



BUDGET ESTIMATES 2024–25

Climate Change, Energy, the Environment and Heritage Portfolios

Portfolio Committee No. 7 – Planning and Environment

Answers to Questions on Notice

Hearing: 3 March 2025

Climate Change, Energy, the Environment, Heritage Portfolio

No. Question

1. NSW Hydrogen Strategy meetings – Transcript page 6

The Hon. NATALIE WARD: Speaking of things on track or not, is the NSW Hydrogen Strategy on track?

The Hon. PENNY SHARPE: The NSW Hydrogen Strategy, as you would be aware, was started under the previous Government. It is rolling out, but it is finding some challenges along the way. People would be aware that the hydrogen projects have been slower to get off the ground than people would like. We have three hydrogen hubs that were approved by the previous Government, which are yet to make financial investment decisions – yet to get to fit – but their work continues on that. We're working with the Federal Government on the hydrogen hubs.

The Hon. NATALIE WARD: When was the last meeting or briefing that you had on the Hydrogen Strategy?

The Hon. PENNY SHARPE: I'd have to take that on notice exactly when, but I'm updated all the time on where things are at.

Answer:

My last briefing on actions related to the Hydrogen Strategy was in January 2025.

2. NSW Hydrogen Strategy actions – Transcript page 6

The Hon. NATALIE WARD: In terms of the Hydrogen Strategy, are you aware of how many actions in the Hydrogen Strategy have been delivered?

The Hon. PENNY SHARPE: I would have to take on notice the exact number, because – do you know exactly how many actions are in there? I can't recall.

The Hon. NATALIE WARD: There are 60.

The Hon. PENNY SHARPE: I need to take that on notice.

Answer:

Since the launch of the Hydrogen Strategy in October 2021, 28 actions have been delivered and a further 25 actions are underway. There are seven actions yet to commence.

3. Transmission line routes – Transcript page 7

The Hon. NATALIE WARD: Can I go back to the transmission lines? If they do need to go through national parks, given your support for that, communities are asking for certainty. Would you be willing to discuss mandating the guidelines with specific communities out there?

The Hon. PENNY SHARPE: Are you asking about transmission lines through national parks or are you asking about private land? I'm not quite sure what the question is.

The Hon. NATALIE WARD: In each of these, the community has given us feedback that they're keen to have that certainty and they want to be able to discuss that with you in

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an ongoing way. What we've heard today is a bit more about how it's everybody else's problem. We'd like an understanding of whether those communities would have the opportunity to meet with you.

The Hon. PENNY SHARPE: I disagree with the assertion of your question, but that's fine. There is a very extensive program that is being undertaken by my agencies in relation to the proposed routes of transmission lines. There's a number of things. I meet with people regularly. I have met with many groups. I can probably take on notice the number of times I've met with people who have been interested in transmission line routes. I'm happy to do that. I can't tell you off the top of my head, but it's at least five or six. On the issue around certainty and the process that we operate on, there is a proposed route, and then EnergyCo goes out and talks to people and they reduce that. Very much so, the aim is to try to reduce the number of landholders that are impacted by those routes, and we have had some good success there.

Answer:

I have met with 14 groups regarding proposed transmission lines.

4. Release of wetland mapping – Transcript page 8

The Hon. JOHN RUDDICK: What briefings have you received from environmental experts that require the prescribing of hundreds of new wetland areas along the Murrumbidgee? Are you concerned about mission creep and harm being done to agriculture by overclassifying areas as wetlands?

The Hon. PENNY SHARPE: I haven't had a direct briefing in relation to the wetland mapping. As I said, it's part of this process of which I would then get advice in relation to concurrence. I'm happy to say that we will definitely look at that. The point that I would make is that wetlands are extremely important. Some of them are in very good shape because we've had a lot of rain. Some of them are in less good shape. The impact on bird species and the health of the rivers is tied up in the health of the wetlands. It's something that I keep an eye on but that I expect we'll deal with once the concurrence papers and the other work comes forward.

The Hon. JOHN RUDDICK: We are in March now, Minister. The maps for the draft plans are scheduled to be released this month. Are we on track for that to happen?

The Hon. PENNY SHARPE: I'd need to take that on notice. As I said, it comes to me for concurrence. Maybe Mr Lean can tell you.

ANTHONY LEAN: Within the agency, we're working towards finalising revised maps. I think we're intending to release them in early March. It should happen over the next couple of weeks.

The Hon. JOHN RUDDICK: When they are released, they are still drafts; they are not final. Is that right? There'll be further opportunity for community consultation?

ANTHONY LEAN: Can I take that on notice? They certainly will be publicly available and people will have the opportunity, if they're still concerned with it, to raise concerns with Minister Jackson or with the department.

No. Question

Answer:

The revised water sharing plan wetland maps were released on 4 March 2025, and were open for public consultation from 4 to 23 March 2025.

Further information is available at water.dpie.nsw.gov.au/news/have-your-say-on-updated-water-sharing-plan-wetland-mapping.

5. Part 4A agreement costs – Transcript page 8

The Hon. JOHN RUDDICK: Turning to another area, on 22 October 2021 the National Parks and Wildlife Service entered into a part 4A agreement with local Aboriginal land councils for a nature reserve of 589 hectares off Thunderbolts Way, west of Armidale. It's now called the Bulagaranda Aboriginal Area. I understand from the lease agreement that the Government has agreed to the following payments: an annual rent of \$20,000, an annual payment of operational funds of \$65,000 and an annual payment of \$70,000 for community development funds. In total, \$150,000 per year is being given from taxpayers to this Aboriginal land council. The department remains responsible for all outgoings, obligations and costs under associated land management practices, along with the costs associated with public liability and other things. According to the lease, there is to be no change in recurrent spending on the reserve, but this is clearly not the case. Can you or the department provide a sum total of all payments and departmental costs associated with the formation and enactment of the lease agreement and payments made since 22 October 2021, including costs of outgoing and payments made under the land management status?

The Hon. PENNY SHARPE: I'm happy to provide that information to the Committee. Clearly, it happened before this current Government was elected. The point I make around part 4As is that we have them across the State. They're part of a range of different models that we have, working with Aboriginal communities and traditional owners on national parks. Part 4A is well known and has been running for many decades as a way in which there is an Aboriginal-owned park that is leased back to the State, which works in partnership with the National Parks and Wildlife Service. I've been very lucky to go to a couple of these. One of the ones I've been to is Mutawintji, which is in Far West New South Wales. It's a fantastic national park. If anyone ever gets out there, there are some incredible things to see there. It's very well maintained and run by the traditional owners in partnership with Parks. I think it's a really successful model. We've got a breakdown of those. I'm happy to get those figures for you, Mr Ruddick.

Answer:

Year	Amount
2021–22	\$143,013.72 (note this is a proportionate amount of the annual amount)
2022–23	\$198,801.69
2023–24	\$210,573.84
2024–25	\$180,113.92
Total	\$732,503.17

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6. Bulagaranda Aboriginal Area – Transcript page 8

The Hon. JOHN RUDDICK: Prior to the agreement, I understand costs for managing the park came from National Parks and Wildlife recurrent funds. Can the department provide annual recurrent spending for management of Bulagaranda Aboriginal Area for the five years prior to the lease agreement being signed?

The Hon. PENNY SHARPE: Sure, I'm sure we can find that. It might take us a little while. It's going back a while but, yes, no problem.

Answer:

The National Parks and Wildlife Service (NPWS) does not keep financial expenditure records at the individual park level so is not able to calculate the annual recurrent spending for the five years prior to the agreement being signed for Bulgaranda (Mt Yarrowyck) Aboriginal Area.

In line with requirements of the Part 4A lease, NPWS continues to implement operational programs consistent with the level provided prior to the lease being in place. This includes activities such as feral animal and weed control, fire management, maintenance of tracks and trails and operational and visitor infrastructure, and servicing of visitor facilities.

7. Atticus Fleming employment – Transcript pages 12-13

The Hon. WES FANG: Minister, is Mr Fleming still contracted and working for the National Parks and Wildlife Service? If so, what is he actually doing?

The Hon. PENNY SHARPE: Yes. I'm happy to give this to Mr Lean. Because Mr Fleming is going and, as you'd be aware, there are two particular issues that he has been working closely on, including the Great Koala National Park – you've just chipped me for apparently taking too long to do it. My understanding is that he is contracted – I don't know if it's one or two days a week – to do some work finishing up, given that he has finalised, which I'm very comfortable with.

ANTHONY LEAN: Yes. Atticus is employed on a part-time basis, one day a week. He's focused on doing work associated with the carbon methodology and also continuing in his role as Lord Howe Island board chair.

The Hon. WES FANG: Excellent. I will be asking some questions related to some of those issues a bit later. But you said, Minister, that he was doing – two issues, was it? Or was it just the one –

The Hon. PENNY SHARPE: I just refer to what Mr Lean just said. He's, basically, Great Koala National Park, of which the method is – and I failed to say that he's actually on the board of Lord Howe Island. I'm glad you've got a new-found interest in this, given the Port Macquarie by-election. I hope that the Liberals are as interested in it as you are.

The Hon. WES FANG: Probably not, Minister, but that's okay.

The Hon. PENNY SHARPE: There's a lot of work going on at Lord Howe Island, and we want to actually clean that.

The Hon. WES FANG: Just in relation to that, is he on a pro-rata rate, at a secretary level?

No. Question

ANTHONY LEAN: He's not at secretary level, because I'm the secretary. But —

The Hon. WES FANG: That's what I'm asking. Is it secretary level, dep sec level? What is he —

The Hon. PENNY SHARPE: We'll find out how much. We'll come back to you.

Answer:

Mr Atticus Fleming is employed at a Deputy Secretary level, Senior Executive Band 3. Mr Fleming is employed one day per week (or 0.2 full-time equivalent).

8. Amit Singh – Transcript page 13

The Hon. WES FANG: Minister, when did you first meet Amit Singh?

The Hon. PENNY SHARPE: I think I first met him — I'd need to check. It will be in my diaries. But it was, I think, when he was providing me with the first bit of information in relation to some of the modelling for Great Koala National Park.

The Hon. WES FANG: Approximate time? Was it 2023, 2024, early, late?

The Hon. PENNY SHARPE: I'd need to — it would have been maybe '23 or perhaps early '24. But let me confirm. It was a fair way into the project.

Answer:

I met with Mr Amit Singh of Mandala Advisors Pty Ltd about the Great Koala National Park on 4 September 2024.

9. Mandala Partners – Transcript page 13

The Hon. WES FANG: When did you first learn about Mandala Partners?

The Hon. PENNY SHARPE: I was aware of Mandala Partners, obviously, when we established the process to go through with the Great Koala National Park. We wanted people to do modelling in relation to industry impact and all of those issues. I'm aware that Mandala was on the preferred list and came recommended from other government agencies as well. We were keen — there was a view that they would be the appropriate people to do the work because they've done industry work before.

The Hon. WES FANG: Do you know who that work was for, Minister?

The Hon. PENNY SHARPE: No, I don't know off the top of my head. I know that they had done some work for unions previously. But I couldn't tell you who. I'm not —

The Hon. WES FANG: You didn't think to ask?

The Hon. PENNY SHARPE: No, because they were —

The Hon. WES FANG: No? Okay.

The Hon. PENNY SHARPE: Can you just let me finish? I'm not quite sure what you're trying to allege here. This is a consultancy that has been through the government procurement process, which means it's on the preferred tenderers list, which, I think — and I'd need to check — was probably even before — it was under the previous

No. Question

Government. They'd done other work for other – I couldn't tell you what that was. We followed the proper procurement process. They've been doing that work.

Answer:

Please refer to the answers provided to questions 11 and 12 on pages 7-8.

10. Mandala Partners consultancy – Transcript page 14

The Hon. WES FANG: Did your office sign off on Mandala Partners being appointed as the pre-approved consultant to the New South Wales Government?

The Hon. PENNY SHARPE: No. I don't – let me take that on notice, but I'll just check. I don't believe so. That's not how it works. I might hand over to Mr Lean in relation to this. My office does not directly employ any consultants.

ANTHONY LEAN: Yes. The procurement was undertaken by what was then the department of planning, industry and environment or planning and environment. All of the procurement rules were complied with, as the Minister has indicated. They were a pre-qualified supplier. So they were engaged directly by the department in accordance with the procurement rules that allow those sorts of engagements.

Answer:

No.

11. Mandala Partners appointment – Transcript page 14

The Hon. WES FANG: How was the assessment done, in relation to which of those approved pre-tenderers that were already approved were selected for that role?

ANTHONY LEAN: I'll have to go back and get further information on that. But the rules allow for a direct engagement –

The Hon. PENNY SHARPE: This is prior to Mr Lean's time.

The Hon. WES FANG: I appreciate that. I guess I'm just trying to understand how they were appointed, whether there was –

The Hon. PENNY SHARPE: I can give you the advice that I have got, which was that, in December '23, Mandala was engaged to deliver the independent economic and social impact assessment and cost-benefit analysis for the Great Koala National Park. DCCEEW did this as a direct negotiation, partly because we wanted to get this up and running as quickly as possible, partly because Mandala already complied with the New South Wales procurement framework. They were a pre-qualified supplier. You would be aware that we're trying to get these things done as quickly as possible. You seem to be –

The Hon. WES FANG: May be not quick enough, depending on who you ask.

The Hon. PENNY SHARPE: You can't have it both ways, Mr Fang.

The Hon. WES FANG: Minister, I'm simply asking questions.

The Hon. PENNY SHARPE: This is the process. But we'll get that other detail for you. I'm happy to provide it.

No. Question

Answer:

The Department of Climate Change, Energy, the Environment and Water undertook a direct negotiation with Mandala Partners to conduct an independent economic and social assessment of the Great Koala National Park proposal, focusing on its impacts on employment and local communities.

This approach was compliant with the NSW Procurement Policy Framework due to Mandala Partners being a prequalified supplier and the value of the work.

12. Mandala Partners appointment – Transcript page 14

The Hon. WES FANG: You are. Thank you very much, Minister. Mr Lean, are you able to provide, perhaps on notice, any work that was done around the assessment for that appointment and whether any other companies were considered in that work?

ANTHONY LEAN: I think we've already indicated that it was a direct engagement. But I'll certainly take —

The Hon. WES FANG: I appreciate that. But did you engage with anybody else in parallel, effectively, before they were selected?

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

Answer:

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) considered providers on the NSW prequalification scheme and made the decision to directly negotiate with Mandala Partners based on their expertise and references.

Mandala Partners has previously completed projects for other government agencies, including the (former) NSW Department of Premier and Cabinet and the Australian Government and came highly recommended.

Mandala Partners is a prequalified supplier. All suppliers on the NSW prequalification scheme must comply with the NSW Procurement Policy Framework which includes measures to ensure taxpayer money is spent fairly and efficiently.

To become prequalified, suppliers nominate capabilities and engagement types that the business has previously undertaken and provide referee reports for each capability. Applications are assessed by multiple assessors, including an independent assessor, in accordance with the evaluation criteria outlined in the scheme rules.

Mandala Partners was asked to submit a response to a request for quote to undertake the work for the Great Koala National Park proposal. The response was assessed by a panel of senior departmental staff with expertise in economics and national park establishment.

13. Horse count in Kosciuszko National Park – Transcript page 17

The Hon. WES FANG: There are concerns that this is because the raw data is showing there to be less than 3,000 brumbies left in the park and that you've breached the wild horse heritage Act by having overshot the number of brumbies. Can you explain the

No. Question

delay in the release of the numbers and understand that, by delaying that release and the raw data, people are questioning why it is the case?

The Hon. PENNY SHARPE: The first thing I would say is that there are those people who told me that there were less than 2,000 horses in Kosciuszko National Park. I can advise the Committee – and these numbers are well known – that over 6,000 horses have been removed from the park in the last 12 months. In fact, I think it's more than that. I can give you the numbers. Since the plan commenced, the total number of horses removed from the park has been 8,954. What I wanted to say to you about this is that the most recent count was done in October. We actually have used a new group of people that are doing that and they have done the count. I can confirm to the Committee that the numbers are way down. I don't have the final numbers, but we are around the 3,000 to 4,000 mark. This is being peer reviewed and it's taking some time. That's why that hasn't been announced – hasn't been finalised. But the thing that I really –

The Hon. WES FANG: I've got 10 seconds left. I just want to ask one more question on that. Did you trial the other type of count that you indicated would be –

The Hon. PENNY SHARPE: Marked recount?

The Hon. WES FANG: Yes.

The Hon. PENNY SHARPE: I can get you details of exactly what else was done but, as we've said – mark-recapture and those kind of issues. We're trying to improve the count all the time. But the main thing for people to realise is that I've never given that there was one number. I've always said that there was between 12,000 and 20,000. I actually stopped the previous practice of just picking the middle number. I think that the figures that we're showing is that that's probably about right. We're waiting for the final count. The thing that I'd say is that, even if it's slightly under 3,000, I don't believe that we're in breach of the Act. But what we will be doing is – it means we won't need to be doing aerial shooting anymore and we can get into what we want to do, which is actually manage that population, do the work on reproductive control and see where that takes us.

Answer:

Consistent with previous wild horse surveys in Kosciuszko National Park, Distance Sampling was the primary survey method used. Mark Recapture Distance Sampling was trialled at the same time. A third method, using thermal cameras rather than human observers to detect animals, was also trialled during the survey.

14. Climate change emissions reduction targets – Transcript page 21

The CHAIR: In relation to the annual report – and we will examine it – are you cognisant of those parts of the report where they make very clear the benefits of protecting forests for their carbon benefit and what that could do for the carbon budget of New South Wales – just forests alone, if we were to protect them?

The Hon. PENNY SHARPE: The good news they also tell us is that land use has actually done the most – is doing a lot of the heavy lifting in relation to this. So, yes, I am aware of it.

The CHAIR: Do you have updated figures in terms of where we are tracking?

No. Question

The Hon. PENNY SHARPE: No. I can take it on notice. I'm not sure how often they're updated. I know that people are working on the dashboard all the time, but I'll take that on notice.

Answer:

The Net Zero Commission's Annual Report uses the 2022 National Inventory Report. This is the latest Inventory available.

15. Contaminated site investigations – Transcript page 29

The Hon. NATALIE WARD: Are you aware that the EPA is only investigating 34.5 per cent of contaminated sites that it's made aware of across New South Wales and that figure has dropped from 92 per cent in 2018-19?

The Hon. PENNY SHARPE: I'm happy to get Mr Chappel to answer that.

TONY CHAPPEL: I'm happy to get some more detail on that as well.

The Hon. NATALIE WARD: We can deal with that this afternoon perhaps, Mr Chappel. COVID is being blamed for that delay, but there were no lockdowns in 2022-23. Surely this is unacceptable to you, Minister.

The Hon. PENNY SHARPE: You were in government for half of that. Let's just see. I'll take it on notice and come back to you.

Answer:

Please refer to the answers given later in the hearing, recorded on page 49, 50 and 86 of the uncorrected transcript.

16. Lead contamination Captains Flat – remediation – Transcript page 35

Dr AMANDA COHN: Moving to a different topic, as you would know, there's ongoing health risk and community concern about historic lead contamination in Captains Flat. I appreciate that that occurred well before the time of this Government, but it is impacting people very seriously now. How are you going to support the remediation work that's needed, particularly for public recreation facilities for that community?

The Hon. PENNY SHARPE: I think that's right. As we've mentioned before, some of these contamination issues have been decades in the making and a lot of them are historical. I'm aware of the issue at Captains Flat but where it's up to I'm not sure. Can I take that on notice and come back to you? We'll try to get some information for you this afternoon.

Answer:

Please refer to the answer given later in the hearing, recorded on page 50 of the uncorrected transcript.

17. Lead contamination Captains Flat – support for residents – Transcript page 35

Dr AMANDA COHN: In taking that on notice, can I also ask about – there is a grants program to support residents who are impacted by the smelter at Lake Macquarie and there has been a lot of interest from residents in Captains Flat in a similar scheme. From

No. Question

that community's perspective, they're in a similar position and are interested in that kind of compensation. There are two parts to this question. One is about the council being able to remediate things like playgrounds so that the community can actually access them. Then there's a second part about individual residents. I know that the EPA funds soil and water testing for residents in Captains Flat, but the trouble is then what if you get a testing result that says you've got lead in your garden.

The Hon. PENNY SHARPE: It's the big challenge that we have, particularly in Broken Hill, for example.

Dr AMANDA COHN: Absolutely.

The Hon. PENNY SHARPE: Happy to get that on notice. Quickly, Tania, can I tell you that the City of Sydney statues, some of them are already on the State Heritage Register – the ones that are in Hyde Park because they're actually part of the precinct but not all of them necessarily. My understanding is that the others have some sort of local listing.

Answer:

The Captains Flat Lead Management Taskforce is a multi-government body, which includes the NSW Environment Protection Authority (EPA), that was established in January 2021 in response to the detection of elevated lead levels in the disused rail corridor adjacent to the former Lake George mine.

The Taskforce has been engaging with the community and has released 17 key documents to direct the management of lead contamination on public lands at Captains Flat, collectively referred to as the Lead Management Plan. Information on the plan provided by the Taskforce can be found at:

www.resources.nsw.gov.au/resources/mining-and-exploration/legacy-mines-program/projects/captains-flat-lake-george-mine/captains-flat-taskforce.

NSW Crown Lands provided a grant of \$400,000 to Queanbeyan-Palerang Council to remediate Foxlow Parklet, located on the corner of Spring Street and Foxlow Street in Captain's Flat.

Queanbeyan-Palerang Council also provided support for the community of Captains Flat through an expression of interest process for private landowners for disposal of contaminated soil and use of the Lead Management Plan to inform any development applications. More information is available at www.qprc.nsw.gov.au/Waste-Environment-Sustainability/Environment/Captains-Flat-Lead.

The EPA has published information on its website to assist the community to manage lead at www.epa.nsw.gov.au/Working-together/Community-engagement/updates-on-issues/Captains-Flat.

18. Moorlarben Coal mine and koala colony – Transcript page 36

The CHAIR: Just on Moorlarben and their planned expansion, there are obviously significant problems aside from their massive greenhouse gas emissions. Are you aware of the reports that the koala colony that will be probably decimated – because the plan is to clear 113 hectares of koala habitat – is actually a breeding population in that area?

No. Question

The Hon. PENNY SHARPE: I'm not aware of the detail of that, but I'm confident that all of those issues are being dealt with through the EIS and through the planning process, so they'll continue to do that.

The CHAIR: Are you aware that Yancoal's own environmental report noted that this population is likely to be critical to the survival of koalas in New South Wales?

The Hon. PENNY SHARPE: No, I wasn't aware of that.

The CHAIR: Will you provide advice to the planning Minister on that koala population?

The Hon. PENNY SHARPE: I believe that's already occurred through the internal processes, but let me take that on notice and let you know where we're up to.

The CHAIR: If you could. I think there was an awareness that koalas were present, but the new research is that this is actually a breeding colony. Could you take on notice, in particular whether you will now provide updated advice to the planning Minister about this particular colony?

The Hon. PENNY SHARPE: Yes, I'll take that on notice.

Answer:

Please refer to the answer given later in the hearing, recorded on page 87 of the uncorrected transcript.

19. Mandala – perception of conflict of interest – Transcript pages 36-37

The Hon. WES FANG: Minister, I want to clarify something that you said earlier. When I was asking questions around the conflict of interest with Mandala, you indicated that there were conflicts and that they were declared and being managed. Then later, when I was seeking an elucidation of that answer, when I said that there was a conflict of interest, I believe you indicated and spoke over the top and said, "We've listened to the tape," and said, "Well, we disagree with that." Minister, do you accept that the department was managing a conflict of interest with Mandala and that there was indeed a conflict of interest?

The Hon. PENNY SHARPE: I would refer to the answer that was given by Mr Lean, in a far more articulate fashion than perhaps I did, which is this: Mandala provided advice to the department about the work that they are undertaking. There was an assessment about whether there was a conflict of interest. The view from my department was that there was not a conflict of interest. However, the perception of conflict of interest meant that they were very dutiful and worked through very clear protocols, which I advised earlier today, around data and those kind of matters. I refer to Mr Lean's answer, and I support it.

The Hon. WES FANG: Minister, I accept that it was indicated that there was a declaration of a conflict of interest. Are you saying that at no point – there was no declaration from any parties that there was a conflict of interest here?

The Hon. PENNY SHARPE: I might have to give it to Mr Lean. As I said, I don't manage these matters; Mr Lean does.

No. Question

ANTHONY LEAN: My understanding is that when — and I haven't got the letter in front of me — Mandala disclosed and raised the issue with us, their view was that there was no actual conflict of interest. But I can confirm that on notice.

The Hon. WES FANG: They didn't declare a conflict of interest, there has been no declaration of a conflict of interest, and what you were simply doing was managing the perception of a conflict of interest — is that correct?

ANTHONY LEAN: As I said, they indicated that they didn't believe there was an actual conflict of interest, but they acknowledged there was a risk of a perception. Various protocols were put in place to manage that perception, and we accepted those protocols. There was internal advice provided by our legal and governance area. We sought confirmation from Mandala at the end of the process that they'd complied with the protocols, and we were satisfied with that.

The Hon. PENNY SHARPE: What is your concern here?

The Hon. WES FANG: My concern is that it was indicated that there was a declaration of a conflict of interest. The subsequent answer that Mr Lean has just given would indicate that there was no declaration of a conflict of interest. Minister, was a declaration made or not? And if it wasn't, was the department determining that there was a conflict of interest?

The Hon. PENNY SHARPE: I refer to my previous answer, but I will take on notice to provide you — once I've looked more carefully at the transcript of what you're actually asking — and provide a written answer for you in relation to this.

The Hon. WES FANG: Do you think it's Mandala's job to determine whether they believe they had a conflict of interest or not, or do you think it's the department that should've determined whether they had a conflict of interest?

The Hon. PENNY SHARPE: As I said, let me get the information. The point that I would make here, as I made very clearly, is that all procedures have been provided, that the work of Mandala in relation to perceived conflict of interest — or whether you believe there's a conflict of interest; it's a different issue. Given you're very interested in two or three words, we'll get the clarification in relation to that. But I don't believe that there's a problem here. If you've got an allegation to make, make the allegation. Otherwise, let me get the answer.

Answer:

See answers to supplementary questions 4 to 8, following the Budget Estimates hearing for climate change, energy, the environment and heritage on 3 March 2025.

20. EnergyCo People Matter Employment Survey – Transcript page 38

The Hon. WES FANG: I don't believe so, Peter, but anyway. Minister, have you had a chance to look at the PMES results from EnergyCo?

The Hon. PENNY SHARPE: Sorry, is this the public service — the people matter survey, is that what you're talking about?

The Hon. WES FANG: Yes.

No. Question

The Hon. PENNY SHARPE: I'm aware of them, but I haven't looked at them in detail.

The Hon. WES FANG: You haven't looked at them in detail?

The Hon. PENNY SHARPE: No.

The Hon. WES FANG: Would it concern you to know that on the question of "My organisation shows a commitment to ethical behaviour", it is down to 56 per cent, which is down 28 per cent from 2023?

The Hon. PENNY SHARPE: I'm always concerned if there are big changes in relation to agencies. I think that EnergyCo is doing an incredible job given the pace with which they need to work. They have been through a big change. As you know, we've reinvigorated the board and there's a new Chair. The CEO has left the organisation as well.

The Hon. WES FANG: Yes, I'm aware.

The Hon. PENNY SHARPE: My point is, would I like to see higher numbers? Fifty-six per cent is actually pretty good, but would I like to see them better? Yes.

The Hon. WES FANG: But it's in relation to the question of ethical behaviour by their organisation.

The Hon. PENNY SHARPE: I just answered the question.

The Hon. WES FANG: About half of the organisation believes that they're operating unethically.

The Hon. PENNY SHARPE: I think that is a big stretch, and I wouldn't accept that. If you've got an allegation to make, please make it.

The Hon. WES FANG: Well, 44 per cent of the organisation believe that the organisation isn't operating ethically. That's not a stretch. That's the numbers. That's the people matter survey, Minister. Does that not concern you?

The Hon. PENNY SHARPE: I haven't looked at the detail of how that question is asked, and I'm willing to take it on notice. But, as I said, would I like it to be higher than 56 per cent? Of course I would.

Answer:

The 2024 Survey results showed that 56% of staff responded favourably, while 24% were neutral and 20% responded unfavourably to this question.

Leadership in the public service pays close attention to People Matter Employment Survey results and it is my expectation that this example is no different.

21. Braidwood heritage listing – Transcript page 40

The Hon. NICHOLE OVERALL: Moving along in the few minutes that I have, do you know Braidwood, Minister?

The Hon. PENNY SHARPE: Yes.

The Hon. NICHOLE OVERALL: Do you know it's the only heritage-listed town in all of New South Wales?

The Hon. PENNY SHARPE: I thought Broken Hill was as well, but sure.

No. Question

The Hon. NICHOLE OVERALL: We can clarify that. I'm sure that someone from Braidwood will let me know. That was a Labor implemented decision?

The Hon. PENNY SHARPE: I'm not sure when it was made, but sure.

The Hon. NICHOLE OVERALL: How much has Labor done to assist and further this town under that quite specific classification?

The Hon. PENNY SHARPE: I'd need to take that on notice in terms of the work that we're doing. Heritage listing is a particular process; it sort of depends on what levels of protection it does. I'm not across that detail. I'm happy to find out and come back to you

The Hon. NICHOLE OVERALL: That would be great. Are you aware of the Braidwood heritage centre, a significant part of the town's history and future?

The Hon. PENNY SHARPE: Whereabouts is it located?

The Hon. NICHOLE OVERALL: Right in the main street, right on the corner. You can't miss it – a beautiful old sandstone building.

The Hon. PENNY SHARPE: I think I know the building. Let me take on notice if there's other things that you want me to know about that. I'm not familiar with the details.

Answer:

Please refer to the answer given later in the hearing, recorded on page 62 of the uncorrected transcript.

22. Braidwood heritage centre – Transcript pages 40-41

The Hon. NICHOLE OVERALL: It's a very serious matter and it is heritage related. The greater concern around all of this are other similar heritage projects at risk of being similarly subjected to overcomplicated processes of delivery and, as a result, not actually being delivered as we're seeing with the Braidwood heritage centre at this point in time.

The Hon. PENNY SHARPE: As I said, I'm happy to take on notice any impact where we can help in relation to this. I've just been given some additional information, though. With the Braidwood listing – and I know that there are other towns that have been interested; Camden, for example – one of the things that I believe Heritage NSW and the Heritage Council are looking at is how whole-of-town listings work and whether adjustments are needed. There is actually an opportunity for people to have input into that.

Answer:

Please refer to the answer given later in the hearing, recorded on page 62 of the uncorrected transcript.

23. Braidwood heritage centre project and role of Heritage NSW – Transcript page 41

The Hon. NICHOLE OVERALL: Yes, and I appreciate that. That is very good to know. But I'll come back to the Braidwood heritage centre project –

No. Question

The Hon. PENNY SHARPE: Can I just be clear: It's not my project. It's not within my portfolio. I'm happy to take on notice anything else we can do, but I'm not sure that I can help you with any more of it because it's not within my purview.

The Hon. NICHOLE OVERALL: Minister, Heritage NSW has been involved in this project as well and that's part of the problem. The president of the Braidwood and District Historical Society, Mr Peter Smith, said "bureaucratic ineptitude and waste have led to considerable disappointment". That is because of the level of crossover of various departments and also trying to work with the local council. Going on what has been put forward by the society, waste has occurred as a result. This project has now stalled halfway through. The heritage centre can't continue its operations until this is attended to. There is almost a \$2 million shortfall. I am raising it with you as the heritage Minister. Will you commit to ensure that the necessary resources to ensure the completion of this project continue? Not only that, but there is a 30 June deadline on all of this.

The Hon. PENNY SHARPE: I'll take on notice where it's up to and the role that Heritage NSW has in it and will come back.

Answer:

Braidwood District Historical Museum is listed on the State Heritage Register and all works require approval under the *Heritage Act 1977* unless undertaken in accordance with the standard exemptions.

Heritage NSW issued the most recent general terms of approval for a modification on 13 February 2025, within the statutory timeframe. Heritage NSW was notified of the start of the archaeological program on 22 February 2023 (condition 9 of the section 60 approval issued 15 February 2023). Notification of the end of the program has not been received.

24. Central-West Orana Renewable Energy Zone projects – Transcript page 42

The Hon. WES FANG: Minister, I'll try to ask the question without being interrupted and we'll see how we go. Minister, when Central-West Orana Renewable Energy Zone was first announced in 2021 it was slated to generate at least three gigawatts of power, which is what you indicated.

The Hon. PENNY SHARPE: Correct.

The Hon. WES FANG: You've increased that recently to at least seven gigawatts. How much more land is needed and how many more projects will there be?

The Hon. PENNY SHARPE: I don't know where the seven has come from. My understanding is that the gazettal was six. Is that right? Yes, generation at the gazettal was six. When you're saying seven – I'm happy to answer the question; I'm just trying to understand what you're saying.

The Hon. WES FANG: Let's assume that it's not at least seven, as the question says; let's assume it's six.

The Hon. PENNY SHARPE: I'm not assuming anything. I don't assume anything.

The Hon. WES FANG: I will assume for the question that it's six. How much more land and how many more projects will be required?

No. Question

The Hon. PENNY SHARPE: The advice I've got is that the network capacity — this is what the issues are: There's been consultation and we increased the intended network capacity of the CWO REZ to six gigawatts, noting initially it was operated at 4.5. In relation to the projects that go within the REZ, they're going through the planning system. I can take on notice whether there's an impact, but I don't believe there is.

Answer:

The increase in capacity is expected to primarily allow projects listed in the Central-West Orana Renewable Energy Zone (REZ) transmission project Environmental Impact Statement to add battery storage technology with minimal changes to the overall footprint of the REZ. These projects will also be subject to the relevant planning approvals.

The capacity increase does not substantially increase the scope of the Central-West Orana REZ transmission corridor. Extensions are not currently proposed and would be subject to separate planning and regulatory approval processes.

25. Farm manager's house Scheyville National Park – Transcript pages 42-43

The Hon. WES FANG: Yes. The issues around the commandant's house where Heritage NSW has issued a note or instruction — I'm not sure; there seem to be varying reports as to what was issued to national parks in relation to that site. But there's no question that it's a heritage-listed building, and National Parks has not maintained the site. What have you done in relation to ensuring that National Parks abides by its requirements for heritage-listed buildings?

The Hon. PENNY SHARPE: I know that you're very interested in the site, and I know there's been very close work going on there with the Hunter Anzac Memorial Limited. The advice that I have is that there are almost weekly meetings with the chair of that committee, that there's been extensive works that are being done, and my advice is that a lot of the works were completed in January 2025. There's discussions around the occupation licence for the non-exclusive use of the operation —

The Hon. WES FANG: Sorry, could I just clarify, are you talking about the commandant's house or are you talking about the wider project, now?

The Hon. PENNY SHARPE: It's probably the wider project. I'm not aware of the things that you're specifically asking about.

The Hon. WES FANG: The commandant's house is heritage-listed, and it is literally about to fall down.

The Hon. PENNY SHARPE: Mr Lean's got better information than I. I will hand to him.

ANTHONY LEAN: In relation to the farm manager's house, which I think is the same property that you're talking about —

The Hon. PENNY SHARPE: Are we talking about the same thing?

The Hon. WES FANG: No there's —

ANTHONY LEAN: Where Heritage raised concerns about the condition of the property — we'll clarify exactly which one it is — but we're undertaking structural and

No. Question

hazardous material reports at the moment to assess the overall condition. Once we have those, we'll then undertake further works to meet the requirements.

The Hon. PENNY SHARPE: Can we just clarify we're talking about the same building? I'm not sure that we are.

The Hon. WES FANG: It's been referred to in all my conversations as "the commandant's house".

The Hon. PENNY SHARPE: We'll come back to you. There's a lot of work going on there, which I think you're aware of.

Answer:

The building referred to as the commandant's house is the same building as the farm manager's house. The National Parks and Wildlife Service (NPWS) refers to the building as the farm manager's house due to this being the original use of this building.

Heritage NSW inspected the house on 25 September 2024 and noted that the building does not currently meet the minimum standards of maintenance and repair. No breach notice was issued and NPWS was asked to obtain a structural engineering and hazardous material report to better understand the structural condition of the building. This has been completed with the reports provided to Heritage NSW. NPWS will now work with Heritage NSW to determine next steps in bringing the property back to an appropriate standard.

26. Developer contributions to Biodiversity Conservation Trust – Transcript page 43

The Hon. JOHN RUDDICK: How much has the Government raised via the developer contributions to the Biodiversity Conservation Trust?

The Hon. PENNY SHARPE: I need to take that on notice. So just to be clear, is it BCT? Because there's other – there's different funds. BCT is for the private land conservation. We also have other areas. Do you just want to know how much money has been paid into the various funds?

The Hon. JOHN RUDDICK: I do, yes.

The Hon. PENNY SHARPE: All right, we can do that.

Answer:

Please refer to the answer given later in the hearing on page 43 of the uncorrected transcript.

27. Hunter Gas Pipeline and Santos – Transcript page 45

The CHAIR: Last year my colleague Cate Faehrmann wrote to you about the Hunter Gas Pipeline and asked you not to approve the renewal of the authority to survey, given concerns by landholders about Santos's strongarming behaviour. And then there was the independent investigation, but the authority was renewed nevertheless. Have you received any further complaints about Santos's behaviour since the investigation concluded?

No. Question

The Hon. PENNY SHARPE: It's a good question. I don't know. Let me take it on notice. I'm sure we can get back to you this afternoon. I'm not aware of any new complaints, but my department might be. I'll let you know.

Answer:

There have been no complaints received by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) or my office from landholders or other members of the public about Santos allegedly using coercive behaviour in relation to the authority to survey since the independent investigation was concluded and provided to DCCEEW on 27 June 2024.

28. Upper Nepean State Conservation Area – Transcript pages 45-46

The CHAIR: Could you provide any update on when we might see the Upper Nepean State Conservation Area declared? I know, again, that my colleague Cate Faehrmann –

The Hon. PENNY SHARPE: That's fine. I'm not aware. Let me take it on notice. I'm happy to get back to you. We should be able to get you something this afternoon.

The CHAIR: Thank you very much. I think it was waiting on easements in relation to WaterNSW, perhaps.

The Hon. PENNY SHARPE: If it's up there, it's probably in the catchment area. We probably need to work it out. I'll get you the proper information. I'm just not across the detail.

Answer:

Please refer to the answer given later in the hearing, recorded on page 87 of the uncorrected transcript.

29. Meeting with NSW Threatened Species Scientific Committee – Transcript page 47

The Hon. NATALIE WARD: Minister, when was the last time you met with the NSW Threatened Species Scientific Committee?

The Hon. PENNY SHARPE: I think it has been a while. I'd need to tell you when it is. It hasn't been recently.

The Hon. NATALIE WARD: Will you take it on notice?

The Hon. PENNY SHARPE: Yes.

Answer:

Please refer to the answer given later in the hearing, recorded on page 49 of the uncorrected transcript.

30. Koala numbers – Transcript page 48

The Hon. NATALIE WARD: Minister, what are the latest koala numbers in New South Wales?

The Hon. PENNY SHARPE: I can get the numbers across the State. There's always been

No. Question

an issue that there's a variance in terms of how many there are. When we did the koala inquiry, I think it was between 15,000 and 30,000.

The Hon. NATALIE WARD: Can you take that on notice?

The Hon. PENNY SHARPE: I can take it on notice but I am actually answering the question.

The Hon. NATALIE WARD: I've got six seconds. I'll just ask that you take that on notice and what's the projection for 2030, 2035 and 2040.

The Hon. PENNY SHARPE: Sure. It will be better than Matt Kean who just decided to double them without even knowing how many there were.

Answer:

The June 2020 report from the Parliamentary Inquiry into Koala Populations and Habitat in NSW noted the number of koalas in NSW was estimated to be between 15,000 and 30,000.

Based on the findings of the report, the NSW Koala Strategy 2021–26 conservatively estimated the koala population in NSW at 20,000. An action of the NSW Koala Strategy 2021–26 will provide the first baseline population dataset for koalas in NSW so that trends in changes to the koala population can be accurately measured.

The NSW Government does not project future koala populations at those intervals.

31. Forestry Corporation biomaterial reports – Transcript page 49

The CHAIR: In the last couple of moments, I just want you to please take on notice — because I think you will need to take it on notice — that with the biomaterial reports that I referred to earlier and that those reports for quite some time provided material in them that was not accurate, has now been revised and we are told is accurate, but I'm not certain that there is a high degree of confidence in that. But one of the things — and I will take it up with Mr Chappel but I really want you to take this on board — is that there is a clause, a regulatory function of the EPA that the Forestry Corporation cannot log if the primary purpose is to retrieve or obtain low-quality products. Now that those material reports have been modified and changed, it would appear that the Forestry Corporation has been undertaking whole activities, particularly in the south-east forests, completely in breach of the coastal integrated forestry operations approvals. This has a major implication for the way the Forestry Corporation has actually degraded the forest estate.

Whilst I understand it's forestry, it's EPA's regulatory function. The reason I'm bringing it to your attention is that there are organisations that have raised this with the EPA now over months and months. They first raised it as a regulatory issue back in 2023. It was raised in 2024, and then this year the Forestry Corporation has admitted to those errors. There just seems, for whatever purpose, for whatever reasons, a regulatory failure there, and that now there have been, as appears to be, operations that have been undertaken that are wholly inconsistent and contrary to the approval for forestry. It is an area that is an EPA function, so I'm asking you, Minister, if you would take that on notice, that you would follow that up directly —

No. Question

The Hon. PENNY SHARPE: I think you should talk to Mr Chappel this afternoon, but I'm happy to get a briefing specifically on that issue. No problem.

Answer:

Please refer to the answer provided to question 39 on page 26.

32. EPA regulation of pesticides and agriculture chemicals – Transcript page 49

The CHAIR: Thank you. The other one that I am concerned about and would be very grateful if you'd be willing to get a briefing on is the EPA's regulatory functions in relation to spray drift and agricultural chemical uses. It seems to be an area of regulation that is, from where I sit, a rather contested space. EPA seems to take an approach of issuing notices but not taking follow-up regulatory action. They are the two primary areas—

The Hon. PENNY SHARPE: Sure. I'm happy to do that. I am aware that there is some significant trouble in terms of some of the pesticide work, in terms of understanding the source and being able to get the proof needed to take further action. But I'm as concerned about it as you are. I'm happy to get more information if you'd like me to be further briefed. Can I also just let the Committee know that I met the chair of the threatened species council on 6 June 2023.

Answer:

Please refer to the answer given later in the hearing, recorded on page 58 and 59 of the uncorrected transcript.

33. EPA regulatory settings – Transcript pages 51-52

The Hon. NATALIE WARD: Secretary Lean, I think these questions are to Mr Chappel. Various organisations in the waste industry have raised significant concerns about their treatment by the EPA. I know we had some reference to that earlier from the Minister. Do you feel the current regulatory settings allow for the fair treatment of waste industry participants?

TONY CHAPPEL: I do. Would you like me to elaborate?

The Hon. NATALIE WARD: Would you like to elaborate on that? I can do it for you.

TONY CHAPPEL: The Minister touched on lots of occasions where regulated entities feel that the EPA is being either too tough on them or not tough enough on their competitors, and it's quite a common part of what you might think of as the regulator's dilemma. But the EPA is accountable through a whole series of mechanisms. Our licensing and other decision-making can always be challenged in court, as it is on various occasions. The Minister mentioned the regulatory assurance work the board does and the role of the board more broadly, which is to independently determine a whole host of significant matters. Of course, there are integrity agencies like the Ombudsman, ICAC and so on.

The Hon. NATALIE WARD: Can we go to that? I'd welcome it if you'd like to add, on notice, any additional methodologies that might assist in answering that, to be fair. But

No. Question

in relation to conflicts, would EPA officers that have a conflict with the waste operator, either perceived or real, normally participate in an investigation?

Answer:

Please refer to the answer given during the hearing, on pages 51 and 52 of the uncorrected transcript.

34. Auditing of green waste operator – Transcript pages 52-53

The Hon. NATALIE WARD: I might come back to that if there's time. In relation to green waste, we've heard of a circumstance where a large green waste operator hasn't been audited onsite for 20 years and a smaller operator has been, in their words, harassed by the EPA for over two years now. Going back to your initial point, are all these operators treated in the same manner?

TONY CHAPPEL: I'm aware of the circumstances you're referring to. I don't think that characterisation is accurate, though, by any stretch. I think that data is perhaps two or three years out of date. In the last three years there have been significant statewide programs of audit and inspection across different organics processing parts of that sector. It's been a major regulatory and compliance priority for the EPA in the current financial year as well. I should also say that, as I understand it, the company you're referencing has had for more than a decade a real struggle with complying with the basic requirements of their licence. That has culminated in escalating regulatory action and a number of legal challenges that the company has availed themselves of, as they're entitled to do.

I have commissioned a review of that process, but everything I've seen through my own engagement on this issue since it came to my attention is that there is an appropriate escalation of regulatory response, where a company is refusing to put in place the safeguards required under the licence. The courts have validated that view as well. In terms of the specifics of individual licences, scale is one variable but so too are the activities onsite, the local conditions in that catchment or area and a number of other factors that mean licences will inevitably vary significantly.

The Hon. NATALIE WARD: If you'd like to take on notice the auditing of that particular one, though, for onsite for the —

TONY CHAPPEL: Sure. Happy to take any —

The Hon. NATALIE WARD: — last 20 years if that's accurate and what there might be behind that. Why do you think a statewide compost audit would see a review of some small sites but not the larger sites in the State?

Answer:

The compliance campaign referenced occurred in 2022. The campaign involved the NSW Environment Protection Authority (EPA) auditing 18 composting facilities that had environment protection licences (EPL) allowing them to receive and process organic waste for composting purposes. The objectives of the audit were to:

- assess the operator's compliance with the conditions of their EPL

No. Question

- assess the operator's compliance with the requirements of the Compost Order 2016 and/or the Pasteurised Garden Organics Order 2016.
- improve the environmental performance of operators.

When the audit was performed, there were 81 facilities licensed to undertake composting activities as a scheduled activity across NSW. Given the large number of licensed operators a representative/stratified sample of the industry was selected that included small, medium and large operators (based on the volume of waste that can be received on site annually). The EPA's approach to auditing is risk-based, so it also considers a range of factors, such as intelligence, history of compliance and licensed thresholds, when selecting licensees to be reviewed as part of the EPA's compliance campaigns.

Further audits of the industry occurred in 2024 and early 2025, focusing on the presence of asbestos in resource recovered materials. These audits also included operators of various sizes. Having a representative sample is important because it can identify improvement opportunities that can be used by the sector and the EPA in the future.

Finally, all operators who have an EPL that allows them to receive high volumes of organics waste for composting purposes (greater than 50,000 tonnes annually) and have held that licence for a period of 20 years or more, have been subject to annual five yearly licence reviews, and one or more compliance audits under the EPA's compliance campaigns.

35. Great Koala National Park consultant spend – Transcript page 54

The Hon. NATALIE WARD: I might move on to – direct me if I'm incorrect, Mr Secretary – the Great Koala National Park. Probably Ms Stephens, is it? In relation to the Great Koala National Park – and take it yourself if you'd prefer – how much money are you spending on consultants in the Great Koala National Park?

ANTHONY LEAN: We'll need to take that on notice to provide you the detail.

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

ANTHONY LEAN: Off the top of my head, no, I don't know. Unless Ms Stephens –

NAOMI STEPHENS: No, I don't have that figure either.

The Hon. NATALIE WARD: Are you able to bring that back this afternoon?

ANTHONY LEAN: We'll try and do that, yes.

Answer:

The NSW Government is committed to creating the Great Koala National Park as part of its strategy to protect koalas and biodiversity. Work on establishing the park is already well underway and further announcements will be made in due course.

36. Great Koala National Park consultant advice – Transcript page 54

The Hon. NATALIE WARD: What sort of work is being undertaken by consultants?

No. Question

ANTHONY LEAN: Off the top of my head, there's the Mandala work that we've spoken about. There have been briefings provided on that work to the various stakeholder panels. The other engagement that I'm aware of is in relation to the ACCU work and there's recently been a plain English document which outlines the methodology that we're seeking, which has been published. But it's horses for courses. It depends on each particular piece of work – whether it's appropriate to publish. I can't give you a blanket commitment today that, yes, that is what we will do, but we'll certainly look at it on a case-by-case basis.

The Hon. NATALIE WARD: For those, though, given that there is some work ongoing, it's taxpayer dollars. Are you able to take on notice what consultancy work is being done and whether that is published or will be published or, if it won't, the thinking behind why it won't?

ANTHONY LEAN: We'll consider that and respond on notice.

The Hon. NATALIE WARD: You will take it on notice?

ANTHONY LEAN: Yes.

Answer:

Australian National University Enterprises is engaged to support the development of the Improved Native Forest Management carbon abatement method. Outputs to date are published at www2.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/npws-conservation/improved-native-forest-management-multiple-use-public-native-forests.

Mandala Partners is engaged to provide an independent economic and social impact assessment. No decision has been made about whether to publish these outputs. Some advice may be subject to Cabinet and commercial confidentiality.

37. Great Koala National Park funding – Transcript pages 54-55

The Hon. NATALIE WARD: Is the funding for the Great Koala National Park new funding or has it been diverted away from the original Koala Strategy?

ANTHONY LEAN: There was an initial amount provided in the State budget of \$80 million and there will be a need for a further budget submission when Government considers establishing the park. That will proceed through the usual budget process. No, it hasn't been taken away from the Koala Strategy. The \$80 million was new funding.

The Hon. NATALIE WARD: When you say, "when Government considers establishing the park", you mean that it hasn't – that's still a threshold question?

ANTHONY LEAN: When the final decision comes back for consideration by Government.

The Hon. NATALIE WARD: When do you anticipate that will be?

ANTHONY LEAN: I think the Minister sort of dealt with that this morning. Soon.

The Hon. NATALIE WARD: I'm asking you as the secretary: When do you anticipate that will be?

ANTHONY LEAN: You heard what the Minister had to say.

No. Question

The Hon. NATALIE WARD: I did, and I'm asking you.

ANTHONY LEAN: It's ultimately a decision for Cabinet. I'm not going to speculate when Cabinet will make a decision on a particular issue; that's not appropriate.

The Hon. NATALIE WARD: Going back to consultants and the funding, what, if any, consultants' reports would not be published? What would be the secrecy around this project?

ANTHONY LEAN: Government agencies, and you would know this from the time that you were a Minister —

The Hon. NATALIE WARD: I do, which is why I'm asking.

ANTHONY LEAN: — commission a range reports. I'm pretty sure you didn't release every consultant's report that the department for transport received.

The Hon. NATALIE WARD: It's not on me, but my question is based on that experience and understanding that there are consultants retained by taxpayers to provide reports and look into issues. In relation to the Great Koala National Park, what areas do you envisage could not be published? What is the secrecy around these reports and this work?

ANTHONY LEAN: I didn't say there was any secrecy. I said that we would look at it on a case-by-case basis. We'll do that as part of the ongoing process.

The Hon. NATALIE WARD: As part of that \$80 million, how much of that \$80 million is left?

ANTHONY LEAN: I'll take that one on notice, but we should be able to come back to you this afternoon on that.

The Hon. NATALIE WARD: Ballpark?

ANTHONY LEAN: I'd rather get you a precise answer than speculate.

Answer:

The NSW Government is committed to creating the Great Koala National Park as part of its strategy to protect koalas and biodiversity. Work on establishing the park is already well underway and further announcements will be made in due course.

38. Greater Glider survey – Transcript page 57

The CHAIR: Mr Lean, I think this might be for you. DCCEEW released the report *Koala survey of the Mid North Coast assessment area* with the Great Koala National Park. I don't believe the sister report with the survey results for the endangered greater glider has been released. Can you tell us why or if that will be released? Perhaps Ms Stephens may know more.

ANTHONY LEAN: Can we take that on notice? At this point we've released the data around koalas largely through the panels, I think, and it's also been published as well. The reason for that is largely because we're looking at the Great Koala National Park, but we'll take on notice the release of the other data.

No. Question

Answer:

The Glider observations in the Mid North Coast assessment area report is available at www.environment.nsw.gov.au/publications/glider-observations-mid-north-coast-assessment-area.

39. Forestry Corporation biomaterial reports – EPA investigation – Transcript page 57

The CHAIR: Also, as I pointed out to the Minister, now that those reports have been recalibrated or changed or whatever, it seems that there are now whole operations that have been primarily for the purpose of low-quality product extraction, which as we understand it violates condition 13 of the CFIOA as well, which says, basically, that you can't undertake an operation for primarily low quality. Can you explain to me or to the Committee, did the EPA act on these complaints in the past? How has this gone on for so long? What does it mean, materially, now?

TONY CHAPPEL: Yes, I'm aware of a series of complaints around some of these issues, and I'm obviously aware of the disclosures and updates to the datasets Forestry Corporation made just very recently. I think part of the disagreement from my team with some of these reports is that the IFOA is a regional document, and I think some of the reports and complaints have been wanting to construct that distinction compartment by compartment. I think the way the EPA reads the IFOA is that we're required to take the regional approach. But I can say that there is a live investigation into the data from 2022-23, and so we are looking at that.

The CHAIR: Would you be willing to expand that inquiry or investigation, given it seems that the misreporting in 2022-23 now has carried over to 2023-24 and it seems like there were complaints made about 2021-22? I am also informed – and it seems to be the case – that even the revised biomaterial reports are still not complying because they're still reporting at the compartment level or the other level. Are you looking at it?

TONY CHAPPEL: I'm very happy to look further at it. I'm not sure. I'm happy to take on notice any other questions on that and come back to them. Yes, very happy to look further.

Answer:

The NSW Environment Protection Authority is considering the issues raised.

40. Forestry Corporation biomaterial reports – EPA notification – Transcript pages 57-58

The CHAIR: Was the EPA contacted by the Forestry Corporation before it amended its biomaterial reports back in October and then again in January this year?

TONY CHAPPEL: I think I'd better take that one on notice. I just need to take some advice. I'm not aware that we were, but I'd like to confirm that.

The CHAIR: Is it your expectation that if an entity that you're regulating does change something that was misleading, or false information that was presented, you would be notified?

TONY CHAPPEL: Yes, certainly, if it's material.

The CHAIR: Is there an implication that it might not be material?

No. Question

TONY CHAPPEL: I'm not aware of all of the years of data that you're referencing. I mean, I'm aware of the broad issue you've referenced and the issue that volume of timber has been overstated in various ways through these errors from the corporation. But I think I'd have to look at the specifics to answer in that context.

The CHAIR: Can I take it that the EPA is taking on notice – and perhaps can I prod that bit further – that you are looking at these concerns. One is the breach of the IFOA in terms of the reporting, like you say. It's not just the volumes; it's also the classifications of the products that have been taken. Another is the concerns around the primarily produced low-quality operations.

TONY CHAPPEL: Yes.

Answer:

The NSW Environment Protection Authority was not contacted by the Forestry Corporation of NSW before it amended its biomaterial reports in October 2024 or January 2025.

41. EPA chemical and pesticide regulation – enforcement actions – Transcript page 58

The CHAIR: Can I turn to the EPA's chemical regulation. Obviously, the Pesticides Act in New South Wales imposes conditions on pesticide use. In 2023 the EPA, as I understand it – and I could be wrong – launched several compliance campaigns on spray drift, issuing nearly 130 advisory letters and conducting 15 investigations across key agricultural regions. Can you provide the number of enforcement actions that were taken against pesticide misuse in the last three years?

TONY CHAPPEL: Yes, I'm sure I can. I might get it this afternoon if that's alright.

Answer:

Please refer to the answer given later in the hearing, recorded on pages 58-59 of the uncorrected transcript.

42. EPA chemical and pesticide regulation – inspections in forestry and agriculture sectors – Transcript page 58

The CHAIR: Perhaps another one to take on is how many EPA inspections of chemical and pesticide use have occurred in the forestry and agricultural sectors in the past year.

TONY CHAPPEL: Of pesticide use in the forestry sector?

The CHAIR: Yes, forestry and ag sectors in the past year.

TONY CHAPPEL: Sure.

Answer:

The NSW Environment Protection Authority has undertaken 80 inspections related to chemical and pesticide use in the agricultural and forestry sector in the period between 1 March 2024 and 18 March 2025.

No. Question

- 43. EPA chemical and pesticide regulation – enforcement against repeat offenders –**
Transcript page 58

The CHAIR: While Mr Beaman's coming up, on notice, I'm curious to know how many repeat offenders from last year may have faced stronger penalties or any prosecutions over the last 12 months?

TONY CHAPPEL: I'm happy to take that on notice.

Answer:

Nil.

- 44. EPA reporting on mass defoliation incidences –** Transcript page 59

The CHAIR: I know I've spoken with you many times, Mr Chappel, about the serious concern about mass defoliation incidences across certain agricultural regions. Given that EPA officers are also in those regions and those environments, do they ever report these incidences themselves to the EPA as they're occurring in the landscape?

TONY CHAPPEL: I'd have to take that one on notice to confirm.

Answer:

Yes. NSW Environment Protection Authority (EPA) Officers have reported independently on three occasions in the period between 31 May 2022 and 18 March 2025. EPA staff have also reported other pesticide usage issues, but these could not be linked to defoliation events.

- 45. Macquarie Valley monitoring program outcomes –** Transcript page 59

The CHAIR: I'm also curious about the monitoring program at the Macquarie Valley. It's a similar concern that I've raised with you. Will the EPA or have you already released the full data from the monitoring program conducted in the Macquarie Valley?

TONY CHAPPEL: I understood that we had. That monitoring program was a relatively unsophisticated program, detecting the simple presence or absence of various chemicals. We're considering, in the context of what I talked to earlier about the outcomes hierarchy and the risk identification and mitigation measures, how to consider a more granular and effective monitoring regime. Do you know if the data was released, Mr Beaman?

STEPHEN BEAMAN: I understand that we had released the outcomes of that surveillance program.

The CHAIR: I think there have been analyses, but the actual data – there have been commitments that it will be released and there have been discussions that it has been released. Could you please take it on notice and make sure that it is provided – the full datasets of that monitoring program to be made available?

STEPHEN BEAMAN: Yes.

No. Question

Answer:

The NSW Environment Protection Authority has reported all pesticides detected during the course of the Macquarie Valley Monitoring Program on its webpage at www.epa.nsw.gov.au/Your-environment/Pesticides/preventing-pesticide-misuse/campaigns-investigations/Macquarie-Valley-monitoring-program#pilot.

46. Government oversight of the State's heritage assets – Transcript page 60

The Hon. NICHOLE OVERALL: I have a couple of specific examples. Coming back to community opinion, in regional New South Wales it's not necessarily felt that the Government is taking good care of heritage assets. There are two examples that I'm referring to. The old Tamworth ambulance station is more than 90 years old. It has value for the local community. Currently, the department of health is holding on to it. It has been empty for more than a year now with no maintenance and no care. The police station at the Braidwood Court House is another example of this. What's your response to community concerns that not enough is being done and that the oversight isn't as complete as it should be?

ELIZABETH OWERS: I understand where they're coming from. We have over 1,800 items on the State Heritage Register. I'd have to check the number, but I believe between 30 per cent and 40 per cent are owned or managed by a State agency. We're not the landowner. Our focus is to support them to be able to meet their requirements under the Act. We, in a response to the audit report, released guidelines last year around how those agencies should be managing those assets. We work with them very closely to understand where they're having challenges and how we might best be able to support them during that process. The other thing that we did last year was our heritage management system. Agencies are required to do a register called a section 170 register. We've been able to create a digital platform to support them to do that and then provided the training. That's being rolled out at the moment, and we're actively working with agencies through that. To loop back to your question around regional communities, there's always more that we can do, but we are actively working with agencies to get a good heritage outcome.

Answer:

Approximately half of the items on the State Heritage Register are owned by local or State agencies. The majority of these items are owned by State agencies and comparatively few by local governments.

47. Braidwood Heritage Centre Project – Heritage NSW costings – Transcript page 62

The Hon. NICHOLE OVERALL: Are you able to provide any costings for the work that Heritage NSW had to undertake?

ELIZABETH OWERS: I'll take that on notice, but we do the work in house, so that would have just been covered within our existing budget. I'm not aware that we outsourced anything for that.

No. Question

Answer:

The proponent is responsible for the preparation of supporting documents, including any archaeological testing and related costs required for the assessment for any application.

48. Heritage projects and the planning system – Transcript pages 62-63

The Hon. NICHOLE OVERALL: Are there any concerns about any other projects around the State that are similarly impacted from the perspective of Heritage NSW? I know that Braidwood is a different circumstance, but it is the bushfire recovery grants that are taking place in this way. Any other projects that are of concern?

ELIZABETH OWERS: In terms of the bushfire recovery grants?

The Hon. NICHOLE OVERALL: In terms of any other projects that Heritage NSW might be involved in in a similar capacity where the crossover of so many different departments et cetera are impeding the development and eventual realisation of these projects.

ELIZABETH OWERS: It's very broad because, in the planning system and within Heritage, there's a myriad of projects going on at any point in time. I'd have to take it on notice to see if there's anything specific that we could provide.

Answer:

No.

49. EPA and seeking advice from Net Zero Commission – Transcript pages 65-66

The CHAIR: Would the EPA be seeking advice from the Net Zero Commission, given it has that power to provide that advice?

TONY CHAPPEL: Perhaps I'll take that on notice. I think we've outlined a series of measures to comply with the Bushfire Survivors for Climate Action mandamus orders that were made on the EPA some years ago. But we were doing that essentially in isolation, in the absence of broader government policy or legislative architecture. Now there is comprehensive architecture, so it's very much a case of how do we join up the science-based approach that the EPA is taking to maximise complementarity and effectiveness with existing Commonwealth architecture – but also, of course, through the department and our government more broadly. We'll be doing that very collaboratively. We will undoubtedly engage regularly with the Net Zero Commission. I probably can't give a specific answer without requesting advice.

Answer:

The Net Zero Commission provides an annual report to the NSW Government on climate change issues and can provide advice to the Minister, the Secretary of a Department, and the Independent Planning Tribunal.

The NSW Environment Protection Authority (EPA) regularly engages with the Net Zero Commission on climate change issues to ensure that the EPA is across the Commission's advice and the Commission is appraised of the EPA's climate change work.

No. Question

This engagement helps to maximise the complementarity and effectiveness of the respective work of the EPA and Net Zero Commission.

50. **Monitoring coal mine fugitive emissions** – Transcript page 66

The CHAIR: I'm sure you're familiar with the International Energy Agency Global Methane Tracker, which states that a 75 per cent reduction in methane emissions from fossil fuel operations by 2030 is considered crucial. They were talking about limiting global warming to 1.5 degrees. We've probably busted that, but keeping it as limited as possible. Also, last year Minister Sharpe acknowledged concerns about the accuracy of fugitive emissions projections. Are you able to provide any update in relation to what the Minister said? She said, "The EPA, in partnership with other agencies, is investigating using monitoring to improve the evidence base for coalmine fugitive emissions."

TONY CHAPPEL: Yes, I'd be delighted to. We've been trialling a series of technologies not only for methane and other greenhouse gas monitoring but also more broadly for environmental quality monitoring in the mining precinct and also in population centres such as Greater Sydney. We've conducted a series of pieces of work with two universities looking at identification of plumes. We've actually identified a number of those and worked with the operators on those. None of them pose a threat to a critical safety or human health risk in the near term. But, of course, we're also mindful that – and we've said this publicly – to the extent we can cost-effectively reduce methane emissions, there's a multiplicative benefit for buying more time for the climate to address some of these other hard-to-abate sectors. Methane is much more intense as a greenhouse gas but also much more short lived. It is a major focus, and it continues to be not just in the mining sector but more broadly. The Net Zero Commission called some of this out as well in other sectors. I'm confident that we'll continue to work with our colleagues in the department and through the Minister to make good progress this year.

The CHAIR: Are all or only some coalmines currently actively monitoring the fugitive emissions, using the best practice top-down and bottom-up measurement and reporting?

TONY CHAPPEL: I think mines above the safeguard threshold have to choose which methodology they use. I understand they're all using an appropriate methodology as required, but I don't think there's comprehensive real-time monitoring at this point. That's where we want to get to, and obviously verification is critically important there.

The CHAIR: Are you able to provide to the Committee, on notice, how many mines are actually using the best practice measurement? Is that something you have?

TONY CHAPPEL: Yes. I'm not sure there's one best practice measure across all mining types and activities, but I'll certainly take that on notice and we'll come back with a good answer.

Answer:

In 2023–24, there were 44 coal mines in NSW that report under the National Greenhouse and Energy Reporting Scheme, using prescribed measurement methods to report fugitive emissions. The measurement methods are equivalent to the highest

No. Question

Intergovernmental Panel on Climate Change Tier 3 method for estimating greenhouse gas emissions.

51. EMM Consulting – Transcript page 66

The CHAIR: A consultancy that does a lot of work for the coalmining sector in New South Wales, EMM Consulting, posted on LinkedIn recently that they are "leading the development of guidance for the New South Wales coalmining sector" for the EPA. Is it correct that EMM Consulting was engaged by the EPA to lead the development of a greenhouse gas mitigation guide for coalmines in New South Wales, as claimed on their LinkedIn?

TONY CHAPPEL: I wouldn't say they're leading the development of the guide. They're certainly one expert source. I'm aware they are also a member of the Minerals Council, but most of these technical service providers are because they provide services in the ordinary course of their business to various mines and other connected operations. I'm not aware of that LinkedIn post. I'm happy to take on notice the accuracy of how that is characterised.

Answer:

The NSW Environment Protection Authority (EPA) is leading the development of the Greenhouse Gas Mitigation Guide for NSW Coal Mines.

EMM Consulting is supporting the EPA with the development of the guide by providing technical input, developing an international literature review and an industry scan.

The NSW Government Procurement processes were followed when hiring EMM. This included seeking quotes from multiple firms with expertise and experience of coal mining. EMM was selected because of its technical knowledge of greenhouse gas abatement measures at coal mines.

A number of additional sources of evidence will also be used to inform the development of the guide including:

- feedback from the EPA's Climate Change Mining Advisory Group and its Climate Change Community and Environment Group
- interviews with the experts suggested by members of the above advisory groups
- peer review by an expert panel
- broad public consultation before it is finalised.

52. EMM Consulting – Transcript page 67

The CHAIR: Are you aware – and, if not, I'd like to make you aware if that's okay – that EMM have also currently been retained by coal proponents for the HVO continuation project, the HVO modification 8 and the Tahmoor South modification 3 coalmine projects? Were you aware they're currently engaged?

TONY CHAPPEL: I'm not personally aware. They may have – I expect they would have disclosed that to the EPA, but I'm happy to take that on notice.

No. Question

Answer:

At the time the NSW Environment Protection Authority (EPA) engaged EMM Consulting, it had not disclosed any actual or perceived conflicts of interest. EMM had disclosed previous work developing guidelines and work with the coal mines demonstrating their level of technical industry expertise.

EMM did not undertake the greenhouse gas assessment for the HVO North Modification 8 proposal.

EMM was engaged to support the Tahmoor South modification 3 coal mine proposal after the EPA had engaged EMM. EMM notified the EPA of specific engagements in January 2025.

Since February 2025, EMM has only provided technical input and has not been involved in drafting the guide.

53. EMM Consulting – Transcript page 67

The CHAIR: Were you aware that, in preparing the response to the submission document for HVO mod 8 and Tahmoor South mod 3, proponents EMM Consulting comprehensively failed to comply with the requirements of the EPA's own guide for large emitters in New South Wales by failing to set interim and long-term greenhouse gas emissions goals?

TONY CHAPPEL: I think that's a short-term modification. Without –

The CHAIR: So you wouldn't think that's a breach? Is that what you were going to say?

TONY CHAPPEL: No. What I'm getting at is I'm aware there's an HVO near-term modification for a couple of years that doesn't involve any mining activity that isn't already approved but extends the temporal horizon by a few years while I think the company goes back to consider a more comprehensive reworking of mining planning over the coming decades to ensure they meet the requirements of that guideline. My engagement with the issues and with that joint venture has been very much around those longer term objectives. But let me take that on notice.

Answer:

Responses to submissions in planning processes is a matter for the proponents. The NSW Environment Protection Authority provides advice to the Department of Planning, Housing and Infrastructure on relevant content of environmental impact assessments.

54. Great Koala National Park – Mandala – prequalification scheme – Transcript page 68

The Hon. WES FANG: Mr Lean, when did Mandala make it onto the prequalification scheme?

ANTHONY LEAN: I'll have to take that on notice. We don't administer the scheme. It's a government-wide scheme.

The Hon. WES FANG: I'm just curious. Could you find that out for me, please? Do you know when Mandala Partners was established as a company?

ANTHONY LEAN: No, I don't, but I'll take it on notice.

No. Question

The Hon. WES FANG: Do you think the Government knows?

The CHAIR: Why not?

The Hon. WES FANG: You'll take it on notice. That's fabulous, thank you. We'll ignore the Chair for the moment. Under what criteria were they fast-tracked onto the prequalification list? Are you aware of that?

ANTHONY LEAN: I'll take that on notice. I'm not. I don't know that they were fast-tracked onto the pre-qual scheme. I'll have to take it on notice.

Answer:

I am advised Mandala Partners was established in November 2022.

Mandala was approved for the prequalification scheme on 22 May 2023. The assessment followed a normal process and there was no fast-tracking.

All suppliers on the NSW prequalification scheme must comply with the NSW Procurement Policy Framework.

55. Government response to the Office of the NSW Chief Scientist and Engineer's 'Management of asbestos in recovered fines and recovered materials for beneficial reuse in NSW' report – Transcript page 70

The Hon. NATALIE WARD: It's a very diplomatic answer, and it's understandable, but do you agree or disagree with zero tolerance as an approach, then, given that there might be other opportunities? Are we to understand that's the preference, if I can put it that way?

TONY CHAPPEL: As I hope I've indicated, there are very few contaminants where absolute zero is a policy goal. As Mr Ruddick sort of elucidated in the context of greenhouse gases, the vast majority of toxic materials are quite safe in particular levels. I mean, you can go through the periodic table, and most of those are not safe above certain thresholds. But the point that I think the chief scientist makes very, very effectively is that you can more effectively manage the risk to a lower level through this series of measures, through the supply chain, than an absolute zero at the end of that supply chain approach can deliver. And we've seen that, you know, we see that across the economy. So I think it's a very useful contribution to the better management of a challenging legacy contaminant.

The Hon. NATALIE WARD: Is that something you think you might be heading towards?

TONY CHAPPEL: Ultimately, Government has to consider that report. And that's underway.

The Hon. NATALIE WARD: And what's the timeline for that consideration and response?

TONY CHAPPEL: I think I'd best take some advice on that, or I'll take it on notice.

Answer:

The NSW Government is considering the findings of the Office of the NSW Chief Scientist and Engineer's report and it is anticipated that an initial response will be provided in April 2025.

No. Question

The Government will then further engage with industry and community stakeholders in developing a comprehensive response to each of the recommendations.

56. Agreements managed by the Biodiversity Conservation Trust – Transcript page 75

The CHAIR: What is the make-up of – we've got 104,000 hectares which are stewardship agreements or biobank agreements. Then we've got 550,000 hectares that are in-perpetuity conservation agreements. But where does the 2.1 million hectares – what's that overarching figure?

ERIN GIULIANI: So 2.1 million hectares spans a range of different agreement types. It includes biodiversity offset agreements.

The CHAIR: That's the 104?

ERIN GIULIANI: Correct. It also includes conservation agreements, both pre-Biodiversity Conservation Trust and post-Biodiversity Conservation Trust.

The CHAIR: That is 550?

ERIN GIULIANI: No. What I was referring to is, of that 2.1 million hectare estate of a variety of different agreements, 550,000 – and I think it's actually 564,000 – are actually protected forever. So I was just making a distinction that the –

The CHAIR: Thank you. With the other ones that aren't protected forever or in perpetuity, what do they look like?

ERIN GIULIANI: There's a couple of different categories. Some of them are wildlife refuges that were established prior to the Biodiversity Conservation Trust.

The CHAIR: What figure do you have on that?

ERIN GIULIANI: It's 1.465 million hectares. And just to provide some information about that type of agreement – they're actually revokable. So the landholder can request that they be revoked. There's a range of different types of agreement. I'm happy to go through them, or I'm happy to provide them on notice. But I do have the information here, Chair.

The CHAIR: If you're happy to, provide them on notice. It makes sense now. I just wasn't sure where the big figure was. Obviously, if it's 1.4 million in wildlife refuges, that makes perfect sense.

Answer:

Type of Agreement (as at 31 December 2024)	In-perpetuity agreements (part of the National Reserve System)		Termed or revocable agreements	
	Number	Hectares	Number	Hectares
Conservation Agreements with ongoing annual management payments* (Biodiversity Conservation Act 2016 (BC Act))	151	151,067	57	86,203
Conservation Agreements (BC Act and previously	736	200,193		

No. Question				
National Parks and Wildlife Act 1974)				
Legacy legislation agreements	362	66,724	41	4,135
Wildlife Refuges			665	1,466,021
<i>Total voluntary agreements</i>	<i>1,249</i>	<i>417,983</i>	<i>763</i>	<i>1,556,359</i>
Biodiversity Stewardship Agreements and Biobanking Agreements ^	346	95,673		
Offsets Conservation Agreements#	148	50,994		
<i>Total offset agreements</i>	<i>494</i>	<i>146,667</i>		
Total Agreements	1,743	564,650	763	1,556,359
Grand total	2,506 agreements			
	2,121,009 hectares			

* Funded agreements under the NSW Biodiversity Conservation Trust's Conservation Management Program are funded by the NSW Government.

^ Funded agreements under the Biodiversity Offsets Scheme are funded by biodiversity credit sales purchased by developers. The sites do not receive funding until sufficient credits from the agreement are sold.

There are a range of other in-perpetuity conservation agreements established as offsets for historic development approvals. Funding for management of these agreements is generally met by the proponent.

Note: Agreements that are part of the National Reserve System of protected areas contribute to 30 x 30 goals.

57. Funding arrangements for in-perpetuity agreements – Transcript pages 75-76

The CHAIR: Excellent. With the 564,000 hectares of in-perpetuity agreements, how many of those have funding arrangements attached to them? And how long are those funding arrangements normally?

ERIN GIULIANI: I can come back on notice. But, through our conservation management program, 151,000 hectares are funded. And that's through the work that the BCT has done since 2017. The Biodiversity Offsets Scheme has the funding that comes through the purchase of credits, through developer demand. But I can come back to you on notice in terms of how many of those specifically are funded across those two schemes.

Answer:

Please refer to the answer provided to question 56 on page 35-36.

No. Question

58. Biodiversity Conservation Trust future targets and demand by region – Transcript page 76

The CHAIR: Thank you. It might be premature, but in terms of the next four years, do you think that the BCT will be setting another kind of hectare target?

ERIN GIULIANI: Yes.

The CHAIR: And could you tell the Committee what you're thinking that might look like?

ERIN GIULIANI: I wouldn't like to advise that target today, because it is subject to both the board's deliberations and the Minister's deliberations. But we have used historic and future-focused modelling to determine what an appropriate target might be. And we've also looked at what the appropriate balance could be across different types of agreements, and we're using our demand forecasting. And it's positive news to say that there's plenty of demand out there for landholders who wish to enter into an agreement with the Biodiversity Conservation Trust or through the department for a stewardship agreement.

The CHAIR: Fantastic. And are you able to indicate at the moment – are there concentrations of interest in particular regions?

ERIN GIULIANI: I'd have to take that on notice. But what I could say generally is, through our conservation management program, which is the funding that you referred to earlier, Chair, that work is typically focused around the Biodiversity Conservation Investment Strategy, which looks at where the best of the last vegetation is and where we should apply our efforts to protect that native vegetation. Our Conservation Partners Program, which is a statewide program but tends to be typically taken up along the coast – there's also a great deal of demand for that program in particular. So I'm happy to give you some data on notice about where the highest demand is. But I would say that there's plenty of demand for voluntary conservation programs, whether that's through the sheep wheat belt in the middle of New South Wales or whether that's coastal regions as well.

Answer:

The NSW Biodiversity Conservation Trust's (BCT) offerings for landholders to participate in private land conservation are guided by conservation priorities outlined in the NSW Biodiversity Conservation Investment Strategy. The highest conservation priority areas are where the BCT offers agreements with guaranteed annual conservation management payments. The current and planned offers are outlined in *Investing in Private Land Conservation: NSW Biodiversity Conservation Trust Conservation Management Program 2023-2027*. For example, recent/current offers include:

- Fixed Price Offer (available across most of inland NSW) which covers under-protected landscapes in the sheep-wheat belt
- Liverpool Plains Cracking Clays conservation tender
- Central West Box Woodlands conservation tender
- Cultural Biodiversity Conservation offer, specifically for Aboriginal landholders (Murray Riverina and Central West).

No. Question

In recent years, similar offers have attracted significantly more interest from landholders than the BCT had available funds for. For example, under a tender in the New England area targeting koala habitat, the BCT received 72 expressions of interest, resulting in 22 formal eligible applications, 12 of which were assessed as value for money and the BCT had funding available to offer seven agreements.

Landholders with good quality native vegetation anywhere in NSW can express interest in a conservation agreement without guaranteed annual payments, with access to grant payments. This is particularly popular along the coast and ranges from conservation-minded landholders. The BCT receives around 70 expressions of interest for these agreements each year. There is high interest particularly in the North Coast region.

59. Forestry – Little Newry State Forest – Transcript page 76

The CHAIR: Great. Mr Chappel, just coming back to forestry and forestry reg, I'm just curious. Some members of the community around the Nambucca area, in relation to Little Newry and logging operations there and legacy mining – there was an arsenic issue. And, apparently, the community contacted the EPA about it, said they were very, very concerned about the disturbance and the impact that disturbance would have, in terms of increased arsenic contamination of the water sources. I think the EPA suggested a 30-metre buffer of some sort, but now there are reports of elevated levels of arsenic in the water. Are you aware of this?

TONY CHAPPEL: I'm not. If there are any concerns from the community, they should be reported to the EPA, and we will sample or investigate. I know that our regulatory operations staff have visited that forest, have conducted, I think, a joint visit also with Forestry Corp. They've looked at the exclusion zones around that legacy activity and determined that disturbance was unlikely, with some controls, but I'm not aware of any more recent information, so I'll take that on notice.

The CHAIR: I can indicate now that there is some concern about – and I think it's an issue that locals had quite a bit of local knowledge about, have written to the EPA a number of times about it, and I think, now the logging operations have taken place, there's real concern that there has been disturbance and now more pollution incidents. That's something you'll have a look at?

TONY CHAPPEL: Yes, absolutely. I know that those local reports informed a whole series of actions that the EPA took. But, as I said, I'm not aware of any recent reports of pollution in the water or other impacts, so we will take that on notice.

Answer:

Harvesting operations occurred in Little Newry State Forest between October and December 2024. Noting that arsenic occurs naturally in the region, Exclusion Zones were put in place around the identified mine shafts. The NSW Environment Protection Authority (EPA) inspected the sites on 16 January 2025, finding no non-compliances and that the area of harvesting was minimal. The EPA observed that the mine shafts were better described as prospecting holes, measuring approximately 3 metres wide and 2 metres deep. The EPA has not received any reports of water pollution incidents regarding Little Newry in 2025 since the completion of harvesting.

No. Question

The EPA did receive a summary of independent water and soil sampling results for arsenic from a community member. The results were provided to EPA's technical experts for review and the following advice was provided to the community member on 19 March 2025:

- Data from 10 of the 19 water sample results provided to the EPA, marginally exceed the *National Drinking Water Guideline* for Total Arsenic. However, the water in these creeks is not a domestic potable water supply; therefore, this guideline does not apply.
- The *National Water Quality Guideline* criteria for aquatic ecosystem protection, refers to the two species of Arsenic, being Arsenic III (Arsenite), and Arsenic V (Arsenate), not Total Arsenic. Whilst Total Arsenic concentrations within the sample data could suggest low guideline exceedances, the EPA cannot accurately assess any risk to aquatic ecosystem health without analysing Arsenite and Arsenate.
- Soil analysis results are all well within relevant guideline limits. References to the *Arsenic Contaminant Acceptance Threshold* come from the biosolid guidelines and do not apply to naturally occurring soils or waters.

60. Hearn's Lake – Transcript pages 76-77

The CHAIR: I just wanted to raise, I think, maybe with you, Mr Lean, about Hearn's Lake. Are you aware of Hearn's Lake just north of Coffs Harbour, Woolgoolga area?

ANTHONY LEAN: No, I'm not, off the top of my head.

The CHAIR: Is there anyone with any knowledge about Hearn's Lake? It's one of our State's few incredibly important ICOLLS. It's an ICOLL that has been subjected to some pretty bad environmental outcomes in terms of its pollution and contamination. I'm just curious as to why, if it is on the department's radar as an area that really should be included in the Coffs Coast Regional Park – it's an area of immense environmental importance and significance. It's an area where Coffs council has undertaken lots of scientific research and water monitoring. It's also fundamental to the function of the Solitary Islands Marine Park. I'm just curious as to whether it is an area that might be on an acquisition register somewhere and, if not, why not. Is that something you could take on notice?

ANTHONY LEAN: We can that on notice. Certainly, Chair.

Answer:

The City of Coffs Harbour Council is assessing a development application for residential subdivision of land adjacent to Hearn's Lake. Council referred the Environmental Impact Statement to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) for comment. DCCEEW and the National Parks and Wildlife Service (NPWS) provided advice to Council on the Environmental Impact Statement.

The proposed development land adjoins the Coffs Coast Regional Park, which is jointly administered by Council and NPWS. NPWS is aware of the potential to add land at Hearn's Lake to the national park estate. In the NPWS submission to Council it raised an interest in the undeveloped land to be considered for addition to the Coffs Coast

No. Question

Regional Park. The Coffs Coast Regional Park Trust Board has previously resolved to seek for any undeveloped lands at Hearn's Lake to be added to the regional park.

61. Disciplinary action against department employee – Transcript page 77

The Hon. WES FANG: Mr Lean, if one of your employees from the department was to leak details of another secretary visiting a departmental office to a group of activists who, when that secretary was leaving the office, found herself being stalked by those activists – the secretary and other New South Wales government employees were followed from their office to the car and harassed – would that person face disciplinary action?

ANTHONY LEAN: I'm not going to comment on hypotheticals. If you could give me some specific instances.

The Hon. WES FANG: Let's assume it's not a hypothetical. Let's just say planning secretary Kiersten Fishburn was visiting one of the departmental offices across the State and her visit was leaked by one of your employees. Would that lead to having disciplinary action taken against that employee?

ANTHONY LEAN: We would need to assess it to decide whether a preliminary investigation was warranted. If there was a potential disciplinary issue, we would initiate a disciplinary investigation.

The Hon. WES FANG: Are you aware of any circumstances such as that?

ANTHONY LEAN: Not off the top of my head that come to mind.

The Hon. WES FANG: You haven't been briefed by your department? Nobody from the planning secretary's office has contacted you?

ANTHONY LEAN: The planning secretary hasn't raised it with me, no.

The Hon. WES FANG: No, but nobody from that office has raised it with anyone in your department that you're aware of?

ANTHONY LEAN: I'm not specifically aware. I would need to check with my HR department and my ethics or governance team to see whether that is a specific issue.

Answer:

All employees are required to comply with the Department of Climate Change, Energy, the Environment and Water's (DCCEEW) Code of Ethics and Conduct. DCCEEW manages complaints in accordance with relevant employment legislation, the Misconduct Policy, and related procedures.

Any information regarding an investigation is treated as confidential to protect the individuals involved and to maintain the integrity of the process.

62. Central-West Orana Renewable Energy Zone transformers – Transcript page 79

The Hon. WES FANG: But surely when they were signing on to the project, they would have been provided business cases that outlined the expected expenditure. Is it the case that, ultimately, the costs are just passed on to the consumer through the

No. Question

transmission costs that are usually passed on to consumers in energy bills and the like? So it doesn't really matter what they pay for it — is that right?

HANNAH McCAUGHEY: This the decision of the Australian Energy Regulator and we stay in close discussions with them. But they are held to a very strict regulatory standard to make sure the costs are reasonable and efficient and prudent. If they're not then they're borne by ACERZ. There is a lot of work that goes in to make sure that the consumers are only charged what is reasonable and fair and efficient.

The Hon. WES FANG: In that case, are you able to provide the supplier of those transformers for that project?

HANNAH McCAUGHEY: Not at this time. I will take that on notice, but I believe — I've already said these are not decisions that are public. Given your interest and wanting to show that we're making significant progress for these critical infrastructure projects, we're willing to share now that —

Answer:

Assuming this question is regarding synchronous condensers, known by the questioner as transformers, these details are commercial-in-confidence.

63. Central-West Orana Renewable Energy Zone transformers – Transcript pages 79-80

The Hon. WES FANG: Are you able to tell me when you expect the components to be landed in Australia for the transmission line itself?

HANNAH McCAUGHEY: I take it that this is of deep interest, but just maybe let's take one case study. The Waratah Super Battery, which is in the Hunter, actually procured its transformers from an Australian company. It's already partially in operation. In fact, this year it was able to partially operate and help the market. I know this is a really —

The Hon. WES FANG: It was a very deft way of not answering my question but, again, in relation to Central-West Orana, when will those transformers be landed so that they can be used for the transmission of renewable energy from Central-West Orana into the greater metropolitan areas?

HANNAH McCAUGHEY: Just to go through, we are in the final negotiations with ACERZ. They have a detailed schedule. They procure these issues. We have confidence that these long lead time issues are being — and so this is not an area of deep concern. In the range of the whole transmission, we are still on track.

The Hon. WES FANG: I appreciate there is no initial deep concern. What is a concern to me right now is that I have now asked twice when the land date will be and I have not been able to elicit from you anything that is even approaching an answer. Do you have a date for when they will be landed so that they can be rolled out for the transmission project? My understanding is that everything hinges on those transformers.

HANNAH McCAUGHEY: These are large infrastructure projects. They have many critical components.

The Hon. WES FANG: You indicated to me in an earlier answer that ACERZ has a program timeline that they are working to. Now that you have procured those transformers, you must certainly be aware of the timeline for when they will arrive. That

No. Question

is the question that I am asking. When are they expected to land in Australia so that they can be rolled out with the transmission project?

HANNAH McCAUGHEY: Just so we can move on and so we're clear, we do not procure them; ACERZ procures them. It is not public. I have shared with you that we understand they have procured them. They have the deep timeline. I will take it on notice as to whether we can share that level of detail here, because it is an ongoing negotiation at the moment. These are not public details.

Answer:

These details are commercial-in-confidence. As stated, the Central-West Orana Renewable Energy Zone is on track for first generation in 2028.

64. Central-West Orana Renewable Energy Zone transformers – Transcript page 80

The Hon. WES FANG: I am looking forward to getting my answers to questions on notice so that I can see who is delivering them. Can I also ask when they will be landed? Can you take that on notice?

MARK WESTBROOK: We do need to be careful because a project like this has a lot of different transformers of different sizes. There are the main transformers, which are 500 kV transformers, but there are other transformers on the project. There is a whole range of equipment. It is actually a very difficult question to give you a comprehensive answer to.

Answer:

Assuming this question is regarding synchronous condensers, known by the questioner as transformers, these details are commercial-in-confidence.

65. Great Koala National Park costings – Transcript page 81

The Hon. WES FANG: In the five seconds I've got left, how much of it is coming out of the Snowy Hydro Legacy Fund?

ANTHONY LEAN: I'll take that on notice. Sorry, I should say, I think the answer to that is none of it at the moment, but it's ultimately something that will need to be decided by Government through the budget process.

Answer:

None.

66. Vales Point NOx exemption – Transcript page 81

Ms ABIGAIL BOYD: I've been following this for some time. There were two lots of five years before that two years, so I believe in total it's 12 years that they've had an exemption from the limits.

TONY CHAPPEL: My colleague Mr Beaman might have some more detail on that. Otherwise, we'll certainly take it on notice because—

Ms ABIGAIL BOYD: I remember bringing it up with the EPA at least five years ago.

No. Question

TONY CHAPPEL: There may have been an exemption under the previous clean air regulation.

Ms ABIGAIL BOYD: Yes.

TONY CHAPPEL: But I also would imagine that was to a less strict standard. The standard they have to meet today would be more strict than that, and they're meeting it without an exemption.

Ms ABIGAIL BOYD: They've had some form of exemption for 12 years — just take my word for it for now, but maybe you can confirm or correct me later.

Answer:

Since 1 January 2012, in accordance with the Protection of the Environment Operations (Clean Air) Regulation 2010 (Clean Air Regulation 2010) (superseded), any activity or plant previously in Group 2 was taken to belong to Group 5 unless a licence had been varied to include a condition that states that the relevant activity or plant was taken to belong to Group 2. The condition expired after five years.

Vales Point Power Station was granted approval under the Clean Air Regulation 2010 to remain in Group 2 for nitrogen oxides (NO_x), instead of being taken to be Group 5, for two consecutive five-year periods from 1 January 2012 until 1 January 2022, a total of 10 years.

In 2022, Vales Point Power Station was granted an exemption under section 284 of the *Protection of the Environment Operations Act 1997* from the NO_x emission standard of the Protection of the Environment Operations (Clean Air) Regulation 2022 (Clean Air Regulation 2022) for an additional two years until 28 October 2024.

Since 29 October 2024, there has been no valid exemption permitting the Vales Point Power Station to exceed the air emissions limits for NO_x per the Clean Air Regulation 2022. Vales Point Power Station is required to meet NO_x emissions limits of 800 milligrams per cubic metre.

67. Vales Point NO_x exemption – Transcript pages 81-82

Ms ABIGAIL BOYD: They've had some form of exemption for 12 years — just take my word for it for now, but maybe you can confirm or correct me later. The idea that they can suddenly now comply — I guess I'm very confused. I'm a resident but also someone who has been following this for a long time. We've been trying to get Vales Point to reduce its NO_x emissions, and now it suddenly can. What happened?

TONY CHAPPEL: One of the conditions in the exemption was to do a series of studies, peer reviewed, global sort of expert work on how to operate the plant in ways that would be able to comply. As I understand it, one of their challenges is, whilst most of the time they could comply, as they're ramping up and down more — which, of course, each year they're doing more of as we build out more solar across the State and other renewable resources, so the coal plant is operating in the market differently — those rapid changes from various levels of operation were leading to the exceedences. I understand they looked at a whole variety of different options to either ramp in a slower way with other resources deployed or to fine-tune how they were operating the plant.

No. Question

The performance now is able to meet the standards. I can take on notice the specifics of operationally what we understand the plant is doing differently now, but it is complying.

Ms ABIGAIL BOYD: Okay, because it was subject to a less strict standard before, as you say. I remember we had a bill in the last term of Parliament — the clean air bill — that was trying to increase these standards on the pollution amounts coming out of the stacks. During that, we had these companies come and tell us what they were doing. I remember very clearly Delta saying they couldn't comply and trying to claim that it would be like a half-billion-dollar impost in order for them to meet even those less strict standards. The community and environmental advocates are a little confuzzled, I guess, as to why they can suddenly meet the requirement that they were resisting for so long. If you could come back on notice with exactly how they managed to do that, that would be really useful.

TONY CHAPPEL: Yes.

Answer:

Low-load operating conditions have been identified as an operational state that contributes to the Vales Point Power Station exceeding the Group 5 emissions limits for NO_x. These low-load states can occur when the power station is required to ramp down electricity generation during periods of low demand, such when solar input into the grid is high.

As a requirement of the Order made in 2022, granting the operator of the Vales Point Power Station the exemption under 284 of the *Protection of the Environment Operations Act 1997* from the NO_x emission standard of the *Protection of the Environment Operations (Clean Air) Regulation 2022*, a Low Load NO_x Emission Control Feasibility Report was required to be submitted to the EPA. This report was submitted on 27 April 2023 and assessed the operational conditions during low load as well as mitigation measures to address NO_x exceedances.

The NSW Environment Protection Authority (EPA) subsequently varied the licence that applies to the power station to include implementation and verification of some of these measures by way of a Pollution Reduction Program. This program of works can be found at Condition U2.1 of Licence number 761 available on the EPA's public register.

68. Transmission Acceleration Facility accounts – Transcript page 82

Ms ABIGAIL BOYD: I think that's all I have on the power station and the clean air stuff. I've got just a couple for you, Ms McCaughey. There are a couple of different things here. The Transmission Acceleration Facility — I understand that EnergyCo is in charge of administering that. I'm finding it very hard to get much information on it. It was established in 2022. At some point an extra amount was put into it, and it was said that it was up to \$2 billion at that point.

The Hon. WES FANG: Use a wedding analogy!

Ms ABIGAIL BOYD: I'm not going to use a wedding analogy, but thank you. Where does it live, in terms of how do I find it in accounts? What is the amount of it at the moment, and how has it been spent?

No. Question

HANNAH McCAUGHEY: The TAF is a very important part of EnergyCo being effective because it enables us to fund up-front early works and development. That's very important. As those costs are spent, it goes through a rigorous investment process. We have Treasury, who sits on the TAF alongside EnergyCo. Once the projects reach financial close, it is reimbursed for those costs. It's a revolving facility.

Ms ABIGAIL BOYD: So it sits at \$2 billion, and the idea is that it keeps —

HANNAH McCAUGHEY: Yes.

Ms ABIGAIL BOYD: In terms of where I would find it in the accounts, is it —

HANNAH McCAUGHEY: On that, I will ask my colleague. I'll take it on notice, but it is something that we work through. I'll take that on notice as to exactly where it sits.

Answer:

In April 2022, the Transmission Acceleration Facility (TAF) was approved by the then NSW Government as a \$1.2 billion facility to accelerate Renewable Energy Zones and transmission infrastructure.

In September 2023, the NSW Government announced a temporary increase to the TAF of \$804 million to a total of \$2.04 billion.

In the 2024–25 State Budget, within Budget Paper 3 Infrastructure Statement (page 4-10), all EnergyCo projects listed as Works in Progress are TAF-funded projects.

Individual TAF-funded project budgets are not separately disclosed due to commercial sensitivity.

69. Coastal emu – Transcript page 83

The CHAIR: I'm curious if somebody can update the Committee on the coastal emu and the coastal emu eggs that were found.

LOUISA MAMOUNEY: I think we'll have to take it on notice.

Answer:

Please refer to the answer given later in the hearing, recorded on page 84 of the uncorrected transcript.

70. Bindarri National Park settlement – Transcript pages 83-84

The CHAIR: Also, I know that the unlawful clearing of Bindarri National Park that happened — I think there's some commentary around why that settlement was made out of court and why the outcome was the outcome. Are there any other investigations or anything else around the Forestry Corporation accidentally logging any other parts of the national parks estate that you're aware of?

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

NAOMI STEPHENS: Nothing as far as I'm aware.

The CHAIR: It was the view that the outcome of that operation at Bindarri that was achieved was the best outcome that could be achieved. Is that why the decision was taken?

No. Question

ANTHONY LEAN: Yes. I took the decision to resolve that through, effectively, an enforceable undertaking. The advantage of doing that is we obviously avoid the costs of the prosecution that's involved, and that's for both ourselves and the defendant. We think that the package that we were successfully able to put in place through the undertaking would have been as good as, if not better than, what we would have got through a court process. When we make these decisions — Tony's probably more experienced in doing it in the EPA area than what I am — we have prosecution guidelines that we follow, and we also have to follow the Premier's memorandum around litigation between government agencies. But we were satisfied that what we were able to agree with Forestry Corp would have been at least as good as or better than what we would have got through a court process. We avoided the costs of that, and we avoided the uncertainty of litigation as well.

The CHAIR: Is the deed in the public arena?

ANTHONY LEAN: I'll take that on notice. I think we do have to disclose the details of the arrangement on a register, but let us confirm that on notice and we'll come back to you.

Answer:

The deed has been published and is available at www.environment.nsw.gov.au/news/fcnsw-penalised-illegal-harvesting-bindarri-national-park.

71. Biodiversity Conservation Trust compliance matters – Transcript page 84

The CHAIR: I'm interested in any regulatory or compliance activities that the Biodiversity Conservation Trust may have on its radar in terms of compliance — any compliance or regulatory activities that may be on your radar in terms of compliance with conservation agreements, whether that's anything that is being raised with the trust at the moment.

ERIN GIULIANI: Sure. Can I just make a clarification about the Biodiversity Conservation Trust's role? As I think you understand, we don't have a regulatory role but are in constant interaction with our landholders. We do have a team in the Biodiversity Conservation Trust who look after what we call assurance of agreements. Our Agreement Assurance Policy is on our website. There are very dedicated staff who work in our regional delivery team and their function isn't a compliance or regulatory one. It's to support landholders to meet the requirements of their agreement and particularly to look at, where things might go off track, how to help them get back on track. But when I'm speaking about assurance matters, it's really in the vein of ensuring that the annual report process is managed appropriately, and that the works that are outlined in the annual management plans are undertaken such that our landholder support officers can tick off that the work has been done and the next year's payment can be released. In terms of your question about any specific compliance matters, we'd have to take it on notice, but I think it would be a question more for the department, which has our compliance and regulatory function over things like land clearing and so on.

The CHAIR: Thank you. That makes good sense. Call it what we want; if you call it assurance, that's fine. Have you got any landholders who have agreements that aren't

No. Question

complying or who have breached those agreements? That is what I'm trying to understand.

ERIN GIULIANI: I can take the question on notice, but what I would observe is that landholders are wanting to do the right thing. They have voluntary conservation agreements.

The CHAIR: I think I'm thinking more like second generation landholders or people who have purchased lands, perhaps didn't enter into the agreement and are finding particular difficulty – that sort of thing.

ERIN GIULIANI: That's where our landholder support officers really do play a critical role to help agreement holders meet their requirements. When a property changes hands, our landholder support officers will reach out to the new landholders to make sure that it's understood what the agreement entails. But often people who are purchasing a property that has a conservation agreement in place are also conservation-minded type people who have an interest in conservation. To your question about whether there's any significant matters not on my radar, I can take the question on notice. In the main, I would say the overwhelming majority of landholders wish to do the right thing, and some of those areas of assurance really relate to making sure that the annual report is being handled appropriately, that the management plan is being delivered, and, as I said, the overwhelming majority do want to do the right thing. Sometimes where we are seeing an agreement go off track, that's where we can use things like adaptive management or helping to look at what the annual management plan entails to work with the landholder to get things back on track.

Answer:

The NSW Biodiversity Conservation Trust (BCT) has a low rate of agreement assurance issues in general. No agreement assurance issues have been referred to the Department of Climate Change, Energy, the Environment and Water for compliance action. The BCT Board oversees agreement assurance on a quarterly basis.

Across 2,506 agreements managed by the BCT, approximately 5% are considered off-track with the reason mainly related to late annual reports and incomplete management actions.

BCT staff manage all issues through focused re-engagement with landholders, provision of additional advice and use of adaptive management strategies in accordance with the BCT's Agreement Assurance Policy (available at bct.nsw.gov.au/sites/default/files/2024-11/agreement-assurance-policy.pdf).

72. Areas of Outstanding Biodiversity Value – Transcript page 85

The Hon. NATALIE WARD: On biodiversity, a call was made for proposals for areas of outstanding biodiversity value a few years ago. It's not clear how many, if any, declarations of outstanding biodiversity value have been made in the past 24 months. Is that information available anywhere?

ANTHONY LEAN: I'm not aware that any have been declared in the past 24 months. It is a legislative mechanism established under the Biodiversity Conservation Act, and the Government's plan for nature indicated that that would be reviewed.

No. Question

The Hon. NATALIE WARD: Is it available anywhere, or is it planned to be?

ANTHONY LEAN: Is what available?

The Hon. NATALIE WARD: Is that information available anywhere, about anything that's happened? It's not clear how many declarations have been made. I think you've indicated none.

ANTHONY LEAN: Yes, I think —

The Hon. NATALIE WARD: Is that information available anywhere?

ALISON PEPPER: There were four declarations.

ANTHONY LEAN: Over the past 24 months?

ALISON PEPPER: In the past 24 months. That's just across all of New South Wales. Was it specifically in the past 24 months?

The Hon. NATALIE WARD: Yes.

ANTHONY LEAN: We'll confirm that for the Committee.

The Hon. NATALIE WARD: You'll confirm where it is available, if it is?

ANTHONY LEAN: Yes.

Answer:

No Areas of Outstanding Biodiversity Value (AOBV) declarations have been made over the past 24 months.

Information on declared AOBVs can be found on the public register published on the Department of Climate Change, Energy, the Environment and Water's website at www2.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/areas-of-outstanding-biodiversity-value/area-of-outstanding-biodiversity-value-register.

73. Mount Canobolas / Gaanha bula Area of Outstanding Biodiversity Value nomination – Transcript page 85

The CHAIR: Just on that, could you take on notice where the Gaanha bula nomination as an area of outstanding biodiversity value might be up to? The Mount Canobolas, Gaanha bula.

ANTHONY LEAN: Mount Canobolas, yes.

Answer:

The Mount Canobolas / Gaanha bula Areas of Outstanding Biodiversity Value (AOBV) nomination is being considered, including how the nomination may be affected by any reform as a result of the NSW Plan for Nature.

There is no statutory timeframe for consideration of nominations for AOBVs.

The Mount Canobolas State Conservation Area is gazetted under the *National Parks and Wildlife Act 1974* and protected by the provisions of this Act including the statutory plan of management.

No. Question

74. Natural Capital Strategy – Transcript pages 85-86

The CHAIR: Just in the last few minutes, I would be very interested if Ms Molloy perhaps has any update in relation to the natural capital strategy and where that is in terms of — I know, under the former Government, there was a document that was released, and I think the Minister here at some point said that it was not necessarily on track or it was being reviewed. Have you had any update in relation to it?

SHARON MOLLOY: I don't specifically on that, but you're not talking about the NSW Plan for Nature?

The CHAIR: It was actually a natural capital strategy that was produced. I think it may have been under DPI or something at some point, and I'm just wondering if you could update us on what is happening in terms of natural capital and research and strategic direction?

SHARON MOLLOY: We might have to take that on notice, if you don't mind. I don't have anything in front of me here talking about that strategy.

Answer:

The NSW Natural Capital Statement of Intent was published by the previous NSW Government in 2022 and remains available on the Department of Climate Change, Energy, the Environment and Water's (DCCEEW) website at www2.environment.nsw.gov.au/sites/default/files/nsw-natural-capital-statement-of-intent-220517.pdf.

The Statement of Intent was superseded by actions within the NSW Plan for Nature, which was published in July 2024 and is available on the DCCEEW website at www.nsw.gov.au/departments-and-agencies/cabinet-office/resources/nsw-plan-for-nature.

The NSW Plan for Nature sets the NSW Government's strategic direction and commits to a number of actions related to natural capital, including:

- Publishing a NSW Nature Strategy to guide public and private investment and action to protect, connect and restore ecosystems and landscapes across tenures.
- Establishing a natural capital accounting framework.
- Leveraging private investment by implementing high-quality natural capital programs in NSW, including supporting the growth of high-quality and high-integrity natural capital markets.

Work has commenced on implementing these actions.