



BUDGET ESTIMATES 2023-2024

Climate Change, Energy, the Environment and Heritage Portfolios

Portfolio Committee No. 7 – Planning and Environment

Answers to Questions on Notice

Hearing: 2 November 2023

No. Question

1. Eraring power station – Transcript page 8

The CHAIR: Just on Eraring, I've just got a couple of extra points there. In terms of the transparency, you're committing here and now that, if you do negotiate an agreement with Origin, you will make as public as possible all parts of that agreement that you possibly can.

The Hon PENNY SHARPE: Yes. Look, some of that is obviously subject to Cabinet and I will take on notice exactly the parameters of that, but my – from where I sit in relation to these issues is that I want as much transparency as we can provide. There are reasons why some material is not in the public domain, and I am subject to Cabinet conventions as well. So, as far as I can, yes; but in terms of what that ends up being, depending on where we land, is not something that I can commit to today.

Answer:

The NSW Government will explore opportunities to publish information once it has finished engaging with Origin to clarify any arrangements regarding the Eraring power station.

2. Net zero targets – Transcript page 9

The CHAIR: But can I just put, for the purpose of this hearing and this record, it is not clear and it is not a certain position that the 2035 target lives, in the event the Government's new bill comes into effect. That is currently subject to advice and question, and I just want to make that clear, if that's okay.

The Hon PENNY SHARPE: I accept that. I think it's a reasonable question, but I do think there's been – and I'm not saying from you, but perhaps from others – some mischief-making in relation to this. Let's just be clear: The 2035 target to reduce to at least 70 per cent was put in place as a regulation through the energy and utilities administration regulation Act. That is not in the climate change bill, but I want to make it very clear that we are not repealing that regulation; it stays in place.

The CHAIR: But the point that is at large at this moment is that the moment the board is decommissioned, there is no work for that interim party.

The Hon PENNY SHARPE: I think that's misinformation. I'm really happy to provide more information to the Committee on that.

Answer:

The Climate Change (Net Zero Future) Bill does not repeal the 2035 emissions reduction target prescribed in section 8(2)(a)(ii), or any other part, of the Energy and Utilities Administration Regulation 2021.

The Bill only confers on the Minister the power to abolish the Net Zero Board under Schedule 2, Part 2, section 2(1). This means that the 2035 target remains in the statute book unless and until it is otherwise repealed.

3. Horse management - Kosciuszko National Park – Transcript page 13

The Hon WES FANG: Minister, I've only got 10 minutes before I have to hand back to my colleagues. So I just want to cover off things quite quickly. Just confirming you did not make any commitment to aerial culling or considering, even, aerial culling prior to the election. There was no mention of it.

The Hon PENNY SHARPE: I don't believe so, no.

The Hon WES FANG: No. Minister, when did you make the decision to consider and recommence aerial culling?

The Hon PENNY SHARPE: You'd be aware. You've been watching this pretty closely. When I came into this role, I received a number of briefings from my agency on a range

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of different issues. How horse management was being undertaken in Kosciuszko was one of those. I visited the park and was very fortunate to be taken over the park. I was genuinely shocked at the impact that I saw in relation to the horses. Just let me finish.

The Hon WES FANG: Can I just ask what that date was that you visited the park?

The Hon PENNY SHARPE: I'd have to check. We can come back to you. It was early on. I'm sure that someone can probably provide that to me. But it was quite early on because I wanted to see for myself what the impact of the horses were. I was aware that the numbers had included. I, obviously, then asked the department about what we needed to do in terms of how we were travelling to meet the 3,000 requirement by 2027.

Answer:

On both 14 April and 21 July 2023, the Minister for the Environment visited Kosciuszko National Park.

4. Horse management - Kosciuszko National Park – Transcript page 17

The Hon WES FANG: Minister, why does the shooting have to start next week?

The Hon PENNY SHARPE: I don't believe that that's the case. I'll seek advice on that, but I'm not aware of that. There are signs up in the park.

The Hon WES FANG: That's my understanding.

The Hon PENNY SHARPE: I'm not sure how you know that, because that's not my understanding. But I'm happy to check and provide more information for you in the future.

The Hon WES FANG: I will check with the bureaucrats later. I'll come back to this.

Answer:

Please refer to the answer given later in the hearing by Atticus Fleming, Acting Coordinator-General, Environment and Heritage Group, recorded on page 56 of the uncorrected transcript.

5. Net zero targets – Transcript page 18

The Hon NATALIE WARD: Is it correct that the 2035 target is in the regulation only as a function of that board?

The Hon PENNY SHARPE: I'd need to take the detail of that on notice, but the point that I would make is —

Answer:

The 2035 interim target exists in regulation only through Section 8(2)(a) of the Energy and Utilities Administration Regulation 2021 (EUA Regulation). Section 8(2)(a) of the EUA Regulation operates as a mandatory consideration for the Net Zero Emissions and Clean Economy Board to consider when exercising its functions.

The target is not binding for the NSW Government and does not require any government policy development or actions to align with the target.

6. Recommendation 42, Electricity Supply and Reliability Check Up – Transcript page 19

The Hon NATALIE WARD: Minister, in your own words, "The transition in New South Wales must occur faster than anywhere else in Australia." You accepted recommendation 42:

That standard landholder agreement templates be available from the Department of Planning and Environment's (DPE) website.

No. Question

The Hon PENNY SHARPE: Yes.

The Hon NATALIE WARD: Do you know if they have been uploaded to the website yet?

The Hon PENNY SHARPE: I'd need to check with the planning Minister. I know that the secretary is here, but the point is that — I'd need to take that on notice. I don't know the answer to that.

The Hon NATALIE WARD: I will come back to that, but it's reasonably simple to upload. Even I can do that, so it might be something you could check.

The Hon PENNY SHARPE: It is, but the point that I would make is that, through the planning system, myself and Minister Scully are working really hard on how we can improve it. Whether the standard templates are adequate or need work is a slightly different matter, but you can take that up with Ms Fishburn later this afternoon.

The Hon NATALIE WARD: Maybe someone could let us know today.

The Hon PENNY SHARPE: She'll be able to tell you.

Answer:

Please refer to the answer given later in the hearing by Kiersten Fishburn, Secretary, Department of Planning and Environment, recorded on page 55 of the uncorrected transcript.

The draft Private Agreement Guideline is on exhibition at www.planningportal.nsw.gov.au/draftplans/exhibition/draft-energy-policy-framework.

7. Horse management – Kosciuszko National Park – Transcript page 22

The Hon EMMA HURST: I notice the NPWS website indicates that parts of Kosciuszko will be closed from 6 November. Is that for the pilot?

The Hon PENNY SHARPE: I will confirm this — I don't believe so, necessarily. The point is that all of the closures of the park in relation to operations are done well in advance. There are also operations for other animals that are undertaken.

The Hon EMMA HURST: Could I get you to take that on notice, please, in regard to whether the pilot will be part of that 6 November date?

The Hon PENNY SHARPE: Sure. I'm happy to do that.

Answer:

Please refer to the answer given later in the hearing by Atticus Fleming, Acting Coordinator-General, Environment and Heritage Group, recorded on page 56 of the uncorrected transcript.

8. Horse management – Kosciuszko National Park – Transcript page 23

The Hon EMMA HURST: Minister, the other suggestion that was made by Ms Galea was to ensure that the process was open and transparent. That suggestion was also rejected.

The Hon PENNY SHARPE: What do you mean by "open and transparent"?

The Hon EMMA HURST: She was talking about having an independent person in the helicopter that was also involved in the count so that there could be some sort of oversight by an external person outside of the department. My understanding is that was also rejected.

The Hon PENNY SHARPE: Can I just give you an update in relation to that?

The Hon EMMA HURST: Yes.

No. Question

The Hon PENNY SHARPE: That is a safety — there are issues with that, which are that in an operating environment with the doors open on helicopters, there need to be accredited people doing in relation to that. There are CASR requirements around that.

The Hon EMMA HURST: But couldn't somebody who is suitable, but independent from the department, be —

The Hon PENNY SHARPE: We can get you more information on this, but my understanding is that the CASR regs wouldn't allow someone who is not trained to be in an operating environment where the doors of the helicopters are opened —

The Hon EMMA HURST: But if someone was trained that was independent, that couldn't be —

The Hon PENNY SHARPE: — and are being counted. I am happy to take that on notice.

The Hon EMMA HURST: Thank you. The other point was that photos be taken and that an independent person could also look at photos, so it wouldn't necessarily require somebody in a helicopter. That was one aspect of openness and transparency that was rejected; the other one was to have somebody else in the helicopter. I am assuming if someone was trained to be able to be in an open helicopter, that —

The Hon PENNY SHARPE: I will take that on notice. I am not across the detail of the CASR regs but, sure, I'm happy to take that on notice.

Answer:

When an aircraft is low-level flying on an aerial work task, Civil Aviation Safety Authority regulations will only allow task specialists onboard. A task specialist is someone who has a task-specific function of the operation and meets the training requirements. Once the survey booms are attached, the aircraft is then placed in the restricted category with further requirements/restrictions.

The National Parks and Wildlife Service will continue to assess options for ongoing improvement to the design and operation of the survey including opportunities that arise with further advances in technology.

9. NSW kangaroo industry meetings – Transcript pages 23-24

The Hon EMMA HURST: Minister, have you ever met with the Australian consulate to New York, or any other Australian consulate office, regarding the New South Wales kangaroo industry?

The Hon PENNY SHARPE: No.

The Hon EMMA HURST: Do you have any plans to meet with them?

The Hon PENNY SHARPE: Again, I would check with my office about whether we have had a request. But I am not aware of a request, and without a request I wouldn't necessarily be having done that. The one thing that I would just advise the Committee is that since being elected I have had over 1,500 requests for meetings. I don't believe that is one of them. But if they asked, I am happy to talk to people — that's a bond.

The Hon EMMA HURST: That's all right. Could I ask you to take on notice whether or not they have reached out to your office for a meeting?

The Hon PENNY SHARPE: Yes, we will try to clarify that. I am not aware of it. But, as I said, there have been 1,500 requests and sometimes they come in from different points. I am not ruling it out, but I'm not aware of it. Yes, I will take on notice whether that's happened.

Answer:

No request has been made from the Australian consulate to New York, or any other consulate office, regarding the NSW kangaroo industry.

No. Question**10. Kangaroo industry codes of practice – Transcript page 24**

The Hon EMMA HURST: There are ongoing concerns around the killing of joeys in the commercial kangaroo industry, and the fact that the commercial code of practice actually instructs shooters to kill in-pouch young by a concussive blow to the head. Have you been in any discussions for a national change to this code?

The Hon PENNY SHARPE: To date, no. But I am aware of the issue because I was on the kangaroo inquiry and obviously we canvassed it a great deal.

The Hon EMMA HURST: Is that something that you are willing to look at in regards to a national change, or advocate in regards to New South Wales for a national change?

The Hon PENNY SHARPE: I am always looking to look at improvements when it comes to animal welfare. The short answer is yes. The longer answer is about where I am able to do that and, I suppose, where in the decision-making process I sit. I would have to take it on notice.

Answer:

The National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes was released in November 2020, by the former Australian Government. The Code incorporated new research into the humane treatment of kangaroos and wallabies and is based on the best available scientific knowledge on kangaroo welfare.

Compliance with the Code is a requirement of all state kangaroo management plans approved under the *Environment Protection and Biodiversity Conservation Act 1999*.

The Code is scheduled to be reviewed in 2026, five years after its adoption. However, if new research or other significant information becomes available, requirements and recommended procedures in the Code may change.

The Australian Government is responsible for coordinating the review and any subsequent amendment of the Code. State and territory Ministers do not have a role in the review of the Code. Jurisdictions have been represented by Department representation on the review reference group.

Should new information arise that supports a more urgent review of the Code, the NSW Government would encourage the Australian Government to bring forward the review process.

11. Electricity Supply and Reliability Check Up report – Transcript page 32

The Hon NATALIE WARD: There are a couple of things I want to come back to, Minister. In relation to privatisation, I think you'd indicated earlier that you inherited some problems because of privatisation, but wouldn't you agree the vast bulk of the generator privatisation was, in fact, undertaken under Labor's Gentrader transaction? That's right, isn't it?

The Hon PENNY SHARPE: I think I was pretty up-front with Ms Boyd when she asked me about this before.

The Hon NATALIE WARD: But that's the case.

The Hon PENNY SHARPE: Some of it was undertaken, yes. But it was completed by your Government, who doubled down across all of it. I can take you through all of the privatisation, if you'd like.

The Hon NATALIE WARD: No, that's okay. Just the vast bulk was undertaken under you.

The Hon PENNY SHARPE: I would also point out that I'm being very up-front.

The Hon NATALIE WARD: I have only got a minute.

No. Question

The Hon PENNY SHARPE: Okay. I'll let you go on.

The Hon NATALIE WARD: I want to come back to the energy check-up report. We spoke about that earlier. I just wanted to clarify that that is, in fact, on your website and not on the planning department's website. I know you're going to come back with that information, but that would be helpful.

The Hon PENNY SHARPE: I'm happy to chase that up.

Answer:

Please refer to the answer given later in the hearing by Andrew Lewis, Acting Deputy Secretary, Energy, Climate Change and Sustainability, Office of Energy and Climate Change, recorded on page 56 of the uncorrected transcript.

12. Great Koala National Park – Transcript page 34

The CHAIR: Is the NRC going to have a role in the creation of the Great Koala National Park?

The Hon PENNY SHARPE: I'd need to take on notice the detail of that in terms of how exactly they – there's an interdepartmental committee, and there's different works.

The CHAIR: I would like the answer about the NRC.

The Hon PENNY SHARPE: I'm really happy to share it with you.

The CHAIR: Are you aware of how much contest there is, by the EPA, to the credibility, the reliability and the use of the NRC's koala research work and the impacts of logging on koalas?

The Hon PENNY SHARPE: No, not the detail of that. Again, I'm aware of some of the things that you're talking about, but the actual ins and outs of that, I'm not aware of, no. But I'm happy to find out and provide you with more information.

Answer:

The NSW Environment Protection Authority (EPA) appreciates and supports the valuable work of the Natural Resources Commission (NRC). However, as with all research, the NRC's research on the impacts of logging on koalas has limitations.

The EPA has recommended that the NRC's research findings are not generalised on how koalas respond to all forestry operations as each koala population in NSW is subject to different cumulative pressures and threats and reacts differently to differing intensities and extent of harvesting operations.

13. Offshore wind zones – Transcript page 36

The Hon TANIA MIHAILUK: Whether you've done a submission or not – is that what you're clarifying? Minister, while the gentleman is looking, my concern is that the South Australian Government came out very strongly on 29 August, making it clear that they were going to oppose the proposal by Bowen for a Southern Ocean offshore wind zone along the South Australian border. They have made it clear what grounds. They've said they're concerned about the marine life, the ecosystems there, the animal life there and the potential damage to the environment and, indeed, to the fishery industry, the tourism industry and the commercial fishery industry, specifically. They clearly made their own separate evaluation to reach that point. What evaluations or studies has your department undertaken with respect to the Hunter offshore wind zone and now with respect to the Illawarra of offshore wind zone?

The Hon PENNY SHARPE: I can provide you with a little more information, which is that there was a submission made in November 2022, which is obviously prior to the election, around the initial –

No. Question

Answer:

Regarding whether the Department prepared submissions to the Australian Government about the Hunter and Illawarra offshore wind zones, please refer to the answer given later in the hearing by Kiersten Fishburn, Secretary, Department of Planning and Environment, recorded on page 56 of the uncorrected transcript. Please also see the answer to question 14 below.

In assessing the proposed areas for future offshore renewable energy projects, particularly offshore wind, the Department of Planning and Environment considered a range of information generated and collected through routine business activities and other projects, including:

- the need for consistency with certified coastal zone management plans
- potential for impacts to threatened and other species
- underwater cultural heritage impacts (e.g. historic shipwrecks)
- potential impacts on Aboriginal cultural heritage.

14. Offshore wind zones – Transcript page 37

The Hon TANIA MIHAILUK: When will you make your decision, then, Minister? You've just said to me there are no studies. You're not undertaking any separate studies.

The Hon PENNY SHARPE: No, I think I've just said to you that there have been some submissions made, which means that there has been some study –

The Hon TANIA MIHAILUK: From the last Government – from the Coalition Government – in November last year.

The Hon PENNY SHARPE: Yes. If you let me finish – and I believe that there is other work that is being undertaken, which I'm happy for the secretary to take you through if you'd like to. I'm not aware –

The Hon TANIA MIHAILUK: I'll ask him in the afternoon.

The Hon PENNY SHARPE: Well, that's what I'm saying. Don't say that there's nothing happening. There is something happening. I'm trying to provide information to you in relation to the issues that have been raised.

The Hon TANIA MIHAILUK: I'm asking whether you're going to make the submission by 15 November. Residents have been invited to make submissions by 15 November with respect to the Illawarra.

The Hon PENNY SHARPE: I'm getting that information. I'm not aware about where we're up to, but I think the answer is yes.

Answer:

On 15 November 2023, the Department of Planning and Environment made a submission to the Australian Government Department of Climate Change, Energy, the Environment and Water on the area proposed for future offshore renewable energy projects off the coast of the Illawarra region. This was in response to the Australian Government consultation process.

15. City of Sydney Council review of statues – Transcript page 38

The Hon TANIA MIHAILUK: Very good. The City of Sydney Council moved a motion on 23 October to review 25 statues. It will "undertake a review of public statues in the City of Sydney and, in consultation with local and State historical and cultural institutions, the City's Aboriginal and Torres Strait Islander and Public Art Advisory Panels and the Metropolitan Local Aboriginal Land Council, introduce alternate plaques, signage or

No. Question

other additions". Have you taken an interest in what has been proposed at the City of Sydney Council?

The Hon PENNY SHARPE: I read the media report. That's all I'm aware of. In terms of my responsibility —

The Hon TANIA MIHAILUK: Has the council approached you as the Minister for Heritage?

The Hon PENNY SHARPE: I don't believe so, no. But I'll check and confirm.

The Hon TANIA MIHAILUK: Should they intend on altering these statues in any way, as is being suggested by this motion, which was passed unanimously by that council, will you consider an interim order to protect the statues? We're talking about James Cook. We're talking about Queen Victoria — significant statues of value for the history of the people of New South Wales and, indeed, our nation. Sadly, they're all in the City of Sydney Council, but you do have the power under the Act to intervene with an interim order to prevent any alterations.

The Hon PENNY SHARPE: There's a lot in that question. What I would say is the following: It's a matter for the council in relation to their matters and whether they actually have local listing or not. If they don't have State Heritage listing, I do not have power over them. I'm not sure which of those statues do have and whether they do — I'm happy to provide that information — so that would be where I would have a role in relation to that. I don't believe that the City of Sydney has contacted my office.

Answer:

City of Sydney Council has not approached the Minister for Heritage or Heritage NSW on the issue of the statues in question.

Activities and works to State Heritage Register items require approval under the *Heritage Act 1977*. City of Sydney Council hold delegation from the Heritage Council of NSW to approve works to State Heritage Register items that would not have a major adverse impact on the heritage significance of the item.

Interim heritage orders could be considered if a statue had potential heritage significance, did not have heritage protection, and was under imminent threat.

16. Nature Positive Farming program – Transcript pages 39-40

The Hon NATALIE WARD: Welcome back, Minister. Can I talk about the Local Land Services review? Recommendation 4.2 of the Local Land Services review calls for the expansion of incentives to landholders to "enhance native vegetation through a nature positive approach". Do you agree with that recommendation?

The Hon PENNY SHARPE: As I said to you, these were two reviews that we inherited from the previous Government. They were undertaken and started — and finished, really — in June, which was as a result of what was required under the previous Government. Our response is working through in a whole-of-government way. We're not saying yes or no to the individual recommendations in relation to that. We're working through that, and next year we'll have the Government response.

The Hon NATALIE WARD: Given it is a recommendation of the review, I'm interested in why you deferred for four years the nature positive farming program, which would have achieved those outcomes.

The Hon PENNY SHARPE: It's for exactly that reason, which is that this had not been undertaken. Some of the ways that we're looking at how we can manage that — I don't know whether you were here when I was talking to Ms Higginson before about my desire to really work across land tenures and work very closely with private landholders. Yes, we've deferred that, because part of that work will be undertaken as a result of the outcomes of the review that we've got.

No. Question

The Hon NATALIE WARD: While the review is being undertaken and the Government formulates a response, and then you get time, this work could have been undertaken during that time. If you're not spending the \$200 million set aside for that program, where are you spending those funds?

The Hon PENNY SHARPE: I'd have to take that on notice and come back to you.

The Hon NATALIE WARD: Prior to your decision to delay the \$206.2 million nature positive farming program, did the Minister for Agriculture make any representations to you to keep that program?

The Hon PENNY SHARPE: No, I don't believe so. Some of those decisions were taken as a result of actually dealing with the budget that we inherited. We have had to make some pretty tough decisions in relation to the budget. I inherited a situation where 85 biodiversity officers were about to lose their jobs in June. We've had a range of issues in dealing with that.

The Hon NATALIE WARD: Sure. I might just redirect you —

The Hon PENNY SHARPE: As we've worked through the budget process, we've made some decisions. The deferral of that program is also a result of what we're doing around biodiversity conservation laws, and we're working through that.

The Hon NATALIE WARD: Minister, my question was quite specific. Did the Minister for Agriculture make any representations to you to keep that program?

The Hon PENNY SHARPE: Not that I'm aware of, but I will check.

The Hon NATALIE WARD: Thank you. Was she consulted on your decision to delay the program?

The Hon PENNY SHARPE: You had Minister Moriarty yesterday. Did you ask her these questions herself?

The Hon WES FANG: She wasn't yesterday; she was last week.

The Hon NATALIE WARD: I'm asking you.

The Hon PENNY SHARPE: Whenever it was, you've had an opportunity to ask her.

The Hon WES FANG: We had no answers from her, so it was a bit hard.

The Hon PENNY SHARPE: Well, don't be rude about that.

The Hon NATALIE WARD: I am asking you if she was consulted.

The Hon PENNY SHARPE: I don't know. I'd have to take it on notice.

The Hon NATALIE WARD: So ERC decides, essentially, and the agriculture Minister doesn't have a say. It is a financial decision.

The Hon PENNY SHARPE: No, like normally, there are grants programs that sit within each portfolio that you have a direct input into. This one sits within mine. The decisions made through the budget process were mine, and I stand by them.

The Hon NATALIE WARD: So the agriculture Minister didn't bother to make a representation on that? She didn't contact you? No-one was concerned about it?

The Hon PENNY SHARPE: No, I'm going to take that on notice. I'm not aware of that. But I would also just say, I know this "What did you say, and who did you do it to?" I've been there; I've sat there. For 12 years I sat there and asked these kinds of questions.

Answer:

The implementation of the Nature Positive Farming program has been delayed for four years. This has been reflected in the recent budget.

The NSW Government's decision to delay implementation of the program allows for the opportunity to better develop a holistic and whole-of-government natural capital

No. Question

framework within the context of recommendations made in the review of the *Biodiversity Conservation Act 2016*.

The Minister does not disclose details of conversations with Ministerial colleagues.

17. Nature Positive Advisory Panel – Transcript pages 44-45

The Hon NATALIE WARD: The member for Sydney said his support of any minority Government would be on the basis of it ending native forest logging. Have you or the Premier given that commitment to the member for Sydney?

The Hon PENNY SHARPE: Well, I think that's a matter for the member for Sydney. My recollection in relation to the election was that the member for Sydney, the member for Wagga Wagga and the member for –

The Hon WES FANG: Mr Speaker.

The Hon PENNY SHARPE: – Mr Speaker, yes, said that they would support supply and confidence of the Government and that is the arrangement that we have with the Independents.

The Hon NATALIE WARD: We'll watch and wait. Biodiversity – Minister, since its establishment, how many times has the Nature Positive Advisory Panel met?

The Hon PENNY SHARPE: I'm not sure. I would have to take that on notice.

The Hon NATALIE WARD: Can you inform the Committee about what they're currently working on or advising the Government on?

The Hon PENNY SHARPE: I'd have to take that on notice. Obviously, the point that I would make, which I'm pretty excited about, is that New South Wales will be hosting the Nature Positive Summit next year. There is a big opportunity for us to have these conversations on the way in the lead-up to that. But the details about how they're working, I'll find –

The Hon NATALIE WARD: If you could let us know what they're working on and when they've met, that would be helpful.

The Hon PENNY SHARPE: Sure.

Answer:

Mr John Pierce AO was appointed as Chairperson of the Nature Positive Advisory Panel on 3 February 2023. The Environment and Heritage Group has met regularly with Mr Pierce to undertake background work and analysis on how nature positive could be applied in NSW, including how it could be defined, associated outcomes and targets, and desirable delivery arrangements.

Given the strong focus on nature positive in the independent review of the *Biodiversity Conservation Act 2016*, it is intended the work led by Mr Pierce will be consolidated into the whole-of-government process to develop a response to the review of the Act.

18. Native vegetation regulatory maps – Transcript page 46

The Hon NATALIE WARD: Minister, in line with your previous commitments prior to the election and recommendation 3.2 of the Local Land Services review, when will you begin releasing the native vegetation regulatory review maps?

The Hon PENNY SHARPE: I thank Ms Sloane for her question. She probably needs to realise that we've just actually released the second regulatory map.

The Hon NATALIE WARD: Great.

The Hon PENNY SHARPE: Good to know. And we are working through that. There has been two maps that have been released, one very recently, and we intend to do that. They're incredibly important around the way in which we manage land clearing and

No. Question

native vegetation. They need to be right. They need to be accurate. They need to work carefully with local landholders, which is what they do.

The Hon NATALIE WARD: It's also the statutory responsibility to release the map. It is not a favour; it is something that is required to be done.

The Hon PENNY SHARPE: Just to be clear, your Government announced one map in —

The Hon NATALIE WARD: No, I'm not interested in that. Everyone's tired of "the dog ate my homework". Everyone wants to know what you are doing, and we want to release all the maps.

The Hon PENNY SHARPE: I've done more than you did in 12 years, so I'm pretty relaxed about that.

The Hon NATALIE WARD: I don't accept that at all. But all of the maps need to be released.

The Hon PENNY SHARPE: Sure.

The Hon NATALIE WARD: There's a statutory responsibility to do so. When will that happen?

The Hon PENNY SHARPE: I can get the details for you about the way that will be done. I can't tell you —

The Hon NATALIE WARD: If you could provide the specific time line, that would be very helpful, given it is a statutory responsibility. Thank you.

Answer:

As at 17 November 2023, a draft native vegetation regulatory map has been released for 15% of the State. The first stage was published in October 2022 and the second stage published in September 2023. Publication of further stages is under consideration.

Please also refer to the answer given later in the hearing by Atticus Fleming, Acting Coordinator-General, Environment and Heritage Group, recorded on page 56 of the uncorrected transcript.

19. Marine protected areas – Transcript page 48

Ms CATE FAEHRMANN: The frustrating thing with the "wave a magic wand" — and I said this to the Minister myself, in my first meeting with her — was that this was something, in terms of restoring the sanctuary zones, that kind of was a magic wand. You literally could have done it in a second, and there has been no commitment. Minister, you are within the new department, then, so you are not transferring marine park staff over. What marine science and marine conservation staff or unit will you have in the new department?

The Hon PENNY SHARPE: We do definitely have it. I think Ms Molloy will be here this afternoon. I would really encourage you to take her through. She is the guru. She understands the ins and outs of that.

Ms CATE FAEHRMANN: So there will be a section?

The Hon PENNY SHARPE: There is part of it in there. I'd really — I think she is Dr Sharon Molloy. I will name her, because she is going to be sitting before the Committee this afternoon. She would be able to provide you with a lot of information about work that is being done there. This is not — there is work being done in my agencies around marine conservation.

Ms CATE FAEHRMANN: Just to be clear, NSW Labor was asked before the election about its commitment to marine conservation. What was said was that they'll work with the Commonwealth to achieve 30 per cent marine protected areas by 2030. Is that

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within your goals – within what you want to achieve this term of Parliament? Are you working on that?

The Hon PENNY SHARPE: This is all whole of government, so we will continue and I would have to work with, obviously, Minister Moriarty because we have a joint responsibility for the marine parks.

Ms CATE FAEHRMANN: Where's that up to in terms of looking at increasing the level of marine protection in New South Wales? Do you foresee, then, saying that Labor is as committed as they were 12 years ago, that we are going to see greater areas of our marine environment protected from fishing this term of Parliament?

The Hon PENNY SHARPE: I think that the 30 per cent commitment is important. We're obviously working with the Federal Government in relation to that. Some of the detail I will just take on notice. I'm happy to tell you what work is being undertaken.

Ms CATE FAEHRMANN: But you don't know if any of that means a commitment to greater protection of our marine environment? I mean, that's –

The Hon PENNY SHARPE: Well, no, I think you're asking me to commit to something for which the work isn't finalised yet. The way in which we end up managing marine parks and the opportunities within that, and the way we work outside of marine parks is also something that we've got to consider and the 30 per cent in terms of what's in and what's out around Commonwealth waters. All of those matters are ongoing and are being discussed. I can't say to you, "These five things is actually how we are going to deliver that", because I am not across the detail of that. I'm happy to get you information around what's progressing. I'll do that.

Answer:

The Environment and Heritage Group has 47 staff (headcount as at 16 November 2023) working on marine policy, delivery of the Marine Estate Management Strategy and the Seabirds to Seascapes project. These staff will transfer to the new Department of Climate Change, Energy, the Environment and Water from 1 January 2024.

As part of the 30 by 30 target, the NSW Government has committed to contribute to strengthening Australia's marine protection by identifying shared marine and coastal protection, pollution abatement and restoration actions to include in a national Sustainable Ocean Plan by 2025.

The NSW Government is working with state and federal counterparts to identify shared priorities and actions for the Sustainable Ocean Plan. The plan will consider how Australia will manage our ocean in the future.

The NSW Government is also considering the draft NSW Mainland Marine Park Network Management Plan.

20. Waste-to-energy incinerators and net zero – Transcript page 49

Dr AMANDA COHN: Recent research out of the UK has shown that the average incinerator in the UK produces more than twice as much carbon dioxide per unit of electricity compared to a gas-fired power plant and some even have a higher carbon intensity than coal plants. How are the proposed waste-to-energy incinerators accounted for under the Government's proposed net zero legislation?

The Hon PENNY SHARPE: It's a good question. I don't know the answer to that but I will take it on notice. I'm sure that all of these things are considered, but I'll need to get back to you on the detail.

Answer:

The State and Territory Greenhouse Gas Inventory data for NSW over the period 2015–2021 shows that emissions from incineration accounted for 0.1% of total waste

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sector emissions. These sources were therefore not explicitly modelled in NSW's emissions projections. Future projects may be included in modelling updates if they trigger the reporting thresholds under the National Greenhouse and Energy Reporting Scheme. There are no operational plants currently in NSW that would allow a comparison of emission intensity with other generating units.

The proposed Net Zero Commission will have broad power to advise and make recommendations on greenhouse gas emissions and action to address climate change relating to specific business or industry sectors, including the waste to energy sector. It will also have broad power to advise and make recommendations on ways to reduce net greenhouse gas emissions in NSW.

21. Tarago energy from waste project – Transcript page 49

Dr AMANDA COHN: In the six months that you've been in government, have any of those settings changed from when the previous Government introduced their Energy from Waste Infrastructure Plan that would impact that project?

The Hon PENNY SHARPE: No because, as I said, my understanding is, and someone can – maybe I should just take it on notice. I don't want to mislead the Committee. I want to make sure we give you the right detail, but my understanding is that the policy settings have not changed, that there is an application in relation to Tarago and that is going through the planning process. The way in which that is being dealt with I'll have to come back to you because I'm not sure.

Answer:

No policy settings have yet changed.

22. Energy from waste cost modelling – Transcript page 49

Dr AMANDA COHN: Thank you. Many proponents of waste-to-energy incineration claim that this method of generating electricity is cheaper than current methods of power production in New South Wales. Has the New South Wales Government undertaken any modelling to assess the validity of that claim?

The Hon PENNY SHARPE: We may have. I am not sure. I'll take it on notice.

Answer:

The NSW Government has not done any modelling to calculate the cost of generating electricity from waste.

In 2024 the Government will begin a review of the Energy from Waste policy and settings, which were set by the previous government.

23. Gaahna Bulla Area of Outstanding Biodiversity Value – Transcript page 50

The CHAIR: Thank you. When will Gaahna Bulla be listed as an Area of Outstanding Biodiversity Value?

The Hon PENNY SHARPE: I'm not sure. I'll have to take it on notice.

The CHAIR: There's been application for a long time. I'd also be interested –

The Hon PENNY SHARPE: Is this a really old one?

The CHAIR: It's been on foot for a long time. Also if you would, Minister, take on notice whether any deeper assessment of the conservation value and the protection status of Gaahna Bulla.

The Hon PENNY SHARPE: I'm really happy to. I have to say, I'm not familiar with that one. Where is it?

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The CHAIR: That's Orange. It's otherwise known as Mount Canobolas. It is Gaahna Bulla.

The Hon PENNY SHARPE: Okay. Let me find out and I'll come back to you.

Answer:

There is no statutory timeframe for consideration of nominations for Areas of Outstanding Biodiversity Value.

The Gaahna Bulla / Mount Canobolas Area of Outstanding Biodiversity nomination has been assessed against criteria under Division 3.1 of the Biodiversity Conservation Regulation 2017. Landowner consent, in this case from the National Parks and Wildlife Service, is required before a nomination can be progressed.

No further assessment of the conservation value or protection status of Gaahna Bulla / Mount Canobolas is currently occurring. The Mt Canobolas State Conservation Area is gazetted under the *National Parks and Wildlife Act 1974* and protected by the provisions of that Act including the statutory plan of management.

24. Horse management – Kosciuszko National Park – Transcript pages 56-57

The Hon WES FANG: I appreciate that clarity, Mr Fleming. The bit that I'm trying drill down on, though, is that the Minister attends Kosciuszko on 14 April – I think that was the date that was given to me. I believe she met with the Invasive Species Council the next day. How did we then reach the situation that we're now deciding to aerial cull? It seemed to be reasonably quick from there. I imagine that the Minister came back to you and said, "Okay, we've removed, say, 2,500 horses over two years." Before I get to the question, could you provide what you believe the horse numbers were two years ago?

ATTICUS FLEMING: I can go back. There was a 2020 survey and then a 2022 survey. The 2022 results are that the 95 per cent confidence interval is 14,501 to 23,535. I think the important thing about that number is you can argue about –

The Hon WES FANG: That's the 2022 number.

ATTICUS FLEMING: That's the 2022 number.

The Hon WES FANG: What was the 2020 number?

ATTICUS FLEMING: I'll give that to you a little later. I'd have to look at my notes. Can I make the other important point which is central to your question? The Minister then made a public statement where she indicated that she had directed us to prepare an amendment to the management plan. Obviously, we then complied with that direction, which was made under the Act.

The Hon WES FANG: Understood. In relation to the 2020 numbers, do you believe they were lower or higher than the 14,500?

ATTICUS FLEMING: The 2020 numbers were a little bit lower. I can't remember them off the top of my head, but the equivalent to the 18,814 was around 14,000-something, I think. The significance of that is that that came at the end of the drought and after the fires. So we had seen a slight drop from the survey prior to that.

Answer:

The 2020 wild horse population estimate for Kosciuszko National Park was 14,380, with a 95% confidence interval of between 8798 and 22,555 wild horses in the park.

25. Horse management – Kosciuszko National Park – Transcript page 57

The Hon WES FANG: I'm not putting words in your mouth. I'm saying that I'll come back to that topic, because I believe that there might be some disagreement about the methodology. Using the bottom figures, you've had a net increase of around 6,000

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horses — I know we've discussed the methodology — and you've removed 2,500 in about the same period of time. So the net increase is about 8,500.

ATTICUS FLEMING: Many of the 2,500 have been removed after the 2022 survey. I'd have to take on notice the precise amount.

Answer:

1808 horses were removed from Kosciuszko National Park after completion of the 2022 wild horse population survey in November 2022, i.e. between 13 November 2022 and 30 September 2023.

26. Biodiversity Conservation Trust grants and subsidies – Transcript page 59

The Hon NATALIE WARD: That's where it is, if you want to go to that. The operating statement for the Biodiversity Conservation Trust shows that \$9,308 million has been budgeted for grants and subsidies for 2023-24, compared to the \$11,972 million budgeted in 2022-23. Why has it been estimated that the BCT will spend less on grants and subsidies this financial year?

ERIN GIULIANI: I'll have to take the specific details of why on notice, but that particular line item relates to the landholder payments and payments of our Conservation Partners Program grants. Effectively, when we enter into a conservation agreement —

The Hon NATALIE WARD: Sorry, did you say it does apply to that, or if it does?

ERIN GIULIANI: It does. It's effectively the line item that, in the main, relates to the payment of annual management payments to landholders, and I'll take on notice why that's been reduced. But that's effectively setting a budget for what we anticipate to pay in the financial year forward.

The Hon NATALIE WARD: It looks like the number has gone down, just comparing the line items. I'm trying to understand why that is.

ERIN GIULIANI: I'll take it on notice but, in relation to that specific line item, that's not reflective of an anticipated decline in the number of agreements or anything in that regard. What that is anticipating is that for the expense that will be recognised in the operating statement of money out the door going to landholders, either in the form of a grant or in the form of their annual management payment — which is paid once a landholder submits an annual report to the BCT — the budget required for that year is \$9.3 million.

The Hon NATALIE WARD: It seems to be down, that's all.

ERIN GIULIANI: But it's anticipating that we are seeing less agreements on foot or something like that, but I'll take the specific details on notice. If I can get an answer by the end of the session, I will.

The Hon NATALIE WARD: You can see why we're trying to reconcile them.

ERIN GIULIANI: Absolutely.

The Hon NATALIE WARD: How many grants and partnerships is the BCT planning to enter in 2023-24?

ERIN GIULIANI: In terms of how many grants we're anticipating, that would be subject to landholders making applications to us, so I don't have a specific figure. We've set a figure for roughly what we think we need to pay. I can tell you —

The Hon NATALIE WARD: You would have to anticipate it. You'd have to pick a number.

ERIN GIULIANI: Yes, that's right.

The Hon NATALIE WARD: Can you help the Committee with that?

ERIN GIULIANI: Yes, we could tell you what our average grant payments to date is and how many grants that represents. But I'm not anticipating that that number — the

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budget for grants for the 2023-24 financial year is roughly the same as what it was last year.

The Hon NATALIE WARD: When you say you can tell us, are you able to tell us now or come back and let us know in this session?

ERIN GIULIANI: I can tell you how many grants we have awarded to landholders for conservation partnerships for the program, but I can't tell you the breakdown for 2022-23. I can tell you, overall, since 2017.

The Hon NATALIE WARD: Okay, but we're looking for how many you're planning for in 2023-24. Will you see if you can come back in this session and let us know?

ERIN GIULIANI: Yes, I can take on notice the last 12 months of grants paid.

Answer:

The budget line item referred to in the question includes annual management payments to landholders with funded private land conservation agreements and payments to landholders with conservation partnership agreements who are eligible for the Biodiversity Conservation Trust's Conservation Partners Grants program.

In 2022–23, 61 landholders were successful in applying for \$1.45 million in grants under this program. The Biodiversity Conservation Trust has budgeted for a similar number of grant recipients in 2023–24.

The budget for landholder payments will fluctuate depending on the number of agreements signed each year, the payment schedule for each agreement and whether all management actions have been completed. The Biodiversity Conservation Trust's annual report includes actual figures which may vary from the budget.

27. Ellis State Forest logging complaint – Transcript page 62

The CHAIR: I just want to go to some questions about the EPA's regulation of forestry, if I could. On 15 August last year a Mr Graham made a complaint to the EPA in relation to logging activities in Ellis State Forest. On 17 August EPA issued a press release about that – or we assume it was about that because it was about logging operations in Ellis State Forest. I won't table the press release because it's available on your website, but it states, "EPA inspection confirms trees in Ellis State Forest lawfully harvested." It was two days after the complaint was made. And then, after that, on 13 September, Mr Graham received a letter from Steve Orr, Director of Regulatory Operations, that basically said, "We've really looked at your complaints. No breaches. No breaches."

Then, on 15 December, the EPA wrote to the Forestry Corporation saying that there had been, in fact, a breach, and one of those breaches was specifically one of the complaints that was made by Mr Graham. It raises a serious concern. One is did the EPA then respond to Mr Graham and say that actually there was a substantial breach. It was in relation to a blue gum, a koala tree, and EPA made significant findings that that tree was damaged in accordance with the very high threshold of tree damage under the IFOA. Was Mr Graham ever informed that, in fact, the letter he'd received was incorrect? And what do we do about telling the public that there was no breach?

TONY CHAPPEL: Chair, sorry, you said on 15 December. So you mean last year?

The CHAIR: That's right, sorry, 15 December 2022. This will go to the broader and deeper problem about the times. But this specific incident –

TONY CHAPPEL: Look, I'm happy to take that all on notice and give you a very comprehensive answer. I don't have anything before me around ongoing issues or issues that arose after that complaint was investigated in Ellis forest. But I will very happily revert, and I will try to do that today.

No. Question

Answer:

All matters raised in Mr Graham's complaint, alleging the felling of four giant trees and damage to 52 retained trees, were thoroughly investigated by the NSW Environment Protection Authority (EPA) including a series of inspections. Mr Graham was kept informed of the investigation progress and outcome.

The EPA investigations measured the alleged giant trees, and they were assessed as not meeting the necessary definition of giant trees under the Coastal Integrated Forestry Operations Approval (CIFOA).

This information was communicated to Mr Graham and to the media via a media release issued on 17 August 2022. The media release also acknowledged 'The EPA's investigation into other allegations concerning damage to retained trees is ongoing.'

Following further EPA investigations, the alleged damage to the retained trees was assessed to have not met the definition of damage under the CIFOA to the required legal standard of proof 'beyond reasonable doubt'.

The outcome of the investigation was conveyed to Mr Graham on 13 September 2022 and the EPA reminded the Forestry Corporation of NSW (FCNSW) of its obligations to protect retained trees from damage.

The issuing of the advisory letter to FCNSW, on 15 December 2022, did not change the investigation outcome.

The advisory letter addressed track drainage issues which had been discovered by the EPA during a proactive inspection of Ellis State Forest in early August, prior to Mr Graham's complaint. It also addressed one tree, which had been part of Mr Graham's complaint. The EPA found that this tree had been damaged, although not to the threshold defined by the CIFOA, but also that it had been poorly selected for retention by FCNSW. The advisory letter used the term 'alleged offence' in the context of advising FCNSW of a belief that an offence may have, or could have occurred.

The EPA's Regulatory Policy specifies that advisory letters are used to remind or inform a person, business or organisation of their need to meet their legal obligations and to avoid potential breaches. The policy is available at: www.epa.nsw.gov.au/publications/about/2021p3444-regulatory-policy.

The public record remains correct, that is no breaches were proven to the required legal standard involving damage to retained trees and there were no additional findings regarding giant trees.

28. Blue Carbon Strategy – Transcript page 65

The Hon NATALIE WARD: Thank you. The strategy says the department works with the BCTs to accelerate opportunities to protect blue carbon ecosystems on private land. What opportunities have been identified to date?

SHARON MOLLOY: To date, I mentioned the two demonstration sites at Duck Creek and at Everlasting wetland.

The Hon NATALIE WARD: Yes, got those.

SHARON MOLLOY: One of the actions within the strategy is to try and identify another further eight sites, so we've got some preliminary work happening in relation to that – assessing some of the opportunities and also some of the planning pathways. I don't have any further detail with me today on that, but I could certainly provide that at a later date.

Answer:

The Environment and Heritage Group has commenced an assessment of 19 of the 20 potential locations identified in the NSW Blue Carbon Strategy 2022-2027. The

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remaining identified site, Sportsmans Creek, forms part of the broader Everlasting Swamp complex. The assessment includes a rapid desktop feasibility analysis to confirm suitable locations, followed by more detailed investigations at locations deemed suitable.

Once complete, this work can help to confirm locations where blue carbon ecosystems could be protected on private land through existing voluntary conservation mechanisms delivered by the Biodiversity Conservation Trust.

A concurrent review of planning approval pathways is underway for blue carbon ecosystem restoration. This work aims to streamline approvals for both public and private proponents.

29. Advent Energy plans – Transcript page 65

The Hon NATALIE WARD: I think Advent Energy has said they could be drilling for gas off the coast of New South Wales in four to eight months. I'm just wondering if the department has provided any briefings. I'm sorry, it might be misdirected to you. It could be for another person in the department to address. Has the department provided any briefings to the Minister on Advent Energy's plans?

KIERSTEN FISHBURN: I'm just looking at my officers; I think we'll have to take that one on notice.

The Hon NATALIE WARD: It's Cluedo.

TONY CHAPPEL: There are two PEPs. We use a lot of acronyms. One is Protection of the Environment Policy and one is Petroleum Exploration –

The Hon NATALIE WARD: Yes, I'm sorry; I had dealt with one earlier and I think I'm confusing them. I think that's on me, squarely. Apologies. I'm trying to juggle questions and quite rightly I've bowled the wrong one up to you so I withdraw that. So you'll take that on notice?

KIERSTEN FISHBURN: Yes.

Answer:

No. This question should be referred to the Minister for Natural Resources.

30. Offshore drilling legislation – Transcript page 66

The Hon NATALIE WARD: Could I also ask, perhaps, if you might also add this: Has the Minister directed the department to commence any work on a Government bill to amendment legislation in New South Wales to prevent offshore drilling?

KIERSTEN FISHBURN: Again, I'm looking at my officers in case they have any information I don't have. To my knowledge, no, but I will take that on notice. I don't want to give you incorrect information.

Answer:

No. This question should be referred to the Minister for Natural Resources.

31. Expansion of Return and Earn – Transcript page 66

The Hon NATALIE WARD: Thank you. Mr Chappel, just in relation to one of my personal favourites, Return and Earn has recycled now over 10 billion cans and bottles in New South Wales –

TONY CHAPPEL: It has.

The Hon NATALIE WARD: – which we can all agree is a fantastic achievement. The Minister has indicated to us that her and the EPA are already thinking about the next

No. Question

billion collections. Has the Minister asked the EPA to look at expanding the scheme to be able to include other recyclables, for example, wine bottles and milk bottles?

TONY CHAPPEL: The former Government commenced a consultation on that proposal and it's something that's being done concurrently with other States looking to, potentially, harmonise and broaden the scope of relevant containers, including glass wine bottles and other juice bottles and containers that are not currently included. So we have essentially been engaging on that for the best part of the last 12 months and we're looking to do some further engagement with the wine industry later this year. I think that potential proposal remains very much subject of ongoing engagement.

The Hon NATALIE WARD: Has the EPA briefed the Minister on that expansion of the Return and Earn to include those items, potentially?

TONY CHAPPEL: I'm not sure that we've delivered a specific briefing but I will take that on notice and confirm for you.

Answer:

The NSW Environment Protection Authority provided an information briefing in June 2023 to the Minister for the Environment about the expansion of the Return and Earn Container Deposit Scheme.

32. Synthetic turf – Transcript page 67

The Hon NATALIE WARD: Can I ask this: Has the Minister requested any briefings on the use or risks associated with the use of artificial turf in New South Wales?

TONY CHAPPEL: I'll have to check that.

The Hon NATALIE WARD: Will you take that on notice?

TONY CHAPPEL: I'll take that on notice.

Answer:

The previous government refused to publish the Chief Scientist and Engineer's report into synthetic turf.

Now that the current government has published the report, the NSW Government is investigating the impact of synthetic turf on the safety and amenity of public spaces.

The Planning and Public Spaces portfolio is leading this work.

33. EPA grants and subsidies 2022–23 – Transcript pages 69-70

The Hon NATALIE WARD: Back to Mr Chappel, if I may, on the EPA budget. Can I ask about the budget papers? They're showing that the EPA is only estimated to have expended \$39.4 million on grants and subsidies in 2022-23, although it seems to have budgeted for \$74.7 million worth of grants and subsidies.

TONY CHAPPEL: Yes.

The Hon NATALIE WARD: I just want to understand why the estimated actual was so low compared to what had been budgeted for?

TONY CHAPPEL: I might invite my colleague Ms Chang, who leads our finance area, to complement my initial answer, but my understanding is, essentially, when there's a natural disaster like the floods recently and fires, allocations are made based on estimates, and then grants are deployed based on the actual need as assessed. So, often, the amount does vary. Some of those, I think, are still in train for this year. But I think, in this case, one of the relevant issues was that the budgeted allocation was substantially larger than what ended up being required for our role leading the environmental recovery part of post-disaster.

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The Hon NATALIE WARD: Right. Does that accord with your understanding?

NANCY CHANG: Yes, that is correct. The variance is largely related to bushfire as well as flood recovery.

TONY CHAPPEL: We're happy to give more detail.

The Hon NATALIE WARD: If you're able, that would be a help for us to understand that it's just a reasonable difference in the two, so it would be helpful to understand why that is.

Answer:

The NSW Environment Protection Authority (EPA) budgeted for \$74.7 million in grants and expenses for 2022–23 and spent \$39.4 million. The difference of \$35.3 million is explained by a carry forward amount of approximate \$16 million into the 2023–24 year for the flood works that EPA performs and an underspend of \$19.3 million in flood works funding.

The nature of flood and bushfire funding is such that the EPA receives emergency funding when disasters occur and then amounts not spent to remediate disasters are returned. The EPA works with NSW Treasury and the NSW Reconstruction Authority to communicate spending patterns so reallocation of funding for other priority matters can take place.

34. EnergyCo contractors – Transcript pages 70-71

Ms ABIGAIL BOYD: Could I just start, perhaps, with you, Mr Hay, in relation to contractors at EnergyCo. I'm just picking up on a discussion that we started in the Public Accountability and Works Committee hearing in relation to the staffing structure of EnergyCo. I understand that you have approximately 98 contractors, 23 contingent labour staff and about 74 employees. Does that sound right?

JAMES HAY: Those are the numbers which I gave to your committee.

Ms ABIGAIL BOYD: Yes.

JAMES HAY: They change. It's in that order.

Ms ABIGAIL BOYD: Excellent. So about half of them are contractors. From the answers to questions on notice to the committee, I now see that – on par with the Sydney Metro contractor spend – we're looking at an average daily rate paid to contractors of just shy of \$2,300. How does that compare with the average employee at EnergyCo?

JAMES HAY: I would have to take that on notice.

Answer:

An equivalent average rate for Energy Corporation of NSW (EnergyCo) employees would be \$1477 per day compared to an average contractor rate of \$2292 per day for EnergyCo.

35. Regional suppliers to electrify homes – Transcript page 72

Ms ABIGAIL BOYD: Thank you. Has any work been done in terms of developing a program that ensures the gasfitters are paired up with electricians in order to swap out gas stoves to electric stoves and things like that? Has that been part of the general work on trying to electrify homes for climate change adaptation?

ANDREW LEWIS: I'm not aware of that work, if any of that work has been necessarily done. I'm happy to make further inquiries and come back. But what I will say is that, certainly, there are a number of businesses that offer multiple types of utility services, that, within their own organisation, certainly are capable of organising, as in your example, the plumber and electrician to come out, because ultimately they do work for the same business. Similarly, by promoting this through the peak bodies and local

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chambers of commerce and that kind of thing, hopefully, there's just a natural matching-up. But, if a plumber is being engaged to disconnect and they don't have the skills or they don't have a colleague, they will generally know in the local community who potentially is there. The problem may be – and I'll be honest about this – that the local electrician that they often do this kind of work with may not be accredited under the scheme yet and may not be able to participate. As I said before, it's something that we're very conscious of, and we are making efforts to try and improve this, particularly for regional communities, because we do know that the proportion of providers in those locations is lower than in the metropolitan areas.

Answer:

The Office of Energy and Climate Change does not currently fund any programs to partner electricians and gas fitters to remove gas appliances and install electric alternatives.

36. Koala monitoring program – Transcript pages 72-73

Ms CATE FAEHRMANN: What's the percentage of song meters versus drones, roughly? Ideally, it would be great to have drones surveying as many of those as possible. But it sounds like song meters are the go-to tool.

BRENDAN BRUCE: I think the expectation that you'll have both wherever possible – but I'll take on notice the exact breakdown of drones versus song meters.

Ms CATE FAEHRMANN: That's the baseline survey. The other part of it was this ongoing monitoring and minimum of 20 sites that was announced. What's that?

BRENDAN BRUCE: That's the koala monitoring program. That's a multi-year landscape-scale acoustic population monitoring program. You're right; it is targeting 20 sites. In this year, we have established monitoring in 12 of those locations, and looking to establish a further eight locations in spring next year.

Ms CATE FAEHRMANN: That's all publicly available in terms of what those sites are and what the monitoring is?

BRENDAN BRUCE: I'll take that on notice. I would expect so, but I've taken that on notice.

Ms CATE FAEHRMANN: It would be great if the 20 sites could be provided, as opposed to just saying, "Yes, they're publicly available."

BRENDAN BRUCE: That's fine.

Answer:

Song meters are useful for detecting the presence or absence of koalas across a larger number of sites, but not abundance. Drones are useful for estimating abundance but not where koala density is very low. For these reasons, these complementary methods are being deployed at every baseline survey site where possible. In some instances where it is not possible to access a site with a drone (such as some private properties), a song meter is still deployed. The ultimate proportion of baseline sites surveyed with both methods will not be known until spring 2024.

Koala population monitoring is being established at 20 priority populations across NSW to evaluate and report on trends over time. Song meters are being used for the initial surveys of each priority monitoring area to determine the local pattern of occurrence of koalas. From these initial surveys, a subset of the most suitable survey sites will be chosen for ongoing monitoring with both song meters and drones.

Twelve monitoring areas were planned for establishment in spring 2023. Two areas were subsequently combined, and a site at Crescent Head did not proceed this year due to fire. Therefore, to date (as at 20 November 2023), initial surveys have either been

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completed, or are currently underway for 10 priority population areas with a total of 810 song meters. These population areas are located at Bongil Bongil National Park, Liverpool Plains, Southern Tablelands, South-west Sydney, lower Blue Mountains, Southern Highlands, North Coast (Byron and Ballina local government areas), Armidale region, Narrandera region and the South-east Coast.

Crescent Head will be established in spring 2024, along with a further nine priority population areas, bringing the total to 20. Details of the other nine priority population areas will be confirmed in consultation with relevant stakeholders in early 2024.

37. Volunteer Wildlife Rehabilitation Sector Strategy – Transcript page 73

Ms CATE FAEHRMANN: Can I just check, in terms of consultation with the wildlife rehabilitation sector, then, what consultation has taken place with that sector, around the ceasing of this strategy.

TRISH HARRUP: Can I come back to you with an answer on that?

ATTICUS FLEMING: I think we should take it on notice because there are a range of different initiatives. That particular strategy is coming to an end and will be reviewed. There are a range of other initiatives being rolled out to support groups. The Minister's, obviously, not here, but I've heard her say on a number of occasions to stakeholders how important it is for us to take a pretty holistic look at how government can best support volunteers across the State. So you should assume that that will be the way in which we proceed.

Answer:

The implementation phase of the NSW Volunteer Wildlife Rehabilitation Sector Strategy 2020-2023 is due to end in December 2023. The National Parks and Wildlife Service (NPWS) consulted the sector in implementing the actions under the strategy. These included development of standards of care, dispersal of grants and capacity building and training. Measures in the strategy will continue to operate while NPWS undertakes an evaluation of the strategy to identify key areas for improvement. The evaluation process will involve further consultation with the wildlife rehabilitation sector. NPWS will also publish the three-year strategy implementation report. The report will outline progress made to date and intended next steps.

38. Incident management and wildlife care – Transcript pages 73-74

NAOMI STEPHENS: Sure. I'm happy to talk some more about that. I should also mention that we're working with the EPA on this as well. In consultation with parks, the EPA are leading on the response plan. We have developed guidelines to assist people working in an incident management situation, looking after wildlife. We've also done role summaries that explain to people the roles, how they should be carried out and where they fit in, in terms of the structure. We haven't finalised those because the response plan is due to be finalised and adopted at the beginning of December, and we want to ensure all the work that we've done. We have a technical advisory wildlife officer that goes into incident management teams and provides technical advice. Also, where required, a wildlife emergency response team goes into the field.

Ms CATE FAEHRMANN: Thank you. Can I jump in with one last question on this in my final 10 seconds? I'm curious to know, when you're talking about this integrated response, whether that deals with the issue of the fact that wildlife rescue organisations had to wait sometimes four, five, six, seven or eight days to enter into a fire ground to rescue animals. That was one of their main concerns. Is that being addressed?

NAOMI STEPHENS: I think having the technical advisory wildlife officer embedded in the incident management team –

No. Question

Ms CATE FAEHRMANN: One officer across the State — is that what you mean?

NAOMI STEPHENS: No. An incident management team is per fire or per fire complex, and that person can also have somebody else with them. So it can be up to two officers. Having them embedded in the incident management team, dealing directly with the incident controller and having responsibility for wildlife will, I think you'll find, be much more responsive in terms of identifying that there's been an issue and the wildlife need to be responded to, in which case I think you'll find there will be better communication with the groups and more timely intervention through the incident management team, as all things are in bushfire.

TONY CHAPPEL: We can provide some additional content as well, perhaps on notice.

The CHAIR: Mr Chappel, on that point, we've had direct communication that the wildlife sector is feeling not consulted through your teams in terms of developing that fire response strategy. If you could take that on —

TONY CHAPPEL: Yes, absolutely.

Answer:

Since July 2022, the NSW Environmental Services Functional Area has had responsibility for coordinating a wildlife emergency response. The NSW Environment Protection Authority (EPA), as the lead agency for the NSW Environmental Services Functional Area, has developed a Wildlife Emergency Sub Plan to be submitted to the State Emergency Management Committee for approval in early December 2023.

In February 2023, the EPA held workshops with wildlife organisations to guide development of the sub plan in three locations: Dubbo, Sydney and Grafton.

A framework for engagement of key wildlife organisations during a wildlife emergency response is being finalised as part of implementing the new Wildlife Emergency Sub Plan.

Wildlife care organisations will be approached about formalising arrangements with them.

39. Aboriginal cultural heritage sites – Ourimbah State Forest – Transcript page 79

The CHAIR: On 15 September the Minister advised that the EPA was investigating allegations of destruction of Aboriginal cultural heritage sites in Ourimbah State Forest. Is it possible to give a brief update, if you can, on where that's up to?

TONY CHAPPEL: I think I have to take that one on notice. I'm sorry, Chair.

The CHAIR: That's fine.

TONY CHAPPEL: But I'm very happy to give you an update, provided we're not prejudicing the investigation.

The CHAIR: I understand that. If it is just something that is ongoing, it would be great if you could take that on notice.

Answer:

On 10 August 2023, the Environment and Heritage Group received an Environment Line report made by Darkinjung Local Aboriginal Land Council of possible harm to an Aboriginal site in Ourimbah State Forest.

On 29 September 2023, Environment and Heritage Group compliance officers conducted a site inspection with staff from the NSW Environment Protection Authority and Heritage NSW. The investigation is ongoing.

No. Question

40. Areas of Outstanding Biodiversity Value applications – Transcript page 79

The CHAIR: Mr Fleming, I know the Minister took it on notice, but have you got anything in relation to Gaanha Bula?

ATTICUS FLEMING: No. The only thing I will add is that I think Ken Henry and his panel, in their report, did refer to the Areas of Outstanding Biodiversity Value mechanism and I think effectively invited the Government to consider how that might sit with the no-go map that is also part of his recommendations. I guess I would just flag that that part of the Government response to the two reviews – the BC Act and the LLS Act review – will include considering how the no-go map might operate and how the AOBV mechanism might interact with that.

The CHAIR: How many AOBV matters have you got?

ATTICUS FLEMING: I don't know how many have been proposed. I think there are four that have been declared, but I'm ready to be corrected if that's incorrect.

The CHAIR: I was referring more to how many applications you have received.

ATTICUS FLEMING: I'll ask Mr Bruce if he can answer that.

BRENDAN BRUCE: I think we'll have to take that on notice.

Answer:

The Environment and Heritage Group has received four nominations for Areas of Outstanding Biodiversity Value. Further information has been requested in relation to three of those nominations but those nominations have not yet been re-submitted.

Further consideration of all four nominations will occur in the context of the whole-of-government response to the review of the *Biodiversity Conservation Act 2016*.

41. Drone surveying for threatened species – Transcript page 81

The CHAIR: I think I want to know – and I think the public wants to know – what are the limitations around drone surveying and what have you learnt, as the public agency, around drone surveying for animals? Also the question is: Can we apply drone surveying and assessment for other threatened species like greater gliders et cetera? My understanding is perhaps that's being deployed in the south. I'm not sure.

ATTICUS FLEMING: Can we take that on notice so that we can talk to people who really know what they're talking about and then give you an informed answer?

The CHAIR: Okay.

BRENDAN BRUCE: I do have a text saying that drone surveys are better over autumn and winter but we can take the question on notice around any limitations there might be.

Answer:

Drones are limited by safe operating height, wind, battery time and Civil Aviation Safety Authority regulations. Daytime heat can also limit the use of thermal cameras. The NSW Wildlife Drone Hub, established and managed by the Environment and Heritage Group, is undertaking research in the use of drones for a range of wildlife and pest monitoring.

The Hub's initial focus has been on koala surveys. Further consideration is being given to how drone surveys may support conservation efforts for a broader range of threatened species. The small quad-copter drones are currently used to survey for arboreal animals particularly koalas and greater gliders.

No. Question

42. Surveying the Great Koala National Park – Transcript page 81

The CHAIR: Thank you. The other thing is, in the material I saw, there was a question around the cost of that. I think it was looking at, I don't know, 1.3 million or something for surveying the Great Koala National Park area and I think that was abandoned. It wasn't clear whether it was the cost or whether it was because of the period of time. Would somebody be able to get back to me and elaborate on why did we not deploy the koala drone survey for working out and informing the Minister in relation to what we could do to better protect koalas in the Great Koala National Park area?

ATTICUS FLEMING: We'll take that on notice and come back to you with an answer.

Answer:

Applying the method adopted for the statewide koala baseline survey, including the use of drones, is one option being considered to improve information about the presence, abundance and distribution of koalas in the Great Koala National Park assessment area. This information would contribute to the environmental assessment being carried out as part of the Great Koala National Park process.

43. Impacts outside of the harvest plan area and EPA role – Transcript page 82

The CHAIR: You would be aware that Forestry Corporation's barrister in the Land and Environment Court a few weeks ago stood and said several times, "If the EPA wants to change the protocols, they will. They can. They have the power to do so."

TONY CHAPPEL: I am aware of that. We've put to Forestry Corporation the form of some potential protocol amendments and we're obviously engaging with them. We need to do that with the full visibility of any impacts and understanding of that. We'll take that into account. We're also working with our colleagues in the Department of Primary Industries to get any feedback they might want to offer, but ultimately I think there's a strong case for clarifying some of the requirements that the IFOA sets out for various threatened species that have been up-listed or severely impacted by fire since the IFOA was made.

The CHAIR: Should impacts outside of the harvest plan area that have been caused by harvesting be considered by the EPA in terms of environmental harm? Specifically, for example, new State forests — there is now clear evidence that logging operations have caused the penetration of protected rainforest areas by noxious weeds, including lantana. What do we do about that if we are literally watching the degradation of the environment that another operator wouldn't be able to undertake without some form of control? Does the EPA's role expand to that level of harm and requirement on Forestry Corporation to take responsibility?

TONY CHAPPEL: I think that there are a number of matters currently before the court regarding Newry, so I might just take that on notice.

Answer:

The NSW Environment Protection Authority's (EPA's) role does not currently extend to regulating the harm caused by biosecurity issues, such as weeds, from harvesting operations in state forests. This is currently regulated by the Department of Primary Industries under the *Biosecurity Act 2015*, with the Local Land Services responsible for co-ordinating pest and weed management activities, including for state forests. In addition, the NSW Government has commissioned the Natural Resources Commission to undertake the NSW Invasive Species Management Review to identify strategic opportunities to improve the management of invasive species in NSW, including weeds, across all land tenures.

In relation to other forms of environmental harm that may extend to nearby areas because of forestry operations, for example water pollution or impacts on ecosystems

No. Question

or biodiversity, this is already regulated by the EPA under the relevant Integrated Forestry Operations Approval, *Biodiversity Conservation Act 2016* or *Protection of the Environment Operations Act 1997*.

44. Integrated Waste Tracking Solution – Transcript page 83

The Hon NATALIE WARD: Since the initial procurement, has the EPA had to pay any additional money to KPMG for their delivery of the Integrated Waste Tracking Solution?

TONY CHAPPEL: I think I might ask my colleague.

NANCY CHANG: The total funding available for this tracking system is \$5 million. That was funding that was secured under the Waste and Sustainable Materials Strategy that was announced by the previous Government. This project remains on track and on budget.

The Hon NATALIE WARD: So no additional money has been paid to KPMG for the delivery?

NANCY CHANG: Not in addition to the \$5 million that has been committed for this project.

The Hon NATALIE WARD: And that number is consistent with the initial procurement.

NANCY CHANG: Yes, correct. So we have had a few contract variations, but it does not exceed the \$5 million that was initially budgeted for this particular project.

The Hon NATALIE WARD: Have the variations resulted in additional costs?

NANCY CHANG: The variations have added to a total of \$5 million.

The Hon NATALIE WARD: Right. So what was the initial procurement amount then?

NANCY CHANG: I will take that on notice to give you the precise amount, but it was close to \$5 million. The recent variations to the contract were to the tune of \$30,000 and \$110,000.

The Hon NATALIE WARD: What were those variations?

NANCY CHANG: Those variations related to conversations that we had with other jurisdictions, and, understanding that if this is to be a national waste system, what are some of the key features that might be unique to other jurisdictions because of the way that waste is classified across the various jurisdictions and some of the features that Queensland and New South Wales may not need, but other jurisdictions may need. So we made the decision to include some of those features in order to support a national system.

The Hon NATALIE WARD: We may come back to that. For those two variations, could you elaborate what they related to, specifically?

NANCY CHANG: Yes. It's certainly related to some of the — I will take that on notice, and I will come back before the end of the session today.

The Hon NATALIE WARD: Understanding to fit into the national context and to comply with that, but if you could just elaborate on those two and what they specifically were in relation to, that would be helpful.

NANCY CHANG: Yes, I will get that detail and come back to you.

Answer:

As per the NSW Government eTendering website, the estimated amount payable to KPMG over five years to design, develop and deliver the Integrated Waste Tracking Solution is \$5,214,000 (including GST).

For information about the reason for the contract variations, please refer to the answer given later in the hearing by Nancy Chang, Executive Director, Strategy and Policy,

No. Question

NSW Environment Protection Authority, recorded on page 95 of the uncorrected transcript.

45. Briefing the Minister on the Integrated Waste Tracking Solution – Transcript page 84

The Hon NATALIE WARD: Has the Minister been briefed, Mr Chappel, on the new IWTS? Is she satisfied with KPMG's work, to the best of your knowledge?

TONY CHAPPEL: I think at a high level we've shared the project, but let me take on notice the specific briefing that might have been provided.

Answer:

The NSW Environment Protection Authority provided an information briefing in July 2023 to the Minister for the Environment on the integrated waste tracking system and its impending rollout.

46. Asbestos waste tracking – Transcript page 84

The Hon NATALIE WARD: When is KPMG Origins due to take over the tracking of asbestos waste in New South Wales?

NANCY CHANG: I believe that the movement of asbestos waste tracking within New South Wales has commenced, and then we will move to interstate movement shortly.

The Hon NATALIE WARD: So it has already commenced?

TONY CHAPPEL: Within New South Wales.

NANCY CHANG: Within New South Wales, yes, it has commenced. It has transitioned.

The Hon NATALIE WARD: When was that?

NANCY CHANG: I will come back to you before the end of the session.

Answer:

On 12 September 2023, the asbestos tracking component of the Integrated Waste Tracking System (IWTS) was released to allow industry users to familiarise themselves with, and provide feedback on, this asbestos tracking component before it goes live. This is known as a sandbox environment.

In response to industry feedback during this stage, new features for the asbestos tracking component are being developed for release to the sandbox in November 2023 for industry validation.

Asbestos waste tracking will be rolled out in full in the IWTS once these new features have been tested and found to be working correctly.

47. Byron Bay Wildlife Hospital – Transcript pages 84-85

The Hon NATALIE WARD: Can I turn to Mr Bruce next – the Byron Bay Wildlife Hospital. Mr Bruce, there was no allocation of funding in the budget for the Byron Bay Wildlife Hospital mobile facility that provides unique and critical services to sick and injured wildlife. You're looking to somebody else.

BRENDAN BRUCE: Mr Fleming may take this one.

The Hon NATALIE WARD: I'm sorry, once again.

ATTICUS FLEMING: No, I will endeavour to answer your question.

The Hon NATALIE WARD: My apologies, Mr Fleming. Whoever is appropriate. I'm following my directions. Obviously, it's a good facility. I understand the Minister has met with the hospital and encouraged them to submit a new proposal for funding. Is that correct?

No. Question

ATTICUS FLEMING: I can't comment on that, sorry. It's not within my knowledge, but I can take it on notice.

The Hon NATALIE WARD: If you don't mind, thank you. If you need to take this on notice, fine, but could you also help the Committee to understand what work the department is doing on finding funding for this hospital?

ATTICUS FLEMING: What I can say is that there was a process conducted in accordance with the grant guidelines. I think this is on the public record, but the decision at the end of that was not to make a grant.

The Hon NATALIE WARD: All right. Given that —

ATTICUS FLEMING: What I will take on notice is anything that has happened after that decision.

The Hon NATALIE WARD: If they have been asked to submit a new proposal, if yes, then what work has been done?

ATTICUS FLEMING: I'm not aware that they have, but it's not within my knowledge. So I'll take it on notice and give you an update.

The Hon NATALIE WARD: That would be helpful, and any other steps that have been undertaken to find funding for them, if not the grant process, anything else that might be applicable. Is there any intention of providing funding to the hospital this financial year? I assume that that is also going to be subject to —

ATTICUS FLEMING: Again I'll have to take that on notice.

Answer:

The Minister has met with representatives from the Byron Bay Wildlife Hospital.

The Minister and her office have spoken to the hospital about whether there might be an opportunity for funding or grant applications in the future. There have been regular conversations between the Minister's office and the Byron Bay Wildlife Hospital.

No decision regarding funding has been made at this point.

The Environment and Heritage Group recognises the valuable contribution the volunteer and not for profit sector provide for the treatment and care of native wildlife in NSW, and it continues to administer a range of initiatives that provide funding and support across this diverse sector, including the Saving Our Species program, the Curb Wombat Mange Program, the Wildlife Heroes Project, the Taronga Wildlife Hospitals, and the NSW Koala Strategy.

48. Koala Strategy infrastructure spending – Transcript page 85

The Hon NATALIE WARD: Koala Strategy. I don't know if that's — Mr Bruce is smiling. I've got one right. Mr Bruce, \$10.9 million has been allocated in infrastructure spending for the Koala Strategy in 2023-24. Can you advise what further agency spending there is for the strategy for the 2023-24 financial year?

BRENDAN BRUCE: For the 2023-24 financial year, I'll have to take the annual breakdown on notice.

The Hon NATALIE WARD: You may need to take this on notice also. What will the \$10.9 million be spent on?

BRENDAN BRUCE: I'll take that on notice as well.

Answer:

In 2023–24, \$10,998,000 has been allocated in infrastructure spending for the NSW Koala Strategy. An additional \$29,632,310 is allocated for delivery of the NSW Koala Strategy in 2023–24.

No. Question

Regarding the breakdown of expenditure, please refer to the answer given later in the hearing by Brendan Bruce, Deputy Secretary, Biodiversity, Conservation and Science, Environment and Heritage Group, recorded on page 95 of the uncorrected transcript.

49. Updating the Koala Strategy – Transcript page 85

The Hon NATALIE WARD: That breakdown will be helpful. Has the Minister asked the department to commence any work on updating or making changes to the Koala Strategy as it currently exists?

BRENDAN BRUCE: Yes. The work is underway to plan for a koala summit, which the Minister has committed to. As part of that, the koala summit will inform the refresh of the Koala Strategy.

The Hon NATALIE WARD: When is that anticipated to be held?

BRENDAN BRUCE: No date's been committed for either the summit or the strategy at this stage.

The Hon NATALIE WARD: We don't have a location or date otherwise?

BRENDAN BRUCE: Not that I'm aware of. I can take that on notice.

Answer:

The date and location for the Koala Summit have not yet been finalised.

50. Forestry stop work order – Transcript page 87

The Hon WES FANG: The point is that there's preliminary advice. I'm seeking an understanding of what is known about the issue. I understand that you don't want to provide that, but we're still a parliamentary committee and I'm entitled to ask the question. Will you commit to making the information public?

TONY CHAPPEL: At the relevant point in time, absolutely. It's not that I don't want to provide the information.

The Hon WES FANG: You have it; you're just not going to give it.

TONY CHAPPEL: I think there's a very important principle for any public servant not to jeopardise proceedings, legal proceedings or investigations, that are underway.

The Hon WES FANG: Have you been asked to not provide that?

TONY CHAPPEL: No, I think it's standard practice for appearing in front of any committee, when you're talking about a potential criminal investigation or a serious regulatory matter, that you are very mindful not to in any way act prejudicially to those proceedings. So I will take some advice on it and I'm happy to come back to you on notice with the appropriate information.

The Hon WES FANG: If you could take it on notice, that would be great. Have you been briefed on whether forestry operations were to blame as to the cause of the death of the glider?

TONY CHAPPEL: Again, I think I'll refer to my previous answer and take some advice on how I answer that.

The Hon WES FANG: Have you been briefed as to who reported the glider to the EPA?

TONY CHAPPEL: My understanding is that EPA officers identified that particular animal.

The Hon WES FANG: If you could take that on notice.

TONY CHAPPEL: Sure, I'm happy to confirm that.

No. Question**Answer:**

The autopsy could not identify the cause of death of the Southern Greater Glider. The deceased Southern Greater Glider was found by NSW Environment Protection Authority staff during their investigation of the forestry operations at Tallaganda State Forest.

51. Forestry stop work order – Transcript page 87

The Hon WES FANG: Are you comfortable with the stop work order being extended after 40 days without any update as to the cause of the death of the glider or any link to forestry operations?

TONY CHAPPEL: Look, I think it's important to understand that the EPA doesn't issue stop work orders lightly. I know there has been a lot of attention around this glider, but there were a number of serious concerns that our officers have and had about compliance with the IFOA obligations by the relevant contractor in that forest. We've been working through those concerns and are looking to resolve them with Forestry Corporation, but they go to the rigour of surveys and other matters. I think we're looking to resolve those matters, but they're not yet resolved.

The Hon WES FANG: Do you have any other indication as to why that stop work order needed to be extended?

TONY CHAPPEL: Well, the matters that led to the issuing of the stop work order had not been satisfactorily resolved, and on that basis the order was extended.

The Hon WES FANG: Can you provide some details as to what they were?

TONY CHAPPEL: Again, I'll take that on notice.

The Hon WES FANG: Is there any other indication that the forestry operations in the Tallaganda State Forest are occurring outside the prescriptions of the IFOA?

TONY CHAPPEL: Yes.

The Hon WES FANG: Can you provide what they are?

TONY CHAPPEL: I'll take that on notice.

Answer:

The NSW Environment Protection Authority (EPA) extended the Stop Work Order because there were concerns that the Forestry Corporation of NSW may not have undertaken appropriate surveys to identify and protect the den trees of the Southern Greater Glider.

In Tallaganda State Forest, the EPA is investigating a range of allegations, including alleged breaches of the Coastal Integrated Forestry Operations Approval.

52. Supply of biodiversity credits – Transcript page 90

LOUISA MAMOUNEY: Each infrastructure or development project in New South Wales is assessed using the biodiversity assessment method, and then that report prepared by an accredited assessor is submitted to the consent authority to build in to the conditions of approval, if that project is approved. It is then up to the developer to seek the credits that they need. They can also establish their own biodiversity stewardship agreement, and we work with a number of developers who are doing it that way. We also work with developers who are seeking to buy credits on the market through the supply fund as well. The supply fund has purchased around \$30 million of biodiversity credits. We've run three complete reverse auctions, and we are currently completing a fourth reverse auction – that is to buy and resell credits to developers that need those credits to offset. We are delivering those conservation outcomes on the ground through those biodiversity stewardship agreements and working with the landholders who have

No. Question

committed to managing their land for conservation and protecting the threatened species and habitats within their property.

The CHAIR: In a snapshot, what are the things that have been most difficult in terms of species or assistance? Which are the top four or five?

LOUISA MAMOONEY: I'm happy to take that on notice. We do have data that we release and the information is on our credit registers about the types of credits that are being generated.

Answer:

The Biodiversity Credits Supply Fund holds up to three reverse auctions each year to find credits that developers need within six months of each auction. The list of target credits for each auction provides a verified point-in-time indication of credits that are difficult to obtain.

In the last auction (June-July 2023), the Supply Fund received bids for 27 of the 59 target ecosystem credit types and 24 of the 85 target species credit types. While an increasing variety of credits are being offered with each auction, there is still a supply shortfall. The shortfall is greatest for species credits. In the last auction, the largest gap between demand and supply was for:

- Eastern Pygmy-possum (*Cercartetus nanus*)
- Bush Stone-curlew (*Burhinus grallarius*)
- Rufous Bettong (*Aepyprymnus rufescens*)
- *Commersonia procumbens*
- Glossy Black-Cockatoo (*Calyptorhynchus lathami*).

The Credits Supply Taskforce is working with landholders to support new biodiversity stewardship agreements to create credits that are in-demand.

53. Platypus in Royal National Park – Transcript page 91

The CHAIR: We're working very closely with Minister Harris on the cultural heritage reforms, and it sounds like they're progressing. How are the platypus going in the Royal National Park?

ATTICUS FLEMING: The last I heard, they were going well, but that was a few weeks ago. I don't think there's been any news since then.

The CHAIR: In earnest, have there been any detrimental responses, or is everything looking positive? It was a big experiment.

ATTICUS FLEMING: I haven't been told that there's any bad news, any negative news, so I think it's positive. But I will take that on notice as well and, if there's anything different, I'll ensure we inform the Committee.

Answer:

As at 17 November 2023, monitoring data confirms all 10 of the released platypus are active in the river system.

54. Staffing – Environment and Heritage Group – Transcript page 92

The Hon NATALIE WARD: Mr Fleming, just about staffing and staff cuts, when did the Minister first indicate to you that there would have to be staff cuts in the Environment and Heritage Group?

ATTICUS FLEMING: If I can just give you the broader context of the last budget –

The Hon NATALIE WARD: Very briefly, if you don't mind. I've got three minutes.

No. Question

ATTICUS FLEMING: Very briefly, there are a number of election commitments and other initiatives that were funded in the budget. That was new money. There were modest and targeted savings. The net impact of all that is that there will be more staff over the next 12 months rather than less. Where we have had to make some savings, and I'm referring specifically to staff in the — you mentioned the nature positive team earlier and the community engagement team — (a) those staff are really highly valued and our priority has been to ensure that they have jobs —

The Hon NATALIE WARD: Yes, I appreciate all of that, but I have three minutes. My question was, though, when did the Minister first indicate to you that there would have to be those staff cuts in that group?

ATTICUS FLEMING: I'd have to take that on notice. I can't recall.

Answer:

The requirement for some savings measures within the Environment and Heritage Group was identified and confirmed as part of the 2023–24 Budget process. The 2023–24 Budget process also delivered additional funding for the Environment and Heritage Group to support election commitments and other initiatives. The net impact from the 2023–24 Budget for the Environment and Heritage Group will be an overall increase in the number of roles within the Group.

55. Staffing – Environment and Heritage Group – Transcript page 92

The Hon NATALIE WARD: What was the decision-making process that led to the sacking of at least seven Indigenous officers?

ATTICUS FLEMING: I don't believe that's an accurate number. I think in the community engagement team, and Mr Bruce can correct me if I'm wrong, there are two Aboriginal staff who are impacted. As I was saying a little earlier, our objective is to ensure that everyone who is impacted is able to find another role within EHG. I'm confident that that will be the outcome.

The Hon NATALIE WARD: Can you take it on notice about the number and the decision-making process that led to those changes?

ATTICUS FLEMING: Yes.

Answer:

The Department of Planning and Environment identified a range of possible savings options as part of the 2023–24 Budget process. Decisions relating to the budget are taken by the Cabinet Standing Committee on Expenditure Review.

Three employees in Aboriginal identified roles in the Environment and Heritage Group are impacted by savings measures in the 2023–24 Budget, one ongoing employee and two temporary (fixed term) employees. The Environment and Heritage Group is seeking to ensure that all staff impacted by savings measures – including the three employees in Aboriginal identified roles – are offered employment in alternative roles within the Group. The three employees in Aboriginal identified roles have already been successful in securing alternative roles.

Records show that none of the other impacted staff nominated on their employment forms that they identify as Aboriginal when they commenced employment with the Department. However, we acknowledge that there may be additional staff who identify as Aboriginal who did not nominate this on their forms.

The Department is working to find alternative roles for all staff who are affected. This process is well underway and many of the affected staff have already been placed in new roles.