known. From 2013 to 2020, wildlife rehabilitation groups reported that seven per cent of wombats rescued were rescued due to having mange.

b) Between 1 July 2013 and 30 June 2020, a total of 8138 wombats were reported as rescued by rehabilitation groups. Of these wombats, 570 were reported as being rescued due to mange. The data is publicly available on the NSW Wildlife Rehabilitation dashboard.

170. The Department of Planning and Environment has not funded the University of Sydney and the University of Tasmania. In-kind contributions have been made by NPWS in the form of staff time and equipment.

171. The Department has not provided funding specifically for the treatment of mange to wildlife charities over the last five years.

a) Not applicable.

b) Not applicable.

172. Information from the University of Sydney study is likely to be available in early 2023.

173.

a) NPWS will spend approximately \$5000 to support the university study on the application of Bravecto and Cydectin, using different application methods to the wombats at Bents Basin State Conservation Area. This funding includes the purchase of 15 litres of Cydectin and equipment for the volunteers to apply the product. The university will fund the purchase of Bravecto.

b) As above.

174. Mange is not identified as a specific stream in the NSW Volunteer Wildlife Rehabilitation Sector Strategy. All groups and species benefit from actions implemented under the strategy to develop better standards of animal welfare, training and governance. Groups can apply for various grant opportunities according to their area of interest.

a) Not applicable.

b) Not applicable.

175. Representatives from the Wildlife Information Rescue and Education Service (WIRES) were present at the meeting.

176.

a) In NSW, under the *Biodiversity Conservation Act 2016* (BC Act), a biodiversity conservation licence is required to treat free-ranging wombats. The Australian Pesticides and Veterinary Medicines Authority (APVMA) permit does not form a defence under the BC Act. Landowners can become members of a licensed wildlife rehabilitation organisation to treat wombats with mange. NPWS works with the wildlife rehabilitation sector to streamline this process.

The use of veterinary chemicals and the treatment of wildlife should be carried out in accordance with relevant codes of practice, guidelines and training to reduce the risk of accidental injury, off-target impacts, overdose and mismanagement of wild animals. Oversight of the treatment of wombats by the wildlife rehabilitation sector will ensure consistency of treatment and compliance with legislative and regulatory frameworks. It will also contribute to accurate reports and data collection to determine efficacy of APVMA approved treatments.

b) NPWS is supportive of landowners being able to treat mange-impacted wombats, in accordance with relevant codes of practice, guidelines and training. NPWS works alongside representatives in the wildlife rehabilitation sector to facilitate landowners to be able to treat mange-impacted wombats on their property.

177.

a) NPWS does not have a role in supporting the regulation of chemicals used for the purpose of treating mange in wombats. That is the responsibility of the APVMA. NPWS supports new treatment regimens that use agreed scientific methods for wombat mange in NSW

b) Not applicable.

178. Policies around the application of APVMA approved products on wombats is carried out in consultation with the NSW wildlife rehabilitation sector.

179. No. The wombat's role in maintaining biodiversity in NSW is not currently identified as a subject needing priority research.

180. The Department is only able to access centralised data on landholder licences from 2015 to date. Licences to harm do not always permit lethal methods, there are examples where licences have been granted to alter the engineering of wombat burrows to limit access to property. The following licences to harm wombats were issued to landholders by calendar year:

- 2015: 43 licences
- 2016: 45 licences
- 2017: 83 licences
- 2018: 104 licences
- 2019: 75 licences
- 2020: 43 licences
- 2021: 32 licences.

181. Yes. The licensing system used by issuing officers requires a justification to be provided before a licence can be issued. The most common justification used to obtain a licence to harm wombats is damage to property – for example, fences or other infrastructure.

182. In NSW it is an offence under the BC Act to harm wombats. Active burrows cannot be bulldozed. A biodiversity conservation licence to harm wombats can be issued to authorise the bulldozing of inactive burrows. A burrow must not be bulldozed without

confirmation that it is inactive. NPWS suggests burrow activity be monitored daily for a minimum of a week to confirm activity.

183. Concerned residents should report neighbours that are known to be filling in wombat burrows to their local NPWS office for further investigation. Sufficient information and evidence is required to pursue an investigation.

184. Yes.

a) Yes.

b) Not applicable.

c) The complainant was advised of the outcome of this investigation.

Dingoes

185. How many dingoes did National Parks and Wildlife Service kill in 2021, and what methods were used?

186. How many licenses to harm dingoes did National Parks and Wildlife Service issue to councils and landholders in 2021?

187. Were any dingoes killed in 2021 and:

a) was there analysis post-death to determine their dingo ancestry and if so,

b) what did the results show?

Answer:

185. In 2021, the National Parks and Wildlife Service (NPWS) trapped 171 wild dogs and shot 115 wild dogs, as well as undertaking aerial and ground baiting. The term 'wild dog' refers to dingoes, feral dogs and their hybrids.

186. The dingo is not a protected animal under the *Biodiversity Conservation Act 2016*, so no licences to harm dingoes were issued by NPWS.

187. For NPWS, see response to question 185. Local Land Services coordinates wild dog control across tenures in NSW. The question should be referred to the Minister for Agriculture, the Hon Dugald Saunders MP, regarding wild dog control undertaken by other land managers.

a) NPWS works with the Department of Primary Industries, Local Land Services and researchers to collect and analyse samples from wild dogs across NSW to better understand their genetic composition. Samples are being taken from wild dog control programs across the State for genetic analysis to identify levels of dingo and feral dog ancestry.

b) The analysis of samples taken in 2021 has not yet been finalised. Previous analyses have found that in NSW approximately two per cent of wild dogs are pure dingo, approximately one per cent have no dingo ancestry, and the rest have both dingo and feral dog ancestry.

Magpies

188. How many licenses to harm magpies did the Department issue to landholders in 2021?

189. In regard to National Parks and Wildlife Service's 2003 policy "Management of Native Birds That Show Aggression to People" which Minister Griffin said the Department is working on, can the Department provide an estimate as to when this new policy will be published and come into effect?

Answer:

188. In 2021, the Department issued 17 licences to harm magpies.
189. The new policy regarding the management of native birds that show aggression to people is expected to be finalised and published by mid-2022. It will come into effect when it is published.

Wildlife Rescue

190. Many experienced and trained wildlife carers find themselves unable to legally rescue or care for wildlife in their region after leaving their local wildlife rescue group due to bullying or conflict with management or other members:
- has NPWS considered relaxing boundaries between wildlife rescue groups to enable wildlife rescuers to have a MOU with neighbouring groups and therefore be licensed by their neighbouring wildlife rescue group?
 - if not, why not?
191. Has the Department considered a wildlife care licensing program similar to South Australia which allows individuals to care for wildlife conditional upon training being undertaken by the carer?
192. What is the Department's position on:
- multiple wildlife rescue organisations operating in an overlapping area, and
 - what is the rationale for that position?
193. Has the NSW Government received any complaints regarding bushfire donations and:
- how charitable organisations have handled donations from the bushfire response?
 - what is the government doing to investigate this issue?
194. How many wildlife rescue organisations and individually licensed wildlife carers are currently licensed in the Blue Mountains Local Government Area?
195. Over the last five years, how many applications were made by members of the Blue Mountains Local Government Area to become individually licensed wildlife carers, and how many of these were accepted?
196. Of the rejected applications of individuals in the Blue Mountains seeking to become individually licensed wildlife carers, what was the most common justification for rejection?
197. Over the last five years, how many applications were made by members of the NSW public to become individually licensed wildlife carers, and how many of these were accepted?
198. Of the rejected applications of individuals in NSW seeking to become individually licensed wildlife carers, what was the most common justification for rejection?
199. How many complaints of bullying or related misconduct within the wildlife care sector has the Department received each year over the last 20 years?
200. How many complaints of funds misappropriation within the wildlife care sector has the Department received each year over the last 20 years?
201. How many licensed wildlife rescue groups or individuals are currently licensed to rescue and care for macropods in the Central West of NSW?

202. Can the NSW Government confirm if a trained and experienced wildlife carer in the Central West of NSW has attempted to obtain a wildlife rescue license from NPWS, and was refused and if so, why was their application refused?
203. How much funding has the Department dedicated toward financially supporting wildlife carers each year over the last 20 years?
204. Given wildlife rescue organisations often do not fund the immediate costs of caring for wildlife, such as food and medicine, which the carers pay themselves, would the NSW Government consider allocating each licensed wildlife carer in the state with needs-based funding? If not, why not?
205. Given that large wildlife rescue organisations such as WIRES have received a large influx in public donations since the Black Summer bushfires, does the government intend to audit the use of large amounts of donations (for example, over \$1 million per organisation)? If not, why not?
206. Can the Minister advise as to
- a) how many millions of dollars in donations were received by wildlife rescue organisations in NSW
 - b) how much of this went to wildlife carers directly and the immediate care of wildlife in direct response to the bushfires?
207. How much funding has the Department dedicated toward supporting the mental health of wildlife carers each year over the last 20 years?
208. I understand the NSW Government is funding a bushfire relief program for wildlife rehabilitators, with the National Parks and Wildlife Service managing the program which aims to support wildlife rehabilitators and the veterinary sector to recover from the 2019–20 bushfire season and prepare for future extreme events.
- a) how much of this funding has gone to mental health services specific to wildlife carers?
 - b) how many hours of counselling has this provided to wildlife carers?
209. How much of the bushfire relief program funding was given to WildTalk, a charity providing mental healthcare to wildlife carers that has provided of 800 hours of counselling to wildlife volunteers in the last year?

Answer:

190. Anyone can legally rescue an injured, sick and orphaned animal in NSW without a licence and deliver it to a wildlife rehabilitation provider or veterinarian. To possess an animal for specialist care and rehabilitation you need to be part of a licensed wildlife rehabilitation group. NSW has had a 45 per cent increase in wildlife rehabilitation volunteers over the last two years.
- a) Volunteers within a group are not constrained as to where they can rescue an animal. Under the current Rehabilitation of Protected Native Animals Policy, group members are required to live within the boundary of their group except where there is a memorandum of understanding (MOU) in place between groups. This policy is under revision and will be amended to include measures to increase flexibility for members to reside in adjacent areas without an MOU. Peak wildlife rehabilitation groups have been consulted as part of the policy revision.
 - b) Not applicable (see above).
191. NSW has over 8000 volunteers who rescue over 90,000 animals a year across hundreds of different species. Within a group model, volunteers receive structured

training, mentoring, supervision and support that aligns with the Department's standards. This ensures each sick and injured animal receives care in accordance with best practice. The model also provides for stronger community recognition of wildlife rehabilitation groups in their local area and facilitates a more efficient and coordinated delivery of services, and liaison with local veterinary hospitals.

192.

a) In some parts of NSW there are multiple overlapping rescue organisations and in other parts there is a single organisation. While the National Parks and Wildlife Service (NPWS) encourages consolidation of groups, there are circumstances, for example where specialist providers have been licensed in an area or there is a gap or inadequacy in service provision, where more than one licensed wildlife rehabilitators operate.

b) The Department's Rehabilitation of Protected Native Animals Policy takes a strategic approach to the licensing of new wildlife rehabilitation organisations with a focus on stability and consolidation of existing service providers. Key objectives are to ensure groups remain viable; limit fragmentation of service delivery; avoid confusion within the community as to who to contact for assistance; and maintain consistent standards of animal care and recordkeeping as specified under the Department's codes of practice and guidelines.

193. The NSW Government does not collate this information.

a) The NSW Government does not collate this information. Most wildlife rehabilitation providers are registered charities and report income and expenses to the Australian Charities and Not-for-profits Commission.

b) This is a matter for the Australian Charities and Not-for-profits Commission.

194. One wildlife rehabilitation organisation, the Wildlife Information Rescue and Education Service (WIRES), is currently licensed in the Blue Mountains Local Government Area. There are no individually licensed wildlife rehabilitators.

195. No formal applications have been received. The Department has received enquiries about persons seeking to become an individually licensed wildlife carer.

196. Not applicable as no applications have been rejected.

197. No formal applications have been received. The Department has received at least five enquiries about persons seeking to become an individually licensed wildlife carer.

198. Not applicable as no formal applications were received.

199. The Department does not regulate the governance of wildlife care organisations, which are incorporated associations, and does not keep systematic records of complaints about bullying and related misconduct. However, to assist organisations in the NSW wildlife rehabilitation sector handle conflicts and disputes, NPWS has recently released a Conflict Management Toolkit for the Wildlife Rehabilitation Sector in NSW: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Native-animals/wildlife-rehabilitation-sector-conflict-management-toolkit-210639.pdf>.

200. The Department does not regulate the governance of wildlife care organisations which are incorporated associations and does not keep systematic records of complaints about the misappropriation of funds. NSW Fair Trading regulates incorporated associations.

201. The Department currently licences four volunteer wildlife rehabilitation groups and two independents to operate in an area defined loosely as the 'central west'. They include Wildlife Carers Central West, Wildlife Aid, Northern Tablelands Wildlife Carers and WIRES. The independents are based in Dubbo and Coonabarabran.

202. The Department can confirm at least one group has enquired about a Biodiversity Conservation Licence for wildlife rehabilitation. This group was formerly part of Northern Tablelands Wildlife Carers. The group has been advised that WIRES, the largest and best resourced wildlife rehabilitation group in NSW, operates in that area. The Department recommended to the group that it join WIRES, which is in accordance with the Department's current policy. By joining WIRES, those persons will be able to receive access to WIRES statewide training, phone and reporting platforms.

203. The Department provides funding to wildlife carers through grants from several sources including:

- the NSW Koala Strategy
- the NSW Volunteer Wildlife Rehabilitation Sector Strategy via NSW Environmental Trust funding for the Wildlife Heroes program, Bushfire Relief Fund for Wildlife Rehabilitators, and other grant programs
- NPWS via its community group grants and funding support to the peak body, the NSW Wildlife Council
- the Marine Estate Management Strategy, Initiative 5, aimed at protecting marine wildlife.

Approximate levels of direct funding delivered to the wildlife carer sector from these programs are:

- 2020–2021: \$482,635
- 2019–2020: \$337,621
- 2018–2019: \$228,250
- 2017–2018: \$68,000
- 2016–2017: \$57,800
- 2015–2016: \$327,635
- 2014–2015: \$65,554
- 2013–2014: \$146,229.

Accurate data before the 2013–2014 financial year is not available.

I am advised Transport for NSW also provides annual funding to the wildlife rehabilitation sector.

204. In 2014, the NSW Government requested an independent panel of experts undertake a review of its biodiversity legislation including how it regulates volunteer wildlife care organisations. The panel said the Government's primary role was to set consistent, statewide standards for operation, supporting the function of local volunteer groups by providing assistance in conflict resolution, facilitating statewide training and education, and undertaking targeted compliance. The NSW Government has since developed a strategy for the volunteer wildlife rehabilitation sector. This has included targeted grants through the strategy, via the Foundation for National Parks and Wildlife's Wildlife Heroes program.

205. Organisations such as WIRES are registered charities reporting to the Australian Charities and Not-for-profits Commission. These charities must submit financial reports that have been reviewed or audited. Landmark reviews by the Australian Charities and Not-for-profits Commission found high-profile charities such as WIRES acted appropriately in responding to the 2019–20 summer bushfire disaster.

206.

a) The NSW Government does not collate this information. Most wildlife rehabilitation providers are registered charities and report income and expenses to the Australian Charities and Not-for-profits Commission.

b) See answer to 206 (a).

207. In September 2019, the Department, under its NSW Volunteer Wildlife Rehabilitation Sector Strategy, dedicated \$1.47 million to the Foundation for National Parks and Wildlife to pilot a three-year Wildlife Heroes program to help promote, support and develop wildlife rehabilitators. A focus of this program has been the development and implementation of 'Caring for our Carers' resources to support the mental health of wildlife rehabilitators. These resources are now available to wildlife carers.

208.

a) See answer at 207.

b) The NSW Government does not collate this information.

209. No funds were given to WildTalk by the Department under the Bushfire Relief Program. Funds were directed via the Foundation for National Parks and Wildlife as set out in the answer to question 207.

Wildlife and veterinary practices

210. What training or informational services, if any, does the NPWS provide to veterinary science students that study at universities, TAFE, or other teaching institutions?

211. Can the Department provide details regarding the wildlife training course they are working on with Taronga Zoo to provide training to vets?

212. Has the NSW Government considered subsidising veterinary practices to treat and care for wildlife? If not, why not?

213. Given the increasing incidence of natural disasters such as floods, bushfires, and drought, and the increasing impact of urbanisation and development on wildlife, has the NSW Government and NPWS considered establishing and funding dedicated wildlife hospitals in NSW? If not, why not?

Answer:

210. The National Parks and Wildlife Service (NPWS) does not regulate the veterinary sector or have direct input to veterinary student curricula at academic institutions. NPWS regularly consults with the Veterinary Practitioners Board of NSW about matters related to veterinary involvement with wildlife. For example, NPWS has made available to the Board its wildlife rehabilitation standards including codes of practice, training standards and initial treatment and care guidelines.

211. The NSW Government partnered with Taronga Conservation Society Australia (Taronga) to develop and deliver professional development training for vets and vet nurses in wildlife care under the NSW Koala Strategy (2018-21). Taronga developed the course in partnership with the Environment, Energy and Science Group, National Parks and Wildlife Service (NPWS) and the University of Sydney's Koala Health Hub, following consultation with veterinary and wildlife rehabilitation industry representatives. The course has been accredited by the Australian Veterinary Association and the Veterinary Nurses Council of Australia.

The course was developed for both vets and vet nurses, and specifically to upskill professionals with little previous native wildlife experience. The course focuses on skills required for the handling, immediate housing, triage, first aid, treatment and care

of (wild) Australian species. The course also covers regulation, animal welfare and legislation pertaining to wildlife. To date, nationally 289 veterinary professionals have completed the course in 2020–21 and a further 615 veterinary professionals are currently undertaking the course.

212. The priority for the NSW Government is to ensure the veterinary sector has access to best practice resources and professional development training in wildlife assessment and treatment practices. This is being delivered via the Taronga training program. To date, 427 NSW veterinary professionals have received either a full (100 per cent) or partial (46 per cent-72 per cent) NSW Government subsidy to complete the Taronga Wildlife Treatment and Care Course.

Additional assistance is also being provided to the veterinary sector for the purchase of priority equipment through the Foundation for National Parks and Wildlife 'Wildlife Heroes' program. This includes over \$26,000 in grants that will shortly be disbursed to veterinary hospitals who applied for assistance.

213. The NSW Government has provided funds to support the creation of dedicated koala and wildlife hospitals across NSW. Details can be found at: www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/koala-strategy-2018-19-annual-report-190294.pdf.

Developments impacting wildlife

214. Regarding the Kamay Ferry Wharf proposal at La Perouse,

- a) is the Department aware of any endangered species that would be impacted by the development and
- b) if so, how is the Department ensuring their protection?

215. Given Frensham School's proposed development would see 249 koala trees cleared along with the destruction of habitat belonging to wombats, platypus and at least 50 other species, can the Department explain:

- a) how such a project is allowed to proceed in a critically endangered ecological community
- b) explain if the Department has become involved in the issue and what action it intends to take?

216. Has the NSW Government received any complaints of expansive tree clearing at Gidleigh Station near Bungendore? If so, has the Department investigated, and if so what was found?

217. Given koalas are now an endangered species and are found in the Bungendore region, are environmental impact studies necessary for approval of tree-clearing at Gidleigh Station? If not, why not?

218. Did the NSW Government fund or subsidise the erection of exclusion fencing at Gidleigh Station?

219. Can the government confirm whether Lendlease have promised to build the two koala underpasses on Appin Rd, saving the NSW Government the cost?

220. What is the delay with the NSW Department of Transport approving the Appin Road underpasses?

Answer:

214.

- a) Yes.

b) The project is considered State Significant Infrastructure under the *Environmental Planning and Assessment Act 1979*. The role of the Department of Planning and Environment's Environment, Energy and Science Group is to provide advice to Planning on impacts to biodiversity values covered under the *Biodiversity Conservation Act 2016*. The Department of Primary Industries (Fisheries) is responsible for providing advice on impacts to biodiversity covered under the *Fisheries Management Act 1994*, such as fish, aquatic invertebrates and marine plants, including seagrasses. Planning assesses the project for consideration by the Minister for Planning. The Minister for Planning can approve the project with or without conditions or refuse it.

215.

a) The proposal was lodged with the Wingecarribee Shire Council as a local development and as such is a matter for Council, as the consent authority, to assess and determine under Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act). Part 4 local development under the Act must apply the Biodiversity Offsets Scheme under the *Biodiversity Conservation Act 2016* if impact thresholds are met. Council needs to ensure that any approval issued for the development is consistent with the legislation. It is the proponent's responsibility to refer actions that are likely to significantly impact on matters of national environmental significance under the *Environment Protection and Biodiversity Conservation Act 1999* to the Australian Government.

b) Council is not obliged to refer the application to the Department. Council did not alert the Department's Environment Energy and Science Group and did not request assistance or advice on this application. The Department is aware that Council did not determine the Frensham School development application but deferred the matter due to insufficient information. The proponent then took the matter/Council to the Land and Environment Court. The conciliation process did not resolve the issues and the matter remains before the Court.

216. Yes, an investigation is currently underway.

217. Gidleigh Station is in rural zoning and as such any clearing of native vegetation is regulated by Local Land Services. Consents from this authority are required for some clearing activities. Queanbeyan–Palerang Regional Council are responsible for regulating any other development on the property.

218. The Department has made enquiries and can find no record of a grant or subsidy being provided for the fencing, however investigations are ongoing.

219. This question should be referred to the Minister for Planning, the Hon Anthony Roberts MP.

220. This question should be referred to the Minister for Metropolitan Roads, the Hon Natalie Ward MLC.

Captive breeding programs

221. For which species of animals has the NSW Government funded captive breeding programs for over the last ten years?

222. Can the NSW Government confirm if a number of southern corroboree frogs bred from a captive breeding program:

- a) were released into Kosciuszko National Park and if so
- b) how many frogs were released and
- c) how many died of fungal disease?

223. What evidence-based science is the NSW Government using to establish its captive breeding programs in regards to the Booroolong frog?
224. Over the last ten years, how much money per annum has the NSW Government spent on captive breeding programs?
225. Over the last ten years, how much money per annum has the NSW Government spent on purchasing and protecting native habitat from development?

Answer:

221. The Saving our Species Program has invested in captive breeding programs for 11 species since the 2015–16 financial year. These are: the Bellinger River snapping turtle; Booroolong frog; brush-tailed rock-wallaby; eastern bristlebird; emu population in the New South Wales North Coast Bioregion and Port Stephens local government area; northern corroboree frog; plains-wanderer; regent honeyeater; smoky mouse; southern corroboree frog; and yellow-spotted tree frog.
- 222.
- a) Yes.
 - b) 100 three-year-old southern corroboree frogs were released into a new enclosure in Kosciuszko National Park in March 2022. Each year, up to 2000 captive bred eggs are released into a range of sites in Kosciuszko National Park, including the disease-free enclosures.
 - c) The frogs released into the disease-free enclosures have not died of fungal infection. It is likely that a high proportion of frogs released outside of enclosures die from fungal infection, as is the case for most wild frogs.
223. The NSW Government is using the following evidence-based science to establish its captive breeding program:
- A 25-year monitoring program that has demonstrated the vulnerability of the Booroolong frog to local extinction during extreme drought conditions that causes stream drying.
 - Husbandry protocols to look after and breed the species successfully.
 - A trial reintroduction that demonstrated that captive bred Booroolong frogs can be successfully released into the wild. Released animals will then breed and start a wild population.
 - A genetic study by the Australian Museum has identified the northern populations of the Booroolong frog as a separate taxon (likely sub-species) that will be formally described by scientists in the near future.
 - Recent surveys failed to locate populations of the Booroolong frog from the Peel River and all other streams where northern populations of this species were known to occur prior to the drought in 2019–20.
224. The Saving our Species program reports that the NSW Government spent \$3,630,918 on captive breeding for the five years from 2016–17 to 2020–21. Per annum this includes:
- 2016–17: \$914,213
 - 2017–18: \$715,709
 - 2018–19: \$559,477
 - 2019–20: \$505,282
 - 2020–21: \$936,236.

225. The NSW Government spent the following on land for addition to the national parks system:

- 2020–21: \$23,550,000
- 2019–20: \$19,310,000
- 2018–19: \$15,250,000
- 2017–18: \$7,860,000
- 2016–17: \$8,136,000
- 2015–16: \$6,000,000
- 2014–15: \$5,280,000
- 2013–14: \$6,000,000
- 2012–13: \$7,322,000
- 2011–12: \$15,023,000.

The NSW Government is also investing in private land conservation. The NSW Biodiversity Conservation Trust (BCT), established in 2017, partners with landholders to enhance and conserve biodiversity on private land, and the Government has committed \$70 million each year to fund private land conservation. Since its inception in 2017 to 31 December 2021, 340 landholders have signed or plan to sign a conservation agreement with the BCT, creating conservation areas across more than 194,000 hectares. The BCT is investing more than \$158.3 million to support these agreements.

Exclusion Fencing

226. How much money did the NSW Government give in grants to landholders to construct exclusion or cluster fencing in each year from 2015 to 2021?

227. How many kilometres of exclusion and cluster fencing have been funded by NSW Government grants or subsidies?

228. How many incidents of wildlife or other animals becoming trapped or tangled in/on exclusion/ cluster fencing has been reported to NPWS in the last five years?

Answer:

226-227. These questions should be referred to the Minister for Agriculture, the Hon Dugald Saunders MP.

228. The National Parks and Wildlife Service does not collect specific data in relation to animals becoming trapped or tangled in/on exclusion or cluster fencing.

Kangaroos

Approval Process for Commercial Kangaroo Management Plan

229. Can the Minister please advise the of the exact date on which the previous Minister for the Environment, the Hon. Matt Kean approved and/or signed the 2022-2026 Commercial Kangaroo Management Plan?

230. What is the distinction and difference between a Commercial Kangaroo Management Plan and a Wildlife Trade Agreement?

231. Can the Minister advise whether the Minister for Agriculture or the NSW Department of Primary Industries have any decision-making or veto power over any aspect of the drafting of or approval process for the 2022-2026 Commercial Kangaroo Management Plan?

232. Can the Minister explain the role and tasks required of the Commonwealth Department of Agriculture, Water and the Environment in the drafting, consultation and approval process for the 2022-2026 Commercial Kangaroo Management Plan?
233. Can the Minister explain the role of the Federal Minister for the Environment in the approval process for the 2022-2026 Commercial Kangaroo Management Plan?
234. Can the Minister advise whether a NSW Commercial Kangaroo Management Plan submitted to the Federal Minister for the Environment requires the Federal Minister's signature and approval before the Plan can become operational?

Answer:

229. The plan referred to is titled the Wildlife Trade Management Plan for the Commercial Harvest of Kangaroos in New South Wales 2022-26. The NSW Minister for the Environment has no role in approving or signing the plan.
230. There is no Wildlife Trade Agreement for commercial harvest of kangaroos in NSW. The current plan, approved by the Australian Government Minister for the Environment, on 20 December 2021, is titled Wildlife Trade Management Plan for the Commercial Harvest of Kangaroos in New South Wales 2022-26. Previous plans, dating back to 2002, were titled Commercial Kangaroo Harvest Management Plan (for a specified five-year term).
231. Neither the NSW Minister for Agriculture or the NSW Department of Primary Industries have decision-making or veto power over any aspect of the drafting of or approval process for the Wildlife Trade Management Plan for the Commercial Harvest of Kangaroos in New South Wales 2022-26.
232. A wildlife trade management plan allows the legal export of native plants and animals and is assessed against the requirements of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The jurisdiction seeking approval provides a draft plan to the Commonwealth Department of Agriculture, Water and the Environment (DAWE) for assessment. Further information on the consultation and approval process should be sought from DAWE.
233. The Federal Minister for the Environment approves all wildlife trade management plans made under the EPBC Act. Further information on how this approval is granted should be sought directly from the office of the Commonwealth Minister for the Environment.
234. Yes, wildlife trade management plans must be approved by the Australian Government Minister for the Environment for them to have any legal standing.

Questions in Regards to the Commercial Kangaroo Management Program's Confidential Audit Compliance Documents provided to the Legislative Council under an SO52 Call for Papers

235. A confidential document cited as DPIE.KHMP.0027 Kangaroo Management Compliance Audit Report 2018-19, referenced a state-wide compliance audit of the Kangaroo Management Program including surveys of animal and skin dealers, desktop audits of compliance records and surveys of harvesters, processing plant workers and compliance officers. The key findings of the report identified a significant number of concerns.
236. In 21 recorded incidents of non-compliance, 55% related to unsubmitted returns from harvesters and dealers. Would the Minister agree that with such a high rate of unsubmitted returns, the public cannot have confidence in the accuracy of the industry's figures in regards to the exploitation of kangaroos?

237. Given that one of the recommendations from the audit was to improve the monitoring of kangaroo populations, which was also a key concern of the recent Legislative Council Inquiry into the Health and Wellbeing of Kangaroos – what has been done to address this recommendation?
238. Can the Minister explain why your Departmental staff at the aforementioned Inquiry dismissed witnesses' concerns about the accuracy of population estimates despite the fact that there was an internal departmental audit recommendation to improve the monitoring of kangaroo populations?
239. Can the Minister able to provide more details of those incidents where industry harvesters and dealers failed to provide returns, including whether the auditor was still able to make an assessment as to the:
- a) numbers of macropods slaughtered
 - b) their species and
 - c) management zones
240. Of further concern was a finding that 9.5% of incidents involving a non-head shot (NHS) and illegal commercial trading being the Illegal consignment of protected fauna and kangaroo skin containing possible bullet wound in the body. Would the Minister agree that this raises concerns that NHS are more of a compliance risk than the public has been previously advised the Department?
241. The audit found a discrepancy between the claimed number of the NHS incidents by animal dealers (1-2 incident per year) and the number of federal NHS reports (23) received by the Department in 2018.
242. Can the Minister provide more details in regards to the incidents, in particular
- a) was an investigation conducted into the illegal consignment of skins with possible bullet holes
 - b) has the Department considered how to address this compliance risk of NHS for example, more inspections of carcasses and skins?
243. One of the recommendations from the audit was that there be an increase in focus on regulation of humane harvesting. Can the Minister advise what progress has been made on this recommendation?
244. Minister, in 70% of received NHS reports sampled by the audit, the Department did not take further compliance action. Minister what are you doing to increase compliance action?
245. Given that you are the Minister with oversight for both the commercial industry as well as non-commercial slaughter- are you satisfied that reports relating to the non-commercial killing of kangaroos were referred to and investigated by either the NPWS or the RSPCA?
246. Minister, the audit found that there was a lack of general awareness among the skin dealers about humane and sustainable practices due to the absence of regular compliance interactions and inspections. Do you commit to providing the resources to ensure more frequent compliance inspections?
247. Minister, the audit found that common issues for all animal and skin dealers were lack of formal training, access to standard operational procedures and a clear process for reporting NHS, underweight and untagged carcasses. Can the Minister explain how a program that has been running for 40 years has such fundamental compliance failures?

248. Minister, the audit found that 35% of harvesters admitted disregarding the rule to tag NHS and underweight carcasses and to leave them in the field.,which would have a significant impact on the accuracy of records. Does this figure concern you?
249. The audit report noted a 51-58% misalignment of data between animal dealers and chillers records on the number of carcasses and weight. Minister would you agree that these data misalignments are unacceptably high, to such an extent that the public cannot have any confidence in knowing:
- a) the accuracy of recordings of kangaroos killed
 - b) the accuracy of records of carcass weights
250. Minister, in a previous Budget Estimates hearing I raised concerns that the industry was wanting to reduce minimum carcass weight restrictions due to harvesters finding it increasingly difficult to source large, mature kangaroos due to years of over-harvesting, especially with the targeting of large males. Can the Minister assure me that in the most recent audits the Department has full confidence in the accuracy of recorded carcass weights and numbers of kangaroos killed?
251. Another of the recommendations from the audit was to move to mandatory reporting for NHS and underweights. Can the Minister advise whether this has been implemented or whether there is work in progress to fulfil this recommendation?

Answer:

235. This is not understood to be a question.
236. Kangaroo Management Program (KMP) return rates in recent years have been very high. The public should have a high level of confidence in the KMP regulation and reporting against zone and species quotas.
237. The Audit report includes a subheading 'Improve the reporting of the kangaroo population'. The report does not make a recommendation to improve the monitoring of the kangaroo population. That section of the report, under the sub-heading of 'improve the reporting of the kangaroo population' deals with how the harvested population is tracked, through the use of tags. The subsequent recommendations all relate to improving the traceability of the harvested carcasses. The Department of Planning and Environment is currently investigating digital tag technology to improve the monitoring and tracking of kangaroo carcasses.
238. See response at 237. There was no recommendation to improve the reporting of the kangaroo population. The Department is confident the population surveys undertaken by the Kangaroo Management Program are accurate.
- 239.
- a-c). When commercial tag advices are issued to harvesters they define the number of tags, the species and the commercial kangaroo management zones they are for. For those returns that were incomplete, the number of tags, species and zones could be identified. Quota is managed via allocation, so even though there were incomplete returns the harvest could not have exceeded quota.
240. There were 21 non-compliance incidences found during field audits of processing plants. Of these 21 incidents, only two (2/21=9.5 per cent) high risk non-compliances were identified, involving consignment of kangaroos containing a possible bullet wound in the body. Given the low number of incidences (2) found during the audit, the figures do not support the suggestion that non-head shots are more of a compliance risk than the Department has previously advised.
241. This is not understood to be a question.

242.

a) Yes.

b) See response to question 243.

243. Since the Audit was undertaken there have been a number of initiatives that increase the focus on preventing non-head shot carcasses being sold including:

- A new National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes was released in late 2020. All harvesters are required to comply with the new code.
- Licence conditions prohibit harvesters, Animal Dealers and Skin Dealers from possessing, selling or buying kangaroo carcasses or skins that contain a bullet wound.
- Animal Dealers are required to report all non-head shot carcasses upon discovery in their chillers or processing works.

244. In addition to the initiatives outlined in the response to question number 243, the Department undertakes routine and opportunistic inspections of chillers and processing works to identify non-head shot carcasses that have been consigned. Any non-head shot incidents are assessed for risk level using the Department's risk assessment tools and action appropriate to the circumstances is taken.

245. Complaints about non-commercial killing of kangaroos are referred to relevant compliance staff and other authorities for appropriate action. Internal guidelines outline procedures to respond to reported incidents. Complaints received via the public Environment Line are referred to the relevant local authorised officers under the *Biodiversity Conservation Act 2016* to respond. Where matters about non-compliance with the National Code of practice for the humane shooting of kangaroos and wallabies for non-commercial purposes or any other act contrary to the *Prevention of Cruelty to Animals Act 1979* are reported, staff are directed to report matters to the NSW Royal Society for the Prevention of Cruelty to Animals or NSW Police. I am advised that all matters are referred to the appropriate authority.

246. Yes, the Department of Planning and Environment's compliance officers regularly visit skin processing works.

247. Animal Dealers are currently required via their licence conditions to report non-head shot kangaroos to the kangaroo management program when they are discovered.

The conditions require the use of a specific form or other format as approved by the Department. Skin Dealers are not required to report non-head shot, underweight or untagged carcasses because they only deal in skins. Non-head shot, underweight and untagged carcasses are identified at the kangaroo carcass processing works.

248. No. Scientific research shows that non-head shot, and underweight carcasses are a very small proportion of the carcasses shot for most harvesters. Therefore, if this number was understated then it would not have a significant impact on the accuracy of records.

249. No.

a) The number of kangaroos harvested are managed, regulated, and reported according to harvester returns. Considerable effort is put into ensuring harvesters submit returns and therefore the number of kangaroos reported as harvested are accurate.

b) Harvesters are not permitted (via licence conditions) to possess or sell kangaroo carcasses that weigh less than the prescribed minimum weights. In addition, Animal

Dealers are not permitted to purchase or possess carcasses that weigh less than the prescribed minimum weights.

Regular inspections of chillers and processing works along with compliance and enforcement actions where underweight carcasses are found discourages the harvesting of carcasses lighter than the prescribed minimum weights.

250. Yes.

251. Yes. See response to Question 247 above.

Kangaroo Management Program

In the NSW 2021 quota report on p.15, DPIE announced the expansion of two commercial harvest zones being the Griffith zone and the South East zone. The Griffith Commercial zone was expanded to include the non-commercial zone of Wagga Wagga. In 2018 the eastern grey kangaroo figure for the Griffith zone was 919,282. After expansion, the 2019 figure for eastern greys increased to 1,689,268 which was roughly an increase of 45%. {CGI}

252. Why did the Department make the decision to expand this zone?

253. Does the Department acknowledge that

- a) by including an additional sqKm to the zone it will make inaccurate any population estimate and subsequent quota calculation based on the previous data?
- b) this population increase was due to the inclusion of the additional 24,480 sqKm?
- c) it gives the false impression that the kangaroo population in that zone has remained stable or appeared to increase?

254. Does the Department acknowledge that the quota report which included this new expanded zone, was last surveyed in 2019 and does not take into account the drought that persisted until 2020?

255. At the Inquiry into the Health and Well- Being of Kangaroos and other Macropods, Departmental staff acknowledged that the new zones and zone expansions had significantly changes the population base of the KMP. Ms Errington took a question on notice regarding the impact on population estimates stating that she would provide an explanation but none has been forthcoming. Has Ms Errington prepared a response and can it be made available to PC7?

256. In 2020 the eastern grey kangaroo figure for both north and south Griffith zones had plummeted to 792,957 which is a decrease of 46%. How does the Department explain this massive population fluctuation in such a short period of time and despite the expansion of the zone?

257. I have been advised of at least one instance where NPWS refused to grant a landholder a licence to harm kangaroos due to the low number of kangaroos and the landholder then contracted a commercial harvester to kill kangaroos on their property.

- a) is the Department concerned that landholders can so easily circumvent the protections for kangaroos under the Biodiversity Conservation Act?
- b) is there any formal liaison or protocols between the NPWS and the commercial industry that would prevent such flouting of protections?

258. Why haven't the minutes of the November 2021 minutes of the Kangaroo Management Program (KMP) been published?

259. In the minutes of the KMP 14th April 2021 a request was made by the Kangaroo Management Taskforce (KMT) to introduce 'skin only' harvesting; what was the explanation for that request?
260. How much is the kangaroo harvesting industry worth to the NSW economy in terms of dollars, for skins, meat and value-added products such as skin gloves and boots, excluding any calculations based on assumptions about improved agricultural yields due to the killing.
261. Can the Department explain how risk factors for climate change (such as increase prevalence of drought and bushfires) were applied in the development of the 2022-2026 Kangaroo Management Plan. that research?
262. When was the last time that the Department commissioned independent research into the health, wellbeing and sustainability of kangaroos and what was that research?
263. The KMP Annual Report 2020 states that 68% of slaughtered kangaroos were male. That leaves 32% being female of which the vast majority would have a joey in pouch or at foot. On a conservative figure of 65% of females having joeys, that means approximately 100,000 joeys were either killed or left to die.
- why is this figure not recorded in the annual reports, or taken into account for the purposes of reporting on quotas?
 - is there likely to be a change in how the Department records the fate of joeys?
264. On a review of the last three KMP annual reports, the slaughter of females has increased from 10% in 2018 up to 32% in 2020. Is the Department concerned about this rise in female deaths especially as we know that their joeys will die as well, seriously undermining sustainability of future populations? Does the Department have concerns about this rise and the loss of subsequent generations of kangaroos?
265. The 2022-2026 KMP cites research indicating make red kangaroos can reach 90kg, females 40kg, and with eastern greys; 70kg and 35kg respectively. Given the 2022 KMP lists average carcass weights at 27.3kg for males and 18.25 for females, have all the large mature kangaroos been killed and the industry must now resort to killing juveniles?
266. Has the Department reviewed the wallaroo population data in response to the recent Legislative Council Inquiry into the Health and Wellbeing of Kangaroos and Other Macropods where evidence given by an independent biostatistician resulted in a recommendation for a moratorium on the killing wallaroos?
267. Evidence was presented to the recent Inquiry into the Health and Wellbeing of Kangaroos and Other Macropods that the biological reproductive rate for kangaroos does not exceed 10%, but there has been a cull rate set at 17% of the kangaroo populations since 1982. Can the Department show how this is sustainable?
268. How much revenue is made from harvester's tags?
269. Are any staff funded through the revenue received from tags?
270. How much does it cost to administer the KMP annually?
271. There is a statement by Mr. Jason Wilson included in the forward to the 2022-2026 KMP.
- Is Mr Wilson an employee of the NSW Government
 - In what capacity does he represent First nations people?
 - On behalf of what First nations community does he speak?

- d) What Aboriginal Corporation or which Traditional Custodians does he represent?
272. In the 2022-2026 KMP the four species commercially harvested in NSW have been listed plus 'other species as per any relevant licence issued under the Biodiversity Conservation Act subsequent to the commencement of this plan.'
- a) why has this been included?
- b) is the department considering adding a new species to the commercial harvest?
- c) If so, which species?

Answer:

- 252-254. See response provided to Supplementary Question 5, Energy and Environment Portfolio Budget Estimates 2021 Hearing, Tuesday 26 October (Answers provided 23 November 2021).
255. The additional area added to the commercial kangaroo management zones does affect evaluations regarding whether the populations are increasing, decreasing or remaining stable. The most effective way to perform this evaluation is within individual zones or via considerations of long-term average kangaroo densities. All questions taken on notice during hearings and supplementary questions from the Inquiry into the Health and wellbeing of kangaroos and other macropods in New South Wales have been responded to.
256. In 2020, the total of grey kangaroos (western and eastern grey kangaroos) in both Griffith North and Griffith South commercial kangaroo management zones was 792,957. In 2019, the total of grey kangaroos (western and eastern grey kangaroos) in both Griffith North and Griffith South commercial kangaroo management zones was 1,689,268 kangaroos. There is a fall in the population in those zones of 896,311 kangaroos or 53 per cent. This population reduction is most likely due to drought at that time and/or migration from the area. The expansion of the zone is not relevant to the figures provided above as both the 2019 and 2020 populations are estimated over the entire Griffith North and Griffith South commercial kangaroo management zones.
- 257.
- a-b). See response provided to Question on Notice 6570, asked on 4 June 2021 (Answer provided 25 June 2021).
258. The minutes of Kangaroo Management Advisory Panel (KMAP) meetings are ratified at the subsequent meeting and then published on the Department of Planning and Environment's website. The KMAP is scheduled to meet in early April 2022, at which time the minutes from the November KMAP meeting will be ratified and subsequently published.
259. The Kangaroo Management Taskforce would like the commercial kangaroo management program to be able to play a more significant role in managing kangaroo populations than it currently does, particularly in very remote areas. Allowing skin only harvesting could assist industry to harvest a larger proportion of the quota and therefore play a more significant role in managing populations.
260. The total value-added worth of the NSW kangaroo industry is difficult to estimate and there have been no recent studies undertaken. Agrifutures quote a gross value of production for the Australian macropod industry for 2019–20 at \$30.5 million.
- A simple calculation of return to harvesters in NSW suggests harvesters alone earned around \$18 million (12.9 million kg @ \$1.40/kg = approx.\$18 million) from harvesting kangaroos in NSW in 2021.
261. Action 2.2 of the Wildlife Trade Management Plan for the Commercial Harvest of Kangaroos in New South Wales 2022-26 explains in detail how proportional harvest

quotas are set. Where kangaroo populations decline below the long-term average by 1.5 or 2.0 Standard Deviations, harvest quotas are reduced to 10 per cent or zero respectively. During times of severe drought or following bushfire, the Department can reduce or suspend harvest quotas if kangaroo populations are at risk of decline.

262. The Department of Planning and Environment has commissioned various research and advice over the last 20 years. These include research on the impacts of harvesting on genetics of kangaroos (2001), kangaroo management during drought (2003), analysis of the licencing framework (2017) and a review of the fauna dealer cap (2017). The reports from this research are available at <https://www.environment.nsw.gov.au/topics/animals-and-plants/wildlife-management/kangaroo-management/kangaroo-population-monitoring-and-reporting/reports-and-research>.

263.

a) The number of dependent young euthanised is not collected by the kangaroo management program. The survey methods do not count dependent young because they are usually in the pouch and cannot be seen by the counters, thus they are not included in the population estimates. In addition, the science that underpins the conservative quota calculations takes into account that a proportion of the harvested kangaroos will be female and also that a proportion of those females will have dependent young that are euthanised.

b) This is the subject of one of the Inquiry into the Health and wellbeing of kangaroos and other macropods in New South Wales recommendations. I cannot comment on that matter prior to finalisation and tabling of the Government's response to the Inquiry Report.

264. No. The Department is not concerned about the fluctuation in the percent of the harvest that is female. The proportion of the quota harvested was 26 per cent, 33 per cent and 22 per cent in 2018, 2019 and 2020 respectively. At these harvest rates there is no cause for concern.

265. Seasonal conditions strongly influence the numbers of kangaroos, the condition and therefore weight of the kangaroos and the ability of harvesters to access suitable areas to harvest kangaroos. From year to year average kangaroo weights will vary with a range of factors including seasonal conditions.

266. The Department will resurvey wallaroo populations in the Northern Tablelands commercial kangaroo management zones in August/September 2022 as per the normal Kangaroo Management Program tablelands survey schedule.

267. The Department presented credible peer reviewed scientific evidence that the 10 per cent per annum maximum reproductive rate is not correct. Please refer to the answer given to Question on Notice number 3 from the Budget Estimates hearing on 26 October 2021, recorded on page 10 of the transcript. In addition, the harvest rate of kangaroos since 1982 is well below the 17 per cent quoted in the question.

268. In 2021, 555,116 tags were issued at a cost of \$1.17 per tag, giving total revenue from tag sales of approximately \$649,485.

269. Yes.

270. The annual cost of administering the Kangaroo Management Program is approximately \$2 million.

271.

a) No.

(b) Mr Wilson is a Youaloroi and Gomilaroi man from Walgett, NSW. He was a member of the Kangaroo Management Advisory Panel as a private individual.

c) Mr Wilson does not speak on behalf of any First nations community. Mr Wilson provided a considered opinion and perspective on kangaroo management issues from a First Nations man.

d) See response to (c) above.

272.

(a) The inclusion of this sentence allows the addition of other species in accordance with a licence issued under the *Biodiversity Conservation Act 2016*, during the operation of the Wildlife Trade Management Plan for the Commercial Harvest of Kangaroos in New South Wales 2022–26.

b) No.

c) Not applicable.

In the NSW 2021 quota report on p.15, DPIE announced the expansion of two commercial harvest zones being the Griffith zone and the South East zone. The Griffith Commercial zone was expanded to include the non-commercial zone of Wagga Wagga. In 2018 the eastern grey kangaroo figure for the Griffith zone was 919,282. After expansion, the 2019 figure for eastern greys increased to 1,689,268 which was roughly an increase of 45%.

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- a) why has this been included?
- b) is the department considering adding a new species to the plan?
- c) If so, which species?

Answer:

273-292. See responses to questions 252 – 272 above.

Questions from Ms Cate Faehrmann MLC

Barrington tops

293. What is the number of feral horses within the Barrington tops world heritage area?

Answer:

293. Sections of Barrington Tops National Park form part of the Gondwana Rainforests of Australia World Heritage Area. The National Parks and Wildlife Service estimates there are at least 250 feral horses across the national park, with some of these horses also present in the World Heritage Area.

LLS Rates

294. Does the Special Purpose Pest Management rate cover flora as well as fauna?

295. Does the Special Purpose Pest Management rate pay for the use of 1080?

a) If so what is the total amount collected between 2018 to now?

296. What is the total revenue collected by the NSW Government for LLS rates annually?

Answer:

294-296. These questions should be referred to the Minister for Agriculture, the Hon Dugald Saunders MP.

Woodfire Heaters

297. What information does the Government provide on real-life emissions or health costs of brand new wood heaters installed in Australia?

298. Has the NSW Government issued any guidelines or recommendations about consulting neighbours before new wood heaters are installed?

299. Has the NSW Government issued any guidelines or recommendations on how to assist residents suffering ill health or other problems for other people's wood heater smoke?

a) If so, where can it be located?

300. Will the NSW Government work with health representatives such as CAR and Asthma Australia, and independent wood heater experts to develop a standard for wood heaters based on health costs?

301. Is the NSW Government aware of the 2021 position paper by the Centre for Air Pollution, Energy and Health Research (CAR) 'Reducing the health impacts of wood heaters in Australia: Policy implications' stating that "there is no evidence that educational campaigns have led to reduced community-wide air pollution unless they have been conducted in conjunction with programs that also reduce wood heater numbers in the community."?

Answer:

297. The NSW Environment Protection Authority and NSW Ministry of Health commissioned a study on the emissions and health costs of wood fire heaters.

Reference: Broome, R, Powell, J, Cope, M, Morgan, G, 2020, 'The mortality effect of PM2.5 sources in the Greater Metropolitan Region of Sydney, Australia', Environment International, Vol 137, 105429, [sciencedirect.com/science/article/pii/S016041201934070X](https://www.sciencedirect.com/science/article/pii/S016041201934070X).

298. No. Local councils are the approval authority for the installation of wood heaters and can use their planning powers to manage the installation of wood heaters.
299. This is a matter for NSW Health. NSW Health provides guidance on wood heaters and health: <https://www.health.nsw.gov.au/environment/factsheets/Pages/wood-smoke.aspx>.
- a) Not applicable.
300. There are no immediate plans to develop further standards for wood heaters as the NSW Government enacted an amendment to the Protection of the Environment Operations (Clean Air) Regulation to incorporate updated Australian/New Zealand Standards for wood heaters, which set more stringent emission and efficiency limits for all new wood heaters sold in NSW from 2019 . These limits were informed by feedback from the consultation to a cost-benefit analysis and economic appraisal which included health costs.
301. Yes.

Clean Air Strategy

302. Does the NSW Government expect the measures outlined in the Clean Air Strategy to reverse the increasing trend in PM2.5 pollution and achieve the 2025 National Air Quality annual and daily standards for all residents of NSW by 2025, and also achieve the WHO Air Quality Guidelines as soon as practical thereafter?
303. Does the NSW Government have a plan to achieve the National Air Quality Standards of 7 ug/m³ PM2.5 (annual average) and 20 ug/m³ (maximum 24 hour average) by 2025 for all residents of NSW?
- a) If so, what is the plan?

Answer:

302. The NSW Government will continue to undertake actions that reduce emissions of PM2.5 and PM2.5 precursors and actions that reduce the health impacts of elevated PM2.5 levels on NSW communities. The Government will continue to report on ambient concentrations of key pollutants, including PM2.5, against the health-based national standards set out in the National Environment Protection (Ambient Air Quality) Measure.
303. Yes, the Government has a plan to reduce emissions that contribute to exceedances of national air quality standards. The Government has adopted the NSW Clean Air Strategy 2021-30 as the whole of government approach to improve air quality and health across NSW. Actions in the Strategy reflect the Government's understanding that the greatest public health benefits will come from sustained reductions in long-term exposure of large populations to PM2.5 pollution. The Strategy sets out five priority areas for reducing air pollution and adverse health impacts: better preparedness for pollution events, cleaner industry, cleaner transport, engines and fuels, healthier households and better places.

Mt Canobolas

304. What is the status of the application to declare Mt Canobolas an Area of Outstanding Biodiversity?

Answer:

304. The Environment, Energy and Science Group (EES) has sought and received initial advice on the Area of Outstanding Biodiversity Value nomination for the Mount Canobolas State Conservation Area from the NSW Threatened Species Scientific Committee and the Biodiversity Conservation Advisory Panel. EES is reviewing this advice in preparation for public exhibition. Engagement with affected landholders and relevant public authorities who exercise functions in relation to the land within the proposed area is also underway. Once this engagement is complete, public exhibition is the next stage of the assessment process.

Sale of Ausgrid

305. What were the previous annual operations costs associated to the Ausgrid Environment Services of the Central Coast Region?
306. Were the Ausgrid Environment Service Units in the Sydney and Hunter Regions also closed prior to the sale of Ausgrid in 2016?
- If so, please provide the annual operational costs for environmental services of each region.
307. What systems are in place in the Central Coast Region to ensure the continuity of:
- On-ground surveys and assessment reports of threatened flora & fauna prior to maintenance works in utility easements and access roads particularly within the National Parks & Wildlife Service estate and other areas of high conservation value.
 - Consultation with representatives of Local Aboriginal Land Councils & indigenous groups in regard to the protection of Aboriginal sites within utility easements and along the road networks prior to and during maintenance and development works.
 - Field supervision of Ausgrid staff and contract workers whilst working amongst threatened species, Aboriginal & cultural heritage sites in national parks and other environmentally sensitive areas.
 - Funding & monitoring of field restoration works associated to threatened species, endangered ecological communities, and Aboriginal sites during and after the completion of Ausgrid works.

Answer:

305-306. These questions should be referred to the Minister for Energy, the Hon Matt Kean MP.

307. The National Parks and Wildlife Service (NPWS) and Ausgrid have agreed on a protocol for undertaking routine inspection, maintenance and emergency works on Ausgrid infrastructure in the NSW national park estate. The protocol provides a consistent statewide approach and streamlines administrative processes for both organisations. It is applied to national parks in the Central Coast Region. A consent under the National Parks and Wildlife Regulation 2009 accompanies the protocol and allows Ausgrid activities to be undertaken in accordance with the protocol without the need for a specific statutory approval to be granted each time works are undertaken. The consent will soon be replaced by a revised version.

A new consent for all four statewide energy providers for inspection and maintenance works (exempt development as defined by the State Environmental Planning Policy

(Infrastructure) 2007) is in the final stages of development and approval. The new consent will address works that have the potential to impact threatened species, communities or Aboriginal objects or sites.

- a) Maintenance works are exempt development under the *Environmental Planning and Assessment Act 1979* and the *Biodiversity Conservation Act 2016*. If works are being undertaken in an area with known threatened species, then consultation with, and endorsement by, the local area before maintenance works commencing is required. This will continue in the proposed new Energy Provider Consent for inspection and maintenance works.
- b) All works are required to follow the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW and this will continue under the new Energy Provider Consent. New works, development or upgrades require consultation with representatives of Local Aboriginal Land Councils and indigenous groups. However, maintenance works for utility services are considered a low-impact activity and consultation is not required under the Code of Practice.
- c) If NPWS or other appropriate authorities or aboriginal groups deems it required then field supervision of Ausgrid staff and contract workers while working among threatened species, Aboriginal and cultural heritage sites in national parks and other environmentally sensitive areas can occur. The proposed new consent still contains provisions where conditions can be added to an approval for works. For example, this can include that the works must be undertaken under NPWS or appropriate supervision; or pre-works inspections with NPWS are required. All work consents set out the process to be undertaken if previously unknown threatened species or Aboriginal objects are found and NPWS can inspect on-park works at any stage during or post works.
- d) Ausgrid is responsible for the funding and monitoring of field restoration works associated with threatened species, endangered ecological communities and Aboriginal sites during and after the completion of works. This is a condition of approval included in the new Energy Provider Consent.

Chief Scientists Reports on Campbelltown's Koalas

308. Does the recommended average width of 390 to 425 metres for the koala corridors in the chief scientists report include the 30 meter buffer either side or is the 30 meter buffer in addition to that figure?
309. Is there a minimum width for those koala corridors?
 - a) If so, what is the minimum width?

Answer:

I am advised:

308. The average width of 390 – 425 metres includes the 30 metre buffers in general, where there is appropriate fencing. Advice from the Office of NSW Chief Scientist & Engineer (OCSE) also discusses cases where there is no fencing, and also where the landscape on the far side of the corridor is farmland. This is further described below in the figure from OCSE's report on 'Advice regarding the protection of koala populations associated with the Cumberland Plain Conservation Plan'.

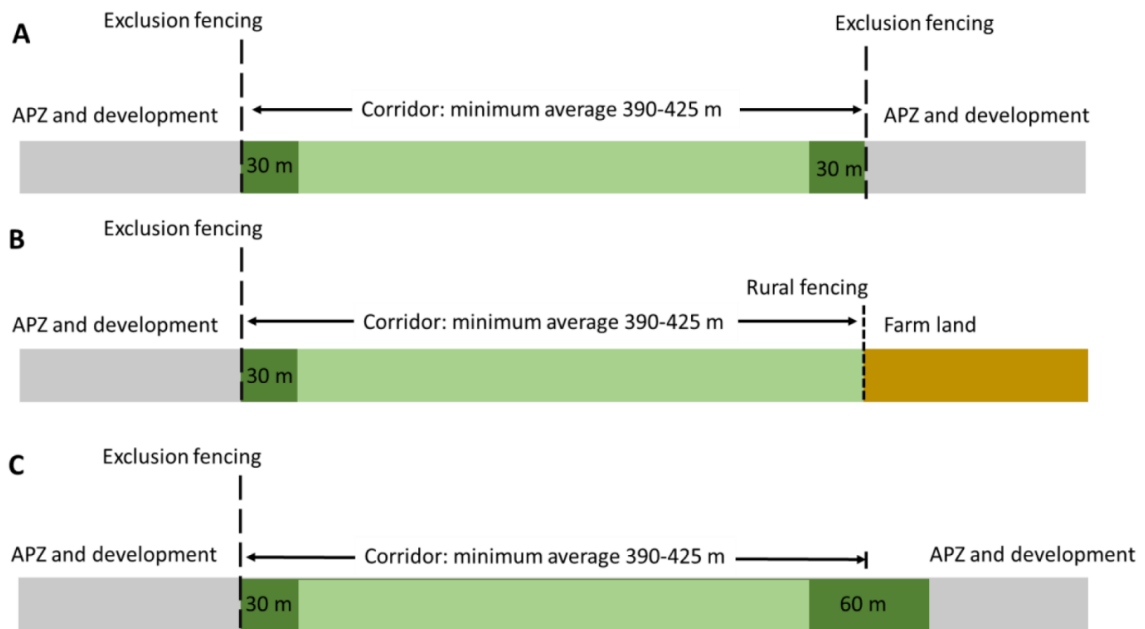


Figure 8: Recommendations for corridors. A) Development either side of the corridor, B) Development on one side and farmland on the other, C) Development on both sides, but with one side unable to be fenced.

309. The independent expert panel did not define a minimum corridor width. The advice went to defining the features that should be in a corridor and opportunities for protection within the corridor from hazards.