

PORTFOLIO COMMITTEE NO. 5 – INDUSTRY AND TRANSPORT

Friday, 7 September 2018

Examination of proposed expenditure for the portfolio area

ROADS, MARITIME AND FREIGHT

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The Committee met at 9.00 a.m.

MEMBERS

The Hon. Robert Brown (Chair)

Miss Cate Faehrmann

The Hon. Trevor Khan

The Hon. Taylor Martin

The Hon. Daniel Mookhey

The Hon. Dr Peter Phelps

The Hon. Peter Primrose

The Hon. Penny Sharpe

PRESENT

The Hon. Melinda Pavey, *Minister for Roads, Maritime and Freight*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 812
Parliament House
Macquarie Street
SYDNEY NSW 2000**

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The CHAIR: Good morning and welcome to the public hearing of the inquiry into Budget Estimates 2018-2019. Before I commence I acknowledge the Gadigal people, who are the traditional custodians of this land. I pay my respects to the elders past and present of the Eora nation and extend that respect to other Aborigines present. I welcome Minister Pavey and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Roads, Maritime and Freight.

Before we commence I will make some brief comments about the procedures for today. Today's hearing is open to the public and is being broadcast live via the Parliament's website. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside their evidence at the hearing, so I urge witnesses to be careful about any comments they may make to the media or to others after they complete their evidence, or before they give it, as such comments would not be protected by parliamentary privilege.

There may be some questions that witnesses could only answer if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. Any messages from advisers or members' staff in the public gallery should be delivered through the Committee secretariat. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you. A transcript of this hearing will be available on the website tomorrow. To aid the audibility of this hearing I remind Committee members and witnesses to speak directly into the microphones. In addition, several seats have been reserved near the loudspeakers for persons in the public gallery who have hearing difficulties.

Finally, I ask everyone to turn off their mobile phones or turn them to silent for the duration of the hearing. All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament. I remind Mr Staples and Ms Gardiner-Barnes from Transport NSW that they do not need to be sworn as they have been sworn at an earlier budget estimates hearing.

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KENNETH JOHN KANOFSKI, Chief Executive Officer, Roads and Maritime Services, affirmed and examined

RODD STAPLES, Secretary, Transport for NSW, on former oath

CLARE GARDINER-BARNES, Deputy Secretary, Freight, Strategy and Planning, Transport for NSW, on former oath

The CHAIR: I now declare the proposed expenditure for the portfolio of Roads, Maritime and Freight open for examination. As there is no provision for a Minister to make an opening statement before the Committee commences questioning we will now begin with questions from the Opposition.

The Hon. PENNY SHARPE: Minister, can you confirm that the contractors building the new M5 are in dispute with the Sydney Motorway Corporation over unforeseen planning approvals?

Mrs MELINDA PAVEY: I will defer to my chief executive on that issue.

Mr KANOFSKI: There is a dispute with regard to unforeseen planning conditions. The contractor has made a claim, that has been through the expert determination process and the expert has determined what they think that claim is. The contractor was unsatisfied with that and has now exercised their right to take that matter to arbitration.

The Hon. PENNY SHARPE: So you will be going to court?

Mr KANOFSKI: Yes, we will be going to arbitration.

The Hon. PENNY SHARPE: Can you confirm that the contractors are seeking an additional payment of almost \$500 million as a result of these unforeseen planning approvals?

Mr KANOFSKI: I do not have the precise number to hand, but it is—

The Hon. PENNY SHARPE: It is substantial.

Mr KANOFSKI: The amount claimed is substantial. The expert has determined the claim to a value of \$8 million, and that is the expert's view of the value of the claim.

The Hon. PENNY SHARPE: But that is not what the contractors claim. The contractors are looking at \$500 million.

Mr KANOFSKI: Correct. I am saying, just to give a complete picture, the expert has determined the claim and has determined it at \$8 million.

The Hon. PENNY SHARPE: Minister, why has RMS agreed to pay the amount that is eventually decided by the court to the Sydney Motorway Corporation to cover their costs?

Mrs MELINDA PAVEY: I think that would be a question better directed to Minister Ayres this afternoon during his budget estimates.

The Hon. PENNY SHARPE: RMS are the people that are giving this guarantee. Can you confirm that that is right?

Mrs MELINDA PAVEY: It is a matter in the remit of the Minister for WestConnex. So I think it would be more appropriate to ask those questions this afternoon.

The Hon. PENNY SHARPE: So in your portfolio you are not aware that RMS has basically agreed to reimburse any amount payable to the contractor in relation to this dispute?

Mrs MELINDA PAVEY: As I said, I think this is a matter that falls within the remit of the Minister for WestConnex.

The Hon. PENNY SHARPE: How does it do that, Minister, when Roads and Maritime Services is providing this guarantee?

Mrs MELINDA PAVEY: Because Roads and Maritime Services services both the issues in relation to WestConnex as well as more generally the Roads portfolio, for which I have responsibility. So my point stands: This is an issue that should be addressed to Minister Ayres this afternoon.

The Hon. PENNY SHARPE: You are not aware that RMS is basically putting taxpayers on the hook for \$500 million.

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The Hon. TREVOR KHAN: Point of order: The question has now been asked and answered at least three times, that this is a matter that falls within the purview of Minister Ayres. I ask you to direct the member to move on.

The Hon. DANIEL MOOKHEY: To the point of order: The Minister has just said that there is a nexus between RMS's role supporting RMS as well as the Sydney Motorway Corporation. The second aspect is that the member's question was different. It was, "Are you aware?"

The CHAIR: Three were questions asked. The three questions were substantially the same although framed slightly differently. I could not uphold the point of order and allow this to continue, but I suggest to the member asking the question that she is not going to get much of a different answer from the Minister. For that reason and for the reason of brevity I will uphold the point of order and ask the member to move on with other questions.

The Hon. PENNY SHARPE: Minister, as a point of policy, do you think it is reasonable that taxpayers take on all of the risk associated with covering the costs of unforeseen planning proposals no matter where they are? Do you think that that is reasonable?

Mrs MELINDA PAVEY: I think it is important to acknowledge that we have a major infrastructure boost going on across all of New South Wales—regional New South Wales and the city—and it is always a challenge to get all those projects in alignment in planning, in environmental impact statements [EISs], and in tenders.

The Hon. PENNY SHARPE: That is terrific, Minister, but what I am saying is that this Government, just as an example, has private entities that are supposed to reduce the risk for taxpayers and now you are bailing out, but you are putting taxpayers on the hook for \$500 million, just in one example, to assume all of the risk because of your lax planning proposals. You think that is a reasonable policy approach, do you, Minister?

Mrs MELINDA PAVEY: I do not take your statements as any reasonable type of truth. What I am saying is there are always challenges when you are delivering the infrastructure that we are delivering as we play catch-up for Labor's past failings and as we plan for the future.

The Hon. PENNY SHARPE: I am asking you about a policy issue that is very significant—putting taxpayers on the hook for any amount of money for a private entity because of your failed processes. Regardless of whatever inconvenient projects you do not wish to discuss and wish to flick to somebody else, you think that that is reasonable?

Mrs MELINDA PAVEY: I would prefer it if you did not put words into my mouth. What we are saying is that we are—

The Hon. PENNY SHARPE: I would prefer it if you had a view about taxpayer money and the protection of it.

The Hon. TREVOR KHAN: Point of order—

The CHAIR: There is no need for a point of order. I remind all members that they are to allow the witness a reasonable amount of time to answer a question and not interject. Interjections are disorderly at all times. Minister, you have the lemon.

Mrs MELINDA PAVEY: Chief Executive Ken Kanofski would like to make a comment.

The CHAIR: Please proceed.

Mr KANOFSKI: Just for clarification in terms of the way planning risk is managed in public-private partnership [PPP] contracts—and this to the best of my knowledge is how they are all managed in PPP contracts—is that Roads and Maritime Services is responsible for getting the planning approval for road PPPs and therefore assumes the planning risk. A PPP contract, like all contracts, divides risk between the private entity and the principal. Generally in road PPP contracts the road agency, in this case Roads and Maritime Services, takes the risk of planning approval. It is sound because it is not a risk that can be managed by the private contractor. What the PPP contract does, and WestConnex is similar to this and Sydney Motorway Corporation [SMC] plays a role akin to a private entity, in fact it is now a majority owned private entity—

The Hon. PENNY SHARPE: That is great. Just on that, Mr Kanofski—

The Hon. TREVOR KHAN: Point of order—

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Mr KANOFSKI: —it is allocated the risks that it is best able to manage, producing the construction. But the planning risk sits with Roads and Maritime Services. That is not unusual.

The Hon. PENNY SHARPE: Which goes to why I was asking the questions in the first place and the Minister is trying to deflect. If Roads and Maritime Services is taking all the risk I do not know why we cannot ask the Minister questions about it. I understand the ruling of the Chair but I think it is quite extraordinary.

The CHAIR: Do you think my ruling is extraordinary?

The Hon. PENNY SHARPE: No, I accept your ruling.

Mrs MELINDA PAVEY: She did. She said that.

The Hon. PENNY SHARPE: In that case can a privatised entity, for example, the Sydney Motorway Corporation, settle this matter without RMS approval?

Mrs MELINDA PAVEY: I think this is a matter that needs to be asked this afternoon of the WestConnex Minister.

The Hon. PENNY SHARPE: I know that Mr Kanofski knows the answer. It is a pity that we will not get it here today.

Mrs MELINDA PAVEY: He will be here this afternoon as well.

The Hon. DANIEL MOOKHEY: Mr Kanofski, you made mention of the fact that the claim is now in arbitration following the determination by the expert. When did the expert make the determination?

Mr KANOFSKI: I would have to take the precise date on notice. But it is a couple of months ago.

The Hon. DANIEL MOOKHEY: Does RMS accept the expert's determination?

Mr KANOFSKI: RMS accepted the expert's determination.

The Hon. DANIEL MOOKHEY: You accept the expert's determination that it was indeed RMS's error in obtaining the planning approval but your dispute now is over the quantum of liability between \$8 million that the expert says—presumably zero you say, \$8 million the expert says, and \$500 million the contractor says. Is that correct?

Mr KANOFSKI: No. I do not think it is correct to characterise it as an error. If I could explain, I think your characterisation as an error is incorrect. What you have in that particular contract is that the contract was signed based on a set of reference planning conditions. So a set of reference planning conditions is attached to the contract. If the ultimate planning conditions varied from those and that disadvantaged the contractor there was an ability to be able to make a claim for that. That is not an unusual process; that is a pretty normal process.

The Hon. Dr PETER PHELPS: You get that when you are building a house, do you not, Mr Kanofski?

Mr KANOFSKI: RMS accepted that there were some changes to the planning conditions; they were slightly different from those which were in the reference planning condition and RMS accepted the value. I have just been updated. The value was \$9.3 million. I would like to correct the *Hansard*; it was not \$8 million it was \$9.3 million.

The Hon. DANIEL MOOKHEY: Thank you Mr Kanofski; I understand what you are saying. The point, broadly speaking, is the expert has determined that as a result—the way it has been termed is unforeseen planning approval changes—an additional liability is now owed and there is now a dispute as to the exact quantum of liability. That is probably a fair characterisation. When do you expect this to go to arbitration?

Mr KANOFSKI: I would have to take that on notice.

The Hon. DANIEL MOOKHEY: Is the arbitration occurring under the WCX concession agreements? Is that the agreement under which it is occurring?

The CHAIR: Will the member flesh out "WCX" for *Hansard*?

The Hon. DANIEL MOOKHEY: It is the company name, WCX M4 Pty Limited. Is that the concession agreement in that deed?

Mr KANOFSKI: Yes. What we have—

The Hon. DANIEL MOOKHEY: Sorry, Mr Kanofski—

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The Hon. TREVOR KHAN: Point of order—

The Hon. DANIEL MOOKHEY: I would like to finish the question.

The Hon. TREVOR KHAN: The member did finish the question and the witness had started to answer.

The CHAIR: Order! A point of order has been taken.

The Hon. TREVOR KHAN: He had finished the question and the witness had started to answer it. If Mr Mookhey wants to ask a further question he is entitled to do so, but when the witness is answering a question he should be entitled to answer it without being interrupted.

The Hon. DANIEL MOOKHEY: I was going to add one detail to the question to aid the witness to answer it.

The CHAIR: I will not uphold the point of order because of the explanation given by the member. He should make sure now that he adds a point of clarification to the question.

The Hon. DANIEL MOOKHEY: Because so many concession deeds are in place I am asking whether the process of arbitration is determined in the concession deed WCX M4 Pty Limited? If not, which one is it occurring under?

Mr KANOFSKI: The structure of the contracts is such that there is a contract between a subsidiary of the Sydney Motorway Corporation and RMS. There is also a contract between that same subsidiary and the construction contractor who is building the job. How it works in a contractual sense is the contractor makes a claim initially against the subsidiary company of SMC and then there is a clause in the contract between RMS and the subsidiary company which mirrors the clause in the construction contractor and that claim is, as we would say, "handed up."

The Hon. DANIEL MOOKHEY: Is that what is described as the "linked claim regime"?

Mr KANOFSKI: Yes, it is.

The Hon. DANIEL MOOKHEY: I am now going to read from Transurban's release to the stock market. It states:

Generally, any claim made by a D&C or O&M contractor to a WCX concessionaire will be passed through to RMS where the claim is linked to an act or omission of RMS. Those claims are referred to as "linked claims" and are governed by a specific "linked claim regime" in the relevant D&C or O&M contract. That regime operates by suspending the progress of the claim at D&C or O&M contract level while the claim is resolved at the concession agreement level.

What you have just described is what Transurban said to the Australian Stock Exchange [ASX]. Minister, why should we not therefore assume that you have guaranteed to pick up the liability for any error that RMS commits to Transurban that it now owns it?

Mrs MELINDA PAVEY: As I said earlier, this project is in relation to WestConnex. I think it is important that these questions be put to the relevant Minister this afternoon.

The Hon. DANIEL MOOKHEY: It is RMS that has given this guarantee. Transurban has said to the ASX that it is RMS that gave the guarantee. You are the Minister for RMS. How is it possible that you wish to pass the buck to Stuart Ayres on a guarantee that your agency gave?

Mrs MELINDA PAVEY: I think it is important that you understand the delegations and arrangements for this Government. In relation to RMS the chief executive has responsibilities to three Ministers—the Transport Minister in relation to NorthConnex, the WestConnex Minister, Stuart Ayres, and the other projects around regional New South Wales and Sydney is my remit. I stand by my position. These questions are best put to the Minister for WestConnex because it is directly relating to that issue. I am more than happy to talk about the Pacific Highway, to talk about the M4 smart motorway, to talk about the Western Harbour Tunnel and Beaches Link, and to talk about the F6.

The Hon. DANIEL MOOKHEY: Minister, you are now moving beyond the question.

Mrs MELINDA PAVEY: I am more than happy to talk about the Newell Highway and the Great Western Highway.

The Hon. DANIEL MOOKHEY: If it is the case that RMS has hired SMC to build the WestConnex, you are the Minister for RMS. If you are not responsible for RMS's engagement with WestConnex, the biggest project that is currently underway in your portfolio, what exactly are you doing?

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Mrs MELINDA PAVEY: As I just pointed out, there are a lot of other road projects across the Sydney Basin and regional New South Wales. It is worth remembering that the Roads budget has doubled since Labor was in office. We are fixing New South Wales. We are playing catch up and building roads across this State in a way that we have not seen. It is a generational change. I reiterate that the questions you are asking do not come under my portfolio responsibilities.

The Hon. DANIEL MOOKHEY: RMS's conduct in WestConnex that has hired WestConnex.

The Hon. TREVOR KHAN: Point of order—

The Hon. DANIEL MOOKHEY: RMS the agency has contracted SMC and it is not your portfolio responsibility?

The CHAIR: Order!

The Hon. Dr PETER PHELPS: "Minister for WestConnex" means something.

The CHAIR: Order! Interjections are disorderly at all times.

The Hon. Dr PETER PHELPS: I apologise.

The CHAIR: What is the member's point of order?

The Hon. TREVOR KHAN: There are two points of order. The first point of order is that Mr Mookhey is again interrupting the Minister as she is attempting to answer the question. The second point of order is that we are again traversing your earlier ruling. The Minister said that this is a matter that appropriately should be dealt with by the Minister for WestConnex. I do not know how many times she has repeated that answer, yet this member is persisting with that line of questions. The member should be asked to move on because he will not get a different answer from the Minister.

The Hon. PETER PRIMROSE: To the point of order: I argue that that is more in the form of a debating point. The disagreement is about whether or not, on a policy level, what the Minister is arguing is appropriate and the case rather than there being a point of order. It is perfectly in order for a member to pursue and explore the Minister's responsibilities relating to WestConnex.

The CHAIR: I will rule on the first point of order, which was a member speaking over a witness while the witness was answering. I uphold the point of order. Members are reminded to allow a witness to answer a question without interruption. As to the second point of order, there is no point of order. The member may continue to run the clock down asking the same question as many times as he or she wishes. The Minister, of course, is quite capable of answering in any way he or she feels fit.

The Hon. PENNY SHARPE: Minister, are you able to provide us a list of the number of other disputes that RMS may be involved in in a range of projects, whether it is WestConnex or anything within RMS?

Mrs MELINDA PAVEY: That is obviously—

The Hon. PENNY SHARPE: Definitely one for you, Minister.

Mrs MELINDA PAVEY: In relation to disputes in relation to important work that we are doing across New South Wales, there are also going to be challenges as you build the type of infrastructure—

The Hon. PENNY SHARPE: I want to know—

Mrs MELINDA PAVEY: Can I just—

The Hon. PENNY SHARPE: —how many disputes there are and how much money taxpayers are on the book for as a result of planning failures of your department.

Mrs MELINDA PAVEY: I think it is important to understand that we go through these processes where we have major projects underway. I mean, let us talk about the incredible work that we are doing on the Princes Highway, the Great Western Highway—

The Hon. PENNY SHARPE: No, that is not—

The Hon. DANIEL MOOKHEY: Now you are moving beyond the question. What other claims have been presented through the linked claims regime that we have just gone through? Perhaps Mr Kanofski might be able to help us there as well.

Mrs MELINDA PAVEY: In relation to—

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The Hon. DANIEL MOOKHEY: The linked claims regime.

Mrs MELINDA PAVEY: —my portfolio areas?

Mr KANOFSKI: I would have to take the question on notice.

The Hon. DANIEL MOOKHEY: Is it more than one or is this the only claim that we are currently—

Mr KANOFSKI: I think I have already taken the question on notice.

The Hon. DANIEL MOOKHEY: How many legal dollars have been spent by RMS in defending the claim made by the contractor?

Mr KANOFSKI: I take that question on notice.

The Hon. DANIEL MOOKHEY: Who exactly are our lawyers in that respect?

Mr KANOFSKI: I am not sure on that. I take it on notice.

The Hon. DANIEL MOOKHEY: Who was the expert who made that determination?

Mr KANOFSKI: I will take that on notice.

The Hon. DANIEL MOOKHEY: Who exactly is the arbitrator?

Mr KANOFSKI: I will take that on notice.

The Hon. DANIEL MOOKHEY: Minister, do we not have any of these basic answers as to how this dispute is being conducted—this dispute that you are responsible for acting on behalf of taxpayers in a dispute against a contractor who is claiming \$500 million against us? Are you in a position to give us any outline as to what the status of this dispute is?

Mrs MELINDA PAVEY: It has been taken on notice. I will reiterate that these questions might be more relevant to the relevant Minister this afternoon, the Minister for WestConnex, Mr Ayres.

The Hon. DANIEL MOOKHEY: Has RMS engaged any public relations firm in conjunction with this dispute?

Mr KANOFSKI: No.

The Hon. DANIEL MOOKHEY: Are you intending on or have any such views?

Mr KANOFSKI: No.

The Hon. DANIEL MOOKHEY: Fair enough.

The Hon. PENNY SHARPE: We want to know the full cost, so we are also interested in the consultants that you have used as a result all the way through the dispute.

Mr KANOFSKI: I will take it on notice.

The Hon. DANIEL MOOKHEY: Who did you retain to represent you in the expert determination for the purposes of actually assessing compliance with planning laws?

Mr KANOFSKI: In terms of running the dispute—which is, as you say, under the linked claim regime—the SMC retains people and we retain people. We would retain obviously legal advice, planning advice—

The Hon. DANIEL MOOKHEY: How many?

Mr KANOFSKI: —all of those sorts of things. In terms of who the individual people are—

The Hon. DANIEL MOOKHEY: No, just the quantum.

Mr KANOFSKI: —I will take it on notice, which is what I have done earlier.

The Hon. DANIEL MOOKHEY: Yes. Thank you.

Ms CATE FAEHRMANN: As the Sydney light rail crosses South Dowling Street and the Eastern Distributor, the new crossing includes access for pedestrians and cyclists. Is it proposed that the existing pedestrian and cyclist bridge crossing at Parkham Road approximately 60 metres further south is going to be demolished?

Mrs MELINDA PAVEY: In relation to the associated roadworks with the light rail, we are in conversations with interested parties at the moment. But given our record of extending pedestrian and cycle ways

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across all of Sydney—and all of New South Wales, for that matter—that will always be at the forefront of our thinking and our planning. I might ask my chief executive if he has some more details on that particular issue.

Mr KANOFSKI: No, I do not have the precise detail on that. We are happy to take it on notice and get back to you. Not to my knowledge is it being removed but I am happy to take it on notice.

Ms CATE FAEHRMANN: Not to your knowledge that the Parkham Street bridge is being removed?

Mr KANOFSKI: No.

Ms CATE FAEHRMANN: No? So—

Mr KANOFSKI: But I am happy to take it on notice.

Ms CATE FAEHRMANN: If you could also take on notice if it is going to be demolished, what the expected cost of the demolition will be and also whether the RMS has received any proposals to retain the existing bridge at Parkham Street.

Mr KANOFSKI: Happy to do that.

Ms CATE FAEHRMANN: In relation to the recent missing containers at sea in Newcastle, what is the role of the RMS in the search for the 81 missing containers and clean-up of associated debris from the container ship *YM Efficiency*?

Mrs MELINDA PAVEY: We are one of the partners in this clean-up, the main partner being the Australian Maritime Safety Authority [AMSA], the Australian maritime federal body. At the initial stage, it also involved Port Botany. But in the later stages, when it was clear where the containers came off the ship and became an issue for Maritime, which falls within this agency, we had two public meetings around Port Stephens to explain to the community what was happening and also be able to engage the community, who were quite positive in their approach to want to do that clean-up. But there are processes in relation to the clean-up and the actual location of those containers that have come off the ship. I might refer to my chief executive Mr Kanofski about the latest with AMSA's and Maritime's involvement.

Ms CATE FAEHRMANN: Interested in the contents of the containers, specifically, and also whether you are aware of the contents of the 42 containers that I understand are still missing.

Mr KANOFSKI: I do not have that precise detail on hand. Thirty-seven containers have been located. The clean-up processes in terms of cleaning up debris is pretty much complete at this point. There was a helicopter flyover yesterday, which basically declared that the areas were clean. There are very, very small amounts of debris still occurring but it is in the order of a couple of plastic cups or something of that order.

Ms CATE FAEHRMANN: Where has it all gone, the 42 containers?

Mr KANOFSKI: Sorry, so that is the debris clean-up, which RMS has been handling and leading along with other parties. There has been quite extensive work done cleaning up beaches and cleaning up the water. So 37 containers have been located and the balance is still being searched for in terms of seeing where they are. In terms of the precise contents—

Ms CATE FAEHRMANN: How is that search happening for the remainder?

Mr KANOFSKI: It is being led by the Australian Maritime Safety Authority. It is using a variety of techniques to try and map the ocean floor to see if it can find these containers. That is how it found the 37 that it found so far.

Ms CATE FAEHRMANN: Does the RMS have any powers to punish the ship's operator?

Mr KANOFSKI: The containers that have been found were in Commonwealth waters and so the regulatory action is the responsibility of the Australian Maritime Safety Authority. RMS's role in this process has been twofold. One is that we have led the clean-up of debris, which as I said has now been a successful process that is almost at its conclusion. But in terms of the regulatory process, the Australian Maritime Safety Authority is the correct entity and we provide it with any assistance we can in terms of fulfilling its obligation.

Ms CATE FAEHRMANN: In November 2016, Cadel Evans stated that he is not too intimidated to ride in many places but Sydney is one of them. Cadel was reported in the *Sydney Morning Herald*:

I encourage people to ride for the health benefits or for one car less on the road but because of this problem—

in terms of the safety of Sydney's roads:

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—I don't want to encourage someone to ride and then they go out and get hit by a car.

What is your response to someone like Cadel Evans saying that Sydney's roads are so unsafe that he does not recommend cyclists ride on them?

Mrs MELINDA PAVEY: Thank you for the question—an important issue. Having ridden a bike on Sydney's roads, it certainly is a challenge. I think we are rising to that challenge in terms of the amount of cycleways and infrastructure that we are putting in. Most importantly, we have followed the work that has happened in Europe, particularly rules around the safe distance when passing cyclists.

The Hon. Dr PETER PHELPS: Hear, hear!

Mrs MELINDA PAVEY: We have had a trial over the past 12 months of that safe passing rule. We have analysed that work from that first year and we are going to continue with that rule. It is part of the law now in New South Wales.

Ms CATE FAEHRMANN: How is it going in terms of being enforced?

Mrs MELINDA PAVEY: Enforcement is a matter for police, but I think it is important to know that we have responded and know that there are concerns in the community. We need to be both good motorists and good cyclists. The respect needs to be in both directions. The rule is, if you are travelling at 60 kilometres an hour it is a one-metre space for the cyclist, and over 60 kilometres an hour it is 1.5 metres. The work we are doing in respect of infrastructure and in making people aware of the challenges of sharing road space with cyclists is important work. Cadel Evans is a magnificent Australian. When he was growing up, as well as being from Barwon in country Victoria, he spent quite a lot of time on the North Coast of New South Wales.

The Hon. TREVOR KHAN: That is a lovely segue.

Mrs MELINDA PAVEY: There are incredible biking opportunities in regional New South Wales in particular, but we will continue to work to extend our cycleways. It is very much a focus of our Road Safety Plan 2021. Under the plan, I might point out that we have allocated \$180 million over five years to deliver livable and safe urban communities by installing traffic calming in busy urban areas, accelerating safety upgrades at major intersections and maximising safety in the bicycle network programs to facilitate safer movement by providing, where we can, separation from other traffic where appropriate and managing vehicle speeds.

Ms CATE FAEHRMANN: Minister, I am specifically interested in separating cycling infrastructure. Do you have a breakdown of how much your government has spent?

Mrs MELINDA PAVEY: Yes, we do. I will take that on notice to give you more accurate figures. Ms Gardiner-Barnes, our deputy secretary, might be able to help us here in respect of our active transport. I understand we now have a cycleway that basically extends from the CBD to Homebush through this separation. You still have to go across some crossings, but there is separation.

Ms CATE FAEHRMANN: Most of the cycling accidents occur, of course, at intersections in the city.

The Hon. TREVOR KHAN: Cross on the lights.

Mrs MELINDA PAVEY: It is a challenge for us to make sure that people follow the lights, whether they are in the city or in other parts of New South Wales. Ms Gardiner-Barnes, did you have anything you wanted to add on the active cycle transport?

Ms GARDINER-BARNES: We have spent \$2.74 million over three projects that I want to highlight, in particular. Specifically in relation to the Safer Roads Program, improvements have been made for cyclists on Nelson Bay Road, at roundabouts and other locations along the 9.5 kilometre length, around the roundabout to the north and cycling safety signs installed around William Street and Riley Street in Woollahooloo, and Elizabeth Street and Park Street. We have spent an enormous amount of money for both cycling and walking programs as part of the \$39 million walking and cycling programs. Those ones relate specifically to cycling projects around the Sydney CBD area and broader.

Mrs MELINDA PAVEY: The chief executive would like to add some more information in relation to the design of new roads and how we are incorporating—

Ms CATE FAEHRMANN: I have another question about budgets. In the 2016 budget, there was the \$80 million Cycling Infrastructure Fund.

Ms GARDINER-BARNES: Yes.

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Ms CATE FAEHRMANN: I want to know what has happened to that and how much of that has been spent to date on cycling infrastructure.

Ms GARDINER-BARNES: I am not sure how much of the Restart money has already been allocated and spent, but I am happy to take that on notice.

Mrs MELINDA PAVEY: Did you say it was from the 2016 budget?

Ms CATE FAEHRMANN: Yes, 2016 for the next four years. I am hearing that there is potentially just one successful project in that, which is the Parramatta Escarpment Boardwalk, and not much cycling infrastructure. Would that be correct in respect of that four-year fund?

Mrs MELINDA PAVEY: No, I do not think so. I have had some major developments in my own electorate, for example.

Ms CATE FAEHRMANN: Out of that fund?

Mrs MELINDA PAVEY: Yes, out of that fund, and across New South Wales. We will take that on notice and come back to you with the data. As you said, it is \$80 million over four years that we announced in 2016. I would expect that a considerable part of that has been spent but, if it is over a four-year period, it will not all have been spent.

Mr KANOFSKI: The other thing I would add is that it is our policy when we are developing new or upgraded roads projects to make allowance for active transport and dedicated cycleways, where possible. In addition to the money that Ms Gardiner-Barnes is talking about, which is dedicated to cycle and pedestrian projects that are simply for that, all roads projects have an element of active transport in them—all new roads projects—because it is our policy to—

Ms CATE FAEHRMANN: There are a hell of a lot of roads out there that are not new, of course.

Mr KANOFSKI: Certainly. Our policy is that as roads are upgraded, better facilities for cyclists are always part of that road upgrade.

Ms CATE FAEHRMANN: Always part?

Mr KANOFSKI: It is our policy that they will be part of it, yes.

Ms CATE FAEHRMANN: Minister, on 13 November last year, a cycle courier was killed on New South Head Road in the eastern suburbs. This follows two previous recent cyclist deaths on the road. Despite calls from the community and Woollahra council, there is currently no separated cycling infrastructure on this road and a lot of cyclists riding from the eastern suburbs that are coming into the CBD—therefore, obviously, reducing the number of cars on the road—are forced to ride on the shoulder of a three-lane road. Woollahra council has pledged \$450,000 for this. How much money has the Government spent to build separated cycling infrastructure on New South Head Road since these deaths over the past few years?

Mrs MELINDA PAVEY: I would have to take the specifics of that question on notice. It is an incredibly busy part of the Sydney road network and the road has been in existence for decades and decades. The challenge is dealing with our population as well as the growth in cycling activity, which is very popular.

Ms CATE FAEHRMANN: It has actually been declining in Sydney because Sydney is so unsafe.

Mrs MELINDA PAVEY: I do not think cycling across New South Wales has been declining. There are challenges, certainly, with such a busy thoroughfare and those tragedies on New South Head Road.

Ms CATE FAEHRMANN: Minister, in respect of New South Head Road—

Mrs MELINDA PAVEY: I said I would take that on notice.

Ms CATE FAEHRMANN: Think about it, though. It is the only direct connection to the city for cyclists from Watsons Bay, Vaucluse, Rose Bay and Double Bay. Why is it not a priority for the Government to build a separated cycleway on this route? It is a three-lane road. There are deaths. People are using it, commuting every day. Why is it not a priority for the Government to ensure that people can cycle safely along on New South Head Road?

Mrs MELINDA PAVEY: We have priorities all across New South Wales where we have accident blackspots. One of the things that we have announced in our budget is \$690 million over the next four years to spend on traffic blackspots where we have high levels of accidents. I still make the point: It is a very challenging road in terms of the volumes of traffic coming through, and having a completely separated carriageway for that

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section is extremely difficult. But it is a challenge we will continue to work on. We are happy to work with Woollahra council. I note you have mentioned that they have \$450,000 available. I suspect that a project of the scale that you are talking would cost considerably more than \$450,000, but that is not to say that we will look at certain measures where we can have some simple infrastructure. Sometimes a concrete divider can provide that relief as well as ensure safety. But it is a very, very busy part of the Sydney network. There are challenges, but we will continue to work on those challenges.

Ms CATE FAEHRMANN: Remind me what the total roads budget is for the next four years.

Mrs MELINDA PAVEY: For this year?

Ms CATE FAEHRMANN: This year—that will do.

Mrs MELINDA PAVEY: For this year it is \$7.3 billion plus the funding for WestConnex, so it is just under \$10 billion.

Ms CATE FAEHRMANN: Please remind me what it is this year for cycling infrastructure.

Mrs MELINDA PAVEY: For this year, in terms of cycling infrastructure, we have a \$180 million plan for a five-year period to deal with active transport and—

Ms CATE FAEHRMANN: What about \$30 million?

Mrs MELINDA PAVEY: —the Minister for Transport, Andrew Constance, also has some programs under his portfolio.

Ms CATE FAEHRMANN: Roughly, what I think you said was \$7.3 billion, then you threw WestConnex on top of that to get to something like \$10 billion, was it?

Mrs MELINDA PAVEY: Just under \$10 billion—\$9.1 billion.

The Hon. Dr PETER PHELPS: It is not great, all that investment!

Ms CATE FAEHRMANN: I think we have got cycling infrastructure—thanks, Penny Sharpe—of \$30 million. What is stopping you from looking at more dedicated cycling infrastructure on really unsafe roads like New South Head Road? Is it the financial cost of putting cycling infrastructure in place?

Mrs MELINDA PAVEY: I think you fail to also take into account the response from the chief executive. We are building new roads—

Ms CATE FAEHRMANN: You are; we are talking about cycling infrastructure.

Mrs MELINDA PAVEY: —and when we are building these new roads we are also accommodating and taking into account active transport as part of our policy remit.

Ms CATE FAEHRMANN: This is the need, though, in terms of existing roads that are unsafe. Is the Government considering making some of these existing roads—which the cycling community has been calling for for a long time because of deaths on these roads—safe by putting in cycling infrastructure along dangerous roads and along one of the main routes from the eastern suburbs into the city? It is not a matter of money, is it Minister, if you have got \$10 billion for roads?

Mrs MELINDA PAVEY: I might point out that we had more than 360 people die on our roads last year, and I think the vast majority were people were in cars. We have a huge responsibility to make the roads across all of New South Wales as safe as we can for motorists and for cyclists. These crashes have an incredibly devastating impact. I find it rather flippant to suggest we can just, because we are upgrading the road network and are putting a dual carriageway on the Pacific Highway that has torn hundreds and hundreds lives apart when people have died on that road—and you think it is just a matter of putting a little bit more money here or there.

We have a strategic plan. We are doing good work on our roads to make them safer. We also are doing work where we can to make cyclists safer. But it is always going to be a challenge. We are working towards that challenge. I think it is important that we respect all road users. If we are our best people on roads—whether we are cyclists, someone driving a car or a truck or we are on a motorbike—we all have huge responsibility. If we all follow those responsibilities to the letter of the law we would not have any fatalities. I might ask Mr Kanofski or Ms Gardiner-Barnes to say something in relation to that.

Ms GARDINER-BARNES: I think that there are a couple of important points. One is there has been a 23 per cent reduction in cycling crashes over the past five years. The Government has introduced new initiatives—

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The Hon. PENNY SHARPE: Because there are fewer people riding.

Ms CATE FAEHRMANN: Is that in relation to the number of cyclists? Yes, of course fewer people are riding.

Ms GARDINER-BARNES: That is in relation to the number of crashes that have occurred over that period.

The Hon. PENNY SHARPE: Stop people riding and there will not be any crashes.

The CHAIR: Good idea.

Mr REARDON: The Government has also introduced safety measures for children so they can ride on the footpath up until the age of 16.

Ms GARDINER-BARNES: There have been over 300 cycling and walking projects allocated in '16-17, another 150 projects in '17-18 and that further \$80 million for Restart funding. So there is an enormous amount of funding being spent not just on cycling projects on State roads but also through local governments who are very much engaged at every level in putting forward projects that they would like to see at the local level to improve road safety.

The CHAIR: We will now move to Opposition questions.

The Hon. DANIEL MOOKHEY: Minister, because Transurban has greater disclosure obligations to the Australian Securities Exchange [ASX] than your Government has so far said it has in respect to this Parliament, we have learnt—

The Hon. TREVOR KHAN: Is this a question?

Mrs MELINDA PAVEY: Can you just repeat that?

The Hon. DANIEL MOOKHEY: Because Transurban has greater disclosure obligations to the ASX than so far your Government has displayed to this Parliament, we have learnt that the RMS will pay Transurban if the Rozelle interchange is late, if the design changes and if it is not built. How much will we be paying them?

Mrs MELINDA PAVEY: I refer to my previous answers.

The Hon. DANIEL MOOKHEY: Are you seriously suggesting you are not responsible for the Rozelle exchange?

The Hon. TREVOR KHAN: Point of order—

The Hon. DANIEL MOOKHEY: Seriously? Is that the position you are adopting?

The CHAIR: A point of order has been taken, Mr Mookhey.

The Hon. TREVOR KHAN: The Minister was answering the question.

The CHAIR: What is your point of order?

The Hon. TREVOR KHAN: Mr Mookhey is interrupting, and he should allow the Minister to finish answering the question.

The CHAIR: I uphold the point of order in this particular instance. Will the Minister complete her answer?

Mrs MELINDA PAVEY: As I was saying, this is a matter that falls into the purview of the Minister for WestConnex Stuart Ayres, and he will be here this afternoon, Mr Mookhey.

The Hon. DANIEL MOOKHEY: Are you the Minister building the Rozelle interchange?

Mrs MELINDA PAVEY: I think it is important to acknowledge that the issues in relation to WestConnex are in the remit of Stuart Ayres and that also involves the Rozelle interchange. Could you please refer those questions to him?

The Hon. DANIEL MOOKHEY: No, absolutely not—because you are the Minister responsible for building the Rozelle interchange. Do you accept that you are the Minister responsible? Is it you who is conducting the tender?

Mrs MELINDA PAVEY: I will have the chief executive comment.

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Mr KANOFSKI: The administrative arrangements for WestConnex—Roads and Maritime Services is the agency that is delivering the Rozelle interchange and in that regard I am responsible to the Minister for WestConnex for its delivery.

The Hon. DANIEL MOOKHEY: I am glad you are here, Mr Kanofski, because perhaps you can help us. Transurban states that the Rozelle interchange has been de-scoped. That was after the first tender for the Rozelle interchange failed. Where is the current tender up to now?

The Hon. Dr PETER PHELPS: Point of order: The point of order relates to relevance. We are here discussing the Roads, Maritime and Freight portfolio, specifically those areas which fall within the portfolio responsibility of Minister Pavey. While RMS may have a wide range of responsibilities, the responsibilities which Mr Mookhey is now seeking questions on relate to WestConnex, which is specifically within the ambit of the Minister for WestConnex, unsurprisingly, and Mr Mookhey should refer questions to the appropriate officials at that time.

The Hon. PENNY SHARPE: To the point of order: This is a very important distinction. The people who own part of the Sydney Motorway Corporation now, as it has been privatised, have said that it has been de-scoped from WestConnex. Understanding what is in WestConnex and what is outside of WestConnex for the purposes of telling the public what is being funded, how it is being funded and who is taking responsibility is very important. The argument that the Labor Opposition is making is that it is clear that the Rozelle interchange is no longer part of WestConnex, and it is absolutely appropriate that this Minister is across it. If she is not across it, that is fine, but it is clear that the Rozelle interchange is now no longer, by this Government, considered part of WestConnex. Therefore this is a reasonable question to ask.

The Hon. Dr PETER PHELPS: To the point of order—

The CHAIR: No, I have heard enough. I suggest that the Minister is going to continue to answer those questions in the way that she has been answering them. If the Hon. Daniel Mookhey wishes to continue to ask the questions, providing he is polite and he does not speak over the Minister, I will allow his questions. In this case I do not uphold the point of order but I remind all members at all stages that they must allow a witness to answer a question and then you may ask another question.

The Hon. Dr PETER PHELPS: Point of order: I have an additional point of order.

The CHAIR: Are you cavilling my ruling?

The Hon. Dr PETER PHELPS: No: It is in relation to what the Hon. Penny Sharpe said to the point of order. She said it is the opinion of Labor members that WestConnex does not have—

The Hon. PENNY SHARPE: No, it is your Government. It seems unclear.

The CHAIR: We have wasted enough time. I do not uphold the point of order. It is up to members may ask the questions of the Minister; it is up to the Minister to answer the questions in any manner that she sees fit. There is no point of order. Minister, you have been asked a question—

The Hon. Dr PETER PHELPS: Point of order: It is a new point of order. The Hon. Penny Sharpe accused the Minister of misleading this committee. That is serious thing to say.

The Hon. PENNY SHARPE: No, I was going to the point of order—

The CHAIR: I did not hear the Hon. Penny Sharpe accuse the Minister of misleading this committee.

The Hon. Dr PETER PHELPS: The Minister said that Rozelle interchange is not within her responsibility; it is in the responsibility of WestConnex.

The Hon. PENNY SHARPE: Point of order: The Hon. Dr Peter Phelps is taking up our time.

The CHAIR: Order! We are just wasting time here. If anybody wishes to cavil my ruling, they can do so by way of a dissension motion; otherwise, let us get on with the job. I remind members that they are not to present opinions but are here to ask questions. I remind witnesses that they are to answer the questions as best they can. Minister, I understand you have been asked a question. Will you please answer?

The Hon. DANIEL MOOKHEY: I will ask the question again. What is the completion date that RMS has to reach on the Rozelle Interchange in order to avoid paying Transurban millions of dollars in fines?

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Mrs MELINDA PAVEY: As I have said, this question relating to WestConnex is more relevant to the Minister for WestConnex who will be here this afternoon. You will have an opportunity to discuss that with him this afternoon.

The Hon. DANIEL MOOKHEY: Is the completion fine that has to be paid to Transurban if the Rozelle Interchange is late contained in the base case financial model that RMS has prepared—that your department prepared, that you are responsible for overseeing? Are the penalty payments we have been paying to Transurban contained in that secret financial model?

Mrs MELINDA PAVEY: I repeat my answer that these questions are more relevant to the Minister for WestConnex, who has the responsibility for the delivery of this, which I understand is on track. But you would be best to ask him those questions this afternoon.

The Hon. DANIEL MOOKHEY: If the Rozelle Interchange is opened ahead of schedule, is it the New South Wales Government that receives bonus payments or any additional toll revenue? What is the financial allocation of the revenue between RMS—your agency—and Sydney Motorway Corporation?

Mrs MELINDA PAVEY: I am sorry, Mr Mookhey. I have probably upset your budget estimates strategy.

The Hon. DANIEL MOOKHEY: No, you are helping very well actually right now.

Mrs MELINDA PAVEY: But I think you should have planned and been organised to ask these questions of Minister Ayres this afternoon.

The Hon. DANIEL MOOKHEY: Transurban is saying to the Australian Securities Exchange as it seeks to raise the \$4 billion required to buy the New South Wales Government's share that it expects a windfall gain from the Rozelle Interchange. Has RMS taken any steps to ensure that taxpayers get a share of that windfall gain?

Mrs MELINDA PAVEY: Again, Mr Mookhey, I ask you to ask Stuart Ayres these questions this afternoon. He is the Minister responsible for this. He will have the details to answer the questions that you are putting. It is in his purview; it is not in mine. I think in regard to your budget estimates strategy, I am sorry that we have these arrangements that are fully on the record and for which you could have been prepared, but you need to ask Minister Ayres these questions.

The Hon. DANIEL MOOKHEY: Minister, what is the State works contribution being paid by RMS to WestConnex?

Mrs MELINDA PAVEY: Again, please put questions relating to WestConnex to Minister Ayres this afternoon.

The Hon. PENNY SHARPE: Listen to the question.

The Hon. DANIEL MOOKHEY: Listen to the question, Minister. What is the State works contribution being provided by RMS to WestConnex? It is being provided by RMS. You are the Minister for RMS. What is the State works contribution?

Mrs MELINDA PAVEY: What do you mean by State works?

The Hon. DANIEL MOOKHEY: That is precisely the question I am asking you, Minister.

Mrs MELINDA PAVEY: What do you mean by State works?

The Hon. DANIEL MOOKHEY: Minister, I am asking what is your knowledge of the term "State works contribution"?

The Hon. TREVOR KHAN: No, that was not your question.

The Hon. DANIEL MOOKHEY: That is now my question. What is your knowledge—

Mrs MELINDA PAVEY: No, I am asking you what State works is.

The Hon. DANIEL MOOKHEY: Do you know?

Mrs MELINDA PAVEY: I do not and I am asking you—

The Hon. DANIEL MOOKHEY: Any clue?

Mrs MELINDA PAVEY: —what do you mean by State works?

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The Hon. DANIEL MOOKHEY: Do you have any clue?

Mrs MELINDA PAVEY: Are you talking about the road connections? What are you talking about?

The Hon. DANIEL MOOKHEY: No, I am asking you. It is a precise term, Minister. I am asking you deliberately because billions of dollars turn on it now that you mention it. What is your understanding of the term "State works contribution"?

Mrs MELINDA PAVEY: In relation to the WestConnex project, as I have pointed out, these are questions that are relevant to Minister Stuart Ayres.

The Hon. TREVOR KHAN: Point of order—

The Hon. DANIEL MOOKHEY: No, this is directly relevant to RMS.

The CHAIR: Order! What is the member's point of order?

The Hon. TREVOR KHAN: It is the same one I have taken before. The member continues to interrupt the Minister as she is answering the question. She should be entitled to answer the question without him interrupting.

The CHAIR: Order! I uphold the point of order. I ruled on this previously. Members should not interrupt witnesses when they are answering a question.

The Hon. DANIEL MOOKHEY: Until I just used that term, have you ever heard the term "State works contribution" before?

Mrs MELINDA PAVEY: As I am not the Minister for WestConnex, please put these questions to Stuart Ayres this afternoon.

The Hon. DANIEL MOOKHEY: Allow me to read now from Transurban's filing with the ASX. It says that the State works contribution is the capital contribution for stage 3A to be provided by RMS. This is separate to the New South Wales Government's 49 per cent share of the equity funding commitment for stage 3A. They helpfully say that it is equivalent to the nominal amount of \$1.6 billion. It is astonishing that you as the Minister for RMS seem to not have a clue what the \$1.6 billion—\$1.4 billion in present value—contribution is. As it seems that I am the first person to introduce you to the term, why is RMS paying an additional \$1.4 billion to Transurban to build the Rozelle Interchange?

Mrs MELINDA PAVEY: We are busy duplicating the Pacific Highway—

The Hon. DANIEL MOOKHEY: You just missed \$1.4 billion.

Mrs MELINDA PAVEY: —planning for the F6, doing Smart Motorway on the M4, doing Narellan Road, working on plans for Holsworthy Road and—

The Hon. PENNY SHARPE: You should not have given up your time, Minister, if you want to talk about that.

Mrs MELINDA PAVEY: —working on plans for the Great Western Highway, investing \$1 billion on the Princes Highway with another \$1 billion planned, half a billion dollars on the Newell Highway, and deciding to fast-track the Great Western Highway dual carriageway. These are the projects that are under my remit that I am fully aware of. Now I think it is important. You have messed up your budget estimates strategy by asking the wrong Minister the questions.

The Hon. DANIEL MOOKHEY: No, precisely not.

Mrs MELINDA PAVEY: That is not an issue for me. It is important—

The Hon. DANIEL MOOKHEY: Minister, I am asking you in budget estimates about the meaning of a \$1.6 billion payment to Transurban that, as Transurban says, is in addition to the capital contribution.

The CHAIR: Mr Mookhey, I have already ruled on points of order that have been taken. Courtesy is required.

The Hon. DANIEL MOOKHEY: Sorry, Mr Chair. I will be courteous.

The CHAIR: Members should not interrupt a witness in the middle of an answer. Minister, if you could answer the question as succinctly as you can, it would be appreciated.

Mrs MELINDA PAVEY: Thank you, Mr Chair. I would like to refer to Mr Rod Staples.

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The Hon. DANIEL MOOKHEY: Before we do, Mr Staples, I want to ask whether this \$1.6 billion is in addition to the \$1.8 billion the New South Wales Government had committed to WestConnex?

Mr STAPLES: To assist with what appears to be a misunderstanding, when we refer to the fact that WestConnex is under the remit of Minister Ayres, it is not just the activity of Transurban. We have a transport cluster model. I am accountable to three Ministers—Minister Pavey, Minister Constance and Minister Ayres. Minister Ayres is responsible for WestConnex within our cluster; he has other responsibilities of course. In relation to that, Transport for NSW and RMS both undertake activities for Minister Ayres. The questions that you are referring to do relate to Mr Ayres' portfolio both within Transport and RMS. The nature of the way the money flows through WestConnex is under the remit of Minister Ayres.

The Hon. DANIEL MOOKHEY: No, I appreciate that but I am trying to get to the bottom of this additional \$1.6 billion that Transurban has said to the ASX is being received by RMS. I am trying to understand what that is. I do not think it is unreasonable for me to come to the roads Minister, who is in charge of at least this part of the cluster, and ask: What is this \$1.6 billion payment?

Mr STAPLES: I guess it is for—

The Hon. DANIEL MOOKHEY: It is really a simple question.

Mrs MELINDA PAVEY: That is the point. This part of the cluster that you are asking questions about is the responsibility of Stuart Ayres.

The Hon. DANIEL MOOKHEY: Minister, in respect of the Rozelle Interchange, either to you or through you to Mr Kanofski, when will the tender complete and the design and construct contract be issued?

Mrs MELINDA PAVEY: These questions would be better given to Minister Ayres, who will be in attendance this afternoon.

The Hon. DANIEL MOOKHEY: When will construction commence?

Mrs MELINDA PAVEY: Those questions are more relevant to Minister Ayres this afternoon.

The Hon. DANIEL MOOKHEY: When will the Rozelle Interchange be open to motorists?

Mrs MELINDA PAVEY: Again, these questions are relevant to Minister Ayres this afternoon.

The Hon. DANIEL MOOKHEY: Do you have anything to say about Transurban's disclosure to the ASX that it expects the Rozelle Interchange to open in 2025?

Mrs MELINDA PAVEY: In relation to your questions, those questions are better placed to Minister Ayres this afternoon.

The Hon. PETER PRIMROSE: Thank you, Minister. In the time we have left in this session, I would like to briefly ask a few questions about ports if I can.

The Hon. Dr PETER PHELPS: Hear, hear!

The Hon. PETER PRIMROSE: And then we may return to other matters later.

The Hon. Dr PETER PHELPS: Hopefully not WestConnex.

The Hon. PETER PRIMROSE: How many containers originating from and destined for the Hunter region are currently being transported along the M1 to and from Port Botany?

Mrs MELINDA PAVEY: Thank you, Mr Primrose, for your question. In relation to ports and the delivery of containers into New South Wales, 85 per cent of containers that come into New South Wales are distributed within a 40-kilometre radius of Port Botany. The decisions around that are not ones that government make but that industry make—the carriers, the shipping lines and all those that are involved in that process. But in relation to the details of your question I will defer to Clare Gardiner-Barnes, our deputy secretary for freight.

Ms GARDINER-BARNES: The total volumes that you are referring to I am happy to take on notice.

The Hon. PETER PRIMROSE: Thank you, but given your suggestion that these are decisions essentially made by the market as opposed to government, would the development of a container terminal at Newcastle help to reduce any congestion around Port Botany?

Mrs MELINDA PAVEY: I think this is an important issue and an important question. We have the market deciding where those containers are going. You only need to talk to companies like DP World [DPW],

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which says that the system within New South Wales is market driven and market led. Ships only like to stop on rare occasions and they want to be able to transact their business at one major port. In fact, last year Port Botany overtook Victoria as the largest destination for containers within Australia. As much as we might like to be able to have containers dropped at the Port of Yamba or the Port of Eden or the Port of Newcastle, there is a market-led decision on this. Port Botany is the chosen destination because 85 per cent of what is offloaded at Port Botany finds itself within a 40-kilometre radius.

The Hon. PETER PRIMROSE: Minister, through you possibly to Ms Gardiner-Barnes, I understand from those who I have spoken to in the industry that TEU is the relevant term used and it stands for twenty-foot equivalent unit.

Ms GARDINER-BARNES: Correct.

The Hon. PETER PRIMROSE: They have advised me that Port Botany processed some 2.5 million TEUs in 2017 and the Port of Newcastle has advised that its Mayfield site has the capacity for a two million TEU per annum container terminal. Again I ask: Would the establishment of a container terminal there reduce congestion around Port Botany?

Mrs MELINDA PAVEY: There is still enormous capacity at Port Botany; industry tells us that. We have also received acknowledgement of \$400 million of funding from the Commonwealth to do the Port Botany duplication, which will put 3.2 kilometres of extra rail line towards Port Botany. There are also plans for better removal by train of those containers from Port Botany. That is what is happening. That is being led and driven by the market and supported by Government, with the Federal Government adding \$400 million to enable that project to happen by 2024. That was part of our negotiations with the Commonwealth about the development of inland rail. There is still unmet demand available at Port Botany, that is what industry tells us, and that is where those containers will continue to go.

It is also important to acknowledge the incredible work that the Port of Newcastle does. It is probably the most efficient coal facility in the whole world. It is something that they do incredibly well. We have brought in changes and efficiencies but it is also important to acknowledge diversification at the Port of Newcastle and we have bulk cargo going into there. We also want other freight to be able to come down from our agricultural areas in the north-west of New South Wales.

The Hon. PETER PRIMROSE: I accept what you are saying about the importance of the Port of Newcastle. Is it the Government's position that it would support a container development at the Port of Newcastle?

Mrs MELINDA PAVEY: There is nothing stopping the Port of Newcastle doing extra containers, but it is important to understand the arrangements that have been set in place that have been designed because we are following what the market wants us to do.

The Hon. PETER PRIMROSE: Would the Government support such a development?

Mrs MELINDA PAVEY: Certainly. There is no issue in containers going out of the Port of Newcastle. There are some issues in relation to the volumes. We do want containers out of Newcastle, but let us not forget what Newcastle is good at: It is the best coal exporter in the world. What happens out of that port is incredible and important to the financial viability of the Hunter in particular and also New South Wales. In regard to the Freight and Ports Plan, Ms Gardiner-Barnes might like to talk further about diversification across our ports.

Ms GARDINER-BARNES: The New South Wales Government clearly wants to encourage diversification of industries. We have done a lot of work over the past 12 months looking at where container ports are required based on projection rates over the next 40 years. Future Transport and the draft Freight and Ports Plan that has been out for consultation and is currently being finalised clearly articulate that the growth for container demand is going to be in the south-east of New South Wales and so it was determined that Port Kembla would be the overflow port in the future. That is really why the Government has made that call around future investment decisions, but at this point in time the key investment decisions are very much focused on addressing congestion and improving freight pathing through to Port Botany.

The CHAIR: Before I proceed to hand over to Ms Faehrmann I will ask a couple of questions. I will say I am very pleased to hear from Ms Gardiner-Barnes that her department is planning out to 40 years. It is a pity the whole of government is not planning out to 40 years and beyond.

The Hon. Dr PETER PHELPS: We are only planning as long as we are going to be in government for I think.

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The CHAIR: That would be an unfortunately short time in certain circumstances. Minister, what input would your department have had with perhaps I would suggest the planning department over the development that is called Melrose Park? It is a large residential development on Victoria Road. You are probably familiar with Victoria Road; it is a very constrained and constricted thoroughfare.

Mrs MELINDA PAVEY: Like New South Head Road.

The CHAIR: Yes, like that. The site is constrained by the Parramatta River, Victoria Road, Silverwater Bridge and Ryde Bridge. The development I understand is planned for a final count of about 10,000 units. It is obvious to me driving on the road every day that traffic planning would be a major component of any approvals. Could I ask what if any input your department has had in relation to the planning of that site?

Mrs MELINDA PAVEY: I have a very eager secretary and a very eager chief executive who would like to contribute to that answer because it is important that our agency is involved in the planning of projects and population dispersion across Sydney. I think they will both have significant contributions to make about the details to your question.

Mr STAPLES: Mr Kanofski would be best placed to talk specifics. I just want to give some assurance that through the development process in allocating where development goes that is certainly a matter for the Department of Planning and the Greater Sydney Commission in more recent times in the way the planning process occurs. As a transport cluster, with RMS as one of the key agencies and other agencies like Sydney Trains, we participate in that and provide feedback. Then ultimately the Department of Planning will determine what is allocated into various local environmental plans for council to consider.

When it comes to individual development proposals it depends on the pathway by which the planning proposal is put forward as to how we participate, but certainly things that are adjacent to major roads or in the vicinity of major railways will have a referral process of some form no matter what. There are State environmental planning policies that also refer to us if there are corridor protections and so forth. There would be a consideration in relation to that. Obviously when we see density and larger development our preference is to have that located close to public transport so that we get as much walkability and as low an impact on the road network overall. It is probably just an assurance that there is definitely a planning framework and a way for us to participate in that. I might refer to Mr Kanofski about whether he has anything specific on that particular site.

Mr KANOFSKI: I do not have a lot of detail. I am happy to take the detail on notice.

The CHAIR: If you could, please.

Mr KANOFSKI: Just to add to that, all major developments on State roads are referred to RMS. We comment on them and sometimes suggest conditions back to the Department of Planning, including contributions that the developer might need to make to the upgrade of those roads. In that vicinity though, the other element of this is the housing. In parts of the road network where there are substantial amounts of development occurring, the Housing Affordability Fund, which is a fund run by the Department of Planning and Environment, also makes contributions to road network planning, and in that particular part of the world \$50 million out of the Housing Acceleration Fund [HAF] program was announced recently for the upgrade of Epping Bridge, which is in that same vicinity basically. So there are those kinds of elements to it. We get to comment on conditions; sometimes those conditions include financial contribution from the developer; and there is also the Housing Acceleration Fund, which looks more broadly at improvements to the road network in areas where substantial amounts of development are likely to occur.

The CHAIR: I take it then that Victoria Road is a State road?

Mr KANOFSKI: Yes, it is.

Mrs MELINDA PAVEY: Just on Victoria Road, we have had a really big focus on improving the infrastructure that we have. We have improved travel times on Victoria Road by 40 per cent over weekends by extending the clearway periods, and that has been a big focus of the agency. That has been hard work—there can be a bit of conflict there with people who live on those roads and are used to parking there at weekends. We have had really good negotiations with communities, supported by our local members. So where we can get the most out of our infrastructure, such as a link as important as Victoria Road, we are doing that and we have had some really positive results.

The CHAIR: My question that you have taken on notice is: Can you provide the Committee with some detail as to what input you have had in relation to that very large development?

Mr KANOFSKI: Yes, I am happy to.

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The CHAIR: Thank you. I will hand over to Ms Faehrmann now.

Ms CATE FAEHRMANN: Minister, back to cycling. Is the New South Wales Government still committed to building a cycling ramp to replace the 55 steps at the northern end of the Harbour Bridge?

Mrs MELINDA PAVEY: Absolutely. We came out with the design maybe eight months ago. I think that did not meet the needs of the local community—it impacted too much on the park and it did not properly recognise the heritage values of the bridge. So it was back to the drawing board after consultation with local council and community groups. I was talking with the head of our Sydney division about two weeks ago and he was going back with some other plans that were more appropriate and has started some consultation on that. We are committed to that, just like—

Ms CATE FAEHRMANN: What is the time line for it?

Mrs MELINDA PAVEY: The time line will—

Mr KANOFSKI: I do not have specifics but we are due to go back after consultation in the near future and then once we have consulted they will need to go through the planning approval process including Heritage Council approval because it is the bridge. That process can take some time.

Ms CATE FAEHRMANN: It has been delayed a couple of years. It sounds like it might be delayed a couple more years then considering all of that process you are saying has to—

The Hon. TREVOR KHAN: That is a bit churlish.

Ms CATE FAEHRMANN: It is a question.

Mrs MELINDA PAVEY: I do not think it will be that long a period, but I do think we have a responsibility to work in a respectful way with the local community and the last designs did not meet the appropriate heritage values. I think it is important that we work through that.

The CHAIR: The Minister was in the middle of answering a question. If members want to have a conversation they should take it outside.

Mrs MELINDA PAVEY: It is an issue that the bicycle fraternity across Sydney is keen for us to solve and we are working towards that in a genuine partnership, and they will be involved too in the design to make sure it meets their expectations as well. But it is important to note that on the other side of the bridge we are not far from completing the lifts to give access to people with disabilities or mums with prams. We expect the southern lifts to be ready and operating in time for the Invictus Games, which will be an appropriate moment of completion with many athletes from around the world coming to Sydney.

Ms CATE FAEHRMANN: Thank you, Minister. That is diverging from my original question quite a bit now. In relation to the koala population around Appin Road, I am sure you are aware as Minister for Roads that in the past few months there have been at least 13 deaths of koalas crossing Appin Road. I believe your department is looking at a massive upgrade of that road. I wanted to get your assurances that you are doing everything you can to protect the koalas in that upgrade. We would like to know what the department is doing.

Mrs MELINDA PAVEY: I will ask Mr Kanofski to further explain that. I would like the opportunity to talk with you too about our programs, particularly on the Pacific Highway at Wardell where there has been a lot of community concern about koalas. But I will hand to Mr Kanofski.

Ms CATE FAEHRMANN: Were you aware of the Appin Road—

Mrs MELINDA PAVEY: Yes, absolutely.

Mr KANOFSKI: With regard to Appin Road, there are two things happening regarding upgrades to that road. One is with regard to a \$50 million contribution from the Commonwealth Government for the upgrade of Appin Road, and then there is also, I think it is the Mount Gilead development, and it will make a further contribution to upgrading of the road. Part of the upgrade to that road is to provide koala fencing as appropriate and to protect the koala habitat in that area. What is happening at the moment in the pre-work for that is that studies are being done to study the koala population, to understand where they are and what their movements are. So there will be appropriate koala fencing, and crossings if necessary—a safe crossing-type infrastructure, similar to what we have put in place in other parts of the State.

The Hon. PENNY SHARPE: So not underpasses?

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Mr KANOFSKI: We need to look at the right sort of infrastructure for what the studies show the population is doing and where it is moving.

Ms CATE FAEHRMANN: Wildlife experts will say that fences trap koalas as opposed to providing them with underpasses and overpasses so they can get from one side of the road to the other, which is what they need to do. Wildlife experts do not recommend koala fences generally.

Mr KANOFSKI: The final design will ultimately reflect expert advice.

Ms CATE FAEHRMANN: Wildlife expert advice?

Mr KANOFSKI: All expert advice. We take on board a range of advice.

Ms CATE FAEHRMANN: In protecting the koalas?

Mr KANOFSKI: Yes, absolutely. As I said, that project includes an objective of protecting the koalas in the area. In regard to fencing, in areas of the Pacific Highway that the Minister referred to we have had a lot of success in eliminating koala deaths on certain roads with koala fencing. There is a balance of strategies with regard to the protection of koalas—appropriate crossings where that is necessary and fencing where that is the right solution. That is the plan for Appin Road.

Mrs MELINDA PAVEY: RMS is on a steering group led by the Chief Scientist to ensure that we contribute and we can share information with other agencies and be led by the Chief Scientist in preserving and ensuring we do all that we can to protect koalas across New South Wales.

Ms CATE FAEHRMANN: On to transport emissions and climate change. Given that the New South Wales Government has committed to net zero emissions by 2050 and that transport accounts for approximately 20 per cent of total greenhouse gas emissions, what is the pathway to achieve net zero emissions in the transport sector by that date?

Mrs MELINDA PAVEY: We are doing some really positive work in improving the efficiency of the transport network across Sydney. It is worth noting, whilst I am not the transport Minister, I am the roads Minister.

The Hon. PENNY SHARPE: I am glad you know the difference, Minister.

The Hon. TREVOR KHAN: That is outrageous.

Mrs MELINDA PAVEY: Thank you, Ms Sharpe.

The CHAIR: I remind members that interjections are disorderly at all times.

Mrs MELINDA PAVEY: The issue is that 90 per cent of the contribution to the infrastructure spend in Sydney at the moment is going to public transport. That is our Government's focus. Much of the work we are doing in the roads space is funded by the user-pays system. We have a big commitment to get people onto public transport as the most efficient for them and those outcomes are also positive for the environment. We have a strong focus on ensuring that we can get electric vehicles and making that pathway as best we can. That is led by the market but government must not stand in the way and facilitate where it can. With that also comes automation. I recognise the contribution earlier by the Hon. Robert Brown who was talking about our plans working towards the next 40 years. I defer to Ms Gardiner-Barnes to discuss in greater detail some of the initiatives we are working on.

Ms CATE FAEHRMANN: Just before you do, given the Government has a zero net emissions goal by 2050, when do you expect to see a reduction in emissions from the transport sector to meet that goal considering 20 per cent of emissions are from the transport sector? Is there a specific time when we can expect to see emissions reductions? Has the Government set that target?

Mrs MELINDA PAVEY: In relation to the target I defer to Ms Gardiner-Barnes. The work that we are doing is encouraging more people into public transport, providing a more efficient road system, and we will have a better focus on emissions. There will be fewer people sitting at traffic lights and in traffic jams, and trucks will be using our toll roads, which is a positive way forward.

Ms CATE FAEHRMANN: Minister, I think we will need to see a lot more than that to reduce the transport emissions.

Mrs MELINDA PAVEY: Which is why we are developing an electric vehicle plan, and we are doing what we can in the area of automation. You will be pleased to know that we have increased the amount of freight moving on rail from trucks—from 15 per cent when we won office to about 18 per cent or 19 per cent now. We

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have plans for that to go higher with inland rail, with the duplication at Port Botany and with the Moorebank intermodal. They are all positive announcements and plans.

Ms CATE FAEHRMANN: The question is: What do all those things you spoke about do to meet the zero net emissions target? To my mind it seems as though they will send emissions up rather than down.

Mrs MELINDA PAVEY: Why would putting freight on rail off trucks make that go the way you just indicated—that is, up?

Ms CATE FAEHRMANN: In regard to the roads and everything you just talked about, and people not sitting in cars.

Mrs MELINDA PAVEY: I think that is important. We are investing taxpayer dollars in public transport, improving and building the north west rail, south west rail, western metro and light rail. We are doing all those things and the B-Line for the northern beaches. They have all had a positive impact to encourage commuters out of cars and onto a more efficient public transport system. If you want more details about targets, I will defer to Ms Gardiner-Barnes.

Ms CATE FAEHRMANN: So no targets?

Ms GARDINER-BARNES: Earlier last week we talked about a strategy that is being put in place at the moment. We are in the early stages of looking at the range of actions that the New South Wales Government will implement in addition to the commitments that have already been made through Future Transport. One of the key outcomes that we want to implement in the short-term, medium-term and long-term is improved rates of power usage and lowering emissions. Some of the key strategies we have in place include trying to move from a shift in private car use to public transport including share vehicles wherever we can.

We are doing work around that at the moment. You may be aware of some of the trials we have on demand across Sydney. We are looking to do that in regional parts of New South Wales as well to try to encourage people across New South Wales to share their vehicles wherever they can. Promotion of low-emission vehicles is something we are looking to do more broadly including in the government fleet. I think the New South Wales Government can make a significant contribution by leading the way in that area. We are also looking at transitioning to a more cost-effective low-emission energy supply. That will be a key part of the strategy that we are commencing in development at the moment. It is important that we collaborate with industry around fuel-efficient vehicle technologies.

We are in the process now of developing a connecting automated vehicle strategy and a plan in consultation with industry to look at how these new technologies can be implemented across New South Wales. We have a number of trials in place at the moment—one at Sydney Olympic Park. The Minister has announced a number of trials in regional parts of New South Wales—at Armidale and Coffs Harbour. We are trying to make sure wherever possible that we are engaging the community in these leading initiatives so they too see the benefits of low-emissions technology—new technologies that will ensure our roads are much safer and encourage share usage of vehicles wherever possible.

Ms CATE FAEHRMANN: Is the strategy you are referring to the Future Power Strategy that the department is developing?

Ms GARDINER-BARNES: Yes.

Ms CATE FAEHRMANN: That Future Power Strategy sets targets for emissions reduction?

Ms GARDINER-BARNES: We are in the early stages of framing that strategy at this point. Until we have some clear engagement from industry and stakeholders we are not in a position to make that call.

The Hon. DANIEL MOOKHEY: Minister, in light of the extensive description that you have given us this morning of the administrative arrangements between the Rozelle Interchange and WestConnex, should we therefore attribute the cost of the \$1.5 billion Rozelle Interchange to WestConnex?

Mrs MELINDA PAVEY: Mr Mookhey, as I said earlier, I know it does not go with your budget estimates strategy and that you have not done your homework, but questions relating to WestConnex are for the Minister for WestConnex. That includes the Rozelle Interchange. Ask Minister Ayres. He will be here this afternoon.

The Hon. DANIEL MOOKHEY: It is a simple question. Is the Rozelle Interchange a part of WestConnex or not?

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Mrs MELINDA PAVEY: It is a simple statement. Ask Minister Ayres this afternoon.

The Hon. DANIEL MOOKHEY: Is the Rozelle Interchange a part of WestConnex or not?

Mrs MELINDA PAVEY: Could you ask the relevant Minister who has the delegation of this project this afternoon. I think he is on at 2 o'clock.

The Hon. DANIEL MOOKHEY: Minister, in light of that answer is it correct to say that the Minister responsible for WestConnex is building the \$1.5 billion Rozelle Interchange but it is not part of WestConnex? Is that a correct statement?

Mrs MELINDA PAVEY: The correct statement is: Ask Minister Ayres these questions this afternoon as the Minister for WestConnex.

The Hon. DANIEL MOOKHEY: Minister, should we assume from the Abbott and Costello-style farce that we have witnessed this morning—

The Hon. Dr PETER PHELPS: Point of order—

The Hon. DANIEL MOOKHEY: Is this simply designed to obscure a \$1.5 billion blowout?

The CHAIR: Order! The member will not continue to speak when a point of order has been taken. What is the member's point of order?

The Hon. Dr PETER PHELPS: It is argumentative in the extreme to suggest that anything is Abbott and Costello.

The CHAIR: That question was a bit provocative. The member will ask his question. Play the straight man.

The Hon. DANIEL MOOKHEY: I will play the straight man. Minister, are we to assume the description of the administrative arrangements that you have given are simply designed to avoid the fact that WestConnex is now costing an additional \$1.5 billion?

Mrs MELINDA PAVEY: It is important for the member to understand that he needs to ask Minister Ayers questions relating to WestConnex. It would be good if he did not continue to commentate. He will have an opportunity this afternoon from 2 o'clock to ask Minister Ayres these questions.

The Hon. DANIEL MOOKHEY: What is the total cost of building the Sydney Gateway?

Mrs MELINDA PAVEY: Thank you very much for your question. The Sydney Gateway is a project that is important to the connectivity of WestConnex. It is not part of WestConnex. I am delighted to answer questions relating to that.

The Hon. PENNY SHARPE: Finally!

The Hon. Dr PETER PHELPS: Only one hour and 28 minutes into the questioning.

Mrs MELINDA PAVEY: I do not think that was a cheer of happiness; I think it was a cheer of facetiousness. But anyway, it is an important—

The Hon. DANIEL MOOKHEY: Perhaps deserved.

Mrs MELINDA PAVEY: It is an important project and we are getting on with doing our homework in relation to the development of the Gateway. It is an important part—

The Hon. DANIEL MOOKHEY: You have been doing your homework—

Mrs MELINDA PAVEY: As I mentioned earlier, part of Gateway is the Port Botany duplication. We have secured funding from the Commonwealth for that 3.2 kilometres. It is about approving efficiency around Port Botany but it is also about improving the traffic into the airport, particularly from the WestConnex development. Currently we are almost through a \$500 million investment around Sydney Airport. This Gateway project is important and I am pleased to say our negotiations and our planning are going well because we do need to work with other partners on this project. But in regard to total cost, which was your question, we have yet to finalise those costings. It will be part of the public record in coming weeks, and we will be happy to reveal those estimates at that time.

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The Hon. DANIEL MOOKHEY: You have been doing the homework on the Gateway since 2011, given it was the original justification for WestConnex. The updated strategic business case said that the Gateway would cost \$800 million. Is it still \$800 million?

Mrs MELINDA PAVEY: You made a comment that I have been doing my homework on this since 2011.

The Hon. DANIEL MOOKHEY: Not you; the Government.

Mrs MELINDA PAVEY: I was not the roads Minister in 2011.

The Hon. DANIEL MOOKHEY: No, I did not say that. I did not say you.

The Hon. TREVOR KHAN: Shame!

Mrs MELINDA PAVEY: Sadly.

The Hon. DANIEL MOOKHEY: We will tell Mr Duncan Gay.

The Hon. Dr PETER PHELPS: I will tell him you said that.

Mrs MELINDA PAVEY: I think it is important to acknowledge that \$800 million is a contribution—

The Hon. DANIEL MOOKHEY: Now it is a contribution.

Mrs MELINDA PAVEY: —because that was the announcement at the time from WestConnex. But I will defer to Mr Kanofski.

The Hon. DANIEL MOOKHEY: Please.

Mr KANOFSKI: We are doing the final business case for Sydney Gateway and that will be considered by government when it is complete. As the Minister says, the final costs will be part of that and a summary of that final business case will be made public. The \$800 million is a contribution from the WestConnex project to Sydney Gateway. I think it is important to put Sydney Gateway in its context. One of the objectives of Sydney Gateway is to get traffic from the St Peters Interchange to the airport and that is why the WestConnex project makes a contribution towards Sydney Gateway. Sydney Gateway, though, has a number of other objectives and one of them is improving rail access to Port Botany, but the other is substantially improving the road network around Sydney Airport.

I do not think anybody who has been there would argue that we should not be looking at some improvements around Sydney Airport. To that end, as the Minister has already said, we are currently in the process of spending and delivering a \$500 million commitment, which incorporates three projects. But what Sydney Gateway will do when it is complete is it will include further substantial improvements to traffic congestion generally around Sydney Airport.

Mrs MELINDA PAVEY: Can I just—

The Hon. DANIEL MOOKHEY: No, the question has been answered. If you wish to add anything further to the record, you should ask the Government members to ask questions. When will the construction commence for Sydney Gateway?

Mrs MELINDA PAVEY: That is not known at this point because we are still in continued negotiations with Sydney Airport Corporation. We will need to go to planning and environmental and then contract for work, so I cannot give you a date as to when work will start. But I think it is also important to realise that any suggestion that Gateway is going to cost \$800 million, because that is the contribution from WestConnex to Gateway, is wrong. I just want to make that very clear—

The Hon. DANIEL MOOKHEY: Thank you for the clarity.

Mrs MELINDA PAVEY: —because it is important.

The Hon. DANIEL MOOKHEY: Yes, I was not implying otherwise.

Mrs MELINDA PAVEY: It is really important to know that that is a contribution to the project and any suggestion of any blowout on a design or a road that we have not finished work on would be just a bit disingenuous.

The Hon. DANIEL MOOKHEY: Okay. Thank you.

Mrs MELINDA PAVEY: I think that is important.

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The Hon. TREVOR KHAN: Outrageous, in fact.

The Hon. DANIEL MOOKHEY: Outrageous, even.

Mrs MELINDA PAVEY: We plan to complete that project in 2023 so we are working towards that timetable.

The Hon. DANIEL MOOKHEY: In light of the fact that you have just said that you do not know when construction will commence for the reasons you just said, the original business case for WestConnex said that the indicative construction timetable was this year—that we were meant to start this year. Why should we not assume, therefore, that the project is late?

Mrs MELINDA PAVEY: We still have a commitment to have that project completed in 2023 and we are working towards that. It is important to the overall connectivity of Sydney. I will ask the chief executive whether he would like to ask anything further.

Mr KANOFSKI: I think we have talked about this before; that is, the logic of Sydney Gateway and why the 2023 date is important.

The Hon. DANIEL MOOKHEY: Yes, we have, Mr Kanofski.

Mr KANOFSKI: It is because one of the objectives is the linking from St Peters Interchange to the airport. The 2023 date, why we are working towards that, is that it coincides with the completion of the WestConnex project.

The Hon. DANIEL MOOKHEY: Indeed. I do understand that, Mr Kanofski. In fact, your updated strategic business case was clear that it was to be finished by 2023 so I am not suggesting that that has been changed at all. In fact, you talk about the logic of why it has been sequenced in the way it has. But the strategic business case was very clear about the reasons why the Gateway should be started in 2018. It is the reason why we have this wonderful Gantt chart which said it is to start in this year. My question is: If there has been a deviation from the strategic business case are you in a position to tell us when construction will start?

Mrs MELINDA PAVEY: As I have said, we are not in a position today to give you a start date. But negotiations are moving well—the important thing that we need to meet is the completion date of 2023—and we expect that to be met.

The Hon. DANIEL MOOKHEY: Will the Gateway be tolled?

Mrs MELINDA PAVEY: Sorry, Mr Kanofski has something to add to that.

Mr KANOFSKI: I think it is also important to look at the structure. You are talking about the WestConnex program's strategic business case.

The Hon. DANIEL MOOKHEY: Updated.

Mr KANOFSKI: Then each of the individual projects within WestConnex has been subject to further development and further business cases. That is not that unusual if we are talking about a major piece of infrastructure that has six component projects that are kind of part of it. So it is not that unusual, as a major project like that develops, for there to be some movement in the componentry.

The Hon. DANIEL MOOKHEY: Minister, will the Gateway be tolled?

Mrs MELINDA PAVEY: In making a decision on that we need to look at the designs. We need to come to arrangements within government. A decision on that has not yet been made.

The Hon. DANIEL MOOKHEY: The position that was advanced last year was that any such toll on the airport Gateway would not form part of the toll on WestConnex. Does that position still stand?

Mrs MELINDA PAVEY: Sorry, what was that question?

The Hon. DANIEL MOOKHEY: We learnt last year that any toll that is imposed on the Gateway is not included as part of the WestConnex toll. Does that position still stand?

Mrs MELINDA PAVEY: Absolutely.

The Hon. DANIEL MOOKHEY: Are you considering use of freight levies in the funding model for Gateway, or access charges?

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Mrs MELINDA PAVEY: As I have said, we are still to finish our final business case. It is still being finalised. But Mr Kanofski would like to add some information to that.

Mr KANOFSKI: Sorry, no. It was in relation to the previous question. I was going to confirm that Sydney Gateway is not part of the WestConnex project and therefore not part of the tolling arrangement.

The Hon. PENNY SHARPE: Can you provide a list to the Committee of what is considered to be part of WestConnex—

The Hon. DANIEL MOOKHEY: As of this date.

The Hon. PENNY SHARPE: As of today? It is unclear.

The Hon. TREVOR KHAN: To you.

The Hon. PENNY SHARPE: Take it on notice if you need to, Minister.

The Hon. TREVOR KHAN: You just don't pay enough attention.

The CHAIR: Order!

The Hon. DANIEL MOOKHEY: We have media reports this week that the Gateway will not be tolled. Is that correct?

The CHAIR: Before we proceed, were you asking for that question to be put on notice, Ms Sharpe?

The Hon. PENNY SHARPE: Yes.

The CHAIR: Can you take that question on notice, Minister? What is in and what is out of WestConnex?

Mrs MELINDA PAVEY: That can be put on notice this afternoon with Mr Ayres.

The Hon. PENNY SHARPE: You are not going to take it on notice. So you cannot tell us, Minister? This is actually quite farcical. You should be able to answer that question, given you are very clear about what you do not want to answer.

The Hon. PETER PRIMROSE: It is part of your cluster.

The Hon. PENNY SHARPE: It is part of your cluster. You are not going to do it?

The CHAIR: Mr Mookhey, are you still asking the questions?

The Hon. DANIEL MOOKHEY: Yes, I am. Minister, given that we have had media reports this week that the Gateway is not going to be tolled, it is a simple question: Is it going to be tolled or not?

Mrs MELINDA PAVEY: The final case is still being finalised. As I said in my previous answer a decision has not been made on that. As soon as it has we will inform the community.

The Hon. DANIEL MOOKHEY: You are in negotiations with Sydney Airport?

Mrs MELINDA PAVEY: I am not in negotiations with Sydney Airport.

The Hon. DANIEL MOOKHEY: But RMS, the cluster, is?

Mrs MELINDA PAVEY: But the officials from the cluster have been in negotiations with Sydney Airport, yes.

The Hon. DANIEL MOOKHEY: Do you have an estimate of how much land is required to be obtained from Sydney Airport? Not what it is—do you have an estimate?

Mrs MELINDA PAVEY: I will take that on notice, unless the chief executive would like to respond to that.

Mr KANOFSKI: Certainly the designs that we are in discussion with Sydney Airport about include using some airport land, and I cannot tell you the exact hectares.

The Hon. DANIEL MOOKHEY: You cannot tell us yet?

Mr KANOFSKI: The designs include using some airport land.

The Hon. DANIEL MOOKHEY: Does it require using any Qantas-owned land?

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Mr KANOFSKI: We are dealing with a number of stakeholders, but we are dealing with Sydney Airport Corporation with regard to—

Mrs MELINDA PAVEY: And it owns all the land there.

The Hon. DANIEL MOOKHEY: Thank you. What about Port Botany or any of the land that is owned by ports?

Mr KANOFSKI: As I said, there are a range of land stakeholders, Sydney Airport Corporation being the largest one.

The Hon. DANIEL MOOKHEY: It is correct to say that the State's acquisition powers cannot be used against land owned by Sydney Airport?

Mr KANOFSKI: To be clear, the Sydney Airport Corporation does not own any land.

The Hon. DANIEL MOOKHEY: It leases, yes.

Mr KANOFSKI: Sydney Airport Corporation leases Commonwealth land.

The Hon. DANIEL MOOKHEY: With that distinction in mind.

Mr KANOFSKI: The State Government compulsory acquisition powers cannot be applied to Commonwealth-owned land.

The Hon. Dr PETER PHELPS: Unless we secede.

The Hon. DANIEL MOOKHEY: Keep your campaign up. Minister are you aware of the statement made by the Australian Competition and Consumer Commission [ACCC] Chairman, Rod Sims, last week or the week before:

The ACCC considers that state governments should only award new toll road concessions through a competitive bid process, and not following an unsolicited proposal... Accepting unsolicited proposals for new toll road concessions generally leads to higher costs to taxpayers, drivers, or both.

Will the Gateway be procured through an unsolicited proposal or will it be procured through a competitive bid process?

Mrs MELINDA PAVEY: It will be procured through a competitive bid process.

The Hon. DANIEL MOOKHEY: When will that competitive bid process start?

The Hon. TREVOR KHAN: After the planning is finished.

Mrs MELINDA PAVEY: The timing of that will become clear in the next few weeks.

The Hon. DANIEL MOOKHEY: Will Sydney Airport be operating the road?

Mrs MELINDA PAVEY: We will go through a competitive bid process.

The Hon. DANIEL MOOKHEY: Indeed. Minister, we learnt last week that the Western Harbour Tunnel and Beaches Link final business cases are indeed finished. When will the Government be making a final investment decision on that?

Mrs MELINDA PAVEY: In relation to that, we expect community consultation for the Western Harbour Tunnel and Beaches Link to be finished around November. The next part of that is to prepare the environmental impact statement [EIS], which will be, we are expecting, in the first quarter of 2019 and then investment decisions by government will be considered after that.

The Hon. DANIEL MOOKHEY: Is it fair to say, therefore, that the Government will be making its final investment decision in respect of the Western Harbour Tunnel and Beaches Link after the next State election?

Mrs MELINDA PAVEY: We are committed to the Western Harbour Tunnel and Beaches Link, unlike those opposite—unlike the Labor Party.

The CHAIR: I thought you were talking about me.

The Hon. DANIEL MOOKHEY: I am glad you clarified that, Minister. I was wondering who you were looking at.

Mrs MELINDA PAVEY: To be clear, we cannot finalise the business case until the feedback is done.

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The Hon. DANIEL MOOKHEY: We heard last week that Infrastructure NSW said that the final business case is finalised. Are you referring to the final business case or the final investment decision?

Mrs MELINDA PAVEY: We cannot finalise the final business case until the community feedback is done. We are continuing with that feedback. We expect that to be finished by November and we go to the EIS. In relation to commitments, we are committed to that project, which is why we have done the work. We have had about 7,000 face-to-face meetings within those communities because it is a major infrastructure project. We will continue to do that work, then lodge the EIS in the first quarter of next year. I think that is an example of our government.

Not only are we concentrating on Western Sydney with projects such as the M12 as well as the F6—WestConnex is not my responsibility but the responsibility of Minister Ayres, but that is a transformative project for Western Sydney, along with our investment in public transport across Sydney. It is part of our plan to unclog Sydney, create a Sydney for tomorrow as we plan for today, tomorrow and the next 40 years. It is part of our process, it is part of our plans. It will be up to the people to decide in March what happens in respect of the infrastructure in New South Wales, whether we continue at a pace that we are going or it comes to a stop, as it would under you.

The Hon. DANIEL MOOKHEY: Thank you, Minister. I am sure people would like to know in March how much the Western Harbour Tunnel and Beaches Link will cost.

Mrs MELINDA PAVEY: Is that a question?

The Hon. DANIEL MOOKHEY: It is. How much will the Western Harbour Tunnel and northern beaches tunnel cost? People would like to know.

Mrs MELINDA PAVEY: We will know that after we have done our community consultation, once we have gone through the EIS and get to our final business case because, at this point, it is not finalised.

The Hon. DANIEL MOOKHEY: Is the Government going to be building the Western Harbour Tunnel and Beaches Link through the SMC?

Mrs MELINDA PAVEY: That is not our intention, but we will continue to work on our final business case. We will continue to consult with the community. The chief executive might have some comments to add on that.

The Hon. DANIEL MOOKHEY: Before he does, Minister, can you guarantee that you will not be building the Western Harbour Tunnel and Beaches Link through a secret company such as the SMC that does not respond to the Government Information (Public Access) Act and does not answer to Parliament?

Mrs MELINDA PAVEY: We will continue to build world-class infrastructure in New South Wales if given the opportunity and we will continue to do it through competitive bid processes, whether it is the Gateway, F6, or Western Harbour Tunnel and Beaches Link. We are transforming Sydney. We are building record public transport at the same time. We are proud of our record. We are proud of doubling the roads budget. We are proud of what we are doing across Sydney, across all of New South Wales with roads, and may it continue.

The Hon. Dr PETER PHELPS: Hear, hear!

The CHAIR: Minister, I put a question to you about the Windsor Bridge project. As you aware, this committee has tabled its report. The Government is yet to respond so I will not get into the detail. There were a couple of elements that the committee considered to be of an urgent nature. I have since received correspondence, and your office may have received the same correspondence, about the protection of the colonial and Indigenous heritage during the early stages of construction. Because the project is into construction, are you able to offer the Committee an update on what is being done to protect the colonial in-ground heritage, particularly, being the box drains, the tunnel, and Indigenous heritage on site? Part of the recommendation made by the committee was that where it could not be protected in site or made available for viewing in site, some other methods would be used to preserve the heritage. Can you give us an update on what is being done?

Mrs MELINDA PAVEY: That would be a pleasure. It is a project that has created great interest across the Hawkesbury and within this Parliament. I thank you for your work and the committee's work on it. To give us an opportunity to better explain some of the processes that we have gone through and have been pleased to go through in respect of the heritage aspects of that, I might defer now to Mr Kanofski in relation to that and some of the challenges we have faced, in particular, the barrel detain. It has taken a lot of energy of our agency and our people working on this project. I defer to Mr Kanofski.

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Mr KANOFSKI: As you know, we did a lot of extensive work in understanding the European heritage and the Aboriginal heritage of the area. During that investigation, brick block drains and brick barrel drains were discovered. The brick drains likely date back to 1814. We are following strict archaeological advice on how to protect those items, including redesigning part of the bridge approaches in order to protect the barrel drain, in particular. We have archaeologists engaged on the project. They will be salvaging by hand parts of the brick block drains. As opposed to barrel drains that are left in situ, the blocked drains are being removed and preserved. Those bricks will be taken for future curation and interpretation locally. A lot of work is going on in the protection of the important heritage of the area.

The CHAIR: Is there a single document that describes what process is being undertaken? Is there a report of some sort?

Mr KANOFSKI: I will take that on notice. I fully expect there to be a single document that would do that.

The CHAIR: Take that question on notice. If the document is available could you provide it as part of the notice?

Mr KANOFSKI: Yes.

Mrs MELINDA PAVEY: We will create the document for you.

Mr KANOFSKI: Yes, if there is not one, we will create one.

Ms CATE FAEHRMANN: I return to the koala colony around Macarthur and Campbelltown and the measures that the RMS says it will put in place on Appin Road to protect that colony. Were various options put to the department regarding whether the department should choose fencing, underpasses or overpasses?

Mr KANOFSKI: We are looking at all options. We are obviously working closely with the Office of Environment and Heritage in relation to the best solution for that area. We are open to coming up with the best solution. Clearly that would involve looking at a range of options.

Ms CATE FAEHRMANN: Will the department commit to finding the best solution for what is safest for the koalas as opposed to the cheapest solution? Wildlife experts will say that the best solution is a combination of overpasses and underpasses and not fencing. Fencing is the cheapest solution.

Mr KANOFSKI: We will be working with the Office of Environment and Heritage. Clearly a range of views will be canvassed as part of that process. We will be working closely with the Office of Environment and Heritage to come up with the appropriate solution.

Ms CATE FAEHRMANN: Will you choose the solution that is the safest for those koalas in order to protect that colony, which is the largest and healthiest remaining colony in the Sydney region?

Mr KANOFSKI: That area of koala habitat is incredibly important. We will be working with the Office of Environment and Heritage to come up with an appropriate solution for that area.

Ms CATE FAEHRMANN: Minister, I refer to the Western Harbour Tunnel and the northern beaches link specifically in relation to the air quality within the tunnels. The consultation draft notes that the Environment Protection Authority will require tunnel operators to meet air quality limits and undertake air quality monitoring where practicable. Under what circumstances would air quality monitoring from smoke stacks be impracticable?

Mrs MELINDA PAVEY: Just as an overall statement in relation to that, I am not sure whether you are aware that we have greatly enhanced our monitoring and our independent monitoring of emissions from our tunnels. It is now to be seen separately and monitored by the Environment Protection Authority. We are not going to be the judge and jury on emissions out of our own tunnels. That has happened in the past seven months. In regard to improvements, in order to give the community surety and a sense of process we will not be monitoring ourselves. In relation to the specifics of your question, I will defer to Mr Kanofski.

Mr KANOFSKI: All of the ventilation facilities will be monitored. As the Minister suggests, the regulatory regime is such that each ventilation facility will require an environmental protection licence [EPL] That environmental protection licence will outline not only the emission standards but also commit to a monitoring regime which we, as the operator of the road, would need to comply with. If that project is procured by a public-private partnership, as with any future private owner of the road, it would need to comply with the EPL.

Ms CATE FAEHRMANN: Is that in-tunnel monitoring as well as on-ground air pollution associated with the smoke stacks, as well as outside the smoke stacks?

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Mr KANOFSKI: Yes, there are quite rightly two regimes. We do monitor in-tunnel as well. The EPL arrangements I talked about relate specifically to environmental protection licences for ventilation facilities. We are also required more generally, under our planning conditions—or we would expect to be required because obviously we do not have a planning approval for that project—to monitor in-tunnel air quality as well.

Ms CATE FAEHRMANN: The in-tunnel air quality policy in relation to nitrogen dioxide sets a limit of 0.5 parts per million for nitrogen dioxide emissions in tunnels to limit the exposure to drivers and passengers. The policy notes that this standard would result in an exposure of less than 0.2 parts per million in passenger vehicles with the windows up and air vents set to recirculate. I note that the Sydney tunnels website suggests that people are encouraged to wind up their windows and turn on the headlights, I think as a result of a long-standing campaign by The Greens for a number of years. What does the Government recommend to motorcyclists using the tunnels?

The CHAIR: Hold your breath.

Ms CATE FAEHRMANN: It is not a joke.

The Hon. Dr PETER PHELPS: "Wind up your windows" is what the Labor Government said to a former member of our Chamber who rides a motorbike.

Ms CATE FAEHRMANN: Chair, I have limited time.

The CHAIR: I apologise for making light of it.

The Hon. TREVOR KHAN: Yes, interjections are disorderly.

The CHAIR: Being a motorcyclist myself, I apologise. Yes, interjections are disorderly at all times.

Ms CATE FAEHRMANN: What does the Government advise motorcyclists who are using the tunnels?

Mr KANOFSKI: Clearly there is exposure for all motorists who use the tunnel. I think the important thing with regard to tunnel air quality is how much that has improved due to lower emissions from vehicles. The air quality with regard to all road use has improved substantially, of the order of 90 per cent over a number of decades. With regard to all users using the tunnel, we work closely with the Chief Scientist and Engineer on what is a reasonable standard of air quality. Our air quality standard is the best—

Ms CATE FAEHRMANN: But you do advise motorists to wind up their windows.

Mr KANOFSKI: We do advise people of that.

Mrs MELINDA PAVEY: A legacy issue.

Mr KANOFSKI: Clearly any reduction you can have in exposure is a good reduction. But the air quality of the tunnel is equal to the best in the world. We have worked closely with the Chief Scientist and Engineer. The Acting Chief Engineer and Scientist has determined that that is an appropriate standard and it is reasonable for the use of all motorists, including motorcyclists. Yes, we would always advise people to wind up their windows because that lowers their exposure even further. In regard to the quality of the air in the tunnels, the Chief Scientist and Engineer we worked with has determined that the standards that have been set are reasonable for all users.

Ms CATE FAEHRMANN: I understand that the health assessments for the pollution limits are based on up to a 30-minute exposure. Is that right?

Mr KANOFSKI: I will have to take the detail of that on notice. We have a tunnel air quality committee, chaired by the Chief Scientist and Engineer, which includes representatives from NSW Health, the Environment Protection Authority and the Department of Planning and Environment. That is where the policy advice on these issues is coming from. The policy advice on tunnel air quality is not coming from Roads and Maritime, as the owner of the tunnels; it is coming clearly from a committee chaired by the Chief Scientist and Engineer.

Ms CATE FAEHRMANN: That is right. That committee, which is chaired by the Chief Scientist and Engineer, recommends that people wind up their windows in cars, yet motorcyclists are exposed while riding through. Do you know whether the policy considers the health, for example, of people who are severe asthmatics or who have significant cardiopulmonary issues? Does it take into consideration people with those types of health conditions?

Mr KANOFSKI: Yes, it does. Part of the role of NSW Health is obviously to bring that expertise to the table. It is considered for the general population and for people with common—

The Hon. TREVOR KHAN: Respiratory ailments.

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Mr KANOFSKI: Common respiratory ailments, thank you.

Ms CATE FAEHRMANN: In terms of taking the question on notice in relation to the 30-minute exposure, I was particularly interested to know whether that is just a one-off or a cumulative. If people—for example, courier drivers or motorcycle couriers or whatever—are travelling through tunnels quite significantly throughout the day with congestion and everything, is that a 30-minute exposure over the day or each time?

Mr KANOFSKI: I will take that on notice but the cumulative impact is part of the consideration in terms of New South Wales. The other thing that I might add is that the chief engineer and scientist has just reconfirmed that our policy on air tunnel quality is consistent with world's best standard for tunnels of over 20 kilometres underground.

Ms CATE FAEHRMANN: Minister, in relation to the smokestacks as a result of the Beaches Link, can you guarantee that childcare centres, nursing homes, health facilities and schools are not located within 500 metres of what I understand are the newly proposed locations for those smokestacks as a result of community consultation?

Mrs MELINDA PAVEY: We have released some designs from our consultation with the communities. The first lot of ventilation stacks are located within the Gore Hill Freeway, so that is outside of that range. The other ventilation stacks are also not close to those facilities that you just mentioned. I think it is important to pick up on the point that the chief executive made, that the emissions of today, particularly truck and diesel emissions, are 90 per cent less than what they were a couple of decades ago. And who are we to choose—everyone is important, whether you are at school, whether you are a resident, whether you are at an aged-care facility or whether you are a worker in an industrial estate.

We have the world's best standards in our considerations when we are designing these roads. We must not forget the benefits of having traffic moving in a way that is not congested and not stop-start. All of those issues are balanced. The initiative that the Premier led to ensure that the Environment Protection Authority is the monitor of those standards is an important initiative. I think it is one that can give certainty to the community that we are dealing with world's best standards.

Ms CATE FAEHRMANN: Minister, in relation to the Western Harbour Tunnel, are you aware of the potential impacts of a toxic plume that may result from dredging for that tunnel?

Mrs MELINDA PAVEY: No, I am not aware of a concern around that, real or imagined. But I will refer that to the—

Ms CATE FAEHRMANN: There is lots of toxic sediment in White Bay, for example.

Mr KANOFSKI: The work we have done to date certainly is cognisant of the under-the-harbour ground conditions in areas where the tunnels would be built and the environmental impact assessments from when they are ultimately prepared. At the moment we are at community consultation in terms of the route and the reference design. When we get that community consultation back we will need to go back to EIS. At EIS the full environmental impacts of the construction and operation of those facilities will be both fully articulated and fully considered.

The Hon. PENNY SHARPE: Minister, has the RMS completed any traffic studies around the route of the CBD light rail?

Mrs MELINDA PAVEY: In relation to traffic movements, there has certainly been much consultation and work developed between Transport and RMS around the light rail development. It will be an incredible project to move people more efficiently on light rail.

The Hon. PENNY SHARPE: That is great, Minister, but have specific traffic studies been completed?

Mrs MELINDA PAVEY: In relation to the specifics of particular traffic studies, I will refer to either Mr Staples or Mr Kanofski.

Mr STAPLES: In the original planning for the light rail, there were a number of traffic studies done to manage the assessment. I do not have specifics on those, but they would have been done—

The Hon. PENNY SHARPE: Would you be able to provide those to the Committee?

Mr STAPLES: Certainly, I think that the ones that I am referring to would be the ones that would have been presented through the environmental impact assessment. What we will do in readiness for opening of light

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rail when it is completed is we will obviously review, update and check in on the current travel activities and patterns in the areas and reassess.

The Hon. PENNY SHARPE: So you are going to wait until it is complete before you do the modelling?

Mr STAPLES: Actually I am pretty sure I said that in the lead-up to being complete we will obviously update all of our assessments to make sure that we have a full understanding of how we are going to manage traffic conditions and the light rail.

The Hon. PENNY SHARPE: Did the traffic modelling have to be upgraded as a result of the trams going from 45 metres to 67 metres?

Mr STAPLES: A number of things have changed since the project was originally planned and committed to, including increase in travel behaviour and patterns within the area, so we would need to reassess based on the information we have at this time. We have got better data as well because, since the time of the original decisions, we have Opal widely used across the network, so that gives us a much better understanding of travel patterns of bus users as well, for example. That will feed into a final review of our network planning, which is obviously more a consideration for Minister Constance.

The Hon. PENNY SHARPE: This is about traffic monitoring. To be clear, I am asking about the impact on traffic from the light rail; not the light rail itself.

Mr STAPLES: Understood.

The Hon. PENNY SHARPE: Has modelling been done—and I suspect this was prior to finalisation of the project—that suggested that the congestion caused by the light rail could cause gridlock back to the airport?

Mr STAPLES: I do not have any knowledge of a report making those statements. If you have one, I am happy for it to be tabled.

The Hon. PENNY SHARPE: Could you have a look and confirm to the Committee that it does not exist, if it does not exist?

Mr STAPLES: We can endeavour to see whether we have evidence of that in some form, but it is a bit of a difficult question to answer on notice, I would have to say.

The Hon. PENNY SHARPE: I am happy for you to take it on notice. You will have 21 days—that is fine. I want to know where you are at with pedestrian concerns in Surry Hills in relation to Bourke Street Public School.

Mr STAPLES: In relation to the light rail?

The Hon. PENNY SHARPE: What discussions have you had with Bourke Street Public School in Surry Hills regarding their ongoing concerns about pedestrian access and the operation of the light rail? You are responsible for pedestrians. I am happy to ask the Minister.

Mr STAPLES: In terms of light rail as it goes into operation, we will look at each precinct. As the construction is completed, we are doing pedestrian safety assessments in and around each area. As you would appreciate, between Randwick and Kingsford through the Moore Park area down through Surry Hills near the city, we have very different environments through there so each precinct needs to be treated on its merits. We have a regime of safety risk assessment and making sure that we have appropriate measures in place in advance.

The Hon. PENNY SHARPE: That involves the Parents and Citizens Association and the school?

Mr STAPLES: There will definitely be a consultation process associated with that.

The Hon. PENNY SHARPE: But it has not happened yet?

Mr STAPLES: There has definitely been engagement with the P and C. I could not give you specifics about what the nature of that conversation has been.

The Hon. PETER PRIMROSE: Minister, to return to ports for a moment, the Chief Executive of the Port of Newcastle, Craig Carmody, has said it has been approached by a number of operators who are interested in developing a container terminal at Newcastle. In a story in the *Herald* entitled "Port of Newcastle seeks new container terminal" he is quoted as saying:

... these bids are contingent on the removal of the current artificial constraint imposed on NSW port competition and other regulatory issues.

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Does the New South Wales Government intend to remove these constraints on the market?

Mrs MELINDA PAVEY: Thank you very much for your question. I am aware of comments in relation to this issue from the new Chief Executive of Newcastle Port. I reiterate my earlier comments that it is the market that determines the travel pattern and the freight pattern in relation to containers. The great concern would be the capacity of, say, a Port of Newcastle and the double handling that would be involved, given the container movement that comes in to New South Wales. I reiterate that figure again: 85 per cent of containers are delivered within a 40-kilometre radius of Sydney.

Even companies like DPW are on the record as saying that the container port for Sydney needs to be the one to which the market wants to ship its goods. I am aware of these comments. I am also aware, as I said earlier, that Newcastle is probably the most efficient and best coal port in Australia. I am also aware that we need to consider as part of our future plans going forward to 2040 that there are other initiatives like bulk cargo which we are exploring and which is happening out of the Port of Newcastle. What drives me as the freight Minister is to ensure that we have the best line of delivery. The pressure is on—

The Hon. PETER PRIMROSE: Thank you, Minister. Without being rude and interrupting, my simple point is that I asked a question and I read a quote. You have said that we have to rely on the market. The operators of the Port of Newcastle are saying that the Government has put an artificial constraint on the market and they would like it removed so that the market can operate most efficiently. You have placed importance on the market making a decision but you have the industry saying, "Hey Government, please remove these artificial constraints so the market can operate effectively." My question to you was: Will you remove those artificial constraints?

Mrs MELINDA PAVEY: These are questions that were referred to the Treasurer last week and I think they are questions that are in the purview of the Treasurer as the major shareholder. If you did not put the questions on notice for the Treasurer, you still have time to do that. But I think it is important to acknowledge, as I said, that organisations like DPW have said they are not interested in going to Newcastle. You have got to listen to what the market says about the delivery of containers.

The Hon. PETER PRIMROSE: I would agree with that, Minister.

Mrs MELINDA PAVEY: I think that is important.

The Hon. PETER PRIMROSE: I would have hoped that a question to the ports Minister about a port and how to allow the market to be freed up would be something that you may have been able to address, but I will leave it there. Can I ask you, once NorthConnex is open how much in tolls do you expect that a truck from somewhere on the North Coast such as Macksville will have to pay to get to and from Port Botany?

Mrs MELINDA PAVEY: As I said earlier in budgets estimates, WestConnex is the remit of Stuart Ayres. NorthConnex is the remit of Minister Constance. That is a question that should have been relayed to Minister Constance.

The Hon. PETER PRIMROSE: I cannot ask you questions on ports, on funding, on roads, or on tolls? Okay.

The Hon. TREVOR KHAN: The Pacific Highway.

The Hon. PETER PRIMROSE: That is exactly it. Can I ask you about Hillsborough Road? Why has no funding been allocated to the intersection of Hillsborough Road and Chadwick Street at Hillsborough, given that it was recommended as a short-term priority in the draft Lake Macquarie Transport Study?

Mrs MELINDA PAVEY: I will take that on notice.

The Hon. PETER PRIMROSE: It has nothing to do with WestConnex, Minister. Through you may I ask whether one of your officers could answer?

Mr KANOFSKI: In regard to the specifics we need to take it on notice, but the reality is that there are a lot of competing priorities in the Roads portfolio. We provide all of those opportunities to the Government and the Government, through its budget processes, decides where to allocate the money.

The Hon. PETER PRIMROSE: That is a very insightful comment, but can I ask you then what planning is underway to widen Hillsborough Road?

Mr KANOFSKI: I would have to take it on notice.

The Hon. PETER PRIMROSE: How can planning to widen Hillsborough Road be underway—if it is underway—if the final study for the road has not yet been released?

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Mrs MELINDA PAVEY: As the chief executive said, we will take that on notice.

The Hon. PETER PRIMROSE: When will the Hillsborough Road traffic study, the Charlestown to Warners Bay corridor study, the Lake Macquarie traffic study and future transport study be released?

Mrs MELINDA PAVEY: Again, that is a reasonably detailed question.

The Hon. PETER PRIMROSE: Yes, and I am asking the Minister and the department.

Mrs MELINDA PAVEY: We are happy to take that on notice.

The Hon. PETER PRIMROSE: We cannot ask you questions here on roads?

Mrs MELINDA PAVEY: No, you can.

The Hon. PETER PRIMROSE: I will go to another road, Canterbury Road. Has a master strategic plan been designed for Canterbury Road to ease congestion in light of the increasing housing development along the corridor?

Mrs MELINDA PAVEY: Canterbury Road plays an important part in the road network and certainly there is a lot of public transport and buses on that section of road. As I said earlier today, we are doing enormous amounts of work easing congestion and improving clearways across Sydney. But I will refer to my chief executive, Ken Kanofski, for some detailed information about Canterbury Road.

Mr KANOFSKI: For all of Sydney's roads we do corridor plans, or network plans if you like, for each of those. We are in the process of going through and updating all of those network plans currently. We are about halfway through updating those. There are 66 to be done and we are about halfway through that. Specifically whether Canterbury Road has been recently updated or whether we are dealing with an older one I would have to take on notice, but we are about halfway through updating the 66 Sydney road corridor plans.

The CHAIR: If I may interrupt, when you provide that information I take it that Victoria Road will be included in the list somewhere?

Mr KANOFSKI: Victoria Road is certainly part of that.

The CHAIR: Thank you.

Mr KANOFSKI: I may even have some—

The Hon. PETER PRIMROSE: It would be great if you did.

Mr KANOFSKI: I have taken it on notice.

The Hon. PETER PRIMROSE: I suspect you may need to go back to paper folders. How many communities along that thoroughfare will be consulted?

Mr KANOFSKI: There is a full consultation. All of the corridor network plans and corridor studies involve—

The Hon. PETER PRIMROSE: How does that take place?

Mr KANOFSKI: We do letterbox drops, we take out advertisements in papers, we run community forums—whatever is appropriate to that particular part of the world.

The Hon. PETER PRIMROSE: Minister, if I ask you a question about fines to motorists I presume that does not come within your purview either, does it?

Mrs MELINDA PAVEY: It is the responsibility of the finance Minister, Victor Dominello. I will just point out one of the great initiatives of our Government. In 2013 we ensured that fines from speed cameras and red light cameras went back to the Centre for Road Safety to improve road safety outcomes. There is always frustration within the community around fines—there is no doubt about that—but they are part of a suite of measures that we need so we can ensure that we have the best road safety outcomes that we can. That fund has had a very important impact on increasing our amount of money for road safety advertising.

The Hon. PETER PRIMROSE: Thank you, Minister. I am pleased that you are not able to answer that question because it is not within your portfolio.

Mrs MELINDA PAVEY: We have some more detail on Canterbury Road if you would like it.

The Hon. PETER PRIMROSE: Good grief. You have found something. Thank you.

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Mr KANOFSKI: Planning work has been done on Canterbury Road. In part of that work we identified a pinch point project on Canterbury Road which is the widening of a new shared right turn and through lane and a no stopping zone extension at Canterbury Road and New Canterbury Road at Dulwich Hill and Hurlstone Park.

The Hon. PETER PRIMROSE: When will that be constructed?

Mr KANOFSKI: It is currently in progress, so I am presuming that it is in planning at the moment. The pinch points program is being delivered over the next three to four years, so it would be in that time frame. I can take the specifics of that project on notice.

The Hon. PETER PRIMROSE: Please take it on notice. That would be valuable. Minister, how many vehicle accidents have occurred at the intersection of Spring Hill Road and Masters Road at Spring Hill from the commencement of, let us say, 2012?

Mrs MELINDA PAVEY: We will take that on notice.

The Hon. PETER PRIMROSE: Can you also let us know how many of the accidents have resulted in further medical treatment and how many of those have involved heavy vehicles?

Mrs MELINDA PAVEY: Certainly, we will do that. Just on that, the Centre for Road Safety has made it very much a part of its remit in recent years to identify the number of serious injuries and hospitalisations following an accident—or a crash. They are not accidents, they are crashes. It is an important distinction to make because accidents give an indication that it was an act of God or whatever, but crashes happen because people make mistakes. We need to be blunt in our language.

The Hon. PETER PRIMROSE: It is a point that Carl Scully always used to make.

Mrs MELINDA PAVEY: And it is an appropriate and right distinction to make. But I want to make the point that we have been collecting good data around not just fatalities but also serious crashes and hospitalisations, because a hospitalisation can have as big an impact on a family and have devastating consequences for the family unit.

The CHAIR: Minister, is it your department that would keep statistics on motor vehicle accidents involving animals or would it be the insurance companies? Who would keep those sorts of statistics?

Mrs MELINDA PAVEY: It is a good question. We do not keep statistics on animals but, like you, I have driven around a lot of regional New South Wales in recent months and the amount of roadkill in particular is having an enormous impact on safety as well as damage to vehicles.

The CHAIR: So the data you were referring to in response to Mr Primrose is vehicle on vehicle or vehicle on pedestrian, is it?

Mrs MELINDA PAVEY: And humans. But we are putting up better signs around some of our hotspots, particularly on the Kings Highway and the Monaro Highway where we have had a lot of wombats, and certainly kangaroos are everywhere in these drought conditions, trying to get sustenance by the roadside. It is a challenge for motorists, particularly for motorists not used to those types of conditions or not having a bull bar on the front of their car. It is having a big impact and it is a relevant question to be asking at this time.

Ms GARDINER-BARNES: Just to follow up on that, where an animal might cause a death on a road we would have that statistic.

The CHAIR: Ms Faehrmann?

Ms CATE FAEHRMANN: Minister, how much money has been spent since March 2016 on education programs directly related to informing drivers about the minimum passing distance for cyclists—the one-metre rule?

Mrs MELINDA PAVEY: I would have to take that on notice for the exact amount, but it has been a focus of our social media campaigns. We have done some good work in relation to that, but Ms Gardiner-Barnes, our Deputy Secretary, may have some more information on this.

Ms GARDINER-BARNES: I do not have that exact figure on that particular program but I am happy to provide it to you.

Ms CATE FAEHRMANN: In regard to those programs, there is one program that is an education program about the one-metre rule.

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Mrs MELINDA PAVEY: Yes. When we did the announcement that we were going to continue with that law, there were some very good social media advertisements that had been created and other more general advertising throughout New South Wales that we are sharing with other States as well. It is important that we do share some of this intellectual work or creative work in relation to these advertising campaigns, and an excellent advertising campaign which relates greatly to cyclists as well is a campaign about being truck aware. This advertising campaign was designed for social media, but because of its success and its support from the heavy vehicle industry, given that 65 per cent of crashes involving heavy vehicles are not the fault of the heavy vehicle, many motorists do not understand the blind spots, and cyclists do not understand the blind spots that trucks have.

The Hon. Dr PETER PHELPS: Those ads are good.

Mrs MELINDA PAVEY: We have created those ads and we are sharing them with the rest of the States around Australia as well as ensuring that we get those messages out there for cyclists and pedestrians.

The Hon. TREVOR KHAN: I bet they have been well received.

Mrs MELINDA PAVEY: They have been well received.

Ms CATE FAEHRMANN: Minister, has any data been gathered in relation to the awareness of the minimum passing distance among motorists?

Mrs MELINDA PAVEY: I am not aware of data that has been received, but we will take that on notice with the Centre for Road Safety.

Ms GARDINER-BARNES: There was an evaluation done initially of the trial period. So there will be some information available about that.

Ms CATE FAEHRMANN: What was the trial period exactly?

Ms GARDINER-BARNES: It was a two-year period.

Ms CATE FAEHRMANN: And that has just finished, has it?

Ms GARDINER-BARNES: That finished this year.

Ms CATE FAEHRMANN: Because a number of cyclists have contacted my office telling me that every time they go out and cycle in Sydney they have a number of cars who come dangerously close to them and the cycling community feel that this education has not got into a fair few motorists' heads, to put it bluntly. I know you will say that it is the role of police to enforce this, but over the past few years we have had barely any motorists picked up for breaching the one-metre rule—I think about 38 incidents across the whole of Sydney in the past two years—while we have cyclists saying that every day they go out they have cars passing. What action do you as Minister for Roads think you can take to ensure that motorists are fully aware of their obligations?

Mrs MELINDA PAVEY: It is a good question. There are two sides to this. Yes, police need to be responsible for the enforcement, but I think that they are conversations that we can have with the Centre for Road Safety about maybe some more enforcement, given your comments that there is a view that that is the case, particularly when cycling around Sydney. But I think we also have a responsibility to continue that education and one of the challenges we have is that motorists have it in their head that they cannot cross that double white line to go around a cyclist. You can cross that line if it is safe to do so, to give a cyclist that minimum passing distance. I think that needs to be reinforced within our messaging and information in the community.

Ms CATE FAEHRMANN: You were not sure as to whether any data had been gathered about awareness from motorists. Will you commit to ensuring that your department is aware of how motorists are going in regard to the minimum passing distance? You have had a two-year trial. I am just wondering what the evaluation is from here.

Mrs MELINDA PAVEY: I might just refer to Rodd Staples, our secretary of the cluster.

Mr STAPLES: I do not have specifics on that issue of the distance from cyclists to cars but I just wanted to indicate that all of the advertising we do for road safety through the various channels of TV and social media go through a review of effectiveness—an overall process that we do through the Department of Premier and Cabinet. It is an important part of the advertising process so we can have a look at whether there is anything specific that has come out of that in relation to that element of the campaigns that we have had. As you will appreciate, we have had a number of campaigns around road safety—for regional, for heavy vehicle, for "Stop it or Cop It" type things as well—and we are always monitoring them because we want to make sure that we are getting the most effective outcome from the advertising.

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Ms GARDINER-BARNES: Just to give you some example of the extent to which we are able to reach through our campaigns, we ran another campaign when the announcement was made in May to take on board the minimum passing distance retention rule. The campaign included radio and social media and it reached nearly 880,000 people, with more than 124,000 video views on social media. So it has been quite successful in its reach and we are happy to continue to work with you and police. There is a meeting set up next week with Michael Corboy from the NSW Police Force to work on this initiative in particular. We are happy to continue to raise this as an issue with the broader community. We know it is an important element, to get cyclists back on the road, to promote safety.

Ms CATE FAEHRMANN: Electric vehicles—I know you wanted to talk about those before, Minister. Under the Draft Climate Change Fund Strategic Plan 2017 to 2022 the Government indicated it would investigate and consider how it would best invest in a fleet of electric vehicles. What progress has been made on electric vehicle fleet procurement to date?

Mrs MELINDA PAVEY: In relation to electric vehicle procurement within government agencies I will defer to Secretary Rodd Staples.

Mr STAPLES: The policy for overall fleet procurement is operated by the Department of Finance and Investment—it sets the overall policy framework—and we are obviously working closely with it around changes both in vehicle safety as well as electric vehicles. I do not have the specifics on progress around that, unless Ms Gardiner-Barnes can say anymore, but we do have an ongoing dialogue with the fleet procurement part of the Department of Finance and Investment in relation to changes to that policy going forward.

Ms GARDINER-BARNES: Yes, that is true, and we are in the process now, as a result of the 2056 Future Transport—there was a commitment made to develop an electric vehicle [EV] strategy and plan and so we are in the process of doing that now.

Ms CATE FAEHRMANN: That was my next question. Is there a timeline for the delivery of that EV strategy?

Ms GARDINER-BARNES: It is underway right now, so it will not be too much longer.

Ms CATE FAEHRMANN: What is the current rollout plan—is there one, I suppose—for public investment in charging infrastructure for electric vehicles?

Ms GARDINER-BARNES: The new initiatives that the Government wants to commit to as part of the electric vehicles plan will be considered as part of the approval process for that plan. It is certainly something that we have been working with the range of stakeholders about. We know that by improving the availability of stations across New South Wales in both regions and within the Greater Sydney area that we are going to improve the opportunity for people to take those vehicles up and the opportunities that we want to engage with will be in partnership with other key stakeholders, including industry.

Ms CATE FAEHRMANN: I think there is a disparity within Australia. I think there is only just 0.1 per cent of domestic market share we have electric vehicles, whereas internationally it is 1.1 per cent. Around the world it is like a tenfold disparity in terms of—

Mrs MELINDA PAVEY: In the Western world, you mean.

Ms CATE FAEHRMANN: Western world, yes. I am assuming that is right. Can we expect anything, say, within the next year in terms of electric vehicle strategy in New South Wales?

Ms GARDINER-BARNES: Yes. That would be certainly what we would be aiming for.

Ms CATE FAEHRMANN: We will see something tangible within the next 12 months?

Ms GARDINER-BARNES: Yes, absolutely.

Mr STAPLES: I think the other thing to add to that, is that there is obviously a national level engagement required on this. So as part of the engagement with the Transport Infrastructure Council there is discussion with how we respond to this at a national level because you cannot stop at the borders, as you appreciate, in the way you manage the fleet.

Ms CATE FAEHRMANN: Okay. I am done with questions, Chair.

The CHAIR: Just before I pass over to the Opposition, in relation to Ms Faehrmann's question and the statistics she presented, how does the New South Wales Government benchmark its progress towards electric

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vehicle uptake? Do you benchmark against the worldwide 1.1 per cent or do you benchmark against similar geodemographics?

Mr STAPLES: We would tend to benchmark against a number of comparators. We like to think that Australia is unique, as we all do.

The CHAIR: It is pretty similar to Canada in the way the population is dispersed.

Mr STAPLES: Yes. So obviously we look at a range of benchmarks rather than picking one in particular.

Mrs MELINDA PAVEY: Given the size of our nation—technology—improvement in that travel time before a recharge is particularly important to a stronger uptake in this country, as you point out.

The Hon. PETER PRIMROSE: Has funding been allocated for the actual construction of the Muswellbrook bypass?

Mrs MELINDA PAVEY: In terms of the Muswellbrook bypass, it is a project that is very important to continue the work on the Hunter Expressway. We have—

The Hon. Dr PETER PHELPS: An excellent local member in support of it.

The CHAIR: Top road, too.

Mrs MELINDA PAVEY: We are out to Scone, which is an important part of that project.

The Hon. PETER PRIMROSE: I appreciate that, but has any funding been allocated?

Mrs MELINDA PAVEY: We are in negotiations. We are seeking Federal funding for that project. We have reserve funding. It will need to be a joint project. The Muswellbrook bypass obviously will remove the conflicts between local and through traffic. The New England Highway has big heavy vehicle traffic and it will be able to take that out of the town centre. As well as the New England Highway—

The Hon. PETER PRIMROSE: I appreciate it is important, but how much funding?

Mrs MELINDA PAVEY: —travel times. In terms of the project, the preferred option for the bypass has been identified and reserved in the council's LEP. It will be a two-lane single carriageway to the east of Muswellbrook.

The Hon. PETER PRIMROSE: I understand that. How much?

Mrs MELINDA PAVEY: As I said, \$2 million has been allocated in 2018-19 to continue planning for the bypass—

The Hon. PETER PRIMROSE: Just planning?

Mrs MELINDA PAVEY: —and the planning includes investigating economically viable options for a bypass at Muswellbrook, including a review of the existing preserved corridor. As part of the planning process RMS has carried out investigations to identify an economically viable option that meets funding requirements. The findings can be found on the New England Highway-Muswellbrook bypass options report. It reaffirms the preserved corridor in Muswellbrook Shire Council's LEP. We are preparing, as an agency, a business case to progress the project. The bypass is subject to a final business case and identification of an economically viable option, and funding will be required from the Federal Government. There is no secret there. In terms of the work that we are doing on the New England, with Scone, with the Pacific Highway, with the Newell, with the Great Western, with the Princes, as well as funding and supporting local councils across regional New South Wales with our Fixing Country Roads and Fixing Country Bridges programs—these are all important projects, and—

The Hon. PETER PRIMROSE: Thank you, Minister. You have answered the question: \$2 million, but just for planning this year and you are busy negotiating with the Federal Government.

Mrs MELINDA PAVEY: We are busy doing the homework that is required and we have started work on Scone; that started in June.

The Hon. PETER PRIMROSE: That is my next question, Minister. Can you tell us, has funding been approved for the sealing of the road between Scone and Gloucester?

Mrs MELINDA PAVEY: I mentioned the Scone bypass. In terms of Scone to Gloucester, that is another important route, but—

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The Hon. PETER PRIMROSE: I know that, yes.

Mrs MELINDA PAVEY: Are you aware of the status of the road?

The Hon. PETER PRIMROSE: Yes. I am asking you.

Mrs MELINDA PAVEY: What is it?

The CHAIR: Gravel.

Mrs MELINDA PAVEY: It is a council road, isn't it? So as part of that, that is a council responsibility.

The Hon. PETER PRIMROSE: Yes, I understand that.

Mrs MELINDA PAVEY: But we are supporting councils and we encourage them to put applications in for our Fixing Country Roads and Fixing Country Bridges, where we work in partnership with these local communities to ensure that we can get more infrastructure out the door.

The Hon. PETER PRIMROSE: Yes, we have done that. I am just asking if your department has prepared a brief for your consideration for a contribution towards that?

Mrs MELINDA PAVEY: We prepare information when we get applications from councils in to determine what projects that we support that need to have a good benefit-cost ratio [BCR]. Because it is important that we invest precious taxpayer dollars—

The Hon. PETER PRIMROSE: Has a BCR been done in relation to this?

Mrs MELINDA PAVEY: It is relevant to understand what applications have gone in.

The Hon. PETER PRIMROSE: Yes, it is.

Mrs MELINDA PAVEY: And it is important that these applications go in from councils to ensure that—

The Hon. PETER PRIMROSE: Absolutely. Do you have a brief before you?

Mrs MELINDA PAVEY: Councils are responsible for determining the BCR on their council roads.

The Hon. PETER PRIMROSE: Has your department prepared a brief for your consideration in relation to the council's request to consider a contribution to this?

Mrs MELINDA PAVEY: For the road between Scone and Gloucester?

The Hon. PETER PRIMROSE: For the sealing of the road between Scone and Gloucester.

Mrs MELINDA PAVEY: They will need to make an application to us. In terms of Scone, we started on Scone bypass in June this year. Construction is now underway. Daracon was the successful tenderer. That was awarded in March.

The Hon. PETER PRIMROSE: Yes, I understand. But that is not my question, Minister.

Mrs MELINDA PAVEY: But the issue is in relation to whether application has been made for that road.

The Hon. PETER PRIMROSE: So, you do not know?

Mrs MELINDA PAVEY: If council has made an application they will have submitted a benefit-cost ratio alongside that project.

The Hon. PETER PRIMROSE: In the short time I have left, can I ask you in relation to another project, and that is in relation to the Toongabbie bridge railway overpass. When will construction of a new Toongabbie bridge railway overpass commence, with all the associated roadworks along Wentworth Avenue from the roundabout to Cornelia Road and The Portico?

Mrs MELINDA PAVEY: I just wanted to finish up on that other issue in relation to Upper Hunter and funding for billions—

The Hon. PETER PRIMROSE: No, I have finished that question.

Mrs MELINDA PAVEY: We are actually spending over \$1 billion in the Upper Hunter electorate—

The Hon. PETER PRIMROSE: I have asked you a question—

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Mrs MELINDA PAVEY: —on roads.

The Hon. PENNY SHARPE: What has that got to do with anything, Minister?

The Hon. PETER PRIMROSE: If you cannot answer the—

The CHAIR: Order!

Mrs MELINDA PAVEY: It has a lot to do with our commitment to that region.

The CHAIR: Order!

The Hon. PETER PRIMROSE: Point of order—

The CHAIR: Order! No need to take a point of order. Shut that [timer] off.

The Hon. TREVOR KHAN: That is a shame.

The CHAIR: No, it is not. He still has—

The Hon. PENNY SHARPE: Dodged another one.

The CHAIR: As far as I am concerned, the Opposition has about two minutes left. Minister, I think Mr Primrose has now asked you a separate question. Mr Primrose, can you just quickly repeat the question for the Minister, please?

The Hon. PETER PRIMROSE: Thank you. I asked the Minister originally in relation to the Gloucester to Scone sealing.

The CHAIR: No, we are talking about another question.

The Hon. PETER PRIMROSE: The Minister was then seeking to answer another question. The question I have now asked is in relation to the new Toongabbie bridge railway overpass. My question is: When will construction of a new Toongabbie bridge railway overpass commence, with all the associated roadworks?

Mrs MELINDA PAVEY: I will take that question on notice, but also acknowledge that we are spending a record amount of money throughout Western Sydney on roads—

The Hon. PENNY SHARPE: But you cannot tell us what on or how or when.

The Hon. PETER PRIMROSE: You really do need a paper folder, Minister, next go; you really do.

The CHAIR: Order! Interjections are disorderly at all times. Minister, you may continue to answer the question.

Mr MARK TAYLOR: They hate good news, Minister. They hate good news.

The Hon. PETER PRIMROSE: There's no news.

The CHAIR: I just said—

Mr MARK TAYLOR: They hate good news.

The CHAIR: Order!

The Hon. PENNY SHARPE: There is no news.

The Hon. DANIEL MOOKHEY: Just give us some good news.

The CHAIR: Order! That means interjections from both sides of the table. Minister?

Mrs MELINDA PAVEY: As I said, we are continuing to spend record amounts of money across Western Sydney, improving the road network, giving the efficiencies that they need—

The Hon. PENNY SHARPE: But you do not know about Toongabbie bridge.

Mrs MELINDA PAVEY: —whether it is about Henry Lawson Drive, and we will continue to do the work. We will continue to do the best—

The Hon. PETER PRIMROSE: Obviously the member for Seven Hills has not made a great impression in relation to this.

Mrs MELINDA PAVEY: Sorry, are you running a commentary while we are here?

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The Hon. PETER PRIMROSE: Yes, I am. I am trying to find out.

The CHAIR: Order!

The Hon. PENNY SHARPE: Yes.

The CHAIR: Order!

The Hon. PETER PRIMROSE: I am trying to get you to answer one question.

The CHAIR: Thank you, Minister.

The Hon. PETER PRIMROSE: Just one.

The CHAIR: Thank you, Minister. As far as I am concerned, time has now expired so we will draw this particular hearing to a close. Minister, there may be some questions that are on notice. We would like answers to those questions within 21 days. Once again, I thank you and your officials for appearing here today.

(The witnesses withdrew)

The Committee proceeded to deliberate.