



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

BUDGET ESTIMATES 2024-2025

Supplementary questions

Portfolio Committee No. 7 – Planning and Environment

Climate Change, Energy, the Environment, Heritage
(Sharpe)

Hearing: Monday 3 March 2025

Answers due by: 5.00 pm Friday 28 March 2025

Budget Estimates secretariat

Phone (02) 9230 2740

BudgetEstimates@parliament.nsw.gov.au

BUDGET ESTIMATES 2024-2025
SUPPLEMENTARY QUESTIONS

Questions from Hon Chris Rath MLC (on behalf of the Opposition)
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Energy

Widgets and Smart Meters

- (1) Are there plans to encourage consumers to install widgets in home air conditioning units to lessen power use in peak times?
 - (a) Is this something that you could consider in the future, either using widgets or smart meter technology?
 - (b) Are NSW Smart Meters currently equipped to power down air conditioners or heaters if that feature was switched on?
 - (c) Would this technology be limited to those using the power grid (not solar or battery customers)?
 - (d) In QLD, the state-owned power grid remotely turned down almost 170,000 air conditioners six times this past summer using smart meters. Is the same technology a consideration for NSW?

Environment

Landcare

- (2) Why is Thurlow Guiren no longer the CEO of NSW Landcare?
 - (a) Has he been replaced?

BLER Funding

- (3) What progress is being made with trying to determine where the BLER funding has gone in the Snowy Valleys Council LGA?

Mandala Partners

- (4) Were you aware that the exact same team at Mandala responsible for delivering the economic and social assessment for the GKNP was working for the Australian Climate and Biodiversity Foundation?

- (5) Do you agree that even if measures were put in place to prevent data leaking between both organisations it is still inappropriate to have the same team working across these two projects?
- (6) Was it appropriate that the industry advisory panel for the GKNP was not told that Mandala Partners was also contracted to work for the Australian Climate and Biodiversity Foundation?
- (7) How can we have any faith in the objective outcome of Mandala's work while at the same time they were advising an activist group on how the government could exit from public native forestry.
- (8) Given this serious concern, will you commit to an external review of the probity and transparency of this process?

Improved Native Forestry Carbon Method

- (9) Is Tasmania going to participate in your Improved Native Forestry Carbon Method?
- (10) The Tasmanian Minister for Forestry said: "Tasmania will not support any carbon credit scheme proposal that undermines the value of our native forestry sector and puts at risk local jobs in an attempt to placate extremist environmental groups". Has the Tasmanian Minister for Forestry written to you saying Tasmania will not participate in your scheme?
- (11) What is the impact of NSW's Improved Native Forestry Carbon Method without Tasmania's participation?
- (12) If NSW intends to continue with an Improved Native Forestry Carbon Method, what requirements are needed to make it viable?

Great Koala National Park Cost

- (13) How much of the \$80 million allocated to the creation of a GKNP has been spent? Can you itemise what it has been spent on?

Koala Hubs cost

- (14) How many hectares have been set aside on the NSW mid-coast as koala hubs?
- (15) How much will those hubs cost NSW taxpayers in compensation to the forestry industry for non-delivery of timber under wood supply agreements?
- (16) Was this funded as new money or will it come from the \$80 million set aside for the Great Koala National Park?

- (17) When will this compensation be finalised?
- (18) Do you accept, decisions from your agencies made in this term of government, including major changes to the Coastal IFOA, creation of Koala Hubs, and a delayed decision on the Great Koala National Park, are the main reason Forestry Corporation reported an annual loss last financial?
- (a) If the answer is no, can you please outline which of the above factors outlined above, for which you have oversight, have contributed to Forestry Corporation's reported annual loss?
- (19) How many times have you or your deputy-chief of staff met directly with the Treasurer to discuss the improved native forestry method or to brief the treasurer on the progress of the GKNP?
- (a) Who has carriage of policy as it relates to native forestry in your office? Given the EPA regulates native forestry, you would have someone looking after forestry policy.
- (b) So the committee is aware, what is the relationship between your deputy-Chief of Staff and the Treasurer?

International Illegal Logging

- (20) Do you agree illegal logging is a global problem and one of the most profitable trans-border environmental crime, with wide-reaching and devastating impacts on climate, nature and people?
- (21) Do you accept a reduction in native hardwood timber supply, effectively increases demand for imported hardwood products and exposes Australia to this horrific environmental crime?
- (22) What action are you taking to address the illegal and illicit trade in timber products?

Support for native forestry

- (23) Can you tell regional communities and timber workers on the South Coast and in Bega that you personally support our public native forestry industry?

Heritage

Me-Mel (Goat Island) Transfer – Exclusion of Aboriginal Businesses in Key Contracts

- (24) Minister, your Government has awarded \$800,000 to Primary Communications Partners Pty Ltd for a “Communication and Engagement Services Project” for the Me-Mel Transfer Project. What are the KPIs under this contract?
- (25) Separately, \$1 million has been invested “focused on ensuring the Aboriginal community remains at the heart of engagement while shaping the vision and future options for Me-Mel Goat Island.” What are the KPIs for that contract?
- (26) How many Aboriginal businesses submitted tenders for these projects?
- (27) What efforts did your Government make to ensure Aboriginal-owned businesses had a fair opportunity to compete for these contracts?
- (28) Why was the Me-Mel Master Plan contract awarded through a limited tender process instead of an open competitive tender?
- (29) Was there Aboriginal representation on the evaluation panel that awarded this contract?

Me-Mel (Goat Island) Contracts Oversight

- (30) What role does the department have in monitoring the implementation of the two Me-Mel contracts?
- (31) What specific reporting requirements do Primary Communications Partners Pty Ltd and TyrellStudio Pty Ltd have to ensure Aboriginal engagement is central to the project?
- (32) What percentage of subcontracting or consultancy work within these contracts has been allocated to Aboriginal-led organisations?

General questions

CFMEU meetings

- (33) Given ministerial diary disclosures do not include all meetings and provide exceptions to disclosures, since 28 March 2023, have you met with the CFMEU?

ETU meetings

- (34) Given ministerial diary disclosures do not include all meetings and provide exceptions to disclosures, since 28 March 2023, have you met with the ETU?

Ministerial disclosures to The Cabinet Office

(35) On what date did you last update/make a ministerial disclosure to The Cabinet Office?

Department(s)/Agency(s) Employees

(36) How many redundancies were processed by each Department(s)/agency(s) within your portfolio responsibilities since 28 March 2023?

(a) Of these redundancies, how many were:

i. Voluntary?

ii. Forced?

(b) What was the total cost of all redundancies in each Department/agency within your portfolio responsibilities?

(c) On what page are redundancies published in the respective Department(s)/Agency(s) Annual Reports?

Department(s)/Agency(s) Annual Reports

(37) On what date were the annual report(s) from 2023-24 for each department / agency in your portfolio published?

(38) Were the annual report(s) from 2023-24 for each department / agency in your portfolio printed?

(a) yes, what was the printing cost(s) for each department / agency?

(39) Did the annual report(s) from 2023-24 for each department / agency in your portfolio use in part or full an external production / body / consultant to draft?

(a) yes, what was the cost(s) for each department / agency?

(40) In what month will the 2024-25 annual report(s) for each department / agency in your portfolio be published?

(41) Will the 2024-25 annual report(s) for the department / agency in your portfolio include a printed copy?

(a) If yes, how much is budgeted for printing in 2024-25 for each department / agency?

State Records Act

(42) Have you and your ministerial office had training and/or a briefing about the State Records Act from State Records NSW and/or The Cabinet Office and/or Premier's Department?

- (a) If yes, when?

Advertising

- (43) On what page is advertising published in the respective Department(s)/Agency(s) annual report(s)?

Department(s)/Agency(s) Gifts and Hospitality Register

- (44) Does your portfolio department(s)/agency(s) have a gifts and/or hospitality register?

- (a) If yes, is it available online?
 - i. If yes, what is the website URL?

Ministerial staff disclosure of gifts and/or hospitality

- (45) Does your ministerial office keep a register of gifts and/or hospitality for staff to make disclosures?

- (a) If yes, what is the website URL?

- (46) Have any staff members in your office been the recipient of any free hospitality?

- (a) What was the total value of the hospitality received?
- (b) Are these gifts of hospitality declared?

Ministerial Code of Conduct

- (47) Since 28 March 2023, have you breached the Ministerial Code of Conduct?

- (a) If yes, what was the breach?

Credit Cards

- (48) Have you ever been issued with a credit card by a NSW Government department(s) and/or agency(s) since 28 March 2023?

- (a) If yes, under what circumstance?
- (b) If yes, what items and expenditure was undertaken?

- (49) Do public servants in your portfolio department(s)/agency(s) been issued with department/agency credit cards?

- (a) If yes, what is the website URL of the credit card policy?

Department(s)/agency(s) desk or office

(50) you have a desk or office in your portfolio department(s)/agency(s) building(s)?

Senior Executive Drivers

(51) As at 1 February 2025, how many senior executives in your portfolio department(s) / agency(s) have a driver?

GIPA Applications – Ministerial Office

(52) Has your Ministerial Office received a GIPA Application(s) since 28 March 2023?

(a) If yes, how many?

(b) If yes, what is the website URL of the disclosure log?

GIPA Applications – Department(s)/Agency(s)

(53) Since 28 March 2023, have you and/or your ministerial office given instructions to your portfolio department(s)/agency(s) in relation to Government Information (Public Access) Act application(s)?

GIPA Act – Disclosure Log Website URL

(54) What is the website URL for the GIPA Act disclosure log each of your portfolio department(s) / agency(s)?

TikTok

(55) Are you on TikTok?

(a) If yes, do you access TikTok from a NSW Government device?

Signal

(56) Are you and/or your ministerial staff on Signal?

(a) If yes, do you and/or your ministerial staff access Signal from a NSW Government device?

(b) If yes, does Signal comply with the State Records Act?

Training

(57) Since 28 March 2023, have you had training from an external stakeholder that included an invoice and payment paid for using your ministerial budget?

(a) If yes, what is the description of training?

(b) If yes, how much?

Cabinet documents

(58) Since 28 March 2023, have you shared Cabinet documents with your Parliamentary Secretary?

Parliamentary Secretary

(59) Does your Parliamentary Secretary have pass access to your ministerial office?

(60) Does your Parliamentary Secretary have a desk in your ministerial office?

(61) Has your Parliamentary Secretary ever used your Ministerial Vehicle?

Media releases and statements

(62) Are all the ministerial media releases and statements issued by you publicly available at <https://www.nsw.gov.au/media-releases?>

(a) If no, why?

Overseas Travel

(63) As Minister, do you approve overseas travel for public servants from your portfolio department(s)/agency(s)?

Data Breaches

(64) Does your portfolio department(s)/agency(s) keep a register of data breaches in accordance with the Privacy and Personal Information Protection (PPIP) Act?

(65) If yes to 64, what is the website?

Discretionary Fund

(66) As Minister, do you have a discretionary fund?

(a) If yes, what department(s) / agency(s) administer it?

(b) If yes, what is the website URL detailing expenditure?

Qantas Chairman's Lounge

(67) Are you a member of the Qantas Chairmans Lounge?

Local Government Councillors

(68) How many of your Ministerial staff is a local government councillor(s)?

Wamberal seawall

- (69) Manly Hydraulics Laboratory (MHL), in association with the Water Research Laboratory (WRL) of UNSW Sydney and Balmoral Group Australia (BGA) was commissioned by Central Coast Council to undertake the Wamberal Terminal Coastal Protection Assessment in 2020. The Office of Local Government has advised that the Draft Wamberal Terminal Coastal Protection Assessment would have been prepared as part of the then Minister for Local Government's obligations under the Coastal Protection Act 1979, and the then Minister would have received advice from the Environment and Heritage Division of the then Department of Planning and Environment, which is now part of the Department of Climate Change, Energy, the Environment and Water.
- (a) Did the Wamberal Beach Seawall Advisory Taskforce (the Taskforce), the Central Coast Council or its Administrator provide drafts of this document to the Department? If so, please provide those drafts.
 - (b) Did the Department provide any comments or feedback on any draft of this document prior to it being finalised?
- (70) Stage 6 of this work undertaken by MHL/WRL/BGA involved "cost benefit analysis and distributional analysis of options" (the MHL CBA).
- (a) Was the Department informed as to why the MHL CBA was not released for public review in the same way that reports from other stages of this work were?
 - (b) Did the Department provide any comments or feedback on the MHL CBA report, or communicate with the Taskforce, Central Coast Council or its Administrator in relation to the process for consulting on that stage of the work?
 - (c) Is the Department aware that significant changes occurred through successive drafts of the MHL CBA before it was finalised?
 - i. Did the Department receive any of those drafts? If so, please provide those drafts.
 - (d) What actions will the Department now take to ensure full transparency over the process that was undertaken in relation to this work?

- i. Will the Department ask the Central Coast Council to immediately release to the public all draft documents?

Cockatoo poisonings in the Sutherland Shire

- (71) In November last year, I wrote to the Minister about the large number of sulphur crested cockatoos being poisoned in the Sutherland Shire. Since then, members of the public have continued reporting additional instances of cockatoos being poisoned in the area. Has the EPA concluded investigations in relation to this?
- (a) If yes, what were the outcomes of the investigation?
 - (b) Are you confident that investigations were comprehensively adequate?
 - (c) What communication has the EPA engaged in with members of the public in relation to this?
 - (d) Given continuing reports, will the EPA be conducting further investigations?

Kangaroos

- (72) Given the 2024 commercial kangaroo harvest quota was only 27% utilised and aerial surveys estimate biologically improbable population increases, what specific evidence has informed the NSW Government's decision to continue commercial kangaroo harvesting?
- (73) Will the NSW Government commit to an independent peer-reviewed review of survey methodology and a moratorium on vulnerable species?

Chemical misuse involving animals

- (74) In relation to reports by the EPA of the six peacock deaths in Ourimbah following ingestion of brodifacoum and sulfotep, has the EPA's investigation into whether this was due to intentional or reckless pesticide misuse concluded?
- (a) If so, what were the outcomes of the investigation?
 - (b) Animal rescue organisations, such as Feathers and Fur Small Animal Rescue in this particular case, have reported that it is very common to have birds and other small animals surrendered with pesticide poisoning. What is the EPA doing to mitigate and prevent the misuse of pesticides that have unintended, or in some cases purposeful, impacts on animals?

- (75) What is the EPA's protocol when reports are received of chemical misuse involving animals, in relation to communicating with, sharing information between and referring matters to organisations such as WIRES, the RSPCA NSW and AWL NSW?
- (76) In each of the last five years, how many reports of chemical misuse involving animals has the EPA received in relation to brodifacoum, bromadiolone, difenacoum, difethialone and/or flocoumafen?
- (a) What species were involved?
 - (b) In which LGA did each reported incident occur?
 - (c) How many animals were injured or found dead with the above chemicals in their systems, according to toxicology reports?
 - (d) What actions did the EPA take in each case?
 - (e) How many cases were dismissed, and what was the reason?
 - (f) Were any of the incidents referred to another organisation for action, and if so which organisation was it?
 - (g) How many involved individual pesticide misuse?
 - (h) How many involved pesticide use by the EPA or another government agency or department?
 - (i) How many involved private pesticide misuse?
 - (j) How many involved council pesticide misuse?
- (77) In each of the last five years, how many clean-up notices for pesticide pollution has the EPA issued in relation to misuse of brodifacoum, bromadiolone, difenacoum, difethialone and/or flocoumafen?
- (78) In each of the last five years, how many prevention notices has the EPA issued in relation to misuse of brodifacoum, bromadiolone, difenacoum, difethialone and/or flocoumafen?
- (79) In each of the last five years, how many penalty infringement notices (PINs) has the EPA issued in relation to misuse of brodifacoum, bromadiolone, difenacoum, difethialone and/or flocoumafen?
- (80) In each of the last five years, how many on-the-spot fines has the EPA issued in relation to misuse of brodifacoum, bromadiolone, difenacoum, difethialone and/or flocoumafen?

- (81) In each of the last five years, how many warning letters has the EPA issued in relation to misuse of brodifacoum, bromadiolone, difenacoum, difethialone and/or flocoumafen?
- (82) In each of the last five years, how many enforceable undertakings has the EPA issued in relation to misuse of brodifacoum, bromadiolone, difenacoum, difethialone and/or flocoumafen?
- (83) In the last five years, how many prosecutions has the EPA commenced in relation to misuse of brodifacoum, bromadiolone, difenacoum, difethialone and/or flocoumafen?
- (84) Given that Second-generation Anticoagulant Rodenticides (SGARs) have been identified as a significant threat to biodiversity, will the NSW Government take action to nominate SGARs as a Key Threatening Process under the Biodiversity Conservation Act 2016?
- (85) In each of the last five years, what penalties has the EPA imposed on councils for breaching Crown land biodiversity obligations and how many relate to pesticide misuse?
- (86) Given the admission of councils such as Blayney Shire Council for purchasing SGARs from supermarkets in breach of their own Procurement Policy (in the instance of Blayney Shire Council's Procurement Policy, Section 5: Sustainable Procurement), what steps is the NSW Government taking to audit council compliance with:
- (a) Clause 4.2 of the Local Government (General) Regulation 2021 requiring 'ethical and environmentally responsible procurement'?
 - (b) Section 439 of the Local Government Act 1993, given SGARs' documented harm to threatened species like the Powerful Owl under the Biodiversity Conservation Act 2016?
- (87) Section 344 of the Work Health and Safety Regulation 2017 exempts retailers from providing Safety Data Sheets ("SDS") for hazardous chemicals sold as consumer products, even when councils purchase SGARs directly from supermarkets for rodent management in or around Council assets. This loophole allows toxic chemicals to bypass procurement risk assessments, contradicting Councils' sustainable procurement policies and undermining compliance with state legislation, including the Biodiversity Conservation Act 2016 and Protection of the Environment Operations Act 1997. What data does the EPA hold in regards to councils purchasing hazardous consumer products without SDS?
- (a) How many instances of non-compliance with WHS or environmental laws have been linked to this exemption?

- (b) Given this, will the NSW Government commit to amending the WHS Regulation to remove the Section 344 exemption for hazardous chemicals purchased by councils or businesses for non-household use, ensuring SDS requirements apply irrespective of retail origin?
- (88) How does the EPA coordinate with SafeWork NSW to address systemic risks created by SDS exemptions, such as secondary poisoning of threatened species or improper chemical storage by councils?
- (89) What data does the EPA hold on retailers selling SGARs to councils or businesses in NSW?

Accessible electric vehicle (EV) chargers

- (90) Can you provide any detail in regards to the status of the NSW Government's work with Austroads' recent project to develop Accessibility Guidelines for EV charging?
 - (a) NSW has been identified as being ahead of some other jurisdictions in terms of the disability accessibility requirements under grant programs for EV charging infrastructure, however Australia is still lacking consistent mandatory standards for ensuring all public EV charging infrastructure is accessible to the same standard. What are you doing to advocate for consistent national standards?
 - (b) In the absence of consistent national standards, will you consider creating statewide standards for ensuring all public EV charging infrastructure in NSW is accessible?
- (91) In relation to the EV Destination Charging grants, why has the NSW Government not imposed any scrutiny or oversight over the roll out of each approved project, to ensure each project follows the accessibility considerations they were approved on the basis of?
 - (a) Noting that there are some considerations of disability accessibility in the application process, what guarantee can you provide that approved projects will follow through with these considerations in the absence of NSW Government oversight of projects' monitoring and maintaining site accessibility?
 - (b) What percentage of stations installed under the grants program so far are fully accessible?
- (92) Will the NSW Government conduct an audit of existing public EV charging stations, including privately funded projects engaged by councils, to determine their level of accessibility?

Energy Security Target Monitor report

- (93) The Energy Security Target Monitor report released over Christmas showed a reliability gap in 2027. What measures is the NSW Government taking to close that gap?
- (a) The same report shows an excess of capacity from 2029 to 2033. Doesn't this indicate that Vales Point Power Station could close in 2029 while NSW would still meet its energy security target?

Questions from Ms Cate Faehrmann MLC

Lead Remediation Strategy

- (94) Is it correct that The EPA has been tasked with developing a lead remediation strategy for Broken Hill, including a targeted home remediation for children with high blood levels?
- (a) Will you be required to do the same if the Bowdens Silver mine project goes ahead?

Broula King Gold Mine

- (95) Cath Sullivan and Craig Day, who own a mixed farming property in Bumbaldry in Central West NSW, have been battling for compensation for the losses of \$967,000 from damage to their property by Broula King Gold Mine. In November you told me a meeting had occurred between the parties to attempt to reach a solution. Since then I have been informed no outcome has been reached. In a situation where the damage has come about because licence conditions were flouted for years, with the EPA's knowledge, shouldn't Ms Sullivan and Mr Day be able to seek redress from the government for the damage?
- (96) Does the government hold a rehabilitation bond from the mine?
- (a) If so, could this be used to rehabilitate the property and redress the damages to Cath and Craig's property?
- (97) Will you order the EPA to provide Ms Sullivan and Mr Day with the full testing report completed by hydrologists that was carried out after the handing down of the recommendation that the regulators work with the Day-Sullivans?
- (98) When EPA officers visited Shadelands and were taken to areas of concern by Mr Day to investigate actual and potential pollution problems, obvious sites were not tested due to a lack of testing bottles brought with the officers on the day. Why were the EPA officers not properly equipped to test all of the sites of concern at Shadeland?

Belanglo Flora Reserve

(99) Can you advise why the government cancelled the Belanglo Flora Reserve?

Cadia Valley Operations (CVO)

(100) In August 2024, I wrote to EPA CEO, Mr Tony Chappel about transparency concerns surrounding the Cadia Valley Operations. In June 2024, the EPA attended Frances Retallack's property, which is alongside Cadia Valley Operations mine site, to undertake testing of the ponds on her property. Has the EPA yet provided Ms Retallack with the results of this testing?

(101) Will the EPA release all documents relating to testing undertaken of samples taken since May 2024, including but not limited to results of monitoring bores, creeks and rivers on the property of, and adjacent to CVO?

Boggabri Coal

(102) Boggabri Coal is transferring three of their offset properties (Mallee, Myall Plains and Merriendi) to the NSW National Parks and Wildlife Service. Could you please provide an update on the timeline of when these properties will be signed over?

Peabody Metropolitan Coal Mine Offsets

(103) In Peabody's Metropolitan Coal Longwalls 311-316 Extraction Plan - Response to Submissions', dated 3 July 2024, Condition 1, Schedule 3 of Project Approval (08_0149) requires Metropolitan Coal to 'have no greater than negligible impact to threatened species, populations, or ecological communities (i.e. including upland swamps)', however their original conditions of approval allow them to purchase offsets if they cause irreparable damage to swamps. What offsets are available to compensate for potential impacts on upland swamps?