



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2022-2023 Supplementary Questions

Portfolio Committee No. 7 – Planning and Environment

ENVIRONMENT AND HERITAGE

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ENVIRONMENT AND HERITAGE

Questions from the Hon Mark Pearson MLC

Kangaroo Management Program

1. The Department was given a report of an incident which occurred on 30 December 2017. Individuals were selling deer and kangaroo carcasses to an unlicensed commercial meat dealer.
 - (a) Was this report investigated?
 - (b) Were any unlicensed commercial meat dealers sanctioned for trading illegally in such meat?
 - i. If yes, please itemise the date and the sanction

2. In an email from Steven Wolter to Linda Roy on the 9 January 2018, there was a discussion of a report of a person illegally selling NSW kangaroo carcasses to a Qld entity not registered in NSW and not in possession of an export licence.
 - (a) How has the Department worked to prevent this illegal activity across state borders?
 - (b) Have any prosecutions taken place?
 - i. If yes, please itemise the prosecution dates and outcomes

3. In a letter of the 11 May 2021, Ashleigh Bellotti, the North-West Investigator for Compliance wrote that she was only giving a caution, not a penalty to a person who purchased kangaroo carcasses despite not having a valid animal dealers licence or chiller premises registration:
 - (a) What are the policy grounds for giving a caution as opposed to a penalty?
 - (b) Can you provide further detail on Bellotti's statement in the letter that "more than ever, the professional Kangaroo harvesting and processing industry is under great pressure and scrutiny, and without all stakeholder and industry participants ensuring the sustainability of the program, its future remains uncertain."

4. The Kangaroo Management Program documents contained several "Statement of Witness" documents from a landholder documenting harvesting on an adjacent property circa 2011 to 2013 which includes descriptions of inhumane treatment of kangaroos: kangaroos still moving

while hung upside down, shooters beating kangaroos after they have been shot; injured kangaroos vocalising in the moments before they are killed by hand, witness seeing a kangaroo having had its throat cut after being shot, left to die by exsanguination."

(a) Were these complaints investigated?

i. If not, why not?

ii. If yes what was the outcome of these investigations?

5. Did Kangaroo Management Program staff follow up on a report from Macro Meats of a rival dealer that purchased kangaroo carcasses from seven harvesters, four of which were unregistered and supplied chest shot kangaroo carcasses at a reduced rate of 50 cents a kilo?

(a) If not, why not?

(b) If yes what was the outcome of these investigations?

6. On the 7 November 2018 Garth Coe reported to Stephen Wolter concerning a dealer paying cash to unlicensed harvesters for animal carcasses and then entering them in the chiller records under his license own details.

(a) What was the outcome of this report?

7. A 2017 audit discloses individuals purchasing kangaroo carcasses from unlicensed shooters. Documents produced under the SO52 show a draft enforceable undertaking in regards to unlicensed shooting.

(a) Is it departmental policy to prosecute all parties under these circumstances?

(b) If not, why not?

8. In a report by Garth Coe dated the 28 June 2019, two individuals were said to be operating dirty and contaminated chiller boxes as well as allowing unlicensed shooters to harvest for them. They had registering 6 new harvesters that were described as "aggressive thugs who are scaring and intimidating other compliant harvesters".

(a) What was the outcome of this report?

- (b) Are these individuals still licenced to work in the industry?
9. Kangaroo Management Program documents show a commercial harvester with an expired licence slaughtered 55 kangaroos.
- (a) What species of kangaroo were killed?
- (b) Were any sanctions applied?
- i. If not, why not?
10. In the Kangaroo Management Program documents there were reports that the Department of Primary Industries and Police had identified a harvester who had multiple breaches of the code; with allegations of making and using falsified licenses, illegal harvesting, kangaroo carcasses not stored in chillers by morning and trays blood-stained and dirty from the previous night.
- (a) Was the harvester prosecuted?
- (b) What was the outcome?
11. In another report from the SO52 boxes, a member of the public raised concerns with the Department that her former partner had his firearms license suspended and his firearms confiscated by VIC police following the issue of an Intervention Order and subsequent breaches of that Order and that he was probably continuing to shoot using someone else's firearms. The returns were cross-referenced and confirmed this activity.
- (a) What was the outcome of this matter?
12. In an email from Garth Coe to Stephen Wolter on the 19 December 2018, a report was made of an illegal drug- user with a criminal history driving and shooting kangaroos while under the influence of drugs, including shooting along public roads and stock routes. Concerns were raised that the department had nowhere to store intelligence including information, data and reports, and with no capability to monitor intelligence risk areas, or engage in proactive operations. It was stated that "regional compliance can just write off jobs without any compliance outcome" and, "that is why a recidivist offender can go un-detected".
- (a) Firstly, advise of the outcome of this concerning report about a drug-affected harvester and

- (b) Secondly is this an accurate statement?
 - (c) If not, please detail how the department manages and monitors intelligence risks and recidivist offenders.
13. The records contained a report of a commercial harvester engaging in disturbing behaviour; eviscerating kangaroos on public roadways, shining a spotlight into private homes while shooting close to their house; collecting non-commercially killed carcasses which are then consigned into commercial chiller boxes.
- (a) are any of these activities commonly complained about?
 - (b) do these activities breach licencing conditions?
 - (c) does the Department have the resources to properly investigate such complaints?
14. Reference was made to an inspection which found 44 untagged carcasses in a chiller box, plus 12 underweight carcasses. The authorised officers stated that they were “confident the harvester has no regard for the Act or the humane and correct harvesting of native fauna.” Can the Department advise under what circumstances would a harvester have their licence cancelled in regards to:
- (a) possession of untagged carcasses and
 - (b) underweight carcasses?
15. In compliance reports from September 2019, a prosecution was commenced against a person in relation to kangaroo carcasses being taken directly to QLD from NSW with the returns falsely listing the carcasses to a NSW site. The person was fined \$6000.
- (a) Upon conviction was the person’s licence revoked?
16. Kangaroo Management Records indicated that a harvester did not return over 220 tags, another failed to return 800 tags.
- (a) Is it common for such a high number of tags not to be returned?
 - (b) What impact does this have on the accuracy of record-keeping within the program?

17. In a June 2018 report, an anonymous complainant, a harvester, said he was "sick and tired" of the apparent lack of compliance investigation and monitoring by OEH. OEH Compliance does nothing to investigate the non-compliance beyond just turning up to a chiller box and inspecting it. He stated that it is a direct result of the lack of compliance officers in the field that allows non-compliance and illegal breaches to flourish.
- (a) What is the level of staffing in the compliance team within the Kangaroo Management Program?
 - (b) Is it correct that chillers are inspected at most, once per year?
18. A separate email chain a few documents later shows a Kangaroo Management Program worker admitting "all I can really do is be mindful when conducting chiller inspections as this is really all the compliance activity we are resourced and trained to do".
- (a) Does the Kangaroo Management Program have the ability to undertake rigorous and thorough compliance activities?
19. The SO52 boxes report a commercial shooter leaving the "viscera, heads, hoppers and paws in situ" after shooting in the Bourke region, then transferring carcasses in an unrefrigerated tipper trailer. If we were to butcher cattle and sheep in this way and then transport their carcasses in such a manner, there would be a public outcry.
- (a) Is there proper oversight regarding the hygiene practices of this industry?

Property Development

20. Are there any guidelines or minimum standards that are applied to Fauna Management Plans?
- (a) If none, why not?
21. Are statistics regarding development site injuries and deaths to native fauna kept?
- (a) What reports are submitted and who collates them?
 - (b) Is it the case that there are published estimates but no actual statistics are collected?

22. What responsibility do developers have in regards to Fauna Management Plans?
- (a) To whom are they accountable, when they are causing harm by removing the habitat of native fauna species?
23. Currently, it is only Threatened species that have a requirement to be included in the Biodiversity Assessment Reports that developers submit as part of their development application. Is this leaving a serious gap in the protection of native fauna that is not a threatened species harmed during land clearing by developers?

The Kamay Ferry Wharves

24. The project is a National Parks and Wildlife initiative being delivered by Transport for NSW.
- (a) How many threatened species are being impacted by this project?

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Questions from the Ms Sue Higginson MLC

Environment

25. The CIFOA Protocol 23.3 states: Retained trees must not be damaged during a forestry operation. The IFOA Protocols define “damage” as meaning the tree’s longevity or suitability to fulfil the purpose for which it has been retained under the approval has been compromised.
- (a) Can you provide any and all material used to assess damage to a retained tree in the context of the IFOA?
 - (b) Do you consider machinery operations around tree bases causing severing, loss of bark and wounding of primary roots, soil compaction, loss of bark and wounds to trunks, and loss of branches damage?
26. The CIFOA Protocol 23.3 states: If a retained tree is damaged during forestry operations, FCNSW must replace it with a comparable tree, or if a comparable tree is not available FCNSW must retain a mature tree with a healthy crown that is not damaged. In most cases there will not be additional giant trees or hollow-bearing trees surplus to retention requirements, meaning that a mature tree can be chosen to replace the damaged tree.
- (a) If a damaged giant or hollow-bearing tree is replaced, does this mean its permanent protection is removed and it can then be logged?
 - (b) If not, what is its legal status?
 - (c) Does this create an incentive to damage giant and hollow-bearing trees if they can then be logged?
27. The Natural Resources Commission’s report into forestry operations post 2019/20 bushfires tabled in the hearing and now published recommends a variation in the retention of hollow bearing trees and recruitment trees.
- (a) Have you made representations to the Agriculture Minister about the failure to increase the number of hollow bearing trees that are retained during forestry operations?

- (b) Will you make representations to the Agriculture Minister about the failure to increase the number of hollow bearing trees that are retained during forestry operations?
28. There are often insufficient hollow bearing trees to preserve in forestry operation areas and not enough younger trees are being kept as hollow bearing recruitment trees to replace trees that are dying and collapsing. Are you concerned that threatened species like the Greater Glider and Glossy Black Cockatoo have their nesting trees rapidly reduced through attrition by Forestry Corporation in their logging operations?
29. Do you think that forestry operations should be giving greater priority to habitat protections to our forest dependent threatened and non-threatened species?
30. Considering that the Forestry Corporation's hardwood sector is running operations in our public native forests at a fiscal loss for the NSW Government, is it now time to transition out of the uneconomic destruction of native forests and habitat for threatened species?
31. Will the Minister plan to build the protected area network in NSW to at least 30% by 2030?
32. Is the Minister aware that the endangered Swift Parrot has been reported as being seen in the Pilliga Forest?
- (a) What is the Minister going to do about this significant sighting?
- (b) Is the Minister concerned about the impacts the Santos gas project in the Pilliga will have on the environment at a landscape level and therefore the swift parrot and other threatened species that rely on the Pilliga environments?
33. What is the Minister doing to ensure any platypus reintroduced into Royal National Park, after they became locally extinct from the area in 2006, will be able to survive and propagate?
34. What work has been done in the Royal National Park or in the upstream collieries that would give you confidence that any reintroduced platypus would not be facing a death sentence?

35. The NSW 'wildlife and conservation bushfire recovery response' Medium-term response plan outlines actions the NSW Government will take over the next 1 to 5 years to support the recovery of biodiversity following the 2019–20 bushfires. The plan includes aerial baiting, which targets pests such as cats, foxes and also dingoes using 1080.
- (a) Is this baiting program working?
 - (b) How is this monitored?
 - (c) Which parks are baited?
 - (d) What is the total cost of this baiting program?
 - (e) How many dingoes have been killed through baiting since the start of the program?

Heritage

36. Will the Minister ensure the Heritage Values of the historic Ravensworth Homestead and Estate will be protected into the long terms?
- (a) How many interim heritage orders have been issued in the last 12 months?
 - (b) How many emergency heritage orders have been issued in the last 12 months?
 - (c) How many applications for heritage listing has the Heritage Council had before it and how many have been approved?
 - (d) How many recommendations by Heritage NSW have been approved and or denied by the Minister?
 - (e) How many approvals have there been to damage or demolish an environmental heritage item in the last 12 months?
 - (f) How much money has been committed by heritage NSW to research new items to put on the heritage register in the last 12 months?

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Questions from Mr Justin Field MLC

Biodiversity Conservation Act review

37. In reference to the Minister's statement on page 5 of the transcript regarding a "review into the Biodiversity Conservation Act", please confirm whether this review will also apply to the Local Land Services Act?

Offsets taskforce

38. Has a new offsets taskforce, or similarly named team, been established this year?
- (a) If so:
- i. What was the purpose or trigger for establishing this taskforce?
 - ii. What data was the taskforce established?
 - iii. What is the terms of reference or objectives of the taskforce?
 - iv. What group within the Department of Planning and Environment is the taskforce located?
 - v. How many people work within the taskforce?

Office of the Chief Scientist and Engineer Report: *Advice on koala protection in the proposed new Private Native Forestry Codes of Practice - September 2021*

39. Before signing off on the remake of the Private Native Forestry (PNF) codes was the Minister provided with a briefing on the findings of the Office of the Chief Scientist and Engineer Report: Advice on koala protection in the proposed new Private Native Forestry Codes of Practice - September 2021?
- (a) If yes, when was this briefing provided and how was it delivered?
- (b) If not, why not?

40. As part of the remake of the Private Native Forestry Code of Practice, has there been any agreement to review any aspect of the code based on a particular number of approvals, area of PNF harvesting or volume of PNF harvesting in a given period?

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Questions from the Hon Mark Buttigieg MLC *(on behalf of the Opposition)*

National Parks and Wildlife Service

41. What is the full budget allocated for weeds and pests management in NSW national parks?
42. How many field staff are dedicated to weeds and pests management in NSW national parks?
43. 250 additional permanent jobs for national parks were announced by the Treasurer and Minister for Environment and Heritage on 12 June 2022:
 - (a) How many of these roles have been recruited since this announcement?
 - i. How many of those were recruited from existing temporary contracts within the department?
 - ii. How many of those recruited were new to the department?
 - (b) What is a breakdown of the wage classification levels allocated for these new roles?
44. How many of each of the following types of staff are currently employed in the National Parks and Wildlife Service?
 - (a) Park rangers?
 - (b) Field officers?
 - (c) Administration staff (excluding senior executive staff)?
 - (d) Scientific staff?
 - (e) Senior executive staff (Bands 1-4)?
45. How many park rangers are employed in the National Parks and Wildlife Service?
 - (a) As permanent ongoing workers?
 - (b) As casual workers?
 - (c) On a temporary contract?

- (d) In an Aboriginal identified role?
46. How many field officers are employed in the National Parks and Wildlife Service?
- (a) As permanent ongoing workers?
 - (b) As casual workers?
 - (c) On a temporary contract?
 - (d) In an Aboriginal identified role?
47. How many Administration staff (excl. senior executive staff) are employed in the National Parks and Wildlife Service?
- (a) As permanent ongoing workers?
 - (b) As casual workers?
 - (c) On a temporary contract?
 - (d) In an Aboriginal identified role?
48. How many senior executive staff (Band 1-4) are employed in the National Parks and Wildlife Service?
- (a) As permanent ongoing workers?
 - (b) As casual workers?
 - (c) On a temporary contract?
 - (d) In an Aboriginal identified role?

Greater Glider Protections

49. What additional action has been taken by the department in NSW since the Commonwealth declared the greater glider as endangered?

Environment protection agency

50. What is the average time for a notification to the Environment Protection Authority to be allocated?
51. How many positions are currently vacant within the Environment Protection Authority?

Climate Change Fund

52. What is the full list of programs and actual expenditure under the Climate Change Fund during 2021-22?
53. The 2022-23 budget within the Department of Planning and Environment for the Climate Change Fund is reported at \$107.65 million, up from \$2.39 million estimated actual expenditure during 2021-22, what is the explanation for this substantial increase?
54. Please provide a list of additional programs and their estimated expenditure that have been allocated to the Climate Change Fund for the 2022-23 financial year?

Disability Employment

55. What is the percentage and number of employees who currently identify as having a disability employed by:
 - (a) Department of Planning and Environment
 - (b) Environment Protection Authority
 - (c) The National Trust of Australia (NSW)
56. What is the percentage and number of senior managers who currently identify as having a disability employed by:
 - (a) Department of Planning and Environment
 - (b) Environment Protection Authority
 - (c) The National Trust of Australia (NSW)

Third-party contractors or consultancies

57. For every agency, department, or state-owned corporation within your portfolio, please provide the following:
- (a) A list of all third-party contractor or consultancies engaged in communications services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
 - (b) A list of all third-party contractor or consultancies engaged in PR services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
 - (c) A list of all third-party contractor or consultancies engaged in marketing services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
 - (d) A list of all third-party contractor or consultancies engaged in Government relations or lobbying services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
 - (e) A list of all third-party contractor or consultancies engaged in industry or peak body membership, including:

- i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- (f) A list of all third-party contractor or consultancies engaged in policy or strategy development, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- (g) A list of all third-party contractor or consultancies engaged in project management, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- (h) A list of all third-party contractor or consultancies engaged in accounting and audit, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- (i) A list of all third-party contractor or consultancies engaged in legal services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid

- (j) A list of all third-party contractor or consultancies engaged in any other services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided

ENVIRONMENT AND HERITAGE

Questions from Ms Abigail Boyd MLC

Synthetic turfs

58. Does the EPA have a policy that will ensure that the environmental impacts from microplastic derived from synthetic surfacing; synthetic turf, artificial grass, soft fall and other polypropylene ground covering materials, is mitigated?
- (a) If yes, please provide this policy.
 - (b) If no, what is the Minister doing to address these impacts?
59. What evidence has the EPA collated with regards to micro and nano plastic pollution and/or litter generated from synthetic turf fields for the following calendar years:
- (a) 2014
 - (b) 2015
 - (c) 2016
 - (d) 2017
 - (e) 2018
 - (f) 2019
 - (g) 2020
 - (h) 2021
 - (i) 2022
60. Scientific research and synthetic turf industry product literature indicate that between 1500-5000kg of microplastics is lost directly into the environment from a single synthetic turf field annually. Can the EPA confirm that this is correct?
- (a) If not, what is the actual amount?
 - (b) What action/s is the EPA undertaking to address this?

61. Will the EPA place enforceable microplastic emission or pollution limits on synthetic turf fields within the surrounding perimeter of synthetic and artificial turf fields?
62. How does the EPA intend to assist regulatory agencies to remediate soil and waterways impacted by microplastic pollution generated from synthetic surfacing and artificial turf fields?
63. What checks will be established to ensure that the impacts to soil and waterways have been removed?
64. Will the EPA be the regulatory agency that investigates microplastic and nanoplastic pollution generated from synthetic turf fields?
65. What does the EPA consider to be adequate remediation of soil impacted by microplastic pollution, wood pollution or other debris generated from infill material/s utilised within or specifically derived from or with regards to synthetic turf fields crumb rubber?
66. What does the EPA consider to be adequate remediation of soil impacted by nanoplastic pollution derived from the breakdown of the synthetic fibre grass blades, utilised within or specifically derived from/to synthetic turf fields or artificial grass, exposed to UV light?
67. What does the EPA consider to be adequate remediation of waterways impacted by microplastic and nano plastic pollution derived from infill materials (including ELT crumb rubber, EPDM infill or other brand marketed polypropylene or plastic infill and the artificial grass carpeting blades) utilised within the manufacture, installation, use and maintenance of synthetic turf fields?
68. Does the EPA have a policy that will ensure NSW micro and nano plastic emissions relevant to synthetic surfacing and artificial turf fields are not increasing and starting to fall?
69. Does the EPA monitor the amounts of micro and nano plastic generated from synthetic surfacing?

70. What were the levels of microplastic pollution, and of nanoplastic pollution, generated from synthetic surfacing ground cover materials in the following calendar years:
- (a) 2018
 - (b) 2019
 - (c) 2020
 - (d) 2021
 - (e) 2022 (to date)
71. If the EPA does not monitor nano and microplastic pollution from synthetic surfacing, what is the reasoning for this?
72. What monitoring does the EPA undertake to ensure that micro plastic and nano plastic emissions generated from synthetic ground covering surfacing; artificial turf, soft fall and synthetic turf fields are being reduced?
73. Can the Minister identify how the use of synthetic surfacing within heritage listed parkland and open spaces aligns with Heritage Office, Natural Heritage Principles and NSW Architect, Design Guides for Heritage planning principles?
74. What steps will the EPA take to ensure comprehensive compliance with reporting requirements under section 144A of the Protection of the Environment Operations Act 1997(POEO Act) with regards to microplastic litter generated from synthetic surfacing and artificial turf fields?
75. How does the EPA intend to address the soil and waterways impacts relevant to 6PPD quinone derived from End of Life (ELT) rubber crumb infill utilised in synthetic turf and artificial sporting fields and recreational play spaces?
76. The NSW Government directives as detailed within the Climate Change Policy Framework for NSW commits to achieving “net-zero emissions by 2050 and to help NSW become more resilient to a changing climate”. Can the Minister outline how the continued use of synthetic surfacing aligns with this commitment, considering it is proven to increase GHG emissions and VOCs?

77. Can the Minister provide the current reporting relevant to the amount of synthetic turf, artificial grass, soft fall and other synthetic based materials or polypropylene substances used as ground covering that has been recycled, and that has been sent to landfill, for the following calendar years:
- (a) 2016
 - (b) 2017
 - (c) 2018
 - (d) 2019
 - (e) 2020
 - (f) 2021
 - (g) 2022 (to date)

**Inquiry into costs for remediation of sites containing coal ash repositories and NSW
Government response**

78. Has Dams Safety NSW published all ash dam assessments and reports undertaken?
79. Has NSW Health undertaken an epidemiological assessment of the health of residents near coal ash dams to establish the health impacts of coal ash?
- (a) When will the results be published?
80. Has the NSW EPA completed its comprehensive and independent assessment of environmental impacts of coal ash dams?
- (a) Has this been made available to the public?
81. Has the DPIE established a coal ash reuse taskforce?
- (a) Who are the representatives on it?
 - (b) Is there a community representative?
 - i. If no, why not?
 - (c) What are the findings of the taskforce to date?

82. Has Transport for NSW reviewed its procurement practices?
- (a) What are the outcomes?
83. Has Transport for NSW reviewed the construction standards for roads, in relation to ensuring that local government trials the use of coal ash in its road construction?
84. Has the partnership been established between the NSW Government and Ash Development Association of Australia, and other interested parties?
- (a) What feasibility studies have been conducted to date?
85. Is the ground and water monitoring which is independently conducted by registered agencies contracted and paid for by the NSW Government?
- (a) If no, how is it contracted and paid for?

Groundwater contamination

86. Does the EPA have full understanding of the pathways leading to groundwater contamination at:
- (a) Pikes Gully ash dam?
- (b) Lambert North ash dump?
87. When is the Lambert North leachate barrier system expected to be operational?
- (a) Does the EPA believe this project will stop groundwater contamination?
88. Does the EPA have any progress updates on the Boron and Molybdenum PRP at the Ravensworth Rehabilitation Project?
89. Why was the AGL Ravensworth pipeline upgrade granted a 12 month extension?
90. Has the EPA completed, or is it considering, any studies to assess the ecosystem bioaccumulation in Lake Liddell?

91. Considering the recent identification of offsite contamination from the Vales Point ash dump, will the EPA require Delta Electricity to produce a Coal Ash Repository Water Characterisation Report for Vales Point, as is the case for Liddell, Bayswater and Mt Piper?