



BUDGET ESTIMATES 2024–2025

Climate Change, Energy, the Environment and Heritage Portfolios

Portfolio Committee No. 7 – Planning and Environment

Answers to Questions on Notice

Hearing: 29 August 2024

Climate Change, Energy, the Environment and Heritage Portfolios

No. Question

1. EnergyCo – Transcript page 4

The Hon. JOHN RUDDICK: Good morning, Minister. In March 2024 at the budget estimates hearing regarding EnergyCo's treatment of transmission-affected landowners, you said:

I am, of course, concerned and take all complaints and issues that come to me in relation to the way in which people may be behaving with landholders very seriously. We actually, as I said, are investigating those and making sure that is not the case.

I'm keen to know how those complaints and issues were investigated. What were the outcomes?

The Hon. PENNY SHARPE: I need to take on notice the details of actual complaints and then what has occurred. I'm not able to take you through that. The point I'd make is we've made a lot of changes in relation to how EnergyCo is working, particularly in local communities. There are now more staff who are actually working in the regions with a variety of community actors. As you know, I've been out and talked to farmers, in Central-West Orana, for example, and continue to have ongoing consultation, particularly with the mayors in the various renewable energy zones. I try to meet with them very regularly. In relation to specific complaints, we can do that. What I can flag, though, is that we are looking at ways to improve the complaint system. I'll have some more news in relation to that very soon.

Answer:

I cannot comment on individual cases but it is possible to speak to the approach taken by the Energy Corporation of NSW (EnergyCo). While I acknowledge the need for constant work to ensure high quality engagement practices; I am aware of appropriate escalation in many instances with senior executives being involved in handling complaints. The agency, under my direction, is committed to addressing complaints and escalating complaints promptly.

2. Public liability insurance for renewable energy projects – Transcript page 5

The Hon. JOHN RUDDICK: I appreciate that. Thank you. I know it's a lot of concern, because sometimes these farmers think they're getting a lot of money but then they could lose about half of it. Another thing related to the REZ is the question of public liability insurance. Some of these farmers will find that right next door to them there will be, basically, an industrial site with up to a billion dollars or more of capital investment. If there's a farmer there and a fire starts on their farm, and it then damages these big projects, they are very, very worried about being liable for them. The typical farmer in New South Wales has a public liability insurance policy for about \$20 million, but a lot of them are saying, "We need a lot more public liability insurance than just \$20 million" because they might inadvertently damage a billion dollars.

Some insurance brokers that I've spoken to have stated that this challenge will likely not be resolved until the first case is determined through the courts as to who is actually liable. It would seem the most commonsense way to avoid this scenario is for the New South Wales Government to require any developer-operator of a renewable energy infrastructure project and/or associated infrastructure to indemnify any and all external risks if an incident, including a fire event, occurs that results in any public liability insurance claim. Do you have any views on this issue of how farmers could end up becoming bankrupt through a minor, inadvertent error which damages public property?

The Hon. PENNY SHARPE: There's quite a lot in that, Mr Ruddick. I am aware of the issue. Farmers have raised it with me, and NSW Farmers has raised it with me. The detail of how the interplay between the Government's insurance arrangements, private companies – in relation to those that are building wind and solar farms, for example – and how that works

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with neighbouring landholders is not something that I know in detail. I'm very happy, though, to take it on notice and provide you with information in relation to that.

Answer:

The NSW Government is aware some neighbouring landholders have voiced concerns about the potential need for higher levels of third-party liability insurance, due to having a shared boundary with a renewable project.

Many farmers share boundaries with other industries including industrial areas, such as blueberry farms in peri-urban settings, abattoirs, feedlots and grain storage/processing facilities. However, no concerns have been raised about the standard \$20 million third-party liability coverage in agricultural insurance products, in these situations.

Published advice from the Insurance Council of Australia (from 14 May 2024) states that:

“Current information indicates that insurers generally do not have specific concerns related to a property hosting transmission lines or neighbouring energy infrastructure. At the time of writing, the Insurance Council is not aware of any instances where Insurance Council members have been unable to provide insurance or have increased premiums as a result of a farm (or a neighbouring property) hosting energy infrastructure.”

In addition, the planning approvals for renewable energy projects usually include management plans or operating conditions to reduce the risk of hazards, such as from fires. This may include requirements to prepare an emergency plan in consultation with emergency services and/or obligations on how the operator of the renewable energy project is to minimise risks or be equipped to respond to emergencies, such as fire.

Financiers of renewable energy developments also require extensive risk mitigation measures to be built into projects. These strategies may include vegetation management, using access roads and setbacks as fire buffers, and ongoing monitoring of installations.

The NSW Government is working collaboratively with key stakeholders to continue to monitor this issue and explore measures to address landholders' concerns. For example, the Energy Corporation of NSW has established a Memorandum of Understanding (MOU) with the NSW Farmers Association to bolster communication between developers, landholders and neighbouring farmers. Under this MOU, information material is being developed to provide guidance on frequently asked questions, including public liability insurance issues.

3. Transport for NSW asbestos investigation – Transcript page 7

The Hon. WES FANG: Okay. Mr Chappel, I've got here the clean-up notice that was provided to Transport for NSW. I will table that. I've got a copy here for the secretariat, and we're short – you might be aware of this, though, Mr Chappel. Do you have a copy of the clean-up notice in front of you?

TONY CHAPPEL: I don't have it in front of me but I am probably familiar with it.

The Hon. WES FANG: The secretariat will pass that to you. Mr Chappel, you'll note on the bottom of the first page it states, "The EPA believed that there was more than 10 tonnes of asbestos on the site", in relation to the Rozelle interchange mulch issue. Can you confirm that that's the case?

TONY CHAPPEL: No. The comment is 10 tonnes of material containing asbestos. It's quite different to 10 tonnes of asbestos. It's referring to contaminated material that would include asbestos as a contaminant.

The Hon. WES FANG: Let's delve down into this a little bit. How much mulch did you believe was on the site?

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TONY CHAPPEL: Mr Fang, I would have to take that on notice as to what the EPA's view at that time was in terms of volume on the site.

Answer:

At the time Clean-Up Notice No 3507919 was issued to Transport for NSW, the NSW Environment Protection Authority was aware that about 900 tonnes of mulch had been delivered to the Rozelle Interchange between 1 March and 31 December 2023.

4. Transport for NSW asbestos investigation – Transcript page 8

The Hon. WES FANG: Mr Chappel, if you turn to page 3 of that clean-up notice, you will see dot point Q states:

Q. Clause 133 of the Protection of the Environment Operations (General) Regulation 2022 provides that the following matters are prescribed for the purposes of paragraph (b) of the land pollution definition:

...

c. More than 10 tonnes of asbestos waste

If you look at dot points S and T, it talks about how asbestos waste is defined in clause 50 and then it states:

T. The EPA reasonably suspects that a pollution incident is occurring or is likely to occur at the Premises, namely:

a. More than 10 tonnes of asbestos waste has been applied to land at the Premises in the form of mulch containing asbestos ...

Mr Chappel, what would have occurred if it was under the 10 tonnes that you expected was there?

TONY CHAPPEL: The 10-tonne threshold is for material in total, not for the volume of asbestos. Let me take that on notice because there would be a variety of other tools that can be used for any pollutant.

Answer:

The NSW Environment Protection Authority (EPA) has a range of regulatory tools that can be used if a 'pollution incident', as defined in the *Protection of the Environment Operations Act 1997*, occurs. When selecting the most appropriate tool, the EPA will be guided by the relevant legislative powers, the circumstances of the incident and the matters set out in the EPA's Regulatory Policy.

5. Asbestos removed from Rozelle interchange – Transcript page 8

The Hon. WES FANG: Minister, are you able to provide to me an idea of exactly how much asbestos was removed from the Rozelle interchange?

The Hon. PENNY SHARPE: I'd have to take that on notice.

Answer:

On 15 January 2024, the NSW Environment Protection Authority (EPA) issued Clean-Up Notice No 3507919 to Transport for NSW. The Notice directed Transport for NSW to remove all mulch that had been applied to land at the Rozelle Parklands and dispose of it at a facility that can lawfully receive it. Asbestos had been detected in the mulch.

The EPA understands that approximately 900 tonnes of mulch was removed and disposed of in compliance with the Notice. The precise amount of asbestos in the mulch was not required to be quantified. Mulch should not contain any asbestos.

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6. Asbestos – Greenlife – Transcript page 9

The Hon. WES FANG: Mr Chappel, how much asbestos was found on the Greenlife site when you tested it?

TONY CHAPPEL: I think there have been a number of tests on that site, so I'll take that on notice. Also, just to be clear, there is a comprehensive investigation underway. We are pursuing a number of persons of interest. It's a well-established principle that I do need to be very cautious in commenting on the investigation.

Answer

The NSW Environment Protection Authority (EPA) visited the premises known as the Greenlife Resource Recovery Facility in Bringelly on 15 January 2024 and collected samples of mulch. As the EPA stated publicly in February 2024, those samples showed no positive detects for asbestos. The EPA's investigation into asbestos contamination in mulch covers mulch that would have been made during a period prior to this date, in 2023.

7. Asbestos – Greenlife – Transcript page 10

The Hon. WES FANG: I have been provided with them, Minister. Did the EPA advise you that they found no asbestos in their testing at the Greenlife site?

The Hon. PENNY SHARPE: Mr Fang, we're going to take all of these on notice.

Answer:

The NSW Environment Protection Authority stated publicly on 13 February 2024:

“Samples collected from a stockpile at the site of the original supplier in January 2024 showed no positive detects for asbestos, however we are concerned about mulch that was manufactured and sold between March and December 2023 and is no longer on site.”

8. McPhillamys Gold Mine – consultation with Minister Plibersek – Transcript page 14

The Hon. TANIA MIHAILUK: Did Minister Plibersek meet with you or speak with you or your office directly in relation to her decision to essentially kibosh the mine by enacting section 10 of the Act?

The Hon. PENNY SHARPE: The short answer is no but, just so you're aware, I'm happy to take you through the process. No, she did not speak to me. I have never spoken to the Minister in relation to this. I haven't spoken to her office. As part of the process, she did seek input from me in relation to making that decision. I wrote back to her and said, basically, that it had been through our independent process and that Heritage had been – this was very specifically on the Heritage matter – satisfied that the Aboriginal people who had been involved in the application – don't forget it's a long-term thing from 2019.

The Hon. TANIA MIHAILUK: This is Heritage NSW? They were satisfied?

The Hon. PENNY SHARPE: They were satisfied that that was right and provided advice in relation to that.

The Hon. TANIA MIHAILUK: Would you make that correspondence public, Minister?

The Hon. PENNY SHARPE: I can take that on notice.

The Hon. TANIA MIHAILUK: You'll take that on notice and make that public. I think people would be delighted to read that.

No. Question

Answer:

On 18 December 2023, I responded to Minister Plibersek's request for feedback on the section 9 and 10 applications received under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth).

9. McPhillamys Gold Mine – consultation with Minister Plibersek – Transcript page 14-15

The Hon. TANIA MIHAILUK: You'll take that on notice and make that public. I think people would be delighted to read that. Can I ask you further on Plibersek's decision? Have you, since she's made that decision, sought to meet with the Minister in relation to that or to speak with her staff –

The Hon. PENNY SHARPE: No, I haven't.

The Hon. TANIA MIHAILUK: – particularly to relay the concerns and again reiterate New South Wales's position and the position that you just advised the Committee of – that is, Heritage NSW did not have any concerns in relation to any Aboriginal Indigenous cultural artefacts?

The Hon. PENNY SHARPE: I don't want you to go too far. A lot of this happened prior to the change of government, but it went through the independent planning panel. It was approved.

The Hon. TANIA MIHAILUK: But you were asked specifically, and you said –

The Hon. PENNY SHARPE: We said that that was fine.

The Hon. TANIA MIHAILUK: – that Heritage NSW did not have any concerns or any in relation to any need to protect any part of the site there – any part of the 2,500 hectares. Is that right?

The Hon. PENNY SHARPE: Yes, I provided advice, but I need to be very clear about what's in and out in terms of the scope of that. I'm happy to come back to you about it. There's no big deal here. You're putting a long list of things that I'm not sure –

The Hon. TANIA MIHAILUK: Did the Federal Minister write to your department or to you directly asking for a view?

The Hon. PENNY SHARPE: Yes. As part of the process, she consults in relation to what has happened, and we responded.

The Hon. TANIA MIHAILUK: Do you have the time frame of when that was, roughly, that she wrote to you? Do you recall?

The Hon. PENNY SHARPE: I think it was the end of last year, but I would need to check.

The Hon. TANIA MIHAILUK: And you responded end of last year or this year?

The Hon. PENNY SHARPE: I would need to check.

The Hon. TANIA MIHAILUK: And you've said that you're happy to make that correspondence public.

The Hon. PENNY SHARPE: I'll see whether I can, but yes.

Answer:

On 18 December 2023, I responded to Minister Plibersek's request for feedback on the section 9 and 10 applications received under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth).

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10. McPhillamys Gold Mine – correspondence with Ms Reynolds – Transcript page 15

The Hon. TANIA MIHAILUK: I appreciate that you've given that commitment. Has Ms Reynolds, who made an application in 2021 opposing –

The Hon. PENNY SHARPE: Sorry, I don't know her.

The Hon. TANIA MIHAILUK: Ms Reynolds is from the splinter Aboriginal group –

The Hon. PENNY SHARPE: I'm aware of the name but only through media reporting.

The Hon. TANIA MIHAILUK: She has not contacted your office?

The Hon. PENNY SHARPE: Not that I'm aware of, but let me take it on notice.

The Hon. TANIA MIHAILUK: If you could take on notice whether she has contacted your office by correspondence, by email or by phone, or any of the 18 people who signed her particular petition.

The Hon. PENNY SHARPE: I can check our records as much as possible. I'm very happy to find out. I'm not aware of that. I found out yesterday that we've had over 24,000 pieces of the correspondence in the last 18 months. I'll go back and check, but I am not aware of that.

The Hon. TANIA MIHAILUK: That's separate to this issue. Your correspondence –

The Hon. PENNY SHARPE: We have had 24,000 pieces of correspondence generally on all issues. This is what I mean in terms of going back, but I am not aware of that.

The Hon. TANIA MIHAILUK: So you're not aware of Ms Reynolds' group or her contacting your office or the department?

The Hon. PENNY SHARPE: No, I'm not, but I'll check. She may have.

Answer:

There is no record of Ms Reynolds contacting my office or Heritage NSW in relation to this matter.

11. Renewable energy targets – Transcript page 19

The Hon. NATALIE WARD: Thank you. How much more is required between now and 2030 to ensure that we hit our net zero targets?

The Hon. PENNY SHARPE: Sorry, are you talking about net zero targets, or are you talking about building out of the renewable energy zones?

The Hon. NATALIE WARD: I'm asking how much more is required to hit those targets.

The Hon. PENNY SHARPE: Which targets?

The Hon. NATALIE WARD: The net zero targets by 2030.

The Hon. PENNY SHARPE: We need to decarbonise the grid. So we need to meet what is in the road map. It used to be bipartisan. I'm not sure about the Nats; you need to check on them. We're on track in relation to our targets, which is the 12 gigawatts of generation and the two gigawatts of firming. That is ongoing work. There is also work outside the REZ as well, so the total number I would have to come back to you. But in terms of if you are asking if we are going to meet our targets, that is exactly what we are intending to do, and that is what we're rolling out, both in terms of energy, decarbonisation, work in the transport sector and work in energy.

Answer:

The *Climate Change (Net Zero Future) Act 2023* legislated emissions reduction targets of 50% of 2005 levels by 2030, 70% by 2035 and Net Zero by 2050. The progress towards these targets is published online.

No. Question

Regarding renewable energy targets, the NSW Government has locked in 5.84 gigawatts (GW) of its at least 12 GW renewable target for generation by 2030 and 0.57 GW of the at least 2 GW target for long duration storage by 2030.

These are projects that were not committed before November 2019, and are either in service, have been awarded a long-term energy service agreement, or have passed through several important development milestones and are on the pathway to construction.

12. Renewable energy projects awaiting approval – Transcript page 20

The Hon. NATALIE WARD: I will move on, Minister. How many renewable energy projects are currently awaiting approval in New South Wales?

The Hon. PENNY SHARPE: I would have to take that on notice, but I might be able to get it to you, because I know that I've got a list. There are a lot.

The Hon. NATALIE WARD: Take it on notice. I might assist you, while you are looking for that, or someone can look for it for you.

The Hon. PENNY SHARPE: No, I can tell you. Here we go. The number of projects under assessment, there is 35. There are 13 wind farms, 12 solar farms, eight batteries and two pumped hydro.

Answer:

As of 9 September 2024, there are 36 state significant renewable energy projects that have submitted a development application and are currently designated as 'under assessment' by the NSW Department of Planning, Housing, and Infrastructure, including:

- 13 wind farms
- 12 solar farms
- 9 battery energy storage systems
- 2 pumped hydro energy storage plants.

These figures are an update to the numbers provided during the Budget Estimates hearing.

13. Contaminated lands – EPA regulatory priority 2023-24 – Transcript page 24

The Hon. NATALIE WARD: Dealing with those [contaminated lands] was meant to be an EPA priority, a regulatory priority, in 2023-24. What has happened with that priority?

The Hon. PENNY SHARPE: They're doing the work.

TONY CHAPPEL: Significant work has progressed. I'm happy to give you an extensive answer.

The Hon. NATALIE WARD: Why don't we take that up this afternoon, if you like? We have you this afternoon.

TONY CHAPPEL: I will just need to take that one for this afternoon, yes.

No. Question

Answer:

Contaminated sites were identified by the NSW Environment Protection Authority (EPA) as a compliance priority for 2023–24 under the EPA's strategic planning framework. A focus has been underground petroleum storage systems (UPSS). The EPA has implemented three projects in relation to this:

- A capacity building program for local government on regulation of UPSS, training 121 council officers from 57 councils.
- Prioritisation and inspection of UPSS sites that may impact groundwater dependent communities.
- Identification, mapping and prioritisation of unused service stations in a state of disrepair.

14. Contaminated lands – management and remediation – Transcript page 24-25

The Hon. NATALIE WARD: Minister, do you plan on remediating those contaminated sites in New South Wales?

The Hon. PENNY SHARPE: It depends which ones and it depends on how long – these are complex sites – and it depends on who owns them. Mr Chappel will be able to take you through chapter and verse in relation to what the plan is for each of the sites. I'm not across that detail, but the point I would –

The Hon. NATALIE WARD: But broadly, as Minister, you set the policy direction. Is it your view that you plan on remediating those contaminated sites?

The Hon. PENNY SHARPE: We continue to work to deal with contaminated lands as previous governments have as well.

The Hon. NATALIE WARD: "Deal with" is not the same as remediating, is it?

The Hon. PENNY SHARPE: Sorry?

The Hon. NATALIE WARD: "Deal with" I think were your words. "We plan on dealing with them" is not the same as remediating them. It's a yes or no, isn't it?

The Hon. PENNY SHARPE: No, it's not a yes or no question. The answer to it is that there is a framework for managing contaminated lands, and we continue to do so. We try to remediate as many as we can, but I just can't tell you exactly where each of the individual sites are. Some are more complex than others. In fact I think I might provide to the Committee the number that have been there for the 12 years that you were in government and that we're catching up with.

The Hon. NATALIE WARD: We can look backwards or we can look forwards to cleaning these up and getting them fixed under your time here.

The Hon. PENNY SHARPE: Sure. Yes, they've got to be cleaned up.

The Hon. NATALIE WARD: Minister, you've been here for 18 months. I would have thought you'd be focused on what you're going to do about it if you are truly committed to this.

The Hon. PENNY SHARPE: I'm focused on every part of my portfolio. I note the contaminated lands are a problem, and we're continuing to manage them and remediate them. But, again, it's not always the government that remediates it. It depends on what the plan is, it depends on who owns it and it depends on who made the contamination. This is not a straightforward issue, but it's one that, like all environmental issues, we take very seriously.

The Hon. NATALIE WARD: In taking it seriously, perhaps we might have some more detail on your commitment to what you're doing on each of those.

No. Question

The Hon. PENNY SHARPE: Sure. I'll also provide that list of how long they've been a problem too.

Answer:

The term 'fully remediated' is taken to mean significantly contaminated sites that have been remediated such that they no longer pose an unacceptable risk to human health or the environment for the current or approved land use.

The NSW Environment Protection Authority (EPA) regulates sites considered to be significant enough to warrant regulation under the *Contaminated Land Management Act 1997* (CLM Act).

The management framework for contaminated land in NSW is broadly dealt with by:

- The EPA, which uses its powers under the CLM Act, and deals with contamination that is significant enough to warrant regulation given the site's current or approved land use.
- Remediation of sites can be regulated under the CLM Act or, where there is an environment protection licence or statutory notice in place for the site, under the *Protection of the Environment Operations Act 1997* (POEO Act).
- Planning authorities deal with other contamination under the land use planning and development process, including the *State Environment Planning Policy (Resilience and Hazards) 2021* and *Managing Land Contamination Planning Guidelines (SEPP55)*, on sites that do not pose an unacceptable risk under current or approved use. This process determines what remediation is needed to make the land suitable for a different (more sensitive land) use.
- There are specific cases where contamination is managed under a tailored program operated by another agency (for example, the NSW Resources Legacy Mines Program).

The following table shows that, as at 9 September 2024, there are 237 sites declared as significantly contaminated land and/or currently being regulated by the EPA and whether contamination is being regulated under either the CLM Act or POEO Act.

Type of regulation	Number of sites
Contamination currently regulated under CLM Act or POEO Act	227
Regulation being finalised (CLM Act)	10
Total number of sites being regulated	237

The 'polluter pays' principle is the primary approach for contaminated land management in NSW. This means those responsible for causing pollution or contamination should bear the costs of cleaning it up. When it is not practicable to specify the polluter, the responsibility may fall to the owner or notional owner of the land. The NSW Government sometimes becomes responsible for funding and carrying out the remediation where, despite all regulatory action, the polluter or owner cannot be held liable or is not able to remediate.

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15. Rosehill metro contamination – Transcript page 25

The Hon. NATALIE WARD: Is the land around Rosehill contaminated?

The Hon. PENNY SHARPE: When you say "around Rosehill", do you mean Rosehill itself or do you mean – in what buffer zone? Parramatta has had a lot of heavy industry. How big are you talking about?

The Hon. NATALIE WARD: Is the Rosehill land site contaminated?

The Hon. PENNY SHARPE: I'm not aware of that. I think it's one of the better sites, but as you know there's a process underway to examine that as an opportunity. All of those studies and everything will be done. But my understanding –

The Hon. NATALIE WARD: The land around –

The Hon. PENNY SHARPE: Sorry, if you could let me finish.

The Hon. NATALIE WARD: Certainly. Around the metro is where I'm interested in. Was that land contaminated around the metro site?

The Hon. PENNY SHARPE: I'd have to take it on notice.

Answer:

Questions relating to the wider Camellia-Rosehill precinct redevelopment should be referred to the Minister for Planning and Public Spaces.

Questions relating to a potential Sydney Metro station at Rosehill should be referred to the Minister for Transport.

16. Minister's meeting with Tomago – Transcript page 27

Ms ABIGAIL BOYD: Your diary disclosures are of a similar lack-of-information, I guess, quality as the rest of the Ministers, so I'm not going to pick on you in particular. You met with Tomago in relation to "energy" on 12 April.

The Hon. PENNY SHARPE: Yes.

Ms ABIGAIL BOYD: Did you discuss these issues?

The Hon. PENNY SHARPE: Not the post-2030. What we talked about was – I'd need to confirm this with my office, but this was a visit. I actually went onsite and they showed me around. I'd never been to an aluminium smelter before. They talked about the challenges they face in relation to how they're going to meet their targets. They are part of discussions around their decarbonisation plan. There are some limits to that. We did talk broadly, but any link to Bayswater or their post-2030 was not a specific part of the visit. They didn't talk to me about that.

Answer:

I can confirm the original answer covered what was involved in the visit to Tomago Aluminium. It was a site visit which involved a broad presentation about the nature of Tomago's business and the challenges it faces in relation to decarbonisation.

17. Climate change – atmospheric carbon dioxide levels – Transcript page 30

The Hon. JOHN RUDDICK: Minister, on the question of climate change, are you aware of what percentage of the atmosphere is carbon dioxide?

The Hon. PENNY SHARPE: We tried to keep it to 350, but I think it's now at about 420. Let me confirm that.

No. Question**Answer:**

In July 2024, atmospheric concentrations of carbon dioxide were 420.5 parts per million based on the latest measurements at Kennaook / Cape Grim Baseline Air Pollution Station, located near the north-west tip of Tasmania.

18. McPhillamys Gold Mine – ministerial briefings – Transcript page 32

The Hon. NATALIE WARD: We can do that this afternoon with Mr Chappel. Thank you. I just am interested in your time here, which we appreciate. Prior to the Federal Minister's determination, did you receive any briefings or approve any briefing notes regarding the proposal? It's not a trick question. I'm just trying to understand your role in the process leading up to Minister Plibersek's determination.

The Hon. PENNY SHARPE: As I said when Ms Mihailuk was here earlier, there is a process that the Federal Government undertakes, in terms of seeking advice from the New South Wales Government, to have input into these decisions. That advice was sought. Minister Plibersek sought that advice. I'd need to check the —

Answer:

On 18 December 2023, I responded to Minister Plibersek's request for feedback on the section 9 and 10 applications received under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth).

Prior to the Federal Minister's determination, I did not receive any briefings or approve any briefing notes related to the proposal.

19. Offshore wind – ministerial meetings – Transcript page 36

The Hon. NATALIE WARD: Do you support offshore wind across the New South Wales coastline?

The Hon. PENNY SHARPE: I think that offshore wind has the potential to be very important for New South Wales as an energy mix. I think there is a fair way to go in terms of its feasibility in relation to New South Wales in particular. As you would be aware, the Commonwealth has declared the zones in the Illawarra and the Hunter. I have met with communities both in the Illawarra and the Hunter who are extremely keen to see offshore wind go ahead. There are some issues, though. We're different to Victoria, which is shallower, in terms of their ability to do that. For us, there's this floating technology that needs to be dealt with. But we're looking at what New South Wales would have to deal with if we move ahead to where there's actually a firm project in place. That's not there yet.

The Hon. NATALIE WARD: Have you met with the people who don't support it?

The Hon. PENNY SHARPE: Yes.

The Hon. NATALIE WARD: When was that?

The Hon. PENNY SHARPE: I've met with a few of them. I have met with commercial fishers. I met with people when I was in Port Stephens in relation to that. I can probably tell you.

The Hon. NATALIE WARD: You can take that on notice if you like.

Answer:

I met with the Professional Fishers Association on 30 August 2023.

No. Question**20. ETU industrial action – renewable energy project impacts – Transcript page 36**

The Hon. NATALIE WARD: Are you aware of how many renewable energy projects are being delayed by the ETU's industrial action?

The Hon. PENNY SHARPE: I'm aware of the ETU's industrial action. The number of projects and the way they've been managed in relation to that, I couldn't tell you.

The Hon. NATALIE WARD: Can you take it on notice about the impact to renewable energy projects by that industrial action? It's obviously of concern.

The Hon. PENNY SHARPE: It's pretty important. There's work underway in terms of there is Transgrid and the various energy providers. I can provide some more information if you'd like, but I can't tell you off the top of my head.

The Hon. NATALIE WARD: You'll take it on notice.

Answer:

Advice received by the NSW Government indicates ETU's protected industrial action has impacted the delivery schedule of three renewable energy generation projects. However, the impact of the delays has been minimised by effective rescheduling of planned works.

Please refer to the response to transcript question 56 for more information on the impacts to these projects.

21. Asbestos – Kimbriki site – Transcript pages 37-38

The Hon. WES FANG: I'm going to table a press release from the Kimbriki site, which indicates that they were tested by the EPA and asbestos was found on that site. In May 7NEWS reported that the total cost of this replacement of mulch was around \$100 million. Can you guarantee that this \$100 million scandal that has occurred in relation to the Government hasn't actually exposed the New South Wales public to asbestos, having replaced mulch from the Greenlife site with the Kimbriki site, which was found to have some contamination with asbestos?

The Hon. PENNY SHARPE: I reject some of the premise of that question. This is a really serious matter. There should be no asbestos in any mulch, in this product. This is what this unfortunate incident has exposed. It has been, as you are aware, one of the most complex investigations that the EPA has ever undertaken. At the time I think we had almost 100 staff who were working through that as we tried to work through the supply chain. That work is being undertaken, as I have also said.

The Hon. WES FANG: Minister, while I appreciate that —

The Hon. PENNY SHARPE: I'm trying to get to it.

The Hon. WES FANG: I wish you would.

The Hon. PETER PRIMROSE: Talk about discourteous.

The Hon. NATALIE WARD: Shut it down, Peter.

The Hon. PENNY SHARPE: It's okay. You can ask the question and I'm entitled to answer it how I see fit.

The Hon. PETER PRIMROSE: There's a bit of bullying going on here.

The Hon. PENNY SHARPE: I believe I am actually being helpful. There have been some pretty dangerous allegations made today in relation to this that are unhelpful and I am trying to actually be helpful. The EPA was working through that. I can take on notice the issue. But the point that I would make is that those where mulch was found and had it replaced actually have to ensure that it wasn't contaminated. That's the rules.

No. Question

Answer:

Transport for NSW has advised that replacement mulch for the Rozelle Parklands was not sourced from Kimbriki Resource Recovery Centre.

22. McPhillamys Gold Mine – Heritage NSW assessment – Transcript page 38

Ms CATE FAEHRMANN: Minister, in relation to McPhillamys, did the advice you provided to the Federal environment Minister consist of Heritage NSW's assessment of the mine in terms of cultural heritage?

The Hon. PENNY SHARPE: No, it didn't. I would need to take on notice the details of that. It basically provided advice in relation to the independent planning process that New South Wales was satisfied that it had been approved and it outlined how the law works in New South Wales. But it didn't re-prosecute the issues that have been dealt with via the IPC, and that's not really the role of the advice that was provided.

Answer:

On 18 December 2023, I responded to Minister Plibersek's request for feedback on the section 9 and 10 applications under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth).

The response acknowledged that the McPhillamys Gold Project had been the subject of ongoing Aboriginal cultural heritage assessment as part of its assessment as a state significant development application under Part 4 of the *Environmental Planning and Assessment Act 1979*.

23. PFAS presence in Sydney's drinking water – Transcript page 40

Ms CATE FAEHRMANN: Minister, how long has the EPA known that PFAS chemicals have been in Sydney's drinking water?

The Hon. PENNY SHARPE: I might hand that over to Mr Chappel. I just make a couple of preliminary points, though. Obviously, the agencies that are responsible for this – and it is a little bit complicated. WaterNSW looks after the infrastructure, and the drinking water standards sit with NSW Health. The EPA has a role in relation to PFAS generally. I might hand over to Mr Chappel because, in terms of when the EPA knew, he will be able to explain that.

Ms CATE FAEHRMANN: When did the EPA find out? How long have you known? Probably the same question.

TONY CHAPPEL: Ms Faehrmann, the EPA is not the regulator for drinking water and of the water utilities. In terms of the chemistry, there is NSW Health. We've become aware, as the information has been shared, and then very quickly made public. We are working to support NSW Health and support Sydney Water. We've got our technical expertise now working closely with them, but we didn't have any particular additional information to what is in the public domain on that timeline.

Ms CATE FAEHRMANN: When Sydney Water placed the data on its website in June without making any public statement, did the EPA know about it before that?

TONY CHAPPEL: I don't think so, but I'll take that on notice.

Answer:

The NSW Environment Protection Authority became aware of the Sydney Water data when it was first made public.

No. Question

24. PFAS – Fire and Rescue NSW information – Transcript page 40

Ms CATE FAEHRMANN: How did the EPA determine that the fire stations near or within the catchment area didn't use PFAS?

TONY CHAPPEL: We work closely with Fire and Rescue and RFS on the historic use of PFAS containing materials or chemistry for training or storage. On the basis of their presence and on the advice from those agencies, we then assess the potential risk of legacy PFAS in the environment around those locations. We try to triage these sites based on known information, where PFAS has been used in extinguishers and so on.

Ms CATE FAEHRMANN: So the known information is coming from Fire and Rescue? I understand from a story last year that of the 334 fire stations, Fire and Rescue had tested less than a dozen. Do you get your information from Fire and Rescue, not your own information?

TONY CHAPPEL: I can take that on notice, perhaps, or come back to it this afternoon. My colleague, Mr Beaman, who is here this afternoon, leads this area for us. But we work closely with Fire and Rescue to understand and interrogate the records of training practices, the training sites, the sites where large amounts of PFAS containing chemicals have been used historically, or for community events and other things. I can also confirm EPA was aware of the data you've mentioned when it was first made public. We didn't have any advanced insight into that data.

Answer:

The NSW Environment Protection Authority (EPA) is the lead agency for the NSW Government PFAS Investigation Program. The EPA uses the PFAS National Environmental Management Plan 2.0 (NEMP) as a guide to these investigations, including the human health criteria and sectors listed in appendix B of that document.

Appendix B of the NEMP outlines sectors that are likely to have historically used or stored fire-fighting foams containing PFAS. Sectors include airports, defence bases and firefighting training grounds.

The EPA provides oversight of the Fire and Rescue NSW (FRNSW) PFAS triage program which assesses its fire stations and training facilities. The program includes current and former FRNSW fire stations, which FRNSW triaged based on known information and surrounding sensitive land uses.

The EPA reviews information and reports provided by FRNSW as part of its investigations and meets with FRNSW to be updated of its progress.

25. PFAS – drinking water guidelines – Transcript page 40-41

Ms CATE FAEHRMANN: Mr Chappel, you are aware of the outcry – the huge expose that occurred in the United States in terms of the cancer clusters; the 3M chemical giant – the changes, then, to the World Health Organization in terms of drinking water guidelines, the changes that the EPA in the US – in fact, the Biden-Harris administration ordered a huge change, based on that cancer cluster. You are aware of all that?

TONY CHAPPEL: Yes.

Ms CATE FAEHRMANN: Minister, you're aware of it?

The Hon. PENNY SHARPE: Ms Faehrmann, yes, I am. There is work being undertaken. Obviously different EPAs in different jurisdictions make decisions about this. But this sits under the NHMRC. It is currently doing a review in relation to this. I would agree that consistency is good but consistency, unfortunately, rarely happens. Those issues are being dealt with. It's not a matter for our agencies in relation to that, but we're working through there. The other thing I would say is that we passed the IChEMS Legislation earlier this year. We are looking at the phase-out program in relation to this. The US phase-out isn't

No. Question

until 2029. I am aware of it, and I am concerned, of course. But we are taking steps in relation to that, and it's just going to take a little bit of time, because it's not up to the New South Wales EPA or the New South Wales Government to decide how that works, but that work is being done by the NHMRC.

Ms CATE FAEHRMANN: When you say Federal, across government work that is being undertaken. When is the outcome going to be put in force?

The Hon. PENNY SHARPE: Mr Chappel might know that. We might have to take it on notice.

Ms CATE FAEHRMANN: It's the end of next year at the earliest, I think?

TONY CHAPPEL: I think so. NSW Health lead that, and we rely on NSW Health for their health advice about these issues. They are probably best placed to answer that. We can take it notice and seek an answer.

Answer:

PFAS and drinking water is regulated by NSW Health under the *Public Health Act 2010*.

The National Health and Medical Research Council (NHMRC) develops the Australian Drinking Water Guidelines. Currently, NHMRC is conducting an independent review of the health-based guideline values for PFAS. The review is anticipated to be completed by late 2025.

26. Independent Forestry Panel – Transcript pages 42-43

The CHAIR: I just want to go back to the timber industry panel, if I can. Minister, were the appointments made from a pool of people?

The Hon. PENNY SHARPE: I'd need to take that on notice. I don't think so but let me check.

The CHAIR: If you could. Are they paid roles?

The Hon. PENNY SHARPE: They will be paid, yes.

The CHAIR: If you could also, please, which feeds into that first part, say which department prepared the panel proposal.

The Hon. PENNY SHARPE: Just to be clear, it was a whole-of-government input. In terms of dealing with forestry and the Forestry Industry Action Plan, that's something that is being jointly managed between myself and Minister Moriarty, so there is obviously input from our agencies. But there's also work occurring in the Cabinet Office. I'll take it on notice. I'm not sure I'm meant to say much more about that because it's Cabinet, but, anyway, I've given you as much as I think I can.

Answer:

The establishment and appointment of the Independent Forestry Panel was a decision of Government.

27. Asbestos – Liverpool West – Transcript pages 48

The Hon. WES FANG: Minister, the *Hansard* that I've tabled is from Tuesday where my colleague asked Minister Car how much material was removed from the Liverpool West school site. You will note that we were provided an answer of 2,500 tonnes. Assuming that all 160 tonne of mulch, which I believe was used over three sites – because it was purchased by the landscaper in bulk, let's assume that all 160 tonne of mulch went to that school site. Why was 2,500 tonne of material removed?

The Hon. PENNY SHARPE: I don't know the details of that. I can't speak to that. I will take that on notice. But I will indicate again that I am not providing advice – I am not providing information to this Committee if it's prejudicial in relation to the current investigation.

No. Question**Answer:**

The NSW Environment Protection Authority declines to answer as the matter refers to an ongoing criminal investigation.

28. Improved native forestry method – Government briefings – Transcript pages 50

The Hon. WES FANG: Minister, I haven't asked the question yet. The Minister for forestry said on Tuesday in estimates:

... I'm not sufficiently across the detail to be able to get into it with you this afternoon.

Were the full details of the policy disclosed to your ministerial colleagues before it was submitted to the Federal Government? What was done through the formal briefing/Cabinet notes/staff briefing/agency briefings about how this policy was socialised to your ministerial colleagues?

The Hon. PENNY SHARPE: I'm happy to take that on notice and provide extra information. The first thing is, I'm not providing you with Cabinet information – I'm actually not allowed to. The second point I make is that there has been a lot of discussion across government. This isn't just a National Parks and Wildlife Service matter. This is actually something that has been done in a whole-of-government way – and we will continue to do so.

Answer:

The Improved Native Forest Management method expression of interest was developed as part of the Great Koala National Park Intra-agency steering committee process, comprising representatives of various NSW Government agencies.

29. ETU industrial action – impacts to Kurri Kurri and Waratah Super Battery – Transcript page 52

The Hon. NATALIE WARD: Minister, will ETU action delay Kurri Kurri?

The Hon. PENNY SHARPE: I don't know. I'll take it on notice.

The Hon. NATALIE WARD: You don't know?

The Hon. PENNY SHARPE: No, I don't know. As I've said, they're in negotiations. This could be resolved. I don't believe so, but I'll take it on notice to be absolutely sure. It's not my project.

The Hon. NATALIE WARD: Is there any risk that the ETU industrial action will delay the commissioning of the Waratah Super Battery?

The Hon. PENNY SHARPE: I believe it's on track. Let me take it on notice but, no, I don't believe so.

Answer:

The Snowy Hydro Hunter Power Station Project at Kurri Kurri has been impacted by industrial action but is not currently delayed.

The Waratah Super Battery Project remains on track for completion by August 2025.

30. McPhillamy's Gold Mine - consultation – Transcript pages 56-57

Ms CATE FAEHRMANN: In relation to consultation, then – I'm glad you mentioned that – looking at the appendix to the cultural heritage impact assessment, it actually details all of the consultation that was undertaken. I go through back to 2016, from Regis sending out the first lot of calls or official requests for the names of Aboriginal parties. That went to lots of people – the OEH, Blayney Shire Council, Native Title Tribunal – lots of different agencies, to find out who the RAPs were. Tick – that was done.

No. Question

There was a notice published in the paper. Then the notifications were sent to the different registered Aboriginal parties to register interest in the project. Then, from there to 2017, the engagement suggests that it was only the Orange local Aboriginal council from there – no others – that attended a field survey in 2017, a couple of field surveys, an invitation to attend – Orange Local Aboriginal Land Council, email, telephone – and then that was it. The draft Aboriginal cultural heritage assessment was then provided to that Orange Local Aboriginal Land Council for review, and that's about it, really. Aunty Nyree Reynolds was provided – she was emailed the Aboriginal cultural heritage assessment. She was emailed, and there was a phone call to her. That's it. Does that sound comprehensive to you?

SAM KIDMAN: I can't confirm those details here. I don't know who was directly contacted or not, but we were provided with a list of RAPs. I think they're included in the document that you were –

Ms CATE FAEHRMANN: But a list is one thing, isn't it, Mr Kidman?

SAM KIDMAN: Yes.

Ms CATE FAEHRMANN: But it's how they were engaged and whether they were able to provide meaningful feedback into what I have heard from multiple First Nations people now, who live locally, the significant cultural heritage impact that the mine and the tailings dam will have.

SAM KIDMAN: I would have to come back to you with detail about who was and who wasn't contacted. I don't have that detail in front of me right now.

Ms CATE FAEHRMANN: What I'm trying to get at, I suppose, is the thoroughness of the work that you do. It does appear as though, from the information that we have that's on the Major Projects planning portal – the submissions and what have you – that, indeed, pretty much the only expertise was who the proponent engaged. They engaged with one party, ultimately, in terms of the survey. From that survey, importantly, the Orange Local Aboriginal Land Council objected to the proposal. The mine's proponent put in whatever they put in to you. I would think that Heritage NSW should be investigating that and making sure that you don't just take the mining company's word for granted.

SAM KIDMAN: I can check the details of that, but asking for submissions from registered Aboriginal parties and receiving submissions are two different things, of course. I don't know who has requested –

Ms CATE FAEHRMANN: Mr Kidman, the only registered Aboriginal party that went onto that site objected to the mine. I'm wondering what Heritage NSW was doing when you said that the conditions that they put in place were fine and ticked that off.

ANTHONY LEAN: I think we'd need to take that on notice. As Mr Kidman has pointed out, the role of Heritage NSW in this process is advisory to the department of planning. I don't know; they may indeed have undertaken more work themselves to assess the advice of the Orange Local Aboriginal Land Council. I think it's best that we take it on notice and come back to the Committee on that.

Answer:

The Secretary's Environmental Assessment Requirements (SEARs) for the McPhillamys Gold Project required the proponent (Regis Resources) to undertake Aboriginal community consultation, in line with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010).

The proponent must demonstrate that it attempted to engage with all registered Aboriginal parties (RAPs) and that all comments received have been considered and addressed.

No. Question

In 2021, all 17 RAPs were provided with information about the project and were invited to provide feedback.

All Department of Climate Change, Energy, the Environment and Water responses are publicly available on the Department of Planning, Housing and Infrastructure Major Projects portal.

31. Wollumbin – repair costs – Transcript page 58

The Hon. JOHN RUDDICK: The track is in a very bad state. It looked as though it hadn't been repaired or maintained for about four years. The local community members have offered to provide working bees and to voluntarily correct it, but they're not permitted to. Why is the National Parks and Wildlife Service resisting locals voluntarily trying to improve the track?

NAOMI STEPHENS: At this stage, the track is legally closed under the National Parks and Wildlife Act and regulation. It is closed until 31 December 2024 while the Minister continues to consult on the issue. We aren't undertaking any maintenance on that track for that period while we wait.

The Hon. JOHN RUDDICK: Do you have an estimate of how much the repairs will cost? You're saying that it's quite possible that from 1 December we would be potentially reopening the track.

NAOMI STEPHENS: The area is closed until 31 December.

The Hon. JOHN RUDDICK: What would be the cost of bringing the track up to a safe condition again?

NAOMI STEPHENS: I'd have to take that on notice. We'd be able to provide you with an estimate of that, but I can't do that today.

Answer:

The National Parks and Wildlife Service has not prepared a formal estimate of the cost of reinstating safe access to Wollumbin summit, noting the ongoing consultation process.

32. Hydrogen Centre of Excellence funding – Transcript pages 59-60

The Hon. NATALIE WARD: Thank you, Mr Lean, and all your team and everyone working very hard in their roles for the people of New South Wales. I will direct my questions through you, Mr Lean, but, if you need to direct them to somebody else, please do so. In relation to the Hydrogen Centre of Excellence in Glenwood, the Government has awarded a grant of \$25 million for that Hydrogen Centre of Excellence. What entity has this grant been given to?

ANTHONY LEAN: Just give me a moment. I'll hand over to Ms Curtain.

KIM CURTAIN: The grant will be in Glenwood and it's a partnership with the Plumbing Industry Climate Action Centre.

The Hon. NATALIE WARD: What are the funding conditions of that grant?

KIM CURTAIN: I don't have all of the details here, but the grant is for preparing the plumbing industry to meet the future demand for jobs around the hydrogen sector. It's intended to deliver apprenticeships and upskill workers leading into early 2027 – or is expected to be operational in 2027, sorry. I don't have the exact details of the grant itself.

The Hon. NATALIE WARD: Are you able to take that on notice or table them or see if you can find them over the course of the afternoon? I'm interested in the funding conditions for that grant.

KIM CURTAIN: The funding conditions? Okay.

No. Question

The Hon. NATALIE WARD: I get the purpose and that's good but, if we could get some more detail on the funding conditions, that would be great.

KIM CURTAIN: We'll take that on notice.

The Hon. NATALIE WARD: What is the amount of funding that PICAC needs to contribute themselves to that grant or to that project?

KIM CURTAIN: I don't seem to have that here either. I will take that on notice as well.

The Hon. NATALIE WARD: Are you able to get that this afternoon, if someone can look that up while you are busy here?

KIM CURTAIN: Yes, we'll get it back to you.

The Hon. NATALIE WARD: Can you tell me the total value of that project?

KIM CURTAIN: I've got that the \$25 million has been committed but I will get it to you before the end of the afternoon.

The Hon. NATALIE WARD: That's the grant. I'm interested in the whole project and what —

KIM CURTAIN: Yes and which would be their contribution as well.

The Hon. NATALIE WARD: It would be helpful if we could have someone look those up.

KIM CURTAIN: Yes, they will send it through to me now.

The Hon. NATALIE WARD: Is that funding grant specific to that location at Glenwood or can it be transferred to another location for that project?

KIM CURTAIN: I will check that, but my understanding is that it is specific to the centre in Glenwood. I'll check that as well.

The Hon. NATALIE WARD: Can you tell me, in relation to that \$25 million grant, was there a competitive tender that was undertaken for that grant?

KIM CURTAIN: I believe so but I will, again, come back with the details.

The Hon. NATALIE WARD: If we could get some of those today, that would be —

KIM CURTAIN: It's limited, the information I've got here, but I will get the details and come back.

Answer:

Please refer to the answer given later in the hearing on page 95-96 of the uncorrected transcript.

In addition, it is noted that:

- The Department of Climate Change, Energy, the Environment and Water (DCCEE) completed an ad hoc grant assessment process in line with the NSW Government Grant Administration Guide. DCCEE notified the Plumbing Industry Climate Action Centre that the assessment was complete, and the grant could be awarded subject to execution of a grant funding agreement.
- Following the conclusion of the assessment process, it was agreed that administration of the grant would transfer to the Department of Education (DoE). This means that DoE holds the responsibility of negotiating and executing the Grant Funding Agreement. Negotiations on the terms and conditions and milestones are still underway between the parties and the grant funding agreement is not yet signed.
- At the time of the grant assessment, the estimated total value of the project was \$50 million. The NSW Government is providing a total of \$25 million to the project.

No. Question

33. Green and golden bell frog – status – Transcript pages 60-61

The Hon. NATALIE WARD: From my longstanding interest in it, what is the status of the green and golden bell frog?

SHARON MOLLOY: I'll have to double-check. I think it's endangered, but we've got a couple of different categories. We've got vulnerable, endangered and critically endangered. We've got nearly 1,200 species. I can't remember the exact status of all of them, so let me just check. I think it's endangered, but I can double-check quite quickly; my team are listening online.

The Hon. NATALIE WARD: I think from what we were able to ascertain – you might clarify this, but also it seems that it was or is listed as an endangered species under the New South Wales Threatened Species –

SHARON MOLLOY: I'm pretty sure it's endangered, yes.

The Hon. NATALIE WARD: Yes, under the Threatened Species Conservation Act 1995 in New South Wales – but as a vulnerable species under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. So it seems there is a bit of a disassociation there. Are we able to just clarify if it's both, or one or the other, or whatever the status is?

SHARON MOLLOY: It would be both, because it's two different pieces of legislation, so the EPBC Act. There is a process –

The Hon. NATALIE WARD: Sorry, I don't mean to cut you off. Can you confirm if it's still listed as those categories under those Acts, or if that has changed?

SHARON MOLLOY: I'll definitely confirm. I'll be able to do that quite quickly, because I think it's on the website, as well.

Answer:

Please refer to the answer given later in the hearing on page 96 of the uncorrected transcript.

34. Green and golden bell frog – vulnerability change – Transcript page 61

The Hon. NATALIE WARD: Thank you. Has its vulnerability eased considerably?

SHARON MOLLOY: That I would have to take on notice, because that would be specifically what we're doing for that particular species. I'd have to get the details of the conservation strategy, and what we are doing about that particular species at the moment. I'd have to get you that detail. I'll take that on notice.

The Hon. NATALIE WARD: In that response, I'd be appreciative that it's quite specific about whether it has eased considerably. So that would be useful. All of these questions are in relation to that species.

SHARON MOLLOY: Yes, I can get you that detail, either before the end of the day or I can take it on notice.

Answer:

Please refer to the answer given later in the hearing on page 96 of the uncorrected transcript.

No. Question

35. Green and golden bell frog – change in endangered status – Transcript page 61

The Hon. NATALIE WARD: All right. Has its endangered status been modified to an extent?

SHARON MOLLOY: It would only be modified from either vulnerable to endangered, or endangered to critically endangered, so it's endangered at the moment. That's a process that would have to go through the Threatened Species Scientific Committee, which is an independent committee. Not that I'm aware of recently, but, again, there will be a history of its listing and when it was listed and why it was listed. The determinations are usually all up on the website as well: why it was listed; what the key threats would be. In terms of whether that's changed over the years, that information I just don't have to hand in front of me for that specific species.

The Hon. NATALIE WARD: If you are able to specific in your answer in relation to the – it would be helpful if we could get that today, if it's not too difficult to find.

SHARON MOLLOY: Yes, I'll –

The Hon. NATALIE WARD: You would have thought if there has been some change and it's perfectly fine, then I would have thought you'd be able to establish that; or, if there is some critical status or if it has changed, that it's mollified and it's eased considerably or modified, that would be something you'd be able to comment on.

SHARON MOLLOY: The team will be listening, and they'll be probably madly trying to look for that information right now, as we speak.

Answer:

Please refer to the answer given later in the hearing on page 96 of the uncorrected transcript.

36. Green and golden bell frog – conservation at Sydney Olympic Park sites – Transcript pages 61-62

The Hon. NATALIE WARD: Certainly, all right. For fairness, I'm interested what the rules are governing conservation of the frog's habitat within these specific areas within Sydney Olympic Park and particularly, within its habitats at the brick pit, Narawang Wetland, Kronos Hill and Wentworth Common.

SHARON MOLLOY: Again, that is a lot of specific detail on one species. I would definitely have to get back to you on that.

The Hon. NATALIE WARD: I think it's fair to say that they've been the subject of some inquiry and some considerable interest in relation to those areas.

SHARON MOLLOY: Happy to follow up and get the detail for you, yes.

The Hon. NATALIE WARD: Are we able to get those today?

SHARON MOLLOY: We'll do our best to try and get it to you today.

BRENDAN BRUCE: I think some of those details around those specific projects may not be able to be returned today. But we will get you what information we can today.

Answer:

Please refer to the answer given later in the hearing on page 96 of the uncorrected transcript.

No. Question

37. Green and golden bell frog – status today – Transcript page 62

The Hon. NATALIE WARD: What can you say about the status of it today?

BRENDAN BRUCE: I can confirm that it is endangered in New South Wales and vulnerable is its status within the Commonwealth. We'll get the rest of the information for you as we can this afternoon.

Answer:

Please refer to the answer given later in the hearing on page 96 of the uncorrected transcript.

38. Green and golden bell frog – Sydney Olympic Park brick pit – Transcript page 62

The Hon. NATALIE WARD: Would you characterise the brick pit at Sydney Olympic Park, which I understand is the key habitat of the green and golden bell frog, as a non-environmentally-sensitive area?

BRENDAN BRUCE: We don't have that detail with us, Ms Ward. We'll have to get that for you.

SHARON MOLLOY: There would be a number of other key sites for its distribution. I know there is one in the Hunter, as well, just off the top of my head.

The Hon. NATALIE WARD: I'm sorry, I really can't hear you. It might be me; I'm getting old.

SHARON MOLLOY: Sorry, I might need to lean in a little bit more. It wouldn't be the only site. It is potentially one of its key sites. I think we'd have to —

The Hon. NATALIE WARD: I think it's established. I don't mean to cut across, but for clarity, I think it is established as a key habitat of the green and golden bell frog. But it's been characterised as a non-environmentally-sensitive area. We just want to know, is that the case or not?

SHARON MOLLOY: Yes.

The Hon. NATALIE WARD: Is it a key habitat or not?

ANTHONY LEAN: I think you might be talking about the Saving our Species program strategy that we have in place for the bell frog. Is that what you are referring to?

The Hon. NATALIE WARD: No.

ANTHONY LEAN: Because the Sydney Olympic Park and Homebush is listed as a priority management site under that program. There is about seven or eight of them. So I'm just not —

The Hon. NATALIE WARD: So given that priority, it's fair to say — and I'm no expert, but it may not be accurate to say it's a non-environmentally-sensitive area. Clearly it has some sensitivity; it's endangered.

ANTHONY LEAN: It's been identified as a priority site for management. That's where the frogs are located at the moment. We are, I believe, undertaking management actions there, as well as at a number of other sites.

The Hon. NATALIE WARD: What can you say about those items, those issues, at estimates today?

ANTHONY LEAN: I think we've just pointed out we've got a management strategy in place in relation to it, under the Saving our Species program. We've clarified the status of it. I'm just not sure what the question is you are asking around the nature of the habitat. I think we'll have to take that on notice and come back to you.

The Hon. NATALIE WARD: I think it's important. Either it is identifiable as an environmentally sensitive area or it's not. Or, given that it's a priority management area, it's

No. Question

fair to say, is it not, that it has some status as being endangered? It's not okay, to put it in lay terms. That area hasn't been modified and it is a priority area that it's under some management. Is that fair to say? Or do you want to put it in your own words?

ANTHONY LEAN: It's listed as a priority site in the strategy, and within the strategy, we would specify a range of management actions that we've taken there. But we'll get you the detail of that.

Answer:

Please refer to the answer given later in the hearing on page 96 of the uncorrected transcript.

39. Green and golden bell frog – Recent change at Sydney Olympic Park brick pit –
Transcript pages 62-63

SHARON MOLLOY: We can get you the detail about what, if anything, has happened there, in relation to implementing the actions under that strategy. All of the species under Saving our Species would have their own individual conservation strategy. Within that, there would be priority sites, and then there would be priority actions. But because there is quite a few of them, we'll have to get you the detail on what has specifically happened there in Sydney. Happy to do that.

The Hon. NATALIE WARD: In your experience and understanding, it hasn't changed recently, though?

SHARON MOLLOY: I'm not personally aware of that site. I know where it is, but we would have staff who are aware of it. So we'll have to get back to you on that.

The Hon. NATALIE WARD: Are you able to ask those staff today if there are any recent changes? Say in the last six to 12 months, has there been any radical improvement in the situation, such that it's not a priority area, or it's been modified?

BRENDAN BRUCE: We can come back to you after the break.

Answer:

Please refer to the answer given later in the hearing on page 96 of the uncorrected transcript.

40. Green and golden bell frog – Sydney Olympic Park brick pit frog management plan –
Transcript page 63

The Hon. NATALIE WARD: I'd be appreciative. Is the frog management plan for the brick pit still in force?

SHARON MOLLOY: I'm not familiar with that particular document or plan. But, again, we can get back to you on that.

The Hon. NATALIE WARD: I'm not having a go; it's not a trick question. But you're not aware of that frog management plan for the brick pit?

SHARON MOLLOY: Not specifically that plan, but it could be part of the strategy. As I said, there are lots of different species. I'm not across the detail of all of them.

Answer:

Please refer to the answer given later in the hearing on page 96 of the uncorrected transcript.

No. Question

41. Green and golden bell frog – actions under Saving our Species – Transcript page 63

The Hon. NATALIE WARD: So what are the actions with respect to the green and golden bell frog that are undertaken as part of the Saving our Species framework? I note that the frog is on the cover banner of the website. So what are the actions that are being undertaken as part of that?

ANTHONY LEAN: We'll come back to you later this afternoon with some detail around what's in the strategy.

The Hon. NATALIE WARD: I'm specifically interested in the actions in relation to it, not just – I can see what is on the website, but what action is being undertaken. Is Sydney Olympic Park still a priority management site for the endangered green and golden bell frog?

ANTHONY LEAN: That's my understanding, based on what's publicly available. But we'll confirm that.

Answer:

For actions with respect to the green and golden bell frog, please refer to the answer given later in the hearing on page 96 of the uncorrected transcript.

There is currently a Saving our Species priority management site at Homebush and Sydney Olympic Park.

42. Green and golden bell frog – actions under Saving our Species – Transcript page 63

The Hon. NATALIE WARD: The joy of having you, Mr Lean, is that you can obtain information that is not publicly available. I can see what is there, but it would be helpful if we can clarify if that's changed or if that is still the same. That would be great. Has your department investigated any other sites for relocation of the frog?

SHARON MOLLOY: That I will have to get back to you on, as well. I'm not sure of the detail of that just at the moment.

Answer:

Please refer to the answers given during the hearing on pages 63 and 96 of the uncorrected transcript.

43. Green and golden bell frog – development and licensing at Sydney Olympic Park – Transcript pages 63-64

The Hon. NATALIE WARD: Does any authority under your department need to licence activity within the brick pit site?

ANTHONY LEAN: I'm sorry, could you ask the question again?

The Hon. NATALIE WARD: There's a frog management plan, as I understand it. You haven't said there isn't but you'll clarify whether that management plan is still in place or whether it has changed. But assuming that it is still in place, does your department need to authorise any activity within there, given that plan is in place?

SHARON MOLLOY: I'd have to have a look at the details of the plan. It depends what the activity is, I guess, and whether it has an impact on the species or not. It would depend on what people were doing there, I suppose.

The Hon. NATALIE WARD: It would. Construction, for example, excavation, I would have thought – any activity coming on site. Would they fall within something that would be an activity that would need to be licensed?

No. Question

ANTHONY LEAN: They may require a development approval, which would then raise biodiversity considerations. Whether they'd need a separate licence under the Biodiversity Act, it would depend on the circumstances.

The Hon. NATALIE WARD: So it may or may not require an authority from your department or you'll come back to us on that?

ANTHONY LEAN: It depends specifically what it is.

The Hon. NATALIE WARD: The brick pit site.

ANTHONY LEAN: But what is the actual activity that's happening there.

The Hon. NATALIE WARD: Why don't you come back to me with what your licence would need to cover. Has the department been asked to provide any advice with respect to the unsolicited proposal to redevelop Rosehill Racecourse for housing, particularly with respect to that brick pit site at Sydney Olympic Park?

BRENDAN BRUCE: I'd have to check on that. We provide advice on a lot of development requests, but let me check with the team and come back to you after the break.

Answer:

Please refer to the answers given later in the hearing on page 96 and 97 of the uncorrected transcript.

44. Independent Forestry Panel – Transcript page 65

The CHAIR: Mr Lean, can I just check very quickly – this is just a yes or a no – were you asked for any opinion on who might be appropriate to be on the panel in relation to the future of the timber industry?

ANTHONY LEAN: Sorry, the Forestry Industry Action Plan?

The CHAIR: Yes.

ANTHONY LEAN: I think the Minister answered that question earlier today.

The CHAIR: I think there was a bit of ambiguity, so I'm just asking: Were you asked at all by anybody?

ANTHONY LEAN: For my opinion as to the members?

The CHAIR: Yes, about who may be appropriate.

ANTHONY LEAN: I don't recall. I'd need to go back and check my records, but I'm pretty sure, no, it was a Government decision.

The CHAIR: If you would check your records, I'd be very grateful. Mr Fleming, were you at all asked about who you might think would be appropriate to be on that panel?

ATTICUS FLEMING: I think my answer is the same as Mr Lean's. I'm happy to check my notes.

Answer:

The establishment and appointment of the Independent Forestry Panel was a decision of Government.

45. Independent Forestry Panel – Transcript page 65

The CHAIR: Thank you, if you could check. Mr Chappel, were you asked as the regulator for the forest industry?

TONY CHAPPEL: No, I don't believe so.

The CHAIR: Do you think you need to check?

No. Question

TONY CHAPPEL: I'm happy to check.

The CHAIR: I'm also happy if you believe not and you're satisfied with that answer. It's up to you. I'll leave it in your hands.

TONY CHAPPEL: Okay.

Answer:

Please refer to the answer given later in the hearing on page 73 of the uncorrected transcript.

46. Forestry Industry Panel and NRC role – Transcript page 66

The CHAIR: Sorry, I shouldn't have referred to that. I meant the industry panel – the future of the forest panel. I apologise. That was my fault. I think it's a bit confusing for everybody at the moment, and I realise the panel has only just been established and hopefully we'll get some more information, but there's an enormous amount of concern at the moment. The Minister referred to the resources commission's panel. What is it doing to assist – sorry, committee. What will that committee do to work with this panel, and where is the demarcation or the roles that are being undertaken here?

ANTHONY LEAN: My understanding is if there are technical issues requiring expert scientific-type advice, then it can be referred to that panel, which the NRC would then oversee that input.

The CHAIR: Who is on that panel?

ANTHONY LEAN: I'd have to take that on notice. I don't have that to hand at the moment.

Answer:

The Natural Resources Commission is chairing an expert panel comprised of independent experts and agency staff with subject matter expertise on forest ecology, fire ecology, surface hydrology, silviculture, environmental accounting, forestry industry economics, climate change and public policy.

47. Wollumbin – awarding of research contracts – Transcript page 67

The Hon. JOHN RUDDICK: If Wollumbin/Mount Warning is primarily a sacred men's initiation site, as is claimed, why were women given major financial contracts to research and write about it, first in 2001 and again in 2012 for the Aboriginal Place management plan? Was it because John Roberts insisted that those particular women be given the contracts?

NAOMI STEPHENS: I'm not able to answer that question today, but I could look into it.

The Hon. JOHN RUDDICK: If you could take that on notice that would be appreciated.

Answer:

There is no evidence that Mr John Roberts had any role in the awarding of relevant contracts by the National Parks and Wildlife Service.

48. Wollumbin – claims of cultural significance – Transcript page 68

The Hon. JOHN RUDDICK: But this is a particularly special place. It really does stand out. I'm very pleased to hear that National Parks and Wildlife Service does want to encourage people to visit our beautiful national parks. But what I'm really concerned about is that this Mount Warning issue could become the first of many where there are other modern inventions that make up claims that only certain Aboriginal groups can climb the mountain. Do you think it's a possibility that this could cascade, that this would be the first of the dominos?

No. Question

ATTICUS FLEMING: No. I guess that was really my point. We've got more than 50 million visits a year around the State. There are lots of people visiting lots of places around our national parks. It's actually a small number of sites, Wollumbin being one of them, where there are challenging decisions and challenging issues around access. We take them very seriously, and we're doing our best as an agency and as a government to address them. But I think when there are 50 million-plus visits every year and a lot of investment going into supporting visitation, you can rest assured that the agency and the Government are really committed to promoting access to our national parks. We know that's important for people's health. We know it's important for local economies, for local businesses. We know it's important because it promotes awareness of environment, cultural heritage and so on. We're trying to get the balance right. I think the message is that there are plenty of great places to visit around the State and our national parks.

The Hon. JOHN RUDDICK: I'm very pleased at that, but do you think in the last decade or two there has been an increase in claims of this nature?

ATTICUS FLEMING: I don't have the data in front of me so I can't really give you a meaningful answer to that.

Answer:

The National Parks and Wildlife Service does not collect historical data on closures.

Current information on national park closure and access restrictions is recorded on the national park website. It shows closures are largely driven by fire and weather events.

49. Wollumbin – fire management and hazard reduction – Transcript page 68

The Hon. JOHN RUDDICK: When I recently visited the area and spent a couple of days there, everybody I met across the political spectrum was appalled by what is happening about the closure of the site because it's destroying the town – not just one town but several of them. Another concern – probably an even higher concern – was that in the last four years since there has been controversy over the track, there has been no back-burning on Mount Warning and in the nearby areas. The locals were worried that if we happen to have a difficult bushfire season – and bushfires are a natural phenomenon in Australia, so we know that it's going to happen at some point – the town is going to be very much at risk of a very serious, dangerous fire because the locals are prohibited from doing the back-burning that they want to do themselves, on a voluntary basis, to save their town. Everybody was saying that to me. Is there any merit to that claim?

ATTICUS FLEMING: Mr Ruddick, I'll answer that. I'm not sure if you're referring to prescribed burning on private land, which is not a matter for National Parks.

The Hon. JOHN RUDDICK: My understanding is it was on the mountain.

ATTICUS FLEMING: So I can't comment specifically on the prescribed burning in that park because I don't have the data for every national park handy. What I will say is that National Parks does in the order of 75 per cent of all prescribed burning across the State. We work very closely with the RFS, with Fire and Rescue and with Forestry Corp, as the four firefighting agencies in the State. When you look at the fact that we're doing 75 per cent of all prescribed burning in the State, it's clear that we take that very seriously. We manage 10 per cent of the State but do 75 per cent of the prescribed burning, so we're clearly doing our fair share and working very closely with those other agencies. That's the approach we take right across the State. I'm happy to take on notice your specific question about Wollumbin.

No. Question**Answer:**

There has been only one wildfire impacting on Wollumbin National Park in the last 10 years. That fire, which occurred in 2018, started on private land and burnt into Wollumbin National Park, where it was contained by National Parks and Wildlife Service firefighters.

The next hazard reduction burn in Wollumbin National Park is planned for 2025–26. This approach is consistent with the Rural Fire Service Far North Coast Bush Fire Risk Management Plan.

50. Scheyville National Park – dogs – Transcript page 70

The Hon. WES FANG: Mr Fleming, you'll see the first photo. They're numbered one to five in the top right-hand corner. This photo is of a house in Scheyville National Park. Are dogs allowed on national parks?

ATTICUS FLEMING: I'm going to defer to Ms Stephens because she knows the Scheyville matter a little better than I do.

NAOMI STEPHENS: Generally, dogs are not allowed in national parks, but they are allowed in some regional parks.

The Hon. WES FANG: Are they allowed in Scheyville?

NAOMI STEPHENS: I believe that they are not, but I would need to take that on notice to be absolutely confirming.

The Hon. WES FANG: You'll see the first photo that I've tabled.

NAOMI STEPHENS: I didn't even see that; I'm sorry.

The Hon. WES FANG: The first photo that I've tabled has a house and, just for the camera, you can see there's the photo and the "no dogs" sign. I believe that there is a dog residing in this residence. Would that be allowed?

NAOMI STEPHENS: I don't know exactly the circumstances of that residence, but if it's a National Parks and Wildlife Service employee — and we do have some residences on-park that are occupied by National Parks employees — there is provision for people living in remote or non-urban situations to have a dog as part of the family living, whether for security reasons or other. It is possible that, under the circumstances, the dog may be permitted.

The Hon. WES FANG: Would it be fair to say that it's one rule for one and one rule for everybody else?

NAOMI STEPHENS: We're very transparent about it. We looked into it. We have revised our policy a number of times. Each time, in consultation with unions, we have always come to the conclusion that there are some circumstances where Parks staff could have a dog, but only within the confines of the property in which they have a lease.

The Hon. WES FANG: Would you consider Scheyville to be a non-urban national park?

NAOMI STEPHENS: If a Parks employee has a dog on that property, it will be, because it has been determined that it's appropriate to be there, and it will be part of the lease.

Answer:

There is an approved residential tenancy agreement for a National Parks and Wildlife Service staff member to occupy this property. As outlined during the hearing, in some circumstances, staff members can have a pet as part of these tenancy arrangements.

No. Question**51. Scheyville National Park – storage of cars – Transcript page 70**

The Hon. WES FANG: I'll go to the second photo now. That's it there. You can see a number of shipping containers and quite a nice Land Rover. It's a shame it's there. There's a Mercedes as well. I've run the regos through the rego checker. The Land Rover's rego ran out in 2008. The Mercedes is a bit more recent – it was March 2024. Is this permitted to be stored on national park sites?

NAOMI STEPHENS: I'm not aware of the circumstances with this photo. I would need to check and take the matter on notice.

Answer:

There is an approved residential tenancy agreement for a National Parks and Wildlife Service staff member to occupy this property. This tenancy includes the shipping containers and vehicles.

52. Scheyville National Park – protection of heritage property – Transcript pages 70-71

The Hon. WES FANG: I'm not sure, given some of the circumstances around the rest of the national park in the area, that this should be permitted if some of the others aren't. Anyway, we'll move on. The next photo, number three – you will see this is a house in Scheyville. It is actually the commandant's house. Obviously Scheyville has had a number of purposes, and one of those was for the Officer Training Unit for those in national service. This commandant's house is heritage listed. You can see that there is a fence around it. My understanding is that the fence went up recently, only after an interview occurred on Ray Hadley about the state of Scheyville itself. Mr Lean, this house having a heritage listing on it – should it be protected in the way that you understand the Heritage Act, and noting the answer from Mr Kidman around having it watertight, protected and without safety risks?

ANTHONY LEAN: Off the top of my head, I'm not aware whether that particular house is heritage listed. I'd need to take that on notice and come back to you.

The Hon. WES FANG: Mr Fleming, do you know?

ATTICUS FLEMING: I don't know.

SAM KIDMAN: It is on the State Heritage Register.

The Hon. WES FANG: We've understood that it's on the heritage register and it's on national park land. It's the case that the people who are seeking to protect the heritage around the military training facilities are also seeking to protect the house. They've said, "Please allow us access so that we can protect it and stop it from falling down." It's the case that they're not being given access to stop it from falling down, and that's the reason why the fence has gone up. They said they believe that, within a number of months, it's likely that some of the walls and the footings will give way and part of the house will collapse. There's a heritage listing on it and it's in a national park. National Parks won't let them go in and protect the house; National Parks aren't spending any money on the house. They want to go in and protect the house to stop it from falling down and to protect the heritage there, given that it was the commandant's house. Why are you not letting them at least go in and spend the money that they've raised in order to protect the heritage there?

NAOMI STEPHENS: The Hunter Anzac Memorial Limited group, which is the group that's working with Parks at Scheyville, have an existing licence which covers a number of activities and a number of areas on the site. The area of the commandant's house is not part of that licence. But on 25 May HAML did come to Parks and they requested a variation of the licence. It would expand the area that they have a licence over, and it would include this house as well as another house. We've met with HAML to clarify some aspects of that proposal. We had to get approval to go into direct negotiations. We've got approval to enter into direct negotiations with HAML in order to be able to have a look at amending the licence to include that site. But at this stage, it hasn't progressed. The reason we've put up

No. Question

the fence is because we're genuinely concerned about safety. We need to keep people away from the house for the time being.

The Hon. WES FANG: I appreciate that, Ms Stephens, but at the moment there's no granting of a licence over it. Mr Kidman, you've identified that it is on the heritage register. Mr Fleming, where you're not granting a licence, is it not National Parks' responsibility to preserve that house, given that it's on the heritage register?

ATTICUS FLEMING: It's our responsibility to comply with the obligations that we have. I can't remember the number —

The Hon. WES FANG: Mr Kidman, do you believe that National Parks has complied with their obligations in relation to that house, given that they had to put a fence around it to stop people from going in there because they recognise that there are safety issues?

ATTICUS FLEMING: Mr Fang, I think we'll have to take on notice your specific question around the application of heritage standards to this particular house. We're happy to do that.

NAOMI STEPHENS: What I can say is on 9 August, in discussion with HAML, we've now reached in-principle agreement to extend the licence to cover that house, which would then enable HAML to spend the money that they raised on the property.

The Hon. WES FANG: How long will it be before they are able to try to protect the house?

NAOMI STEPHENS: I would need to take that on notice.

Answer:

All of Scheyville National Park is listed on the NSW State Heritage Register for its natural and cultural values, including the house referred to as the Commandant's house.

The National Parks and Wildlife Service (NPWS) is progressing discussions with Hunter Anzac Memorial Limited (HAML) with the aim of reaching agreement on licensing arrangements for this house. Once agreement is reached and the relevant statutory requirements have been satisfied, the licence may be granted by the NPWS delegate.

Once the licence is granted, HAML can commence works once it has obtained the required heritage and planning approvals.

53. Scheyville National Park – Pitt Town Sports Club – Transcript pages 71-72

The Hon. WES FANG: The last photo you'll see, number five, relates to the Pitt Town Sports Club and their training and playing facilities. This is a circumstance where part of the land is owned by the club, part of the land is on a national park. I've spoke to the club, and it seems that National Parks has decided that, after a number of years of them improving, maintaining, mowing the fields — all of a sudden, National Parks wants to impose a fee on the club so that 10-year-olds can play soccer. Mr Fleming, given that the club has maintained and watered and mowed and kept the field and received government grants in order to improve it, why are they now expected to pay National Parks a fee in order to use this ground, given that National Parks has no expenditure in relation to this area?

ATTICUS FLEMING: Mr Fang, I'm happy for us to take that on notice. My understanding is that there's longstanding discussions around this area, but I'm not familiar with them, and I don't have the information in front of me.

The Hon. WES FANG: The Minister, obviously, would be cognisant of the fact that this Government has cut the Active Kids vouchers, they've cut the Back to School vouchers, and now to slug kids —

ATTICUS FLEMING: Let me take it on notice. I think what you're saying is it would be good to get a commonsense solution, and I think we would all endorse that.

No. Question

The Hon. WES FANG: I've spoken to the club, and I've been out there. I took this photo. They've been attempting to reach a commonsense position on not only this, but there's also — where the training facilities are, in Scheyville, there were old sporting fields that the training officers used to use. They've been told that they've got to pay for not only the one that National Parks has no expenditure on, but they're not allowed to use the fields that are within the Scheyville training area, either, and it just seems to me to be a lack of common sense. If you're suggesting that common sense may prevail, I'd appreciate it.

ATTICUS FLEMING: Thank you for raising it. We'll come back to you.

Answer:

Please refer to the answer given later in the hearing on page 97 of the uncorrected transcript.

54. McPhillamys Gold Mine – impact on Belubula River – Transcript page 72

The Hon. NATALIE WARD: Mr Lean, I think it might be to the EPA — but redirect me if that's incorrect, Mr Chappel — in respect to the McPhillamys goldmine and the location of the associated tailings storage facility, the location of that tailings storage facility was, of course, approved by the New South Wales development process. In the department's view, will the tailings storage facility destroy or impact the Belubula River?

TONY CHAPPEL: Perhaps I'll take that on notice. I think the EPA did provide fairly extensive advice into all the different stages of the assessment process, including the scoping, the EIS, the submissions report and then amendments to the project with recommended conditions. On the basis of all of that, I'd be fairly confident that our view was that the tailings dam as approved would not impact the Belubula River in a material way, but I'll take that on notice because I don't have that detail.

The Hon. NATALIE WARD: Thank you. Could you include in that whether any advice has been provided that that facility might destroy the river or might have an impact.

TONY CHAPPEL: Yes. Absolutely.

The Hon. NATALIE WARD: Obviously, that specifically is the aspect, not just whether advice has been provided but specifically in relation to the possibility of destruction, impact or otherwise. Thank you.

Answer:

The NSW Environment Protection Authority made three submissions to the then NSW Department of Planning, Industry and Environment in relation to the proposed McPhillamys Gold Mine. These are publicly available.

55. ETU industrial action – renewable energy project delays – Transcript page 72

The Hon. NATALIE WARD: Just turning to other matters — the renewable energy projects and ETU industrial action. Are you, Mr Lean, or anyone in your team aware of any projects waiting to be connected to the grid or delayed because of the ETU industrial action?

ANTHONY LEAN: We have been notified of some instances where there's been delays caused, but I don't have the specific details of those to hand, and whether the ones that we were notified of are still delayed, I'm not sure, so we'd have to take that one on notice.

The Hon. NATALIE WARD: How many were you notified of?

ANTHONY LEAN: I would have to check. My memory is that we were notified of some specific matters from Transport for NSW and possibly one other. But I'd have to check so that I don't mislead the Committee.

The Hon. NATALIE WARD: Is it under five, under 10?

No. Question

ANTHONY LEAN: I need to take it on notice and come back to you with the detail.

The Hon. NATALIE WARD: Is that something you could find out today? Obviously, hopefully, there's not hundreds. But, if there's a couple, if you could get back to us today on those projects and what —

ANTHONY LEAN: We'll see what we can do.

Answer:

Please refer to the response to transcript question 20.

56. ETU industrial action – impacts to project – Transcript page 73

The Hon. NATALIE WARD: I understand that. We're both recovering lawyers. We both get the standing issues that are, I guess, your responsibility, and my responsibility to ask is what the department's involvement is. Are you able to clarify that for the Committee — or what the status is of the projects, how long are they delayed?

ANTHONY LEAN: I think we've been notified of certain matters. I'll get you the details of those. But we don't have a role in brokering an industrial dispute between two parties. I'm not sure what it is —

Answer:

Transgrid advised the Department of Climate Change, Energy, the Environment and Water that the commissioning of one wind farm and two solar farms have been delayed due to protected industrial action by the ETU. However, the impacts of the delays have been minimised by effective rescheduling of planned works.

The Waratah Super Battery connection works have been impacted but the project is not delayed past its commissioning date.

57. Forestry Industry Panel and NRC role – Transcript page 73

The CHAIR: Mr Chappel, I just wanted to understand how you came up with the shared arrangement or understanding, between EPA officers and Forestry Corporation, that the first transect of each night's search and survey was to commence within the one hour of sunset. You know I'm referring to the greater glider site-specific condition. How did that happen, given what we know about the need to find greater gliders exiting their dens?

TONY CHAPPEL: The advice that we have is that the period of time, the first period of hours after sunset is the most prospective for sighting gliders, including activity around their dens. As we were developing that condition, we have an obligation to provide procedural fairness with Forestry Corporation and consult with them on implications for their operations, of any adaptive management, which is the intention of the IFOA, to be adaptive. It's probably a slightly longer answer than I have time for. But, in that process, we came to that shared understanding.

The CHAIR: I might come back to you after. The intent of the question is this: How does anyone out there have confidence that the regulator is actually regulating and not just making arrangements with the industry it's regulating?

TONY CHAPPEL: I'm very happy to come back to that, Chair. I can also clarify that the EPA and I were not asked or consulted regarding the make-up of the stakeholder panel that you mentioned earlier for the future of forestry piece of work.

Answer:

In developing the Greater Glider survey requirements prior to the finalisation and issue of the Site-Specific Biodiversity Condition on 16 February 2024, the NSW Environment Protection Authority provided procedural fairness, in accordance with established

No. Question

administrative law principles, to the Forestry Corporation of NSW by providing it with a copy of the draft condition for comment and discussion.

58. Synthetic turf – contamination and pollution reports – Transcript page 74

Dr AMANDA COHN: My questions are for the EPA. I am interested to know if it is possible to quantify how many times the EPA has been involved in contamination or pollution incidents that are as a result of or in proximity to synthetic turf surfaces?

TONY CHAPPEL: You mean how many reports of pollution we have received relating to synthetic turf? I think we better take that on notice. We get about 150,000 reports – either phone calls or emails – each year to our environment line. Let us take that on notice.

Answer:

Since 2020 to 13 September 2024, the NSW Environment Protection Authority has received and responded to nine reported incidents of water pollution or potential water pollution and 11 reported incidents of odours related to synthetic turf surfaces.

59. Synthetic turf – microplastic monitoring program – Transcript page 74

Dr AMANDA COHN: I'm also interested to know if your microplastic monitoring program has identified any microplastics in estuaries that include run-off from synthetic turf.

TONY CHAPPEL: It's underway. I think we're looking at about 120 estuaries for microplastics as we speak. Do you want to talk about that, Mr Beaman?

STEPHEN BEAMAN: We can take that one on notice and we can do that linkage between the synthetic ovals and where we are doing the sampling.

Dr AMANDA COHN: What is the time frame on the microplastic monitoring?

STEPHEN BEAMAN: We'll come back on that one.

Answer:

The NSW Environment Protection Authority is undertaking a Broadscale Microplastic Assessment (BMA) of 120 estuaries to provide a baseline dataset for surface water microplastic contamination.

The final report for the BMA is due in mid-2025.

60. Synthetic turf – Callan Park – Transcript page 74

Dr AMANDA COHN: If I can ask about a specific site, did Heritage NSW have any involvement in the Inner West Council proposal to install synthetic turf in Callan Park?

SAM KIDMAN: I'm not aware. I'd have to take that on notice.

Answer:

No.

61. Wood heater smoke – community reporting – Transcript page 75

Dr AMANDA COHN: You've said tools and education for local councils. A complaint that I hear commonly is that when local councils go to investigate air pollution, complaints are actually required to witness plumes of smoke. Often they come on the wrong day or at the wrong time or in the wrong conditions to witness what is otherwise really well documented by neighbours. Is there any work being done for other types of evidence to be accepted or to allow that sort of citizen-science monitoring of local air quality?

No. Question

STEPHEN BEAMAN: It is a good question. I think today everyone has a mobile phone and you can timestamp and video footage. I am happy to take that on notice so we can come back and give you some advice about what we can do in that space.

Answer:

The NSW Government recently released the Local Government Air Quality Toolkit (2024), which includes a Neighbourhood Smoke Guidance Note. This Toolkit aims to support local government in addressing air quality issues of concern, including woodsmoke.

The NSW Environment Protection Authority (EPA) recommends the community takes note of as many details of the air pollution incident as possible to help the EPA or responsible authority, including local councils, investigate the incident or issue. In addition to the who, what, and where, information about weather conditions and evidence such as photos or videos are of assistance to authorities.

62. Air quality monitoring programs – Transcript page 75

Dr AMANDA COHN: All right, I will take it back to the Minister. I have a couple of questions about air quality monitoring in the Upper Hunter. I've heard that community members are concerned that the Upper Hunter has been split into two regions, where each area has a population of below 25,000 people, so they're not monitored under the National Environment Protection Measures. Do you know why that decision was made to split the Upper Hunter into two regions for monitoring?

BRENDAN BRUCE: I don't have detail on that one. I'll have to take that one on notice.

Dr AMANDA COHN: No problem. I am also interested in the OpenAir study. Are there any plans to extend the OpenAir project to include more local council areas?

BRENDAN BRUCE: I'm sorry, I thought you were referring to the indoor study from Victoria.

Dr AMANDA COHN: No, sorry, the partnership with local councils to do air quality monitoring. I understand that was the New South Wales Government in partnership with UTS. It was nine local councils initially.

BRENDAN BRUCE: I would have to take that on notice as well, sorry.

Answer:

The Upper Hunter air quality monitoring region has not been split into two regions for National Environment Protection (Ambient Air Quality) Measure (Air NEPM) compliance reporting. Annual Air NEPM Compliance Reports present data from four monitoring stations in the Upper Hunter region (Aberdeen, Merriwa, Muswellbrook and Singleton) and can be viewed online.

The OpenAir project was a pilot project that has now completed. All information from the project, including guidance for all councils interested in air quality sensing, is available on the NSW Air Quality Collaboration Hub.

63. Vales Point power station – exemption to clean air regulation – Transcript page 76

Dr AMANDA COHN: Just coming back to Vales Point, are you able to tell us what changes were made to the operations in order to come into compliance without needing an exemption?

TONY CHAPPEL: I don't have much specific detail. We might be able to provide some on notice. But it's essentially that, as renewable penetration expands, the pattern of operation of coal-powered stations is shifting more towards what is called ramping, so more rapid adjustment up and down. I think it was during some of those phases when the station was having challenges meeting its obligations. They have been able to do further refinement on

No. Question

how that process works to meet the necessary standards. We can perhaps be a bit more specific.

STEPHEN BEAMAN: That's exactly right. I think they did some engineering changes inside the plant. But what we found as they were doing the air testing under that exemption was that the ramping goes up and down during the day. When the renewables come on, they pull back a bit. It doesn't give the air pollution control equipment a steady state to work in. That unsteady state means they were struggling to meet that 800 limit. They have actually been able to tune the plant to consistently maintain. I checked the past three months and they have always been under the 800 limit. They are actually meeting it quite consistently now.

Answer:

The operator of the Vales Point power station provided the NSW Environment Protection Authority (EPA) with a Low Load nitrogen oxides (NOx) Emission Control Feasibility Report by 30 April 2023 as required by their exemption.

This report identified a number of operational measures that could be implemented at the power station to reduce NOx emissions. The EPA subsequently required trials and reporting on the efficacy of the measures over a number of months throughout 2023.

There have been many different operational changes implemented to reduce NOx emissions; no one single solution was responsible for reductions in NOx but rather a combination of changes that has resulted in a cumulative decrease. Maintenance conducted on some of the equipment during a planned outage at the power station in May 2023 also contributed to NOx reductions.

64. Review of Protection of the Environment Operations (Clean Air) Regulation – Transcript page 76

Dr AMANDA COHN: In my last minute, one of the recommendations of the parliamentary inquiry last year into the health impacts of metals mining was that the EPA would review the Protection of the Environment Operations (Clean Air) Regulation 2022 and provide advice to the Minister. Has there been any progress on that work?

TONY CHAPPEL: I think I'd better take that one on notice. I'm not across the progress. It's a very complex instrument and it will take some time, but I'll happily take that on notice.

Answer:

In its report, Portfolio Committee No. 2 (Health) stated that the review should consider a range of issues and should include an examination of whether licence conditions are best placed for individual mine limits or cumulative mine limits. The NSW Environment Protection Authority is in the scoping phase of its review, which includes considering the range of issues to be addressed in the review.

No. Question**65. Spending on Renewable Energy Zones – Transcript page 77**

The Hon. JOHN RUDDICK: Well we wouldn't want to be making a big error, would we, Mr Hay? How much have the taxpayers of New South Wales already spent on the renewable energy zones and how much will they spend in the coming years?

JAMES HAY: How much have the taxpayers of New South Wales spent?

The Hon. JOHN RUDDICK: Yes.

JAMES HAY: I'd have to come back to you with the exact amount on that. That's quite a complex question.

The Hon. JOHN RUDDICK: It's a large figure.

The Hon. WES FANG: The one actual budget question.

The Hon. JOHN RUDDICK: So we're going to take that on notice. It shouldn't be too difficult to calculate how much the taxpayers have put into these renewable energy zones so far and how much we're projected to put into them.

JAMES HAY: That is quite a broad question.

The Hon. JOHN RUDDICK: So are you going to come back to me on that?

JAMES HAY: I'm going to have to come back to you on that.

Answer:

In November 2021, \$154 million was approved for EnergyCo to undertake establishing works for Renewable Energy Zones. Up to 30 June 2024, \$97 million of this has been spent with a remaining \$57 million to be spent up to 2027–28.

The most recent state budget allocated \$128.5 million for upgrading transport routes between the Port of Newcastle and the Central West Orana Renewable Energy Zone which will benefit all road users.

There is also some short-term taxpayer funding provided for development expenditure and community and employment benefits programs in Renewable Energy Zones through the Transmission Acceleration Facility. Up to 30 June 2024, a total of \$468.4 million has been invested through the Transmission Acceleration Facility with a further \$1,861.1 million forecast to be funded between 2024–25 and 2027–28. All funding provided through the Transmission Acceleration Facility is repayable to Government.

Most funding for Renewable Energy Zones is approved through the Australian Energy Regulator rather than being taxpayer funded.

66. Special Deposits Account – Transcript page 81

The Hon. NATALIE WARD: Secretary, has Treasury asked you to hand over control of your Special Deposits Accounts?

ANTHONY LEAN: Can I take that on notice? Not as far as I'm aware, but I just think I should double-check that.

The Hon. NATALIE WARD: You're not aware?

ANTHONY LEAN: I think I'd be aware of it, but —

The Hon. NATALIE WARD: Is that a no, you have to check, or yes?

ANTHONY LEAN: Not as far as I'm aware.

Answer:

No.

No. Question

67. Special Deposits Account – Transcript page 81

The Hon. NATALIE WARD: What about the Statutory Special Purpose Fund?

ANTHONY LEAN: I'll have to take that on notice.

The Hon. NATALIE WARD: You haven't been asked by Treasury to hand it over or you're not sure?

ANTHONY LEAN: I'm unsure on that one so I'll have to take it on notice.

Answer:

No.

68. Interest derived on Government accounts – Transcript pages 81-82

The Hon. NATALIE WARD: What happens to the interest or any other funds accrued in those accounts?

ANTHONY LEAN: In relation to interest, my understanding is that there has been a government decision to take the interest that's earned on those accounts.

The Hon. NATALIE WARD: Where does the interest go – Consolidated Fund?

ANTHONY LEAN: I believe it's Consolidated Fund, yes.

The Hon. NATALIE WARD: What about other funds in the accounts? Just the interest, or it's taking whatever else is accrued?

ANTHONY LEAN: It's just the interest, from what I understand.

The Hon. NATALIE WARD: How much is that?

ANTHONY LEAN: I'd have to come back to you with a specific number.

The Hon. NATALIE WARD: You'll take that on notice?

ANTHONY LEAN: Yes.

The Hon. NATALIE WARD: Is it still available for use by your department or not at all?

ANTHONY LEAN: No, it becomes part of the consolidated funding. What does happen, as I understand it, though, is that to the extent that our activities are funded, whilst we don't get the interest, we would get escalation on some of those funds as well to account for increasing costs year in, year out.

The Hon. NATALIE WARD: Does that balance cover what the interest would have been, or are you left short?

ANTHONY LEAN: If you had asked me that three years ago, it probably wouldn't have made much difference given interest rates were so low. It's probably a bit different now, but I don't have the specific details now. I'd have to take that on notice.

The Hon. NATALIE WARD: Yes, I'm talking about interest rates right now, your role right now and the funding right now. Whether it's been cut three years ago is past history. I'm interested in what the department's able to do right now – and whether Treasury's stealing it from you – to do the great work you're doing. I'm in your corner, Mr Lean.

Answer:

Under the Treasurer's Direction, Management of Cash, Banking and Payments (TD23-18) issued on 3 October 2023, interest payable on a Government Sector Finance agency under the Treasury Banking System (TBS) is to be paid to the Treasurer or to any other entity nominated by the Treasurer unless exempt. Exempted TBS accounts will continue to earn interest.

No. Question

The following TBS accounts within the Minister for Climate Change, Energy, the Environment and Heritage's portfolio responsibilities are not exempt:

- Climate Change Fund Special Deposit Account (SDA)
- Aboriginal Boards of Management SDA (includes seven bank accounts)
- Energy Administration SDA (includes three bank accounts)
- Environment Protection Authority Fund SDA
- Tradeable Emission Schemes Fund SDA
- Green Offsets Fund SDA
- Environmental Monitoring Fund SDA.

As interest earnings on these funds go directly to NSW Treasury, the value of interest earned is not available to the Department and agencies within the Minister's portfolio.

For the Climate Change Fund SDA, a total of \$15.5 million of interest budgeted from 2023–24 to 2033–34 is being taken out of the Department's budget. In the past, interest earnings on this account helped reduce the gap between budget escalations and increases in actual costs incurred for programs funded by the Climate Change Fund.

69. **Thurloo Downs** – Transcript page 82

The Hon. NATALIE WARD: Can I turn to Thurloo Downs? What's the progress on that? Is there a date for the park to be opened?

ATTICUS FLEMING: I'd have to take that on notice. When we purchased the property, part of the arrangement was a transition period for the existing owner, which is obviously something that is really important in many of these acquisitions in western New South Wales. I don't think we've reached the end of that transition period just yet. If I'm wrong about that, I'll correct the record. What I can say is that for Thurloo Downs – and for all of our recent acquisitions in the west – we are planning to invest significantly in Thurloo.

There is work going on at Thurloo Downs planning for the infrastructure investment that will support visitation. There is work going on at Thurloo Downs planning for ecological health surveys to take a benchmark of the health of the property and measure its change over time. That is all consistent with what we've done across the other recent acquisitions out there, where we have invested substantially and where we've delivered substantial feral animal control right from the word go. We have a process and an approach to these new acquisitions and you can expect the same to happen at Thurloo Downs.

The Hon. NATALIE WARD: Are you able to take on notice –

NAOMI STEPHENS: I can add that Thurloo Downs will come across to Parks in July 2025.

Answer:

The National Parks and Wildlife Service will take possession of Thurloo Downs in July 2025, when the current occupation licence expires.

70. **Marine integrated monitoring program** – Transcript page 83

The Hon. NATALIE WARD: Thank you. The Marine Integrated Monitoring Program is meant to measure the strategy's progress against the maritime estate management program. A mid-term evaluation of that was due to commence in 2023. Is that correct?

SHARON MOLLOY: I think you're talking about the Marine Estate Management Strategy and the monitoring –

The Hon. NATALIE WARD: No, the Marine Integrated Monitoring Program. That's meant to measure the strategy's progress against the estate management program.

No. Question

SHARON MOLLOY: Yes. The lead agency for the strategy is our colleagues in DPI Fisheries. However, we have joint responsibilities and there are quite a number of the initiatives that we deliver as well — I think, one, three and nine. I'll have to double-check, out of the nine initiatives, which ones we implement. I'll have to get back to you on the specifics of that report, when it's due and whether it has been delivered or not.

ANTHONY LEAN: I would say, though, that the Marine Estate Management Authority would be the entity responsible for leading on that.

SHARON MOLLOY: Yes, I think we'd have to refer that.

Answer:

The mid-term evaluation of the Marine Estate Management Strategy commenced in 2023. On 21 June 2024, the final report was submitted to the Marine Estate Management Authority.

The Marine Estate Management Authority is preparing to publicly release its response to the evaluation in the coming months.

71. Cadia Mine – Seepage from tailings dam – Transcript page 85-86

Ms CATE FAEHRMANN: Let me ask another question. How long has the EPA known about the seepage coming from the tailings dam from Cadia? How long has the EPA known that there has been seepage into the groundwater from that tailings dam that broke?

STEPHEN BEAMAN: I will have to take that on notice. The community —

Ms CATE FAEHRMANN: No, let me continue, Mr Beaman, because there are multiple minutes that I have access to since 2010 that do indicate that the EPA has had at least one representative at meetings of the AEMR, which is the Cadia community meeting, that essentially talk about the tailings dam seepage pond, since 2010, going into the groundwater — concerning amounts. The EPA has been part of this discussion since 2010.

STEPHEN BEAMAN: I will have to take that on notice. I'm not aware of that, but what I can advise —

Ms CATE FAEHRMANN: Mr Beaman, this issue — Mr Chappel, can I go to you then. This issue has been in the media for a very long time. The upper House has inquired into the issue. There are incredibly concerning, extremely high toxic levels of PFAS found in the Belubula River and associated waterways. There is information that suggests that the EPA has been at meetings with Cadia since 2010, with discussion about seepage from the tailings facility entering the groundwater. Why do you think Mr Beaman is now sitting here saying he is going to have to take it all on notice?

TONY CHAPPEL: I am not aware of information provided to the EPA about seepage. I can tell you that we are currently in court with the Cadia mine on two offences related to the tailings dam, so I'm not going to speak to that except to say that two amongst five charges are currently before the court. There has been very extensive work done with the community on soil monitoring, water tank monitoring, air quality monitoring and now water monitoring. I've had multiple meetings with members of the community, and they haven't raised that concern with me. My colleague Mr Beaman was going to add, I think, a relevant point.

STEPHEN BEAMAN: Only to say that those concerns have been raised with us, and what we have done is we have undertaken to review the groundwater — so have that independently reviewed and have our technical experts. And we have actually been out, and the EPA has taken its own samples of the groundwater from the Cadia —

Ms CATE FAEHRMANN: When did that start, Mr Beaman?

STEPHEN BEAMAN: I will have to take that on notice, for an exact time.

No. Question

Ms CATE FAEHRMANN: Did that start when it hit the headlines.

STEPHEN BEAMAN: I will have to take on notice when the team started.

Ms CATE FAEHRMANN: I think the point I'm making is that these documents seem to imply that the EPA has been in discussions and part of meetings with Cadia goldmine that have actively discussed seepage from the toxic tailings facility, because of that —

TONY CHAPPEL: Has the mine disclosed that, or has it been raised as a concern?

Ms CATE FAEHRMANN: Yes, these are meeting minutes, presentation minutes. The mine has actually disclosed — when you dig into its thousands of pages of documentation and reports, it actually does disclose about groundwater. I'm surprised that the EPA, for example, hasn't at least looked at whether the livestock watering is safe. I've spoken to communities, landholders who are very concerned about that.

TONY CHAPPEL: We have measured —

Ms CATE FAEHRMANN: But the EPA hasn't thought to suggest that they should not be watering their stock from the Belubula River at this point in time?

TONY CHAPPEL: All of our test results in the Belubula River and the catchment are consistent with safe levels for livestock to use. As my colleague Mr Beaman mentioned, we need to do a more comprehensive piece of work to be more confident about the source of any potential contamination, because the one result we have had that was more elevated was actually upstream of the mine. I can't accept the proposition that the EPA is reacting to media pressure here. I think one of my first meetings with the community, when they laid out some of their extensive concerns around pollution from the mine, led to the EPA taking very extensive, rapid action to bring the mine into compliance on its air emissions, which we did. We are now in court on five offences —

Ms CATE FAEHRMANN: That was also after it hit the headlines, with respect, Mr Chappel.

TONY CHAPPEL: No, it absolutely wasn't. That was after directly engaging with the community and hearing those concerns for the first time, on my part, anyway. But I'm happy to come back to the Committee on this issue of reporting, either from the community or the mine, or any other third party, about potential seepage out of the tailings.

Answer:

In relation to the seepage pond, the NSW Environment Protection Authority (EPA) has been aware since 1995 that the Environmental Impact Statement for the Cadia Gold Mine Project included seepage control measures including a reclaim dam (seepage pond) located downstream of the tailings dam.

In relation to the potential for groundwater impacts, on 12 October 2015, the EPA received and reviewed the Cadia Mine's 2014–2015 Annual Environmental Management Report. The Report identified a need to investigate if the chemistry of decant/tailings water within the tailings dam was reflected within ground and surface waters.

During 2019 the Cadia Mine established a ground and surface water monitoring program to further understand the nature and extent of the seepage. In February 2020, the EPA varied the environment protection licence to include those additional surface and groundwater monitoring locations.

The Cadia Mine has a groundwater monitoring network of 144 groundwater monitoring bores located throughout the mine site and surrounding the mine site. This network informs the groundwater model which was initially developed in 2009.

To protect groundwater, site-specific guideline values for water quality were developed and are implemented through a trigger action response plan (TARP) as part of Cadia's water management plan. The TARP includes notification requirements to the EPA if the guideline values are exceeded.

No. Question

Groundwater monitoring during 2022 and 2023 found no exceedance of the groundwater quality trigger levels reportable to the EPA at any of the 144 monitoring locations.

Further groundwater monitoring was conducted by the EPA in May 2024. Based on the results from this sampling, the groundwater quality near the Cadia Valley Operations mine site generally meets the required standards for livestock drinking water, irrigation and ecological protection.

The EPA has also completed a comprehensive review of the Cadia Mine's environment protection licence. Information about potential future changes to the licence can be found on the EPA's website.

72. Recovered fines facilities visited since June 2023 – Transcript page 86

The CHAIR: Mr Chappel, what were the 13 facilities that were visited by the EPA since June 2023 as part of the investigation into recovered fines?

TONY CHAPPEL: I don't have the 13 in front of me, so I might take that on notice.

The CHAIR: If you could, I would like to know what were the seven facilities with asbestos and what were the six facilities with the other breaches.

TONY CHAPPEL: Certainly.

Answer:

Facilities inspected

1. Aussie Skips Recycling Pty Ltd - Strathfield South
2. Benedict Recycling Pty Ltd - Chipping Norton
3. Warringah Gravel & Stone Supplies Pty Ltd - Belrose
4. Menangle Sand & Soil Pty Ltd - Menangle
5. KLF Holdings Pty Ltd - Camelia
6. Brandown Pty Ltd, Brandown Recycling Yard - Cecil Park
7. Recycling Parks Pty Ltd - Kemps Creek
8. VE Resource Recovery Pty Ltd - Bringelly
9. Breen Resources Pty Ltd - Kurnell
10. Canterbury-Bankstown Council - Milperra
11. Gow Street Recycling Centre Pty Ltd - Padstow
12. N. Moit & Sons (NSW) Pty Ltd, Rock and Dirt Recycling - South Windsor
13. MET Recycling Pty Ltd - Silverwater

Facilities found with asbestos

1. Benedict Recycling Pty Ltd - Chipping Norton
2. Warringah Gravel & Stone Supplies - Belrose
3. Menangle Sand & Soil Pty Ltd - Menangle
4. Brandown Pty Ltd, Brandown Recycling Yard - Cecil Park
5. Breen Resources Pty Ltd - Kurnell
6. Gow Street Recycling Centre Pty Ltd - Padstow
7. N. Moit & Sons (NSW) Pty Ltd, Rock and Dirt Recycling - South Windsor

No. Question

Facilities with other breaches

1. Aussie Skips Recycling Pty Ltd - Strathfield South
2. Benedict Recycling Pty Ltd - Chipping Norton
3. KLF Holdings Pty Ltd - Camellia
4. VE Resource Recovery Pty Ltd - Bringelly
5. Canterbury-Bankstown Council - Milperra
6. Gow Street Recycling Centre Pty Ltd - Padstow

73. PFAS – Lake Macquarie – Transcript page 87

The CHAIR: What investigations to date have the EPA undertaken in relation to the unauthorised dumping of firefighting foams, including those that were alleged to have occurred at Lake Macquarie?

TONY CHAPPEL: I might take that one on notice, because I'm not aware of allegations of dumping of firefighting foams. I'm happy to take that on notice.

The CHAIR: Any investigations to date broadly about the environmental impacts about the firefighting foams in terms of the EPA's work at the moment?

TONY CHAPPEL: I think I mentioned earlier, Chair, there are about 1,100 sites that we've investigated around PFAS – or that class of chemistry from the fire retardants, in the main – through working with RFS and Fire and Rescue about their historic use of those materials. I'm sure there's some other work. There's some very extensive work underway about Lake Macquarie – specifically, benthic studies, eco-toxicological work and chemistry analysis – that's flowing from the coal ash inquiry. I'd have to take on notice if that is particularly also including some of this fire-retardant chemistry though.

The CHAIR: I note that there were GIPAA documents that revealed a review into the firefighting retardant impacts and about the dumping at Lake Macquarie. If you could provide that information, that would be very helpful.

TONY CHAPPEL: Of course, yes.

Answer:

Alleged Unauthorised Dumping of Fire Fighting Foams in Lake Macquarie

The NSW Environment Protection Authority (EPA) received an anonymous report in 2021 alleging dumping of firefighting foam in 2014 or 2015 at the Lake Macquarie Rural Fire Service (RFS) Fire Control Centre. The report did not advise if the foam contained PFAS. In response to the report and since 2021, the RFS has been conducting detailed investigations of the site with EPA oversight.

Broader investigations to date about environmental impacts in Lake Macquarie

In 2017, as part of the NSW PFAS Investigation Program, the Department of Primary Industries – Fisheries sampled edible fish and crustaceans from Lake Macquarie. The 2017 sampling results indicated PFAS exposure through the consumption of seafood caught in Lake Macquarie did not pose a risk to fishers or their families.

In 2019, precautionary dietary advice was issued advising that the community can continue to eat seafood caught in the Tuggerah Lakes system as part of a balanced diet.

The EPA is monitoring environmental conditions near power stations in Lake Macquarie to assess the current conditions, provide a basis for comparison in the future and contribute to any future remediation activities.

No. Question

74. Legal standing – Bellingen Environment Centre– Transcript page 88

The CHAIR: Mr Chappel, who instructed – and why – the EPA to contest whether the Bellingen Environment Centre should be allowed to be recognised as a friend of the court in relation to the sentencing and prosecution of the Forestry Corporation?

TONY CHAPPEL: My understanding is that the EPA did not contest that point. It made submissions as to the various issues the Bellingen centre wanted to raise, noting that the EPA anticipated raising them, but it neither opposed nor supported the application from the centre.

The CHAIR: I suppose that's the point. Why would the EPA not support community participation in relation to such an important public interest matter – the prosecution of a public, State owned corporation in relation to breaches that are harming the public native forest estate?

The Hon. WES FANG: I can answer that, Chair.

The CHAIR: Thanks, Mr Fang.

TONY CHAPPEL: As I understood it, that was the appropriate legal position for us to take. I'm happy to take that on notice and seek some advice as to what the specific instructions and the basis for those were.

Answer:

The NSW Environment Protection Authority neither opposed nor supported the application made by the Bellingen Environment Centre.

75. Forestry – number of EPA investigations since March 2023 – Transcript page 88

The CHAIR: I'd be very grateful. Now, obviously, the court has made its findings. How many investigations have been launched by the EPA into allegations of unlawful forestry operations since March 2023?

The Hon. WES FANG: I can answer that one too.

The CHAIR: Wes, cut it.

TONY CHAPPEL: Since March 2023 – I think I'd better take that on notice. I'll take the number on notice. I'll see if I can find it before we finish, but I don't think I have data from March.

The CHAIR: I'm interested in how many of those have been substantiated, unsubstantiated and how many of those are ongoing.

TONY CHAPPEL: I'm very happy to take all of that on notice. I think we currently have 26 ongoing, but let me get some advice on that.

Answer:

Information on forestry compliance is available on the NSW Environment Protection Authority's website.

No. Question

76. NPWS biodiversity stewardship agreement trial – Transcript page 88

The CHAIR: In the last minute, I'd love to turn to you, Mr Fleming, about — and I know we've had conversations about this — the part 11 lands. Will any new lots be purchased under part 11 for the purposes of trials into establishing biodiversity stewardship agreements?

ATTICUS FLEMING: We haven't completed our analysis and thinking around the one trial. That's on record. We won't be doing anything else until we've completed an assessment and analysis of that, and then the Minister would make a decision about the way forward.

The CHAIR: I think she indicated at the last estimates that she has some concerns about it but she's watching that trial. Is there a time frame on that trial? Have we got closer to knowing when that may be complete?

ATTICUS FLEMING: There's not a specific time frame, no. I think we've undertaken previously to give you an update as it progresses, so I should probably leave it at that.

The CHAIR: In relation to that, is this a project that goes on for another 12 months, another 24 months, or is this a longer term project?

ATTICUS FLEMING: I think over the next few months — I don't know whether that's three months or six months — we'd need to make a decision on whether to go any further. I haven't thought beyond that.

Answer:

There is no specified timeframe for the trial considering the issues associated with establishment of a Biodiversity Stewardship Agreement on part 11 land. The trial is being conducted in relation to one parcel of land only.

77. EnergyCo and Transport for NSW MOU – decommissioning renewable projects – Transcript page 89

The Hon. WES FANG: Mr Lean, did you sign an MOU with Transport to provide the ability to move some of the renewable energy project infrastructure, such as wind farm towers and the like, through to Central-West Orana?

ANTHONY LEAN: I don't —

MARK WESTBROOK: Yes.

ANTHONY LEAN: Yes. I sign a lot of things.

The Hon. WES FANG: This is fabulous. I think we're really learning how this works. Why did you have to sign an MOU with yourself, effectively, being the government to the government?

ANTHONY LEAN: It's not uncommon for agencies to sign agreements between themselves.

The Hon. WES FANG: On the question of the decommissioning of wind farms, who can sign off on the decommissioning, if it was to occur?

ANTHONY LEAN: That would depend on the conditions of consent that apply to the wind farm.

The Hon. WES FANG: So it has reached its end of life. Who can then sign off on the decommissioning, and what are the costs to the landholder who has got a turbine on their farm? Say the company who installed it and is operating it perhaps leaves the country or goes bankrupt.

JAMES HAY: Each project has agreements with its landowners, and decommissioning is one of the key parts of those agreements. Equally, as the secretary said, the planning

No. Question

conditions do look at those, and the new guidelines that are to be finalised by the department of planning also look at those.

The Hon. WES FANG: In the example that I gave, if a company goes bankrupt or leaves the country and has left infrastructure on a farmer's land and it's, say, a wind farm, who is responsible for the decommissioning of it? Who bears the brunt and the cost of that decommissioning?

JAMES HAY: Really these are probably more questions for the department of planning, Mr Fang, because they have been consulting on the guidelines. They looked at these very specific issues and considered bonding and other options.

The Hon. WES FANG: There's no bond associated —

JAMES HAY: Bonding was considered, and you need to talk to the department of planning as to where it has landed on that.

The Hon. WES FANG: Nobody here can provide me an answer as to who's going to bear the cost of a wind farm tower that's —

ANTHONY LEAN: As we've said, it's an issue that relates to the planning conditions, which should be answered by the planning department, or it's an issue that relates to the landholder agreement. I think you'll need to redirect your question.

The Hon. WES FANG: If it was to be decommissioned, does the MOU cover the transport back out of the same blades that have to go in to the REZ?

ANTHONY LEAN: I'll have to take that one on notice, but I'd be surprised if it did.

Answer:

The Energy Corporation of NSW (EnergyCo) signed a Memorandum of Understanding (MOU) with Transport for NSW (TfNSW) to facilitate the road improvements required to transport components for renewable energy projects and supporting transmission infrastructure along the existing road network.

The agreement relates to coordinating and facilitating necessary upgrades to State road infrastructure where TfNSW is the roads authority and will ensure the best routes are identified and ready to enable the manoeuvring of these components to their destinations in Renewable Energy Zones and other project sites with minimal impact to the community.

Individual developers will still be responsible for addressing their respective road haulage requirements and will need to plan for and implement any necessary measures to ensure over-sized and over-mass vehicle movements can be accommodated on local road networks to their project sites.

The decommissioning of the site is the responsibility of the owner of the wind farm. Generally, development approvals and landowner contracts contain clauses explicitly setting out the amount of time between the wind farm's operational end of life and the decommissioning and the expectations around rehabilitating the site.

78. Improved native forestry method – appointment – Transcript pages 89-90

The Hon. WES FANG: Mr Fleming, how did you select Professor Macintosh to deliver the improved native forestry method?

ATTICUS FLEMING: Mr Macintosh is a recognised expert. You'll probably know that there's an independent committee that looks at things like the integrity standards. He has had a previous role on that committee, I think in its previous format. It's actually the Australian National University that we have contracted.

The Hon. WES FANG: Was it, then, a direct appointment to that role or was it a competitive process?

No. Question

ATTICUS FLEMING: I'd have to take that on notice and give you details. I can't recall the details.

The Hon. WES FANG: How much was he paid for the work that was done and submitted to the Commonwealth under the EOI process for the ACCU?

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

Answer:

In accordance with NSW Government procurement policy, the Request for Quote was released to an individual supplier, Australian National University (ANU) Enterprise Pty Ltd, listed on the NSW Treasury SCM0005 Prequalification Scheme: Performance and Management Services. The total value of the contract is \$232,433.95 (ex GST).

79. Biodiversity Conservation Fund – Transcript page 94

The CHAIR: How much money is currently sitting in the biodiversity fund for the offsets?

ERIN GIULIANI: You are referring to the biodiversity conservation fund as developers have paid in?

The CHAIR: I am, yes.

ERIN GIULIANI: I do have that detail in front of me. If you give me a moment, I will find it for you.

The CHAIR: Thank you.

ERIN GIULIANI: Can I come back to you, Chair? I've just got to find it in my notes.

The CHAIR: That's fine.

Answer:

The total outstanding developer offsets paid in as at 31 August 2024 is \$208.5 million.

In relation to the additional information provided at the hearing (page 96 of the uncorrected transcript) about credits committed to or purchased, these numbers have been revised subsequent to the hearing due to a reporting error. As at 31 July 2024, 37,000 credits have been committed to or purchased, representing just over 54% of the credits ever transferred into the Biodiversity Conservation Fund.