

BUDGET ESTIMATES SUPPLEMENTARY HEARING
QUESTIONS TAKEN ON NOTICE DURING THE HEARING
15 FEBRUARY 2005

QUESTION NO 1:

CHAIR: Ms Corbyn, how much money will be spent on coastal acquisition in 2004-05?

Ms CORBYN: I will get Tony Fleming, the Deputy Director of the Parks and Wildlife Division, to address that in total. We do have an allocation on coastal acquisition particularly relating to coastal wetlands that has been identified from the Environmental Trust. There is a more detailed acquisition strategy that our Parks and Wildlife Division has been working through.

CHAIR: On that point, you are saying that those coastal acquisition funds do not come out of the budget per se, they come out of the Environmental Trust?

Ms CORBYN: Some do. We have many pots of money that we use for acquisitions for Parks across the State. The Environmental Trust, which is a separate body, has the capacity and each year identifies funding for land acquisition for Parks. Specifically they have a particular program focusing on funding to the agency specifically related to coastal areas and coastal wetlands. That is not the total amount of money that might be spent on coastal acquisitions but it is in addition to that.

CHAIR: Is there any money earmarked to buy high conservation areas like Goolawah estate near Crescent Head, land adjacent to Oyster Creek in the Nambucca area or Queens Lake near Port Macquarie?

Ms CORBYN: I cannot address the individual properties but I will ask Tony Fleming to make some comments about that.

Dr FLEMING: I cannot answer about the individual properties but I can get that information for you separately.

CHAIR: You can take that on notice.

ANSWER:

The DEC has \$1 million available for coastal acquisitions in 2004/05. To date, \$390,000 has been spent acquiring land on the north coast. Several other properties on the north and south coasts have been identified for the balance of the funds and several of these are currently being negotiated.

QUESTION NO 2:

Dr FLEMING: There is an Environmental Trust fund allocation of approximately \$1 million in relation to coastal wetlands. They may be amongst the priority properties. I just need to check that.

CHAIR: Perhaps you could get back to the Committee on that one at a later stage if you take it on notice.

Dr FLEMING: Yes.

ANSWER:

The 2004/05 wetland acquisition program focuses on the purchase of the high conservation value wetlands of Frogalla Swamp, associated with Darawank Nature Reserve, north of Forster. An addition to Meroo National Park on the south coast, south of Ulludulla, and an addition to Crowdy Bay National Park near Cooperook in the north, have also been identified as high priority acquisitions.

The Frogalla Swamp acquisition program is being conducted in association with Great Lakes Shire Council, and the Hunter-Central Rivers Catchment Management Authority (CMA). Funds are being contributed from the Department of Environment and Conservation (DEC), Council and the CMA to enable the purchase of a suite of lands for addition to the nature reserve. Council will manage the rehabilitation of some areas prior to their reservation.

No private lands are currently on offer for sale associated with the Goolawah, Oyster Creek or Queens Lake wetlands. However, the DEC has identified high conservation Crown lands in the Goolawah and Deep Creek areas (the latter south of Valla) and has discussed the protection and reservation of those with the Department of Lands, and with Kempsey Shire Council in the case of Goolawah.

QUESTION NO 3:

CHAIR: How many breaches of either integrated forestry operations approvals or threatened species licences issued to Forestry New South Wales has DEC identified in the past 12 months?

Ms CORBYN: I will ask Simon Smith, the Director-General of the Environmental Protection and Regulation Division, to address that question in detail. However, I could make some opening comments. With the formation of the Department of Environment and Conservation we have brought together the regulatory activities that were associated with the Environment Protection Authority and also under the National Parks and Wildlife Service Act. We particularly in the forestry area have combined the teams of people working on that. Was your question specifically in relation to threatened species or prosecutions in general?

CHAIR: Breaches of either Forestry operations approvals or threatened species licences.

Ms CORBYN: This year we have concluded a prosecution against State Forests for a breach of the licence. In particular, that related to water pollution. I cannot remember off the top of my head but there was a substantial fine on State Forests. I note that we have quite strong regulatory and enforcement programs, including a prosecution that was concluded this year.

CHAIR: How many breaches have been prosecuted?

Ms CORBYN: I will have to get Simon to answer that in more detail.

Mr SMITH: We will have to get you the statistics following the hearing, if that is what you would like. As Lisa said, this year we had our biggest ever success in prosecuting State Forests, which was a matter in the Chichester area, basically about the collapse of a road that had not been properly constructed which led to tonnes of sediment entering a creek.

We also have regular infringement notices issued to State Forests where our audit program detected non-compliance with the licence conditions. You would find if you look at the record that our strongest record is in relation to water pollution offences because they are constructed in a way that it is easier to prove. Also some of the new threatened species provisions and having the benefit of bringing together the Parks service and the Environmental Protection Authority [EPA] mean that we are going to be able to go into the remaking of the licence when it is renewed to construct a licence that is more easily enforceable in relation to threatened species matters.

The amendments, for example, to the Threatened Species Conservation Act are transferred or made available to the investigative powers that already exist under the Protection of the Environment Operations Act to be used by our staff investigating offences under the National Parks and Services Wildlife Act or the Threatened Species Conservation Act. We are quite excited about the chance to upgrade our compliance program based on the lessons that the two former agencies learnt. I think you are going to see an even stronger program in the future.

Ms CORBYN: We will take that on notice in terms of statistics. I do not have them available to me. We report regularly on the enforcement activity that we take. Those figures would be readily available and we will provide them.

ANSWER:

The Department of Environment and Conservation responds to breaches in a measured way depending upon the foreseeability, preventability and degree of environmental harm associated with a breach. The department can issue warnings and directions, serve penalty notices or, for more serious matters, prosecute through the Courts.

In the 2004 calendar year, DEC identified a total of 175 non compliances with the environment protection licence (EPL) component of the Integrated Forestry Operations Approvals (IFOA). Of these 84 were identified during audits of Forests NSW harvesting where the EPL was not applied to

the operations. Of the 175 non compliances, 45 were breaches of operational requirements and 130 were breaches of the planning requirements.

There were also four breaches of the threatened species licence (TSL) components of the IFOAs identified.

As a result DEC has issued seven Warning Letters to Forests NSW for non compliances with both the EPL and TSLs during 2004. These were minor or technical breaches of licences, did not result in environmental harm and therefore did not lead to a Penalty Infringement Notice or prosecution.

DEC also successfully prosecuted Forests NSW in the Land and Environment Court for pollution of waters after a forest road collapsed into a creek in Chichester State Forest. The incident occurred in May 2003 and was heard in court in December 2004. Forests NSW was fined \$30 000 and was ordered to pay DEC's costs in relation to the matter.

DEC is also improving the functioning and clarity of the TSLs as part of the 5-yearly review of the IFOAs. This will improve how the licences are implemented in the field by Forests NSW and also improve DEC's ability to enforce the provisions of the licences.

In addition, DEC is consolidating its regulatory responsibilities for the IFOAs into one central unit. This unit will have responsibility for the auditing and enforcement of both threatened species and environment protection licensing across the State.

QUESTION NO 4:

CHAIR: As to the Pesticides Act, why after five years is there no regulation in place under the Pesticides Act to notify schools and children in the event of pesticide spraying?

Ms CORBYN: We have had a very considered program of bringing forward regulations under the pesticides legislation. A pesticide implementation committee was established that was providing us advice on the priorities that we should unfold under the pesticides legislation. A range of regulations needed to be developed and we have concentrated our attention in particular on initially the regulations dealing with record keeping and training and changes to the training program so that we could actually unfold an education and training program as well as regulations to deal with that. We have been working hard to get a program in place to deal with mandatory notification. It is quite controversial, and we wanted to ensure that we had significant stakeholder liaison. It has taken us at least a year and a half to work through some of that, and there was quite a bit of disagreement so we were working to try to get a common view across the stakeholders through the pesticides implementation committee. We have been trying to divide up the program so that we focused on the highest priority areas for mandatory notification, and those at highest risk particularly are schools, hospitals and child care centres.

CHAIR: Was it not the Minister's intention to have the regulation in place by now, particularly when we are dealing with schools and child care centres?

Ms CORBYN: We certainly have an intent to ensure that the regulation is put in, but we wanted to make sure that we had a regulation that was actually workable. So we spent, and continue to spend, quite a bit of time to ensure that it is implementable. It is quite challenging to design something that will work, and we have met with all the stakeholders to be clear on how a notification process might work. It is different when you are dealing with a rural environment than an urban environment in particular to ensure that we can get the implementation program such that those who might be using pesticides understand who they are informing and how they will get that information to them in a consistent way and in a way that provides the information.

CHAIR: In terms of -

Ms CORBYN: We have an intent to bring forward that regulation.

CHAIR: So you are saying that there is a lack of clarity for pesticide users so you cannot bring in the regulation, which means that children remain at risk from these dangerous poisons.

Ms CORBYN: I was not saying "lack of clarity" as much as we worked hard to ensure that we have worked through the implementation details.

CHAIR: How long has this taken? Obviously a lot of concern comes to my office about the exposure of children in kindergartens and schools to this type of pesticide.

Ms CORBYN: I will have to check on the timing. I do not know the actual timing of the regulation but I know that we have put in a significant amount of time and attention. We did have a priority area for the regulations.

CHAIR: Yes, but you would agree that the Minister intended to have those regulations in place by now.

Ms CORBYN: I am aware that the Minister intended to have regulations in place. The question was to make sure that they were workable. I do not believe that the Minister, that I am aware of, actually set a timing on those, hence the reason that we have been working through with the various stakeholders. But I will have to come back to you on the actual timing of the regulation.

CHAIR: Perhaps you could take that on notice.

ANSWER:

The DEC is now finalising a regulatory proposal for pesticide notification in public spaces, and in the common areas of multiple-occupancy residential complexes, for implementation this year as a matter of priority.

This regulation will be the first to deal with notification of pesticide use, which is an issue of great concern to the community. However, the design of a new and workable regulation is highly complex. The DEC worked closely with the Pesticide Implementation Committee (the independently chaired stakeholder advisory committee) on development of both mandatory and voluntary approaches to notification. Three rounds of lengthy consultation on draft regulatory notification proposals have been conducted with key stakeholders.

The regulatory notification proposal to be implemented this year has also been developed with the support of the Local Government Association of NSW, the Shires Association of NSW and a reference group of local councils who assisted with the preparation of draft templates and example notification plans that will guide councils on notifying communities of their pesticide applications.

In accordance with Pesticides Implementation Committee recommendations, the DEC will roll out further notification requirements using a staged approach. This will ensure that regulations governing notification of pesticide use are informed and thorough, supported by appropriate implementation materials and will provide an optimum of protection and safety for those members of the community, like children, who are most vulnerable to the effects of pesticides.

QUESTION NO 5:

The Hon. ROBYN PARKER: At the last estimates committee hearing I asked the Minister a question that he was not able to answer. I might have more success with you. According to the budget papers, the area of land managed by the National Parks and Wildlife Service is scheduled to increase by 300,000 hectares to 6.3 million hectares in 2004-05. Where are those extra 300,000 hectares located?

Ms CORBYN: I will get Tony Fleming to provide some more detail on that. We put a substantial amount of work into an acquisition strategy that lets us understand how we are achieving targets by bioregion. We do not just focus on acquisitions in one area or another; we look at them systematically by targets that have been established bioregion by bioregion.

The Hon. ROBYN PARKER: That area of 300,000 hectares is a significant amount. You must know where that is.

Ms CORBYN: We can report in detail on properties that we have bought. Generally we would not foreshadow specifically properties that we were targeting to buy per se; areas, yes, but not individual properties because obviously it is a commercial negotiation. I will get Tony Fleming to provide some additional information on that.

Dr FLEMING: That figure of \$6.3 million will be a best estimate. The process of land acquisition involves negotiations between parties on private lands, which may or may not come to fruition. We know from experience what we expect to be the likely outcome. There are various sources of funding that contribute to land acquisitions. So some of those lands will relate to potential additions to World Heritage areas-small properties that are primarily adding to the boundaries, cleaning up boundaries, or some in-holdings. There are some acquisitions to occur in the north-east of the State as a follow up to the northern forestry agreements. We are also in the process of the development of an agreement over the Brigalow forests. That is still subject to negotiation within government. A potential outcome there would be to add lands to the park estate. So there are a number of places. There has also been an assessment of Crown lands around the Blue Mountains area and on the North Coast of New South Wales, which may result in transfers. We make an estimate based on previous experience and best informed estimates about what is the likely contribution from all those sources. That figure is available in the budget papers.

The Hon. ROBYN PARKER: Some time has passed since the budget papers were produced and you are still pretty much up in the air about the production of those 300,000 hectares.

Mr FLEMING: I do not have here a list of individual properties that have been acquired during the period since the budget papers were produced. I could provide information about those properties that have been acquired during the course of this financial year.

The Hon. ROBYN PARKER: It would be great if you could take that question on notice.

ANSWER:

At 28 February 2005 the DEC had acquired 45,333 hectares of the 75,000 hectares of land forecast for acquisition in 2004/05.

Land acquired by the DEC between 1 July 2004 to 28 February 2005 is listed in detail in Attachment 1, which indicates:

- the name of the reserve
- whether an addition or new reserve
- the size in hectares; and
- whether purchase has been completed and date of completion.

The list includes: additions to World Heritage Areas such as Blue Mountains National Park; additions in the north-east of the State that follow the northern forestry agreements, such as Guy Fawkes River

National Park; and additions in bioregions that have low levels of representation in reserves, such as Culgoa National Park and Narran Lake Nature Reserve in the Darling Riverine Plains Bioregion, and Ledknapper Nature Reserve in the Mulga Lands Bioregion.

ATTACHMENT 1**LANDS ACQUIRED FROM 1 JULY 2004 TO 28 FEB 2005**

Name Of Service Area	Addn/New	Area in Ha	Effective Date
Guy Fawkes River NP	A	1715	03-Dec-04
Hogans Scrub NR	N	31.34	27-Sep-04
Guy Fawkes River NP	A	952.4	30-Aug-04
Eland NR	N	1995.6	08-Feb-05
Nymboida NP	A	2148.8	16-Jul-04
Arakwal NP	A	1.1	17-Sep-04
Hat Head NP	A	56.63	09-Dec-04
Gardens of Stone NP	A	69.513	11-Aug-04
Nattai NP	A	668.55	07-Jul-04
Blue Mountains NP	A	812.22	07-Jul-04
Ledknapper NR	A	14187.47	09-Nov-04
Tenterfield depot extension		0.4304	08-Nov-04
Cataract NP - Topyards	A	1902.022	01-Jul-04
Cataract SCA	A	569.4	01-Jul-04
Culgoa NP	A	2632	13-Jul-04
Mt Kaputar NP	A	300.1	12-Jul-04
Wollemi NP	A	121.4	20-Aug-04
Blue Mountains NP	A	109.67	06-Jul-04
Darawank NR	A	84.98	05-Aug-04
Copeland Tops SCA	A	219	16-Jul-04
Barakee NP	A	1669.88	03-Aug-04
Weddin Mountains NP	A	16.19	04-Aug-04
Narran Lake NR	A	7240.23	15-Oct-04
Bogandyera NR	A	154.99	17-Aug-04
Kybeyan NR	A	1379	15-Sep-04
Yattteyattah NR	A	16.19	05-Jul-04
Copeland Tops SCA	A	0.5743	25-Oct-04
Curracabundi NP	A	2600	26-Nov-04
Bogandyera NR	A	267.4	06-Aug-04
Eurobodalla NP	A	2.1	01-Sep-04
Yuraygir NP	A	1101	01-Jul-04
Ashford Caves	A	827.37	17-Sep-04
Macquarie Marshes NR	A	688	01-Oct-04
Burrinjuck NR	A	626.5	06-Oct-04
Blue Mountains NP	A	165.92	25-Nov-04
		45332.97	

QUESTION NO 6:

The Hon. DUNCAN GAY: My question concerns the waste levy. Last year, in response to a question from the Hon. Charlie Lynn, the Minister said: The suspension of the payment of the levy of the Waste Fund is of a year's duration.

Why did the Minister tell the estimates committee in 2003 that the suspension of payments from the waste levy into the Waste Fund was a one-off and would be resumed this year when it has not? The only money that has been paid into the Waste Fund is interest on the accumulated capital.

Ms CORBYN: The Waste Fund had accumulated funds in it as a result of the changes that were made through a number of legislative processes as well as the abolition of the waste boards. As a result, the Government decided that it would be prudent to draw down the funds that had accumulated in the Waste Fund over a two-year period. It set the financial amount of the expenditure at \$30 million a year, which is a substantial amount of money to be expended on waste. The commitment has been made to provide funding back into the Waste Fund after that two-year period. It is not appropriate for me to comment-and nor can I comment-on the Minister's intent. There is certainly information available about the dollars that we are spending on the Waste Fund. The Government has made a decision to ensure that \$30 million is available every year to spend on waste initiatives.

The Hon. DUNCAN GAY: That reinforces how helpful it would be to you and to us if the Minister were here to comment on these matters. At the last estimates committee hearing you said that \$29 million would be allocated from the Waste Fund to achieve the objects of the waste strategy, yet in 2003-04, when you promised to spend a record \$30 million from that fund, you spent only \$13.922 million. Why was that?

Ms CORBYN: That does not correlate with the figures that I have. I do not know where you got that figure of \$13 million. We have budgeted this year to allocate almost \$28 million from the Waste Fund for programs in 2004-05.

The Hon. DUNCAN GAY: That is \$13 million in 2004-05?

Ms CORBYN: No, I do not think that is correct. I will need to get some further information. It is not my understanding that those figures are correct, not for 2004-05.

ANSWER:

In 2003-04 \$25.5 million was spent on waste initiatives financed from the Waste Fund and accumulated funds of the former Resource NSW and the EPA (Resource NSW was funded from the Waste Fund).

QUESTION NO 7:

The Hon. ROBYN PARKER: I want to ask some questions about the Royal Botanic Gardens and Domain Trust and those 11 trees, including five Morton Bay figs, that were recently destroyed. Why did trust arborist David Bidwell only complete his tree hazard evaluation on 5 February 2004 when the decision to remove the trees was made in December 2002?

Ms CORBYN: I cannot comment on the specific dates that evaluations were or were not completed. I know that there is quite a substantial program, not only scientifically but also in the community consultation arena. The trust did a comprehensive job in ensuring that everybody was informed about issues associated with the master plan for the avenue, based on historical plants. It ensured that it did a progressive job for the future and for the community in planting for the Hospital Road avenue. There was also quite a substantial public consultation program. Good science underpinned the decisions that were to be made. It was obviously controversial; everybody knows that. I am sorry; I do not know the dates so I cannot comment on that. I will have to come back to you on that.

ANSWER:

Mr Bidwell assessed the Safe Useful Life Expectancy of these trees together with many others in the Domain in September 2002. Dr Entwisle requested a second assessment after taking over as Acting Executive Director of the Trust, to confirm the decision of his predecessor.

QUESTION NO 8:

The Hon. ROBYN PARKER: It is my understanding that the decision was made in 2002 but that the good science evaluation was conducted in February 2004.

Ms CORBYN: My involvement with the Royal Botanic Gardens Trust, which began in September 2003, was that there had not been a decision made on the overall schema, hence the reason that quite a bit of work was done. Work was certainly being done on the overall master planning, but that is what we should expect. It would be remiss of a Botanic Gardens Trust not to plan for the future. This garden has a proud history. To think that we would just leave the Domain, the trees and the garden unplanned for the future is not acceptable. I will have to come back to you with the details.

ANSWER:

The Safe Useful Life Expectancy of these trees, together with many others in the Domain, was assessed in September 2002, before the decision was made. As noted previously, Dr Entwisle asked for a second assessment in February 2004.

QUESTION NO 9:

The Hon. ROBYN PARKER: I would have thought part of that proud history was the Morton Bay fig trees.

Ms CORBYN: The trust has a very proud history on the science. It has established research scientists. It has been shown that the science that was done was appropriate. I think we should really get in context the fact that you need to plan for the future. Historically we have gardens because people planned for the future. To have an expectation that somehow assets would be there and would never change is really inappropriate. The Botanic Gardens Trust has under way another good program that is looking to the future for 2016. It has had substantial consultations with people. The steps that it has been taking are absolutely appropriate.

The Hon. ROBYN PARKER: Why then did the Minister and the Premier tell us that it was because those trees were unsafe?

Ms CORBYN: The gardens trust went through a very practical process to assess trees and to look to the future for what sort of planning should be coming forward. Some of those trees were diseased and unsafe. I think it is an appropriate process for the Botanic Gardens Trust to look to the future and to plan strongly for programs that need to ensure that we have fabulous gardens and landscaping for the community.

The Hon. ROBYN PARKER: The documents presented to the Land and Environment Court state:

*We have been advised that we may get another 20 years out of these trees ...
Gradual replacement, which the Opposition has argued for, is possible.*

That does not stack up with what you are saying.

Ms CORBYN: In my view the Botanic Gardens Trust needs to make decisions appropriate to the management of the gardens, the trust and the Domain. That is exactly what it was doing with the master planning process. We all know that following those events a range of different bodies, including councils, must look at the way in which they manage their trees. It is not an easy thing when you have to manage programs.

The Hon. ROBYN PARKER: So it was not right for the Minister and the Premier to say that the trees were unsafe?

Ms CORBYN: I am not saying that at all. Those trees were unsafe. We provided that information through the process. A number of those trees were diseased. We need a systematic rather than dealing with it as a piecemeal program, for example, tree by tree.

The Hon. ROBYN PARKER: How many limbs did those trees lose over a period of, say, five years?

Ms CORBYN: I do not have the statistics with me about the number of limbs lost. However, I know that we had some circumstances that caused us great concern. Some of the fig trees lost limbs in particular places, for example, near the open-air cinema. So a constant program must be done to assess trees and to ensure that we try to manage as best we can the liabilities associated with them.

The Hon. ROBYN PARKER: So you have assessed the safety of all the trees in the Domain?

Ms CORBYN: The gardens trust has a rolling program, and rightly so. It should have a rolling program that looks at trees and at the capacity of the Domain and the gardens to provide the scientific information that is necessary. In addition, people want to enjoy a broad range of different treetops.

The Hon. ROBYN PARKER: Is it true that you only began that hazard assessment after the Opposition raised these issues and put in a freedom of information request?

Ms CORBYN: I do not have the dates relating to when a hazard assessment was done. I know that the Botanic Gardens Trust has a systematic program.

The Hon. ROBYN PARKER: Could you come back with that information?

Ms CORBYN: I am happy to provide a date relating to when the hazard assessment was done.

ANSWER:

No. Safe Useful Life Expectancy assessments were made on the trees in question in September 2002.

QUESTION NO 10:

CHAIR: Thank you. On another matter-the Fox Studios Australia industrial site-I understand that at this present time there is monitoring of the Fox Studios industrial site and it is not a practice of the Environment Protection Authority [EPA] to comment on whether the emissions from either the volatile and toxic emissions, which include fine dust particles from the industrial site and carbon monoxide from the 24-hour traffic congestion, will impact on the health and safety of the surrounding community but is only required to comment on the industrial site and its emissions. Perhaps you could inform the Committee as to why the EPA is not required to assess both sets of emissions as to the toxicity of the combined noxious and toxic conditions and the long-term impact on the neighbouring residents, especially those living within metres of both the Eastern Distributor arterial road and the Fox Studios Australia industrial site?

Ms CORBYN: I cannot actually give you details specifically on emissions from the Fox Studios site in detail; that it is the schema set up under the protection of the environment operations legislation which actually does make councils in general responsible for particular areas, if they are not scheduled under our legislation. It is my understanding, although I would also need to check that, that the EPA does not actually license the Fox Studios site, and as a result of that we would not be what is known as the appropriate regulatory authority for that site, which would mean that we would then not necessarily be the authority to deal with the regulatory matters: councils would. I do not have the details on the Fox Studios site at hand. I will ask Simon to comment.

Mr SMITH: Yes, I think we could give you more detail, but I am aware that previously questions have been raised about the Fox Studios and they have been thoroughly investigated by our staff and our staff have advised me that they are satisfied that the facility is complying with all requirements that apply to it. I do not think it is an exceptionally polluted site or an unusual situation. I think there are some individuals who have particular concerns about it but they have been thoroughly investigated by the department.

CHAIR: Would this include the paint spraying booths that are ducted to the exhaust fans in the roof of the workshops? Are you aware of that?

Mr SMITH: I think they are some of the matters that were being investigated, that is right.

CHAIR: And pollution problems?

Mr SMITH: No. Our staff have been on a number of occasions to assist the council with the regulating of the facility and the advice we have received is that it is not an unusual operation, neither in type nor in the quantum of pollution, and that it appears to be in compliance with all requirements.

Ms CORBYN: It is my recollection that we have actually had people go out on site to inspect and make sure that we understood all the facts associated with the particular paint spraying area.

CHAIR: But you would acknowledge that there are a number of different factors and that there should be an investigation of the combined impact of source pollution, both from the studios site and the surrounding traffic for example?

Ms CORBYN: It is often quite difficult to actually understand the interrelationship or the sources but I know that our staff did actually conduct inspections to make sure that they understood whether there were inappropriate emissions that might be coming from the site. Again, I do not have the detail of that, but I think it is the fact.

CHAIR: Thank you. Perhaps you could furnish some further details and take that on notice.

ANSWER:

DEC does regulate the Fox Studios Craft Workshop via an Environment Protection Licence because of its paint waste storage capacity.

The paint spraying booths are part of the craft shop which is a small facility where models and sets are made and painted for film making. The nature of the emissions are comparable to those from a small panel beater or school workshop. These facilities are not usually required to be licensed by the Department of Environment and Conservation (DEC).

Departmental staff have inspected the site six times in the last 12 months and assessed the pollution potential from activities undertaken at the site. An expert consultant found that the airborne particles (such as dust particles and carbon monoxide) from the site do not exceed the international best practice standards applied by EPA through licence conditions.

In terms of impacts of potential emissions from the licensed craft shop combined with other sources in the area, the emissions from the craft shop have been assessed to have a negligible impact on local air quality.

QUESTION NO 11:

CHAIR: Mr Smith, I think this should be directed to you: there were negotiations with the Hunter Economic Zone [HEZ] people. You appeared at that particular inquiry?

Mr SMITH: I recall.

CHAIR: The negotiations were to give up an additional 60 hectares of the site for conservation purposes. Has an agreement being reached where the HEZ has provided the land? How much? On a permanent or temporary basis? What has HEZ got in return? Does that link up with the future development application [DA] approvals for the site?

Mr SMITH: I would like to take that question on notice, if I can.

ANSWER:

Following a review of all of the available information on the distribution, abundance and conservation status of all threatened species and endangered ecological communities across the entire HEZ study area in 2004, the Department of Environment and Conservation (DEC) issued an assumed concurrence to Cessnock City Council in November 2004 in accordance with CI 64 of the Environmental Planning Regulation 2000.

This assumed concurrence was granted on the basis that in DEC'S opinion, all but seven of the threatened species and ecological communities known on the site were adequately protected by the conservation outcomes achieved during the LEP process. They are protected by a combination of: the 1273 hectares of land gazetted as National Park and 855 hectares as Environment Protection Zone together with the requirement for HEZ Pty Ltd to prepare and implement a variety of Environmental Management Strategies.

To address the seven threatened species that were considered not to be adequately conserved, including the Swift Parrot, the assumed concurrence excluded eight areas totalling some 88.3 hectares that are to be deferred from development until such time as HEZ can demonstrate to the satisfaction of DEC that, through additional survey, these species are more widespread and abundant than currently known and on lands with a secure conservation status. In return, DEC identified 35.5 hectares of land currently zoned environmental protection that it would have no objection to being zoned industrial. This represents a net increase of 52.8 hectares.

In accordance with the assumed concurrence, Cessnock Council will not be required to refer any development applications to DEC for concurrence, providing that any consents granted by Council are in accordance with the conditions of the assumed concurrence.

Following the listing of the Lower Hunter Spotted Gum-Ironbark Forest as an endangered ecological community in February 2005, DEC reviewed the level of protection afforded this community in the study area and reissued the assumed concurrence to include this community on 2 March 2005.

QUESTION NO 12:

CHAIR: I accept the difference in interpretation. I refer to the recent Gwydir River bird kill. Was the department involved in discussions with the Department of Planning, Infrastructure and Natural Resources [DIPNR] about the need for environmental water allocations to assist the ibis breeding event in the Gwydir wetlands?

Ms CORBYN: We advised DIPNR that water should be provided to ensure the bird breeding event occurred.

CHAIR: How much water did the department recommend?

Ms CORBYN: I do not have the direct advice. However, I know that the discussions we were having were based on past practices and the figure was 200 megalitres a day.

CHAIR: How much environmental water was released by DIPNR?

Ms CORBYN: We are doing an investigation to get the facts on the table, and I have not seen the results of that investigation yet. It is my understanding that the initial release-but I would like to confirm this by investigation-was 75 megalitres a day rising to 130 megalitres a day.

CHAIR: What was your request?

Ms CORBYN: I will have to confirm it. The advice I received was that, based on past events, the landholders had advised DIPNR, in particular, that 200 megalitres a day was necessary.

ANSWER:

Following flooding in the Gwydir River in November and December 2004, DEC contacted DIPNR in mid December 2004 to highlight the possibility of bird breeding and the likely need for use of water from the Environmental Contingency Allowance. DIPNR advised DEC on the 20th December 2004 that there was approximately 36,000 megalitres in the Environmental Contingency Allowance account.

On the 10th January 2005 following contact by DIPNR, DEC advised DIPNR that expert assessment of the bird breeding event and the application of the Environmental Contingency Allowance was important and should be made a matter of priority.

On 13th January 2005 DIPNR announced that it had authorised State Water to release an Environmental Contingency Allowance from Copeton Dam of 75 megalitres per day for two months.

On the 17th January 2005, DEC queried the amount of the 75 megalitres per day and advised that DEC recalled that 400 megalitres per day was needed to keep the wetlands going when birds are breeding.

The 400 megalitres day figure comes from previous events where to ensure 300 megalitres per day delivered to the wetlands, 400 megalitres per day is set as a target at a river gauging station upstream of the Gwydir River.

On the 18th January 2005 DIPNR advised DEC that they were monitoring the water levels at the rookery twice daily and following a drop in water levels DIPNR had increased the release from the Environmental Contingency Allowance to 130 megalitres per day.

QUESTION NO 13:

CHAIR: How long has it been since there was a successful ibis breeding event in the Gwydir wetlands?

Ms CORBYN: Again, I am waiting for the facts to come forward. I understand that it has been about five years since the last successful ibis breeding event in the area. It was actually on the Gingham watercourse.

ANSWER:

The last known successful Ibis breeding event in the Gwydir wetlands commenced in late October 1998 and continued to January 1999.

Ibis did not breed in the Gwydir Wetlands following flooding in November 2000 and February 2001. This is thought to have been due to favourable conditions prevailing in other regional wetlands during the same period, including the Macquarie Marshes and Narran Lakes where large rookeries of Ibis, Egrets and other water bird species were reported.

QUESTION NO 14:

CHAIR: Do ibis eat locusts?

Ms CORBYN: I would have to take advice on that matter.

Dr FLEMING: They will, but I do not think they will have a significant impact on the current situation.

The Hon. DUNCAN GAY: They have not in Dubbo.

Dr FLEMING: We can get more information about their eating habits.

ANSWER:

Locusts and grasshoppers are a major component of the diet of Ibis when locusts and grasshoppers are abundant.

QUESTION NO 15:

CHAIR: Does the department have concerns about the possible impacts of mass spraying of locusts close to breeding areas and waterways on bird populations such as the ibis?

Ms CORBYN: We have certainly been participating very actively in a whole-of-government sense with our colleagues in the Department of Primary Industries, which has the lead on locusts. We have ensured that we can participate strongly in the locust control programs. We are also providing advice about environmental impacts that might be associated with the different chemicals that might be used. We are collaborating strongly with the Department of Primary Industries to ensure we have an active program to deal the plague of locusts that is occurring, but in an environmentally sound manner.

The Hon. DUNCAN GAY: What is an active plan in an environmentally sensitive manner?

Ms CORBYN: We have worked through guidelines with the Department of Primary Industries. It has signed off-as have we-on the steps that might be taken because we have parks that we manage out west that might be involved. We are working through detailed guidelines about how we should approach the timing of the spraying, the types of chemicals that would be sprayed and where they would be sprayed to ensure we have an active program in place in parks that we and other landholders manage. Different kinds of chemicals can be used and different approaches can be taken. We both signed off on established guidelines.

The Hon. DUNCAN GAY: Was spraying conducted in national parks and State forests?

Ms CORBYN: Yes.

The Hon. DUNCAN GAY: Can you provide details about how much?

Ms CORBYN: Yes. I do not have the figures with me, but we have participated very strongly in the program to ensure they were controlled and that it was done -

ANSWER:

Spraying has been conducted over 300 ha of National Parks.

QUESTION NO 16:

The Hon. DUNCAN GAY: Who paid for it?

Dr FLEMING: We are paying for some of it and some of it is being paid out of the allocation for the control of the plague. We have choices.

The Hon. DUNCAN GAY: Was that the insect levy?

Dr FLEMING: I cannot provide the details because I have not been directly involved. I can get them for the Committee.

ANSWER:

All insecticide used on national parks has been purchased by the Parks and Wildlife division (NPWS) of DEC. The NPWS does not pay the insect levy, so it is not eligible for free insecticide.

QUESTION NO 17:

CHAIR: What budget has the department allocated to working with the Marine Parks Authority to promote the benefits of marine parks in New South Wales, and what programs will this fund?

Dr FLEMING: I will take that question on notice.

ANSWER:

The DEC has allocated approximately \$200,000 to provide administrative, policy and technical support to the Marine Parks Authority to establish a representative system of marine parks in NSW, including promoting their benefits.

QUESTION NO 18:

CHAIR: I refer to the Perisher snowfields issue. A development application submitted by Perisher Blue Pty Ltd setting out plans for construction of a further 239 apartments four to five storeys high in Perisher Valley is being considered by DIPNR. Does the department have a position on this development?

Dr FLEMING: We have been talking with DIPNR. There is a government approval for the release of those beds subject to the proposal. We have made comments to the department about what the proposal should cover. That is primarily a matter for DIPNR.

CHAIR: Why has the department not pursued Perisher Blue about its failure to prepare a species impact study of the estimated 31 threatened species impacted upon by its development proposal?

Dr FLEMING: The development approval process is a matter for DIPNR. I will seek advice in relation to-

CHAIR: Does the department not have a role?

Dr FLEMING: It has a very significant interest and I will seek advice.

CHAIR: Please take that question on notice.

ANSWER:

Clause 10 of State Environmental Planning Policy (SEPP) No. 73 – Kosciusko Ski Resorts requires the consent authority (Minister for Planning) to be satisfied that the proposed village development will be authorised by or under the *National Parks and Wildlife Act 1974* and to refer the development application to the Parks and Wildlife division of DEC for comment.

DEC provided comments on the following matters:

- Concessions and Leasing;
- Cultural Heritage (Aboriginal and European);
- Flora and fauna (including threatened species);
- Environmental Health; and
- Municipal Services (Perisher Range Resorts).

DEC comments to DIPNR specifically in relation to threatened species were that the village development will not significantly impact on flora and fauna in adjacent areas by the proposed village, particularly as it will be constructed on a mostly disturbed site (the car park). Mitigation measures have been suggested to reduce the likelihood of any impact on adjacent undisturbed areas.

QUESTION NO 19:

The Hon. ROBYN PARKER: How many tonnes of paint, pesticides, solvents or any other chemicals have been collected to date through household chemical clean-ups that Resource NSW is organising?

Ms CORBYN: I can say that we have a very active household chemical clean-up program and campaign under way. I do not have at my fingertips the actual number so I will have to come back to you on that. It is an active program and one that we have had quite strong both education programs on because we need to communicate with people so that they know what the process is-and I believe that it has been quite successful over the past two years. But I will have to come back to you with that number.

The Hon. ROBYN PARKER: When you collect those wastes where do they go? Do they go to the Waste Services plant at Lidcombe?

Ms CORBYN: It depends on what is actually being collected. We have to assess what type of waste it is. There was a trial that had been running, and also one in Victoria, for example, with the collection of paints-while you might not think of those as being household chemicals, that is a lot of what people turn in-to see whether there is a process of collecting that paint and turning it into a product that could be reusable. I think it was being looked at for something like fence painting. So we have to focus on the particular chemicals that are collected and, depending on what they are, they go to different places.

Ms CORBYN: I can certainly get you the information on the quantities and if we have a breakdown of what they are we can provide that simultaneously.

ANSWER:

In the 2004 calendar year, 530,000 kilograms of material was collected through the household chemical clean-up program in Sydney, Illawarra and Hunter. Of materials collected, 45 per cent were paints/varnishes, 18 per cent were oils and 15 per cent were batteries. There were, and continue to be, a wide variety of materials collected, with DEC contracting for specialist disposal of all materials. Some materials, such as batteries and gas bottles, are recycled. All are required to be lawfully treated, recycled or disposed of at authorised facilities.

QUESTION 20:

The Hon. ROBYN PARKER: What about the residual waste? What happens to that? Where does that go?

Ms CORBYN: I am sorry-in terms of chemical collection?

The Hon. ROBYN PARKER: Yes.

Ms CORBYN: It is all waste; there is no residual.

Mr SMITH: The point is that the waste goes to the most appropriate disposal pathway.

Ms CORBYN: All of that household chemical collection is waste. We would not actually classify it as being "residual waste"; it is waste.

The Hon. ROBYN PARKER: Would it contain organochlorins?

Ms CORBYN: We generally try to make sure that there is a separate process for dealing with those kinds of chemicals but people have turned in common garden pesticides. We design the programs so that we can ensure that it does not get mixed, stays separate and is dealt with appropriately by the appropriate waste facilities, depending on what they are.

The Hon. ROBYN PARKER: Does any of that sort of waste end up at Lucas Heights, for example?

Mr SMITH: The types of wastes that are collected from households are not different from the types of wastes that are produced by industry-they have come from industry initially. So after they are collected they go to the appropriate facilities, depending on the type. So whether they go to Lucas Heights depends-if they are the types of wastes that could go to any type of facility, they might go there. But we can provide the details: the breakdown of the types and where they go.

ANSWER:

Organochlorines collected from household chemical clean-up events are separated for treatment by specialist facilities, and are not landfilled. No liquid wastes from ChemCollect, ChemClear and household clean-up programs are landfilled at Lucas Heights.

More details regarding household chemical collections are provided in the response to question 19.