



LEGISLATIVE COUNCIL

**QUESTIONS
AND
ANSWERS**

No. 21

WEDNESDAY 18 OCTOBER 2006

(The Questions and Answers Paper published for the first sitting day in each week will contain, by number and title, all unanswered questions, together with questions to which answers have been received on the previous sitting and any new questions. On subsequent days, new questions are printed, as are questions to which answers were received the previous day. Consequently the full text of any question will be printed only twice: when notice is given; and, when answered.)

Notice given on date shown

| Publication of Questions | Answer to be lodged by |
|--|-------------------------------|
| Q & A No. 14 (Including Question Nos 0160 to 0170) | 24 October 2006 |
| Q & A No. 15 (Including Question Nos 0171 to 0171) | 25 October 2006 |
| Q & A No. 16 (Including Question Nos 0172 to 0175) | 26 October 2006 |
| Q & A No. 17 (Including Question Nos 0176 to 0187) | 31 October 2006 |
| Q & A No. 18 (Including Question Nos 0188 to 0189) | 01 November 2006 |
| Q & A No. 19 (Including Question Nos 0190 to 0206) | 02 November 2006 |
| Q & A No. 20 (Including Question Nos 0207 to 0235) | 21 November 2006 |
| Q & A No. 21 (Including Question Nos 0236 to 0243) | 22 November 2006 |

18 OCTOBER 2006

(Paper No. 21)

0236 LOCAL GOVERNMENT—SUSTAINABLE DEVELOPMENT PROJECTS UNDERTAKEN BY LOCAL COUNCILS—Mr Cohen to ask the Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs representing the Minister for Local Government—

(1)

(a) Does the Local Government Act and Environmental Planning and Assessment Act make local councils 'gamekeepers and poachers' by creating a conflict of interest situation in which councils are empowered to require developers to pay to them financial contributions for building council owned car parks which councils operate for profit and which are major contributors to climate change?

(b) If not, why not?

(2) Will these Acts be amended to make clear that as part of their charter to achieve sustainable development in their areas, councils should wind down their existing unsustainable developments and businesses, such as car parks, and give priority to public transport options, including car share facilities, and that such facilities should be given the use of existing council-owned car parks wherever possible and feasible?

(3)

(a) Will the Minister exercise his powers under section 94EAA of the Environmental Planning and Assessment Act 1979 to amend the Woollahra section 94 Contributions Plan 2002 to ensure the owner of No. 376-382 New South Head Rd, Double Bay, is not financially penalised for a lack of on-site parking?

(b) If not, why not?

(4)

(a) Will the Minister compel Woollahra Council to significantly reduce its section 94 contributions plan so that the council cannot impose a development tax in excess of 5 per cent of the construction costs of any proposed sustainable project in the Double Bay area, so as to ensure a financial incentive is created for future sustainable development?

(b) If not, why not?

0237 PLANNING—BARRIER TO ACHIEVING SUSTAINABLE DEVELOPMENT—Mr Cohen to ask the Treasurer, Minister for Infrastructure, and Minister for the Hunter representing the Minister for Planning, Minister for Redfern Waterloo, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)—

(1)

(a) Will the Environmental Planning and Assessment Act be amended to remove the barrier to achieving sustainable development created by section 94 and related provisions and provide that councils may not require developers to contribute car spaces or financial contributions to build car parking when a developer offers sustainable transport alternatives such as car share or there are public transport options which should be given priority over private car use?

(b) If not, why not?

(2)

(a) Will the Minister create a state-wide policy to ensure that section 94 levies are significantly reduced for development projects that achieve excellence in sustainability?

(b) If not, why not?

(3)

(a) Is private car use a major cause of environmental pollution?

(b) If so, will the Minister prohibit the levying of section 94 contributions for car spaces?

0238 ENERGY—SUSTAINABLE OFFICE BUILDING IN DOUBLE BAY—Mr Cohen to ask the Treasurer, Minister for Infrastructure, and Minister for the Hunter representing the Minister for Energy, Minister for Ports and Waterways, and Minister Assisting the Treasurer on Business and Economic Regulatory Reform—

- (1) Why has a new sustainable office building in Double Bay at No. 376 382 New South Head Road been attained to provide an electricity substation to serve the needs of Double Bay electricity customers when the project was designed to use the least amount of electricity possible, at a premium cost to the developer, and when the new development was designed to use no more electricity than was already being supplied to the site?
- (2)
 - (a) Was assistance given to the sustainable office project at no cost to government?
 - (b) If not, why not?
- (3)
 - (a) Was a sustainable office project disadvantaged due to the mismanagement of the demands of other customers in the Double Bay area?
 - (b) If so, why?
- (4) What compensation will be offered to the developer for the loss of 40 square metres of prime retail space that has been set aside for the provision of an electricity sub-station that will serve the wider needs of the Double Bay area?
- (5) What steps will the Minister take to ensure this matter does not occur again?

0239 PRIMARY INDUSTRIES—BROADWATER POWER PLANT AND MILL—Mr Cohen to ask the Minister for Natural Resources, Minister for Primary Industries, and Minister for Mineral Resources—

- (1) What is the projected cost of the co-generation power plant at Broadwater?
- (2) What source of wood fuel will the plant use?
- (3)
 - (a) Are cane bins used at the mill which are 4.6 metres in height, despite the Roads and Traffic Authority ruling that the maximum height should not exceed 4.3 metres?
 - (b) If so, why?
- (4) Will Ballina Council have to bear the costs associated with trimming trees along the path that the cane bins will travel?

0240 ENVIRONMENT—MOUNT HYLAND CONSERVATION AREA—Mr Cohen to ask the Minister for Commerce, Minister for Finance, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, and Vice President of the Executive Council representing the Attorney General, Minister for the Environment, and Minister for the Arts—

- (1)
 - (a) Has the Mount Hyland Conservation Area, formerly the Blicks River Flora Reserve, been opened up to potential mineral exploration?
 - (b) If so, why?
- (2) Given that mining was excluded from the flora reserve in 1984, has changing the status from a flora reserve to a State Conservation Area lessened the degree of protection for this area?

0241 EMERGENCY SERVICES—MEDICAL CONSEQUENCES OF BOEING HIT AT NUCLEAR REACTOR SITE—Dr Chesterfield-Evans to ask the Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs—

- (1)
 - (a) Have any studies on the medical consequences of a direct hit by a Boeing 747 on either the old HIFAR or the OPAL reactor been conducted?
 - (b) If so, what were the outcomes?

- (2)
- (a) Have any studies on the medical consequences of a direct hit by a Boeing 747 on the spent fuel storage facility at Lucas Heights been conducted?
 - (b) If so, what were the outcomes?
- (3) Has any study been conducted which provides any information on the medical consequences of a direct hit by an A380 airbus on a nuclear site following the decision to allow the aircrafts to use Kingsford Smith Airport as of 2008?
- (4) Will the Australian Radiation Protection and Nuclear Safety Authority be requested to undertake such a study?
- (a) If so, will the study be made publicly available?
 - (b) If not, why not?
- 0242 ROADS—EXPENDITURE OF FUNDING FOR PACIFIC HIGHWAY—Mrs Pavey to ask the Minister for Roads—
- (1)
- (a) Has the Federal Government, under the Auslink Agreement, transferred \$296,428,879.00 for the 2005-06 financial year and \$143.9 million for this financial year for the upgrade of the Pacific Highway?
 - (b) If not, what amounts have been transferred?
- (2) How much, from both financial years, has been spent to date on the Pacific Highway upgrade by the Roads and Traffic Authority?
- 0243 PLANNING, REDFERN WATERLOO—REDFERN WATERLOO STATE ENVIRONMENTAL PLANNING POLICY—Revd Mr Nile to ask the Treasurer, Minister for Infrastructure, and Minister for the Hunter representing the Minister for Planning, Minister for Redfern Waterloo, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)—
- (1) Does the Redfern Waterloo State Environmental Planning Policy (SEPP) discriminate against the Aboriginal Housing Company and their land holdings on the Block in Redfern?
- (2) Has the residential allowance been restricted from 1:1 to 0.75:1?
- (a) If so, will this disrupt the proposed Pemulwuy project?
 - (b) If so, will this restriction change the design of the houses, making them incongruous with Aboriginal culture and thus unsuitable for Aboriginal families?
- (3)
- (a) Will a review of this SEPP be conducted and the residential allowance for the Block be restored?
 - (b) If not, why not?

John Evans
Clerk of the Parliaments