

GENERAL PURPOSE STANDING COMMITTEE NO. 5

Wednesday 20 August 2014

Examination of proposed expenditure for the portfolio area

ENVIRONMENT, HERITAGE, THE CENTRAL COAST

CORRECTED

The Committee met at 9.00 a.m.

MEMBERS

The Hon. R. L. Brown (Chair)

The Hon. R. H. Colless
The Hon. A. Fazio
Dr M. Faruqi

The Hon. L. Foley
Mr S. MacDonald
The Hon. Dr P. R. Phelps
Hon. Greg Donnelly

PRESENT

The Hon. Rob Stokes, *Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning*

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**

CHAIR: Ladies and gentlemen, welcome to the public hearing for the inquiry into budget estimates 2014-15. Before I commence I acknowledge the Gadigal people who are the traditional custodians of this land. I also pay respects to the elders past and present of the Eora nation and extend that respect to other Aboriginals present. I welcome Minister Stokes and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Environment, Heritage and Central Coast.

In accordance with broadcasting guidelines, while members of the media may film or record Committee members or witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind media representatives that you will take responsibility for what you publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to witnesses for what witnesses may say outside their evidence. Guidelines for the broadcast of proceedings are available from the secretariat.

There may be some questions that a witness could only answer if they had more time or 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 of having received that question on notice from the secretariat.

Any messages from advisers or members' staff seated in the public gallery should be delivered through the chamber and support staff and the Committee clerks. Minister, I remind you that officers accompanying you are free to pass notes and refer directly to your advisers seated at the table behind you. Transcripts of this hearing will be available on the web tomorrow morning. It is most important—this is for members, witnesses and people in the public gallery—to turn off your mobile phones or turn them to silent, otherwise they may interfere with Hansard. There is a strict ban on social media from within this room.

The witnesses will be sworn. Minister, I remind you that do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

STEVE HARTLEY, Principal Manager Forestry, Environment Protection Authority,

TERRY BAILEY, Chief Executive, Office of Environment and Heritage, and

MARK GIFFORD, Chief Environmental Regulator, Environment Protection Authority, affirmed and examined; and

IAN FRENCH, Chief Financial Officer, Office of Environment and Heritage,

BARRY DESMOND BUFFIER, Chair and Chief Executive Office, Environment Protection Authority,

STEVEN JOHN BEAMAN, Director, Waste and Resource Recovery, Environment Protection Authority, and

CRAIG LAMBERTON, Direction, Hazardous Incidents and Environmental Health, Environment Protection Authority, sworn and examined:

CHAIR: I declare the proposed expenditure for the portfolio of Environment, Heritage and Central Coast open for examination. We will begin with questions from the Opposition.

The Hon. LUKE FOLEY: Are you familiar with your responsibilities under the Government's NSW 2021 State plan?

Mr ROB STOKES: Yes.

The Hon. LUKE FOLEY: And if I was to go to that document would it be fair to say that key accountability as far as the environment Minister is concerned is goal 22, that is, to protect our natural environment?

Mr ROB STOKES: Yes.

The Hon. LUKE FOLEY: When I go to goal 22, protect our natural environment, there are six targets, are there not?

Mr ROB STOKES: Yes.

The Hon. LUKE FOLEY: The one I would like to take you to is the target under the headline, "Increase renewable energy—20 per cent renewable energy by 2020". You are accountable for that target, are you not?

Mr ROB STOKES: Yes. It is a national target but we are progressing towards and working in cooperation with other jurisdictions towards the national target.

The Hon. LUKE FOLEY: What was the Liberal-Nationals election commitment at the 2011 election on a renewable energy target?

Mr ROB STOKES: I cannot recall so you will have to elucidate.

The Hon. LUKE FOLEY: I take you to the document titled "NSW Liberal-Nationals plan to boost renewable energy", which states:

The NSW Liberal-Nationals support the development of the renewable energy sector. This is why we will

- Establish a Parliamentary Secretary for Renewable Energy to champion the development of renewable energy
- Develop a 2020 NSW renewable energy plan to provide a blueprint to increase the proportion of energy from 7 per cent to meet the target of 20 per cent renewable energy consumption by 2020

Are you familiar with that election commitment?

Mr ROB STOKES: I am now, yes, and I am in general terms as well.

The Hon. LUKE FOLEY: So it is an election commitment to meet a 20 per cent renewable energy consumption target in New South Wales by 2020?

Mr ROB STOKES: From that wording it was unclear to me whether it was referring specifically to generation or consumption but yes, in broad terms, there is a national target and we are committed to working across government and with other governments to achieve that target.

The Hon. LUKE FOLEY: I know there is a national target. Is there a State target?

Mr ROB STOKES: The focus of the State has been working together with other jurisdictions towards the national target.

The Hon. LUKE FOLEY: That is not an answer. Is there a State target?

Mr ROB STOKES: That is an answer and there is a national target.

The Hon. LUKE FOLEY: There is a national target. I take it there is no longer a State target?

Mr ROB STOKES: I draw you to, I think it was John Donne Devotions 17 where he said, "No man is an island" and that relates to the State of New South Wales. As sad as it might be for some of us, we are part of a nation. There is no republic in New South Wales so we have to be cognisant of working together with our partners across Australia. Different States have different resources and different capacities. It is incumbent on each of the States to work effectively and collaboratively to achieve national goals.

The Hon. LUKE FOLEY: If I look once again at the State election policy commitment of the New South Wales Liberal-Nationals that is to "meet the target of 20 per cent renewal energy consumption by 2020", there is then a reference to the NSW State Plan Performance Report, "Green State", November 2010 on page three. That is a reference to this State's 20 per cent by 2020 renewal energy target, is it not?

Mr ROB STOKES: I reaffirm that the Government has set a target in New South Wales 2021 of 20 per cent renewable energy by 2020 to support the achievement of the National Renewable Energy Target.

The Hon. LUKE FOLEY: So New South Wales does have a target?

Mr ROB STOKES: I have just answered your question.

The Hon. LUKE FOLEY: That is somewhat different to the answer given a couple of questions ago. To be clear, you are now telling us that the State, in its New South Wales 2020-21 plan, does have a target of 20 per cent renewable energy consumption by 2020? Is that a fair statement?

Mr ROB STOKES: Just to be clear in case there was any misinterpretation, I can confirm that the Government has set a target in New South Wales 2021 of 20 per cent renewable energy by 2020 to support the achievement of the National Renewable Energy Target.

The Hon. LUKE FOLEY: Why does the State target of 20 per cent by 2020, to which you have just referred, not appear anywhere in the NSW Renewable Energy Action Plan?

Mr ROB STOKES: I have just said that we have a target in keeping with the National Renewable Energy Target—

The Hon. LUKE FOLEY: A target for the State?

Mr ROB STOKES: Yes, which is consistent with the national target.

The Hon. LUKE FOLEY: In other words we have a State target of 20 per cent by 2020 and a Commonwealth target of 20 per cent.

Mr ROB STOKES: Councillor, the last thing I want to do is to seek in any way to duplicate or add unnecessary red tape to what is a fairly simple proposition, which is that we are trying to increase in an orderly, cost-effective and pragmatic way the use of renewables in our energy mix. Target or no target that is our commitment; that is what we are working towards.

The Hon. LUKE FOLEY: With respect, the commitment at the last election that I have quoted twice was for a target of 20 per cent for the State. Do you stand by that?

Mr ROB STOKES: Yes, and I have concurred with you.

The Hon. LUKE FOLEY: To be clear, the State target refers to energy consumption in New South Wales, not energy generation. Is that correct?

Mr ROB STOKES: I do not think it was specific in relation to consumption or generation but I can take that specific question on notice.

The Hon. LUKE FOLEY: Once again if I were to take you to the Liberal-Nationals election policy commitment the words are clear: to meet the target of 20 per cent renewable energy consumption by 2020.

Mr ROB STOKES: From memory it is also reflected in 2021 with the wording "20 per cent renewable energy by 2021". I think that is the precise wording, if my memory serves me right.

The Hon. LUKE FOLEY: The first document I can find of this Government that refers to a target for the State arose from Morris Iemma's greenhouse statement in late 2005 that led to a paper on the New South Wales Renewable Energy Target and made expressly clear that the target was by reference to consumption, not generation. I think it is the case that that policy goal has never changed. Do you agree with me?

Mr ROB STOKES: In relation to specifics about generation or consumption I am happy to take that on notice. But I think the general point, and something that I want to make clear is my commitment and this Government's commitment to see, in an affordable and effective way that brings the community with us, an increase in the use of renewable energy and certainly an increase in renewables as part of the overall energy mix of the State.

The Hon. LUKE FOLEY: Yes, and you have a target that you are accountable for in the Government's State plan and I am trying to be clear on what is the target. I think I can say without fear of contradiction that it is a target for consumption. Is that correct?

Mr ROB STOKES: Yes, and I can also confirm that the New South Wales Renewable Energy Target was never enacted by the former Labor Government. It might have put out documents on it but it certainly was not legislation that was enacted.

The Hon. LUKE FOLEY: We could not get the numbers for it in the upper House. Our intent was pure.

Mr ROB STOKES: I can say we are committed to promoting investment in renewable energy in ways that generate a secure, affordable and as far as possible clean energy for New South Wales. As I have already indicated, the Government has set a target in NSW 2021, as you have indicated, of a 20 per cent renewable energy by 2020 and that is in order to support the achievement of the National Renewable Energy Target. In broad terms, it has been an understanding for many years that the Federal Government takes the lead in climate change mitigation while the States are primarily responsible for adaption responses.

The Hon. LUKE FOLEY: What monitoring occurs at the level of State Government in tracking how we are going in meeting that 20 per cent target for six years hence? Are resources devoted towards monitoring and reporting on how we are going?

Mr ROB STOKES: I might refer to Mr Bailey.

Mr BAILEY: The Office of Environment and Heritage has a monitoring program, a reporting framework that sits in under 2021. So we are required to report against that. Certainly the steps that have been taken in the past couple of years, particularly around renewables with the work that is going on around Nyngan

and Broken Hill in terms of renewable energy plants, and particularly around local community regional clean energy programs, will start to give us a stronger indication of the sorts of benefits that are coming in those measures through the Renewable Energy Programs.

The Hon. LUKE FOLEY: Minister or Mr Bailey, what is the latest figure you can provide of the total electricity consumed in New South Wales? How much is from renewable sources of electricity?

Mr ROB STOKES: I will refer to Mr Bailey. I want to make the point that part of it is difficult to estimate because we can talk about electricity that is generated from centralised power stations but the one that is tricky to refer to is the more than 240,000 separate—

The Hon. LUKE FOLEY: Off grid.

Mr ROB STOKES: —rooftop installations that have been installed because the benefit of rooftop solar is that it reduces demand for centralised energy consumption. It is difficult to quantify the impact that that has. We know from projections of the Australian Energy Market Operator [AEMO] that that reduces demand. But the biggest proportion of the centralised contribution would obviously come from hydro power, primarily from the Snowy, but wind and now large-scale solar photovoltaics are starting to make a particular impact. I will refer to Mr Bailey for more information.

Mr BAILEY: The question that has been asked is very complicated and particularly complicated around the fact that the State does not have its own energy market anymore; it is part of a national market so the ability to be able to do the calculations is time-consuming in the amount of work that needs to be done there in its own right.

The Hon. LUKE FOLEY: But the Australian Energy Market Operator [AEMO] gives us a figure on grid, to acknowledge the Minister's point, to acknowledge what grid consumption is each year, does it not?

Mr BAILEY: Yes.

The Hon. LUKE FOLEY: So surely that is a big help to you; it breaks it down by State level?

Mr BAILEY: There is no doubt that it is one of the contributing factors that we take into account in the measuring and reporting that we do. The absolute question I would have to take on notice in giving a percentage of charge. We do a series of calculations that assist us in understanding how our contribution exists and working on the numbers of households that will be picked up by the photovoltaic [PV] projects that are being run out of Nyngan and Broken Hill and how they contribute to our work towards capturing the components, as the Minister has mentioned, around the Snowy scheme, and then capturing the smaller components that exist at local community levels and the PV program on houses around New South Wales. The absolute percentage I will take on notice but there are a series of pieces that contribute to us having an understanding of how we are tracking against that 20 per cent.

Mr ROB STOKES: And I can add further, literally off the top of my head so this is a hazy figure but I am pretty sure, that it is around 14 per cent, I think was the latest figure I read. But again that can stand to be corrected on notice. It does obviously change from year to year depending on water volumes in particular, so the contribution of hydro in a wet year can be very significant. So it moves. Also, the other thing that is important to refer to that moves is electricity demand itself and that is perhaps the most powerful component in driving down electricity demand. It is a huge part. The negawatts, the energy we do not use is actually the most efficient form of energy.

The Hon. LUKE FOLEY: You and I are on a unity ticket on that one, Minister. The most recent figure I can find, gentlemen, is 7,881 gigawatt hours of electricity consumed in New South Wales from renewable generation in 2012. Does that sound about right to you?

Mr ROB STOKES: No, it does not. I suspect that is reflecting a dry year but again we can get you the figures. My other suggestion is that these matters of generation profile are probably more specifically directed to the Minister for Resources and Energy but nevertheless we can find you that information.

The Hon. LUKE FOLEY: Do you think you will be able to assist me with figures more recent than 2012 or is there usually a lag of that time frame?

Mr ROB STOKES: We will have to take that on notice but I am confident we can find more recent figures.

The Hon. LUKE FOLEY: In light of your election policy commitment, which referred to 7 per cent of your election policy document, can you shed any light today on what both the percentage and the total gigawatt hours of renewable energy consumption was when this Government came to office in 2011?

Mr ROB STOKES: I would have to take that on notice but again it may also be a matter that the Minister for Resources and Energy might be able to shed some light on as well as to actual energy generation and consumption.

The Hon. LUKE FOLEY: If I go to the New South Wales' forecasts of AEMO's national electricity forecasting report, the most recent figure I can find for actual energy consumption is a 2013-14 estimate of 66,233 gigawatt hours. Does that sound about right?

Mr ROB STOKES: You will have to run that by me again, sorry.

The Hon. LUKE FOLEY: It is 66,233 gigawatt hours of total annual energy consumption on the grid in New South Wales. I am not talking about renewables, I am talking about the lot.

Mr ROB STOKES: Okay. There you go.

The Hon. LUKE FOLEY: You think that sounds about right but you will take it on notice?

Mr ROB STOKES: No. If that is what the document says, it is what it says.

The Hon. LUKE FOLEY: You accept it.

CHAIR: Thank you, Minister. I will now pass over to Dr Mehreen Faruqi.

Dr MEHREEN FARUQI: Minister, regarding the biodiversity legislation review, this time last year the then Minister for the Environment, Robyn Parker, stated in response to a question from me, "We certainly do not intend to wind back environmental protections. You have that assurance from me." Minister, will you too commit that there will be no winding back of environmental protections under the biodiversity legislation review process?

Mr ROB STOKES: I can confirm the following: Certainly I have now announced not just the terms of the review but also an independent panel chaired by Dr Neil Byron will examine the effectiveness of the current laws. This includes in terms of the biodiversity review that we are looking at the Native Vegetation Act 2003, the Threatened Species Conservation Act 1995, the Nature Conservation Trust Act 2001 and the relevant provisions of the National Parks and Wildlife Act 1974. I am advised that the panel, which consists of Dr Neil Byron, Dr John Keniry, Dr Wendy Craik and Professor Hugh Possingham, has already met three times. I expect this panel to provide the Government with a final report by December. It is going to be a major evidence-based exercise. Stakeholder input will be vital and the panel has already released an issues paper that asks stakeholders to respond to a series of questions about their concerns about the operations of the current laws.

The core objective of the review is to develop a modernised and integrated framework that facilitates the conservation of biological diversity, again reflecting that we are part of the Commonwealth of Australia. There is a treaty that the Commonwealth Government has entered into and therefore we are also indirectly obliged under the terms of that convention, the Convention on Biological Diversity. So there is a clear conservation outcome that will have to be part of the integrated legislation if that is what the review recommends. We also wanted to specifically look at regulatory reform and whether we could see ways in which processes, approval processes in particular, could be streamlined and red tape cut, as well as supporting ecologically sustainable development.

Dr MEHREEN FARUQI: Thank you, Minister. My question was really specific. Thank you for highlighting that process but could you give me a yes or no answer to: Will you commit that there will be no winding back of environmental protections under this review?

Mr ROB STOKES: Yes, I can commit that in the terms of reference. I just have to be careful not to prejudge the outcome of the review.

Dr MEHREEN FARUQI: Surely the review is to protect the environment and not wind back any protections that we already have. Could you commit to that, please?

Mr ROB STOKES: As to the terms of reference that the review panel has been given, there is a clear objective there relating to the conservation of biological diversity. So that is one of the central elements that the new legislative framework must reflect.

Dr MEHREEN FARUQI: I find it quite extraordinary that you are refusing to renew this commitment of your predecessor.

Mr ROB STOKES: No, I am not refusing. You asked me to answer and I began with the word "Yes" and then I explained what the "Yes" referred to, which is that the terms of reference of the review make it clear when we are asking the reviewers—and they have to do their job independently obviously—that one of the fundamental principles is the conservation of biological diversity. That must be an underpinning of the new legislation if that is what they recommend.

Dr MEHREEN FARUQI: Thank you for that commitment. Then we can be assured that there will be no winding back of environmental protections through that review. What is the total cost of the review of this legislation for 2014-15?

Mr ROB STOKES: It is not an expensive process. I will refer the question to Mr Bailey. Do we have specific details or will we take it on notice?

Mr BAILEY: I can advise that the panel chair will be paid as per rates set by the Public Service Commission, and that is a rate of \$60,000 a year. The panel members will be paid \$35,000 per year. In addition to that, we have allocated a number of staff resources and also staff resources from the senior officers group across government that are allocated from within existing budgets and the decision to allocate somewhere around an additional \$300,000—if that is not correct I will correct that—that will go to ensure that there is broad-ranging consultation and other components of the review are conducted through the balance of this year.

Mr ROB STOKES: Those figures that have been provided about payments to the panelists I think represent extraordinarily good value for the State. These are some of the world's experts. Dr Neil Byron and Professor Hugh Possingham are part of the Wentworth Group. Professor Hugh Possingham is a noted ecologist and Dr Neil Byron was appointed by the Howard Government to the Productivity Commission and has been there for many years. He is a noted and awarded environmental economist. Dr Wendy Craik and Dr John Keniry are known to members of the panel as highly skilled competent scientists and economists and it is an exciting opportunity.

These are pieces of legislation that have been developed over time to do very different things and in light of very different impetuses at the time. Some of this legislation predates the Convention on Biological Diversity. There is a great opportunity to better integrate this legislation to produce a piece of legislation that not only conserves biodiversity but does so in a way that does not produce unnecessary concern, cost or delay for farmers whose food and fibre we depend upon.

Dr MEHREEN FARUQI: What is the time line for the review?

Mr ROB STOKES: The review has already submitted an issues paper. It has met three times. It is due to present a final report to Government by the end of the year.

Dr MEHREEN FARUQI: Moving on to native vegetation, under whose responsibility does native vegetation, including the Native Vegetation Act, sit in your Government?

Mr ROB STOKES: The administration of Acts provides that the Minister for Environment is the responsible Minister for the Native Vegetation Act.

Dr MEHREEN FARUQI: I have an article here from *The Land* dated 22 April 2014 that reports Mr Kevin Humphries will also jointly oversee native vegetation laws. It states:

He will also jointly oversee native vegetation laws, previously the domain solely of the Environment Minister.

Is this incorrect?

Mr ROB STOKES: The fundamental point I make is that ultimately all legislation sits under the purview of the Government and through Cabinet processes I obviously work very collaboratively with other Ministers. I think that is the broader point to make. Interaction is one of the challenges with the Native Vegetation Act; it traverses quite a few regulatory arms in Government. It is appropriate in relation to the private native forest agreements that the Environment Protection Authority has an important role there. In relation to property vegetation plans for agricultural purposes, it is appropriate that the Local Land Services have a role. It is integrated. This is a good opportunity to look at the performance of the legislation because there are so many opportunities for potential duplication.

Dr MEHREEN FARUQI: I understand that there would be many people involved in the process but will Mr Kevin Humphries be jointly overseeing vegetation laws with you?

Mr ROB STOKES: I will work closely with Minister Humphries but I remain accountable for the Native Vegetation Act.

Dr MEHREEN FARUQI: It is disturbing that the responsibility for the Native Vegetation Act is now shared with a party that quite clearly wants to rip it up. This appears to have happened at the same time the Coalition was electing its new leader after the Independent Commission Against Corruption [ICAC] inquiry which claimed former Premier Barry O'Farrell. Was the sharing of the Native Vegetation Act a condition of Nationals support for Premier Baird?

Mr ROB STOKES: I apologise if my answer was not clear.

The Hon. Dr PETER PHELPS: Point of order: There is no way that question falls within the remit of the Minister at the table. It may well be something that you want to ask the current Premier, and even then it is outside his portfolio responsibilities.

CHAIR: I have the gist of the point of order and I uphold the point of order.

Dr MEHREEN FARUQI: Minister, could you clarify again please whether there is joint responsibility between you and Mr Humphries and was that part of—

Mr SCOT MacDONALD: Point of order: The question has been asked and answered. I think the Minister has already answered that question.

CHAIR: There is no point of order. The Minister is able to answer the question in whichever way he may deem appropriate.

Dr MEHREEN FARUQI: Was that part of a deal done at the time the Ministers changed over?

Mr ROB STOKES: I apologise if I was unclear in the way in which I answered the question.

Dr MEHREEN FARUQI: You were.

Mr ROB STOKES: The *Hansard* will show what I said, which was that while I work closely with Minister Humphries, as with other Ministers, in relation to all legislation I remain accountable in terms of the administration of Acts—you can go to the New South Wales legislation and see it—for the Native Vegetation Act. There is no other Minister that has concurrence under the terms of that Act.

Dr MEHREEN FARUQI: Could you put out a statement clarifying that is the case?

Mr ROB STOKES: Just have.

Dr MEHREEN FARUQI: Fabulous. We will use that as a statement that Minister Kevin Humphries has no responsibility for the Native Vegetation Act.

Mr ROB STOKES: I am responsible for what I say; you can do what you want with it.

CHAIR: They usually do.

Dr MEHREEN FARUQI: I have three independent reviews of the Maules Creek mine offset properties produced by local ecologists with special experience in working with critically endangered ecological communities. Each report provides evidence that the offset areas that have been selected are not the threatened species habitat of critically endangered ecological communities that they claim to be. Do you have any concerns about the accuracy of the Maules Creek mine offsets?

Mr ROB STOKES: This question regarding Maules Creek gives me a good opportunity to outline what my responsibilities are in relation to these sorts of mining proposals. In State Conservation Areas the Minister for Environment has a greater role in relation to mining proposals. In general terms, certainly in relation to approval processes, and remembering that this relates to an approval provided under the part 3A legislation as a legacy project, the approval was issued by my colleague, the Minister for Planning. The role of the agencies for which I am accountable is to provide advice into that process. The Office of Environment and Heritage [OEH] is there to provide advice and I will defer to Mr Bailey in terms of what that advice said.

Mr BAILEY: To outline: to mitigate any unavoidable loss of biodiversity values Whitehaven Coal is required to implement a biodiversity offset strategy specified in its project approval. Further, the project approval for the three mines that will impact the Leard State Forest require the development of the Leard forest mining precinct regional biodiversity strategy. That strategy will contribute to a revision of the Maules Creek biodiversity offset strategy to ensure that sufficient offsets are provided to mitigate the unavoidable loss of biodiversity caused by the Maules Creek coal mine project - and that offset sites are appropriately managed. The OEH is currently involved as part of the working group in the development of the Leard Forest regional biodiversity strategy. The strategy will outline how the individual project offsets will be managed as well as identifying any additional offsets required. That work is being done and we are supporting the Department of Planning and Environment, as we ordinarily do when it is a State significant development, in providing that technical information and will continue to do that.

Dr MEHREEN FARUQI: Sorry to interrupt, Mr Bailey: Do you have any concerns or does your department have any concerns about the accuracy of these offsets?

Mr BAILEY: As part of the process we continue to review the information that is provided. We will continue to review that. We look at the reports provided that might give a different view and the robustness and accuracy of those reports as well.

Mr ROB STOKES: I add that my understanding is that one of the conditions of approval—most of the offsets have already been determined but there is one remaining to be determined; and the offsets are much larger than the site of the open cut mine and the clearing that is involved there. There is one of the offsets that remains to be determined. In relation to that offset what I can do, in direct answer to your question, is seek to ensure that that advice is taken on board in terms of the advice that is provided as to the selection of that remaining offset.

Dr MEHREEN FARUQI: Do you know whether the Office of Environment and Heritage has reviewed these independent local ecologists' reports?

Mr BAILEY: Yes, we have.

Dr MEHREEN FARUQI: Has anyone from the Office of Environment and Heritage independently assessed the proposed offsets, or have they been assessed independently?

Mr BAILEY: We continue to contribute to the offset plan development. Where we form a view that we do not have the technical expertise to do the work in the first instance—that is the preference—we then use an external expert. In this instance, I believe we have the capacity in the agency to address the matter.

Dr MEHREEN FARUQI: If members of the public have significant concerns about the environmental offsets such as those proposed by the Maules Creek mine, what avenues of investigation do they have?

Mr ROB STOKES: They may wish to entertain a number of legal options. If people have particular concerns, I am more than happy to address them in my role as Minister for the Environment before they incur unnecessary expense.

Dr MEHREEN FARUQI: You must be aware that people have been raising concerns for years. Are you suggesting that no-one has raised any concerns directly with you?

Mr ROB STOKES: I am certainly not. However, you said "if members of the public have significant concerns", and I took that as meaning prospectively. If concerns are raised prospectively, obviously my role is to listen to them and to see what action is within my purview.

Dr MEHREEN FARUQI: A number of pieces of environmental legislation, policies and frameworks are being reviewed by the Government. They all have a couple of things in common: They all have a hierarchy that prioritises the economy over the environment and they also gut ecologically sustainable development principles and replace them with vague notions of adaptive management. Are you planning a similar approach when reviewing biodiversity legislation?

Mr ROB STOKES: No, the terms of reference are clear, and I have referred to them previously. I respectfully reject the premise of the question. The modern iteration of the concept of ecologically sustainable development was clearly canvassed at the Rio+20 conference. Given the sustainable development roles that were arrived at it was very clear that true sustainability involves helping people to reach economic objectives, the creation of jobs and the creation of healthy and productive communities based on a healthy and productive environment. It is obvious that a strong economy, which is something to which we all aspire, must be built on the foundation of a healthy environment. It is not useful to try to separate the concerns.

The Government has been seeking to address that by integrating the environment within the planning cluster. We must ensure that the environment is considered at a strategic level and that we have coordinated thinking. We must minimise the opportunities for conflict arising from encouraging proponents down a path that involves them spending a lot of money developing a plan and having the environment considered at a late stage in the process. That results in inevitable conflict.

The key strategic vision is to ensure that the environment is considered up-front and those conversations can be had at that stage. Mr Bailey referred to the biodiversity offsets policy and that is what it is seeking to achieve. Inevitably there will be a balance and in some instances it will lead to conflict about the decisions that have to be made. As a general principle, it is important that we integrate environmental, economic and social considerations. This Government inserted ecologically sustainable development as an objective in the Forestry Act 2012. I reject the notion that we are seeking somehow to minimise environmental concerns.

The Hon. LUKE FOLEY: I think we have agreed that estimated energy consumption in New South Wales in 2013-14 was 66,233 gigawatt hours. Do you or your office responsible for meeting the target under the State Plan have an estimate of total electricity consumption in New South Wales in 2020?

Mr ROB STOKES: I am not seeking to pass buck, but I have a direct responsibility for energy efficiency and the Minister for Energy and Resources has responsibility for the energy sector more broadly. Some of these questions are moving away from my direct responsibility. I obviously have a strong interest in them and we have a role to play in trying to promote renewable energy. However, in terms of energy policy more broadly, that is specifically within the remit of the Minister for Energy and Resources.

The Hon. LUKE FOLEY: We started with the New South Wales 2021 State Plan and we agreed that you are explicitly accountable under goal 22 for the 20 per cent target for renewable energy by 2020. I am seeking to hold you to account by asking questions about what we are doing to achieve that goal. Is it not logical that in seeking to achieve that your office or the Government as a whole would have a projected figure for total electricity consumption for 2020 so that we can then project what 20 per cent would be and work out how we achieve that? Surely we measure this.

Mr ROB STOKES: You quoted a specific figure. Obviously I do not have the specific generation figures in front of me. From memory, the Australian Energy Market Operator [AEMO] projections were just that—they were projections based on economic growth and the measures were low, medium and high. That is what energy modelling tends to do.

The Hon. LUKE FOLEY: Which one do we use?

Mr ROB STOKES: I will take many of the specifics on notice. While we did agree that the Government is accountable for an overall target, Minister Roberts has oversight of this State's renewable energy aspirations, and I will assist him in that.

The Hon. LUKE FOLEY: Mr Bailey, in any plan to get to 20 per cent by 2020 does the State have a projection that tells us how much electricity we are projected to consume in 2020? Surely we have such a projection.

Mr BAILEY: Projective figures are done.

The Hon. LUKE FOLEY: Do you rely on the AEMO?

Mr BAILEY: The AEMO sets three levels—low, medium and high—that are related to growth in the economy. There is certainly a stated position that the Government has committed to deliver annual energy savings of 16,000 gigawatt hours by 2020. As we move towards 2020 we will continue to monitor that against the low, medium and high scenarios to ensure that we meet the 20 per cent target by 2020. However, the current commitment is 16,000 gigawatt hours by 2020.

The Hon. LUKE FOLEY: No, that is a figure of energy saving not consumption.

Mr BAILEY: That is correct.

The Hon. LUKE FOLEY: I am asking you about renewable energy consumption. I put it to you and the Minister that it is impossible to track how we will achieve the 20 per cent State target unless in the first instance you can tell us what the Government projects total energy consumption will be in 2020.

Mr ROB STOKES: This is getting technical and we will legitimately have to take the question on notice. However, from memory, the Renewable Energy Action Plan includes a graph that indicates on the basis of projected growth in energy consumption where we are going in terms of energy savings and renewable energy. I see you have it in front of you. From memory, there is a graph—

The Hon. LUKE FOLEY: It is well thumbled.

Mr ROB STOKES: There is a graph that provides an indication. Again, the problem is we are in a market that is changing all the time and there are certain things we do not control. One of the biggest drivers is Federal policy, which we do not control. The sorts of things States do control are planning processes and energy-efficiency measures. The Energy Savings Scheme is well regarded as a leading white certificate scheme for energy efficiency.

The Hon. LUKE FOLEY: Sure, but I am asking about measurement.

Mr ROB STOKES: In terms of big economic drivers, they are controlled—quite appropriately—by the Federal Government. We need to work within that context.

The Hon. LUKE FOLEY: I will get to them in a minute, but it is the case that in Federal legislation there is a gigawatt hour figure for 2020 of 41,000 gigawatt hours. There is a table in the legislation that delivers an annual target. You can construct a graph as there is a trajectory. The legislation the former Labor Government put before the last Parliament had a similar table. You made the point that legislation was not passed by the Parliament. Is it or is it not the case that the Government has a table somewhere that gives us a projected trajectory in order to meet your State Plan target? Do we have that?

Mr ROB STOKES: I can say this sort of data is simply not held within OEHL. It is a matter for the Department of Resources and Energy. We can take that on notice and get that for you. These are portfolio issues that we have a strong interest in because of their environmental impact.

The Hon. Dr PETER PHELPS: And Minister Roberts will be before the Committee this afternoon.

Mr ROB STOKES: There are technical specifics. I suspect Minister Roberts will have to take questions on notice because answers will need to provide specific data, which I assume will be held by the Department of Resources and Energy.

The Hon. LUKE FOLEY: I make the point again: Minister, it is your accountability under the State Plan. You made some very strong statements in your early months as Minister, and I applaud you for them. You are the self-styled Arnold Schwarzenegger of Australia when it comes to renewable energy. Surely in order to meet the target you boast of somewhere we have to measure it and set out a trajectory to get there, or does New South Wales not do that?

Mr ROB STOKES: Yes, and that is a matter that I am working with the Minister for Energy and Resources on. I do not want to suggest questions for him, but I suspect the Minister will get his opportunity as well, and these might be questions you can put to him. I will seek that data. I understand it is not specifically within OEH but it is a matter for the Department of Resources and Energy, which is where the Renewable Energy Advocate sits.

The Hon. LUKE FOLEY: Can I put some ballpark figures to you for your comment? The Australian Energy Market Operator [AEMO] medium energy consumption forecast for 2020 for our State is 66,849 gigawatt hours. I think 20 per cent of that is 13,370 gigawatt hours. Earlier you were unable to give me a figure for renewable consumption at the moment or at a recent point in time. If we use the 7,881 figure—you said it might be a bit low, but if we cannot do any better we can start there—is it not the case that we need to ramp up renewables by about 5½ thousand gigawatt hours between 2012 and 2020? Is that ballpark correct?

Mr ROB STOKES: Again, we are talking a bit in the dark, because the specific figure you are after I need to get from the Department of Resources and Energy. You have given me a great opportunity to talk about some of the big projects we have underway. We have had incredible success in being able to work with the Federal Government to unlock funds from the Australian Renewable Energy Agency. I am very confident that each of the projects will be successful—and we know, in relation to the potential solar flagship projects in New South Wales, three of them are up and we have a very good shot, I suspect, of getting another one up, and is Capital Solar as well. That compares very favourably with performance in other States. We have some big projects underway.

There are many projects for which planning approval has been provided. I can probably get you a specific figure for the wind energy projects consented to. Of course, the Government is not a project developer. We can provide a planning approval framework and assist proponents to develop sensible projects. But in terms of finance required to get projects off the ground, that is not within our accountability. We help to create a marketplace, but it is up to the private sector to consider what projects make economic sense.

The Hon. LUKE FOLEY: What is the status of your election commitment and State Plan target? If you cannot tell us what the measurements or the projects are and how to get there, can you tell us it is in the hands of the Feds?

Mr ROB STOKES: No.

The Hon. LUKE FOLEY: Is your rhetoric simply wishful thinking? What is the plan to get there, Minister?

Mr ROB STOKES: Here are some specific figures.

The Hon. LUKE FOLEY: Good.

Mr ROB STOKES: I have mentioned generation from solar. Off the top of my head, there are well over 240,000 solar photovoltaic [PV] systems, microgeneration solar on residential rooftops. We have several environmental—

The Hon. LUKE FOLEY: That is megawatts?

The Hon. Dr PETER PHELPS: No, that is individual systems.

Mr ROB STOKES: Microgeneration—individual systems.

The Hon. LUKE FOLEY: The number of households with panels.

Mr ROB STOKES: Yes, that is right.

The Hon. LUKE FOLEY: That is about 380 megawatts.

Mr ROB STOKES: I think the average is around 1.5 kilowatts per system, so they are not big systems individually but collectively they make a significant impact. We have the large-scale solar projects currently under development, which will literally dwarf anything else currently under construction in Australia. In relation to the generation capacity of existing wind energy projects, it is more than 4,000 megawatts. In total, there are 18 wind farms in New South Wales that are operational, under construction or not yet under construction.

The Hon. LUKE FOLEY: We agreed your target is consumption. How are we going on consumption? You cannot tell us.

Mr ROB STOKES: In relation to projects currently in the planning system—that is, for which approvals have been given—they will provide an extra 5,373 megawatts of renewable energy capacity.

The Hon. LUKE FOLEY: Let us go to that. Many of the projects in the system will fall over if the Commonwealth abolishes or heavily waters down its Renewable Energy Target. That is the case, is it not?

Mr ROB STOKES: It is really difficult for me to comment on hypotheticals.

The Hon. LUKE FOLEY: What is the position of the New South Wales Government on the review of the Commonwealth Renewable Energy Target? Do you support 41,000 gigawatt hours?

Mr ROB STOKES: Yes. Again, there is a submission by my colleague the Minister for Resources and Energy. If you have specific questions in relation to that, I suggest you direct those questions to the Minister.

The Hon. LUKE FOLEY: You have made strong statements on the Commonwealth target, so I will ask you about it. Is it not the case that the latest position of the New South Wales Government, as expressed in the New South Wales Government's submission to the review of the Renewable Energy Target, is that you support the 41,000 gigawatt hour target?

Mr ROB STOKES: Yes.

The Hon. LUKE FOLEY: The Government argues that the date of 2020 be pushed out—in other words, a so-called true 20 per cent. That is the position, is it not?

Mr ROB STOKES: No, and again we are getting into matters that really fall outside my portfolio responsibilities. I am happy to provide some assistance, but specific questions should be directed to the Minister for Energy and Resources.

The Hon. LUKE FOLEY: Are you telling me that is not the position of the Government?

Mr ROB STOKES: I can say that, as I recall, we did not refer to pushing out the date. We said 41,000 gigawatts, whenever that represents 20 per cent.

The Hon. LUKE FOLEY: The Government recommends extending the time frame for the scheme and pushing out the date.

Mr ROB STOKES: From recollection, we did not provide a date. That was the point. We support the target.

The Hon. LUKE FOLEY: You do not support 41,000 gigawatt hours by 2020, you support 20 per cent by 2020. There is a difference.

Mr ROB STOKES: We support a 41,000 gigawatt hour target.

The Hon. LUKE FOLEY: At a date later than 2020.

Mr ROB STOKES: We have two things operating at the same time: We have energy generation, but we also have energy consumption. Consumption is decreasing. In a context where we do not need as much energy, and I think we are at one on this that that is a good thing, if we can power our lifestyles and our economy using less energy, that is fundamentally probably the most important goal, to try to use less energy to reach the same objectives. You referred to my comments about California before. The comments that I made were in reference to energy efficiency specifically and clean energy more broadly.

California is a terrific example because since, I think, the early seventies—1971, I think—energy demand has remained relatively flat while the economy has grown more than 20 times. That is the sort of objective we need to aim for, but the problem is we certainly do not want the perverse outcome of direct investment into generation capacity in the context of a market that is using less energy. You want new capacity to meet unmet demand. The challenge we have is where demand is being met investment could go into more useful elements of renewable energy.

CHAIR: Order! Opposition time has now concluded. We will now move to the crossbench, but before I pass across to Dr Faruqi I will ask a series of short questions so that I do not enter into Dr Faruqi's time. You may care to take these on notice. My questions are related to the supplementary pest control program that you are running. I would like you to advise the Committee on the number of programs that have been completed, the number of animals that have been killed, the number of Office of Environment and Heritage staff involved in each of the programs and the cost of those programs to date.

Mr ROB STOKES: I can provide some reasonably specific information. I can confirm that five supplementary control operations have been conducted to date. They have been in the Cocoparra Nature Reserve, the Murrumbidgee Valley State Conservation Area, the Yanga National Park and Goonoo State Conservation Area. I am advised that all operations were successful and incident free, and a total of 207 pest animals were removed. In relation to the number of staff involved, I will have to take that on notice.

CHAIR: The number of staff and the cost.

Mr ROB STOKES: And the total cost.

Mr BAILEY: I wanted to clarify that the costs we can provide. I will also provide an explanation that the costs at this point in time reflect the fact that the program has been established and it is part of a three-year trial. So the costs reflect the fact that we are doing the trial and the assessment work to get a clear understanding of the program in the long term, and the efficacy of the program in the long term.

CHAIR: I understand that there will be establishment costs in there as well. I will now pass to Dr Faruqi.

Dr MEHREEN FARUQI: Minister, coming back to the ESD, your Government's own proposed planning laws completely remove ESD from those laws. Their current pieces of legislation, such as biodiversity assessment framework, biodiversity offset and policy for major projects, have no mention of them, but they do talk about adaptive management. Do you understand that there is a fundamental difference between ESD principles and adaptive management, and that they are not interchangeable?

Mr ROB STOKES: I do not accept, respectfully, the premise. I do not think that the Government is moving away from this concept that ESD—

Dr MEHREEN FARUQI: So you do not think that the proposed planning laws took away ESD principles from planning?

The Hon. Dr PETER PHELPS: Point of order: The Minister is answering the question and he is being interrupted by Dr Faruqi. Could you ask her to restrain herself so that the Minister can answer the question he is asked?

CHAIR: Order! I uphold the point of order and ask all members to refrain from speaking over a witness when the witness is attempting to answer a question. Please proceed, Minister.

Mr ROB STOKES: I do not accept the premise that the Government is moving away from the concept of sustainability and its Australian iteration in terms of ecologically sustainable development. I think we quickly move into semantic territory. The reality is, if I remember the wording of the planning bill, it referred specifically to sustainable development but it also had in the objects a specific reference to environmental protection in terms of the objects of the Act. As I think I made the point in my second reading speech in relation to the bill, ESD is a concept that is widespread through New South Wales legislation—I think it is referred to in about 40 pieces of legislation—and various court judgements have indicated that as a principle it is pretty much part of the common law now in any event.

With a court like the Land and Environment Court, which takes the purposive approach to statutory interpretation, I am reasonably confident that the principle of ESD is so well established and so a part of the overall concept of sustainable development that the point you are making is, respectfully, largely semantic. In other jurisdictions the same concept is captured by the expression "sustainable development", and I make the point that it was the Greiner-Murray Coalition Government in 1991 that first put the definition of ESD in any Australian legislation in section 6 (1), I think it was, of the Protection of the Environment Administration Act, which is the definition that has subsequently been referred to in other legislation, including the Forestry Act that I referred to in an earlier answer.

Dr MEHREEN FARUQI: I guess we will agree to disagree. There is a massive difference between sustainable development, ESD and adaptive management. Will you then commit to keeping ESD principles as the framework for decision-making for the environment?

Mr ROB STOKES: I am guided by the legislation that I administer. When I look across that legislation, ESD is a fundamental objective in many of those Acts.

Dr MEHREEN FARUQI: I understand that marine parks fall under the Department of Primary Industries, but I would like to get the environment Minister and his department's view on the issue, if that is okay. Minister, an amnesty on recreational fishing in most marine parks was established more than 15 months ago, as you know. Given that the Institute of Marine and Antarctic Studies found that no-take zones were essential for larger and more plentiful fish in the marine parks, are you concerned that the amnesty persists?

Mr ROB STOKES: Amnesties are there for specific purposes, and the very nature of an amnesty is that it is, by design, a temporary measure. The reason specifically in relation to the amnesty that you refer to was in response to the fact that the Independent Scientific Audit of Marine Parks—the Beeton review—found that information was lacking with respect to some of the no-take zones; for example, ocean beaches in particular. So at the time, after considering the audit findings, the Government declared the amnesty to allow recreational line fishing in 30 of the ocean beach and headland sanctuary zones in five of the six marine parks in New South Wales. Lord Howe Island is obviously excluded, and the no-take zones in terms of non-ocean beaches and headlands remain in place. All the other sanctuary zone restrictions remain.

I should also add that threatened species protections and related bans on fishing from the land in a threatened species aggregation zone also remain in place. This was done in order to facilitate an assessment by the expert knowledge panel—the Marine Estate Expert Knowledge Panel—to assess recreational fishing access to these areas to determine the impacts and whether new arrangements are needed. That assessment has been completed. The Government is currently considering this assessment and will be making decisions in the coming weeks.

Dr MEHREEN FARUQI: Can you give a more exact time than "the coming months"? Can you say "before the end of the year"?

Mr ROB STOKES: I cannot speak for the other Minister, who is the lead Minister in relation to these matters, so I am not in a position to give that information.

Dr MEHREEN FARUQI: New South Wales will be hosting the IUCN World Parks Congress in November. Given the decision to grant this amnesty which exists, the very slow pace of increases in the national park estate, budget cuts to the Office of Environment and Heritage and controversial programs such as shooting in national parks and horseriding in wilderness areas, what exactly will New South Wales be showcasing?

The Hon. Dr PETER PHELPS: Point of order: That question clearly contains argument and assertion, and I ask you to rule it out of order.

CHAIR: Order! Although the point of order is valid, I see that the Minister is quite prepared to answer the question. So while the question did contain argument, if the Minister ignores the argument he is able to answer the question if he so wishes.

Mr ROB STOKES: I am delighted to provide the Committee with an update on progress towards the IUCN World Parks Congress. This is a terrific opportunity for the State and it will take place in Sydney from 12 to 19 November 2014. These world park congresses are held only once a decade; the last one was in Durban in 2003. It is a real coup for Sydney and for New South Wales to have such a significant international convention in our fair city of Sydney. It is a global forum, a landmark forum based on sharing knowledge and innovation, and setting the agenda for protected areas conservation for the coming decade. It is expected to contribute more than \$25 million to the State's economy. Today I am pleased to report that more than 75 per cent of the delegates are from overseas, including, interestingly, a large contingent from Burkina Faso.

The Hon. Dr PETER PHELPS: Fantastic.

Mr ROB STOKES: The Hon. Dr Peter Phelps will be very interested to hear that more than 3,300 delegates from more than 160 countries will gather at Olympic Park in Sydney to focus on the state of the planet's protected areas.

Dr MEHREEN FARUQI: Can I interrupt? My question was about showcasing Newcastle, not about the international conference, if you would not mind coming to that. What will New South Wales be showcasing?

Mr ROB STOKES: Hopefully we will be able to showcase Newcastle at the event although it is more broad than just Newcastle.

Dr MEHREEN FARUQI: Sorry, I mean New South Wales, not Newcastle.

Mr ROB STOKES: Obviously the promise of Sydney will be the legacy of the congress, which will provide a pathway for global action linking the conservation and sustainable development agendas. One issue that I think we are leading on is the Saving our Species project, which I know many delegates will be particularly interested in.

CHAIR: Time has expired for the Environment portfolio.

Mr BAILEY: Can I do a correction to the record? I have had a clarification. Earlier I was asked by Dr Faruqi about the allocation of funds to the biodiversity review and I think my response was about \$300,000. I want to confirm that \$426,000 has been budgeted, just to correct the record today.

CHAIR: Thank you. We will move on to the Heritage portfolio.

(The witnesses withdrew)

IAN FRENCH, Chief Financial Officer, Office of Environment and Heritage, and

TERRY BAILEY, Chief Executive, Office of Environment and Heritage, on former oath, and;

TRACEY ANN AVERY, Director, Heritage Division, Office of Environment and Heritage, sworn and examined:

CHAIR: I now declare the portfolio of Heritage open for examination. We will begin with Opposition questions.

The Hon. ERNEST WONG: In Parliament on 6 and 12 August 2014 you would have heard the Minister for Planning express the Baird Government's determination to see increased rates of development both in city and regional New South Wales as the key driver to stimulating the State's economy. As a Government member I assume you support that direction, but in your capacity as Minister for Heritage are you entirely comfortable about your ability to work within the Planning portfolio to defend and protect our State's precious heritage assets in the onslaught on those development proposals?

Mr ROB STOKES: Yes, I do think so in relation to the growth challenge before the State. We know that Sydney is a growing city and New South Wales is a growing State. That growth brings with it lots of social and economic opportunities but it also brings with it environmental challenges. So while we grow, the challenge for us is to maintain not just our standard of living but also our quality of life. Heritage and historic heritage, as well as natural heritage, are important contributors towards our quality of life and our sense of wellbeing. So it is important to balance the need to preserve and protect the heritage that we have at present while hopefully through well-designed buildings and communities we create the heritage of the future at the same time.

Of course, there will be particular challenge in areas around what I think Peter Calthorpe terms "transit oriented-development". We know from planning experts that we need to facilitate opportunities for development, the modern iteration of urban consolidation as urban renewal in areas proximate to existing public transport linkages and existing infrastructure. The challenge, when we consider Peter Newman and Jeff Penworthy's work in relation to transport modes and how cities work, is that while early development of Sydney might have been a walking city around the historic core, as the city developed during the early part of the twentieth century it developed along transit lines. So much of our significant local heritage is in areas proximate to train stations, to historic tramways radiating out from the city's core.

The challenge for planners, communities and councils will have to be: How do we meet these growth imperatives in terms of increasing density at the same time as preserving some of the more significant arts and craft federation and interwar bungalows and other civic buildings and important high street buildings in some of these suburban areas? We will have to balance growth with the need for heritage protection. I think one thing we can do to address these problems is through good urban design that accommodates historic elements together with opportunities for growth. I am confident we can balance that. As part of my role as the voice for heritage around the Cabinet room I will be working very hard to ensure that policies are developed in such a way that we do not undermine heritage protection at the same time as we facilitate opportunities for urban growth.

The Hon. ERNEST WONG: Do you see a conflict within your portfolio?

Mr ROB STOKES: Respectfully they are your words, not mine. I think there are inevitable challenges approaching the redevelopment of areas where there are items of heritage significance. That is why I think it is very important that we have processes in place when councils are considering development applications. We must remember, of course, that much of this assessment work will be done by local councils and elected councillors and we must help them to prepare policies that allow them to balance these concerns. I certainly do not necessarily think there is a conflict. I think the two things can be quite complementary, that you can preserve heritage at the same time as facilitating opportunities for development.

The Hon. Dr PETER PHELPS: Like our very own Parliament?

Mr ROB STOKES: That is an excellent example. In fact, Mr Bailey indicated that he would like to add something in relation to the question.

The Hon. AMANDA FAZIO: I think we have heard enough on that.

ACTING CHAIR (The Hon. Rick Colless): Order! The Minister and his staff may answer the questions as they see fit.

The Hon. AMANDA FAZIO: We have a limited amount of time and we are quite satisfied with the information given by the Minister in relation to this matter. Minister, I would now like to turn to—

ACTING CHAIR: Order! I am sorry, the Hon. Amanda Fazio—

The Hon. AMANDA FAZIO: No, you are not cutting me off. We have got limited time. The Minister has given a very comprehensive answer that has satisfied our inquiries in relation to this matter. I am now going to another question. Minister, in relation to the Newcastle—

ACTING CHAIR: Order! Excuse me, the Hon. Amanda Fazio. I indicated that I would give the call to Mr Bailey who would like to make a brief comment on—

The Hon. AMANDA FAZIO: No, we do not want to hear from Mr Bailey. We are more than happy with the information given to us by the Minister. You are not going to cut us off and stop us from asking questions of the Minister. I would now like to turn to—

ACTING CHAIR: Order! Excuse me, the Hon. Amanda Fazio, I have ruled—

The Hon. AMANDA FAZIO: No. I am moving dissent to your ruling if you are going to carry on like this. You are attempting to gag us in our limited amount of time—

ACTING CHAIR: Order! I am not attempting to gag you.

The Hon. AMANDA FAZIO: You are very inexperienced as a Chair. I think you should hand over to the proper Chair of the Committee.

ACTING CHAIR: Order! I am not attempting to gag you at all. The Minister and his staff may answer as they see fit.

The Hon. AMANDA FAZIO: No.

ACTING CHAIR: Order! There have been enough interruptions.

The Hon. AMANDA FAZIO: We are satisfied with the extensive and comprehensive answer the Minister has given. We now want to turn to another matter and so I am going to ask: Minister, in relation to the Newcastle Urban Renewal Strategy—

ACTING CHAIR: Order! I am sorry, the Hon. Amanda Fazio. I have ruled that the Minister and his staff may answer the questions as they see fit. If Mr Bailey would like to add—

The Hon. AMANDA FAZIO: No wonder they never make you a chair of a committee. You are disgraceful in the Chair. You are just wasting our time. Now get out. I have a second question I want to ask the Minister on a different topic.

ACTING CHAIR: Order! Are you moving dissent?

The Hon. AMANDA FAZIO: No, because that will waste even more of our time. I want to move on and ask the Minister a question on a different topic. It is my right to do so. It is budget estimates. It is our opportunity to ask the Minister questions. It is not your opportunity to try to waste our time.

ACTING CHAIR: Order! It is not appropriate to interrupt the Minister in the middle of an answer.

The Hon. AMANDA FAZIO: The Minister had concluded his answer. We are satisfied with the information the Minister gave. We want to move on to another topic.

ACTING CHAIR: Order! Mr Bailey, would you like to make a short statement in relation to the Minister's previous answer?

Mr BAILEY: Chair, my only additional point was the relationship in terms of the Department of Planning and Environment cluster and the relationship to the Office of Environment and Heritage, and the role of the Heritage Council is retained in its current form. So the decision-making of the Heritage Council and the role and responsibilities in relation to heritage decision-making remain unchanged through the cluster changes that occurred in April.

The Hon. AMANDA FAZIO: Minister, the Newcastle Urban Renewable Strategy purports to be a 25-year plan to revitalise Newcastle, which, of course, is Australia's second oldest European-style built environment. The website of the Department of Planning recognises Newcastle's wealth of heritage as an asset that makes a significant contribution to the character of the city centre and reveals the city's history and culture. The Minister for Planning announced new planning controls for Newcastle central business district on 25 July. Her media release mentioned working closely with the member for Newcastle, Tim Owen, now the former member, and the Lord Mayor of Newcastle, now the former Lord Mayor, Jeff McCloy, who said he was pleased with being involved every step of the way and that it was the first step in helping the city realise its full potential.

Minister, what role, if any, did you try to play in ensuring the protection of Newcastle's wealth of heritage during this process? Given the acknowledged close involvement of Tim Owen or Jeff McCloy, who have both since resigned in disgrace, how can the community have any confidence in the integrity of the planning controls that are supposed to shape the next 25 years of Newcastle's history? Has the Minister raised concerns about the protection of Newcastle's heritage since the revelations about developer involvement in determining the future direction of Newcastle?

Mr ROB STOKES: I certainly agree about the wealth of heritage, particularly built heritage in Newcastle from Nobbys Head through to Fort Scratchley and the adjacent Boatmen's Row up to the Newcastle Cathedral, which was recently included on the State Heritage Register. I am looking forward to making some exciting announcements in relation to opportunities to continue to restore and repair Newcastle's heritage into the future. I can confirm that the Heritage Division is in discussion with UrbanGrowth and is working closely on heritage matters on any project, including those relating to Newcastle. I can confirm in relation to planning matters specifically—and I understand also you are referring implicitly to my role as Assistant Minister for Planning—I have had no discussions in relation to those matters relating to planning specifically with either the former member for Newcastle or the former member for Charlestown.

The Hon. ERNEST WONG: Minister, are you aware that developer GPT made a donation of \$11,000 to the Liberal Party before the 2011 State election? Given that the longstanding height code in the central business district was factored into the price that GPT and UrbanGrowth, a State-owned corporation, paid for ownership of the site, do you agree that the big increase in allowable height by recent amendment to the State environment planning policy for the heritage site will generate a substantial windfall gain for UrbanGrowth?

Mr ROB STOKES: I am not in a position to be able to comment on those matters. I have had no involvement in relation to the matters to which you refer. I suggest you refer those questions to the Minister for Planning but I cannot provide any further information in relation to that.

The Hon. ERNEST WONG: If that is the case, do you agree with criticism that the Minister for Planning had a conflict of interest in signing off windfall gains for both private and public developers in the face of strong public objections?

The Hon. Dr PETER PHELPS: Point of order: The Hon. Ernest Wong is seeking to adjudicate whether the Minister for Planning has a conflict of interest. He is actually asking for a legal opinion on a matter which is certainly ICAC-able and thus he is asking for a legal opinion on a matter of statutory interpretation and he should be ruled out of order.

CHAIR: Order! I uphold the point of order but not necessarily for the reasons given. We should try to direct questions towards matters of fact, not opinion.

The Hon. ERNEST WONG: If that is the case, all things considered, does the community have a right to be cynical about the integrity of the whole planning process? Should the new planning controls be suspended pending the outcome of the investigation by ICAC?

The Hon. Dr PETER PHELPS: Point of order: The question is: Does the community have a right to be cynical? That is not a valid question. That does not seek to adduce answers in relation to departmental responsibilities or ministerial responsibilities of those people before the Committee.

The Hon. AMANDA FAZIO: To the point of order: The second part of the question was: Should the new planning controls be suspended pending the outcome of the investigation by ICAC? I believe that part of the question is entirely relevant.

CHAIR: Order! The first part of the question was out of order. The second part of the question is valid only insofar as the Minister's supplementary role supporting a planning Minister.

Mr ROB STOKES: That is not a matter that goes to my purview as assistant planning Minister. I would suggest respectfully that the Hon. Ernest Wong direct that question more appropriately to the Minister for Planning.

The Hon. ERNEST WONG: Minister, how do you justify demolishing Windsor Bridge, a functional and fit-for-purpose historical public asset and in doing so, of course, destroy Thompson Square to simply replace it with a bridge with a similar level of functionality?

Mr ROB STOKES: I understand the original Windsor Bridge was built in 1874. However, I think the main heritage concerns that I am aware of are not so much related to the bridge itself but rather to associated impacts on Thompson Square, which is the oldest public square in Australia dating from 1795. I do note that the bridge project itself was approved as a State significant infrastructure project under the Environmental Planning and Assessment Act and it was done by the then Minister for Planning in December 2013. So the premise of the question that I was involved in decision-making around the demolition of the bridge is not the case.

The Hon. ERNEST WONG: I do not understand. Why is there an obsession with demolishing this historical asset when all the independent experts say it is functional and will continue to be in the future?

Mr ROB STOKES: In relation to the functionality of a bridge and the engineering integrity of a bridge, that is not something that comes within my portfolio responsibilities and on those matters I suggest you direct your question to the Minister for Roads and Freight.

The Hon. AMANDA FAZIO: I now turn to the Cumberland Hospital. The Western Sydney Local Health District Asset Strategic Plan 2012-2022 identifies that over the next 10 years there will be consolidation on the Cumberland site to increase capacity in the intensive care and assessment area to consolidate community health services and reduce the use of inappropriate heritage buildings. Minister, can you explain what the implications of this asset plan will be on heritage buildings in the Cumberland Hospital west campus, particularly in respect of Glengariff House, which was originally built in 1906 for Dr Williamson, the superintendent of the then Parramatta lunatic asylum, which currently houses the Cumberland Hospital museum and patient coffee shop?

Mr ROB STOKES: I can say that the historic core of Parramatta is incredibly important.

The Hon. Dr PETER PHELPS: Hear, hear!

Mr ROB STOKES: It contains buildings that are actually included on the World Heritage List as part of Australia's convict sites—I think that is the case.

Mr BAILEY: Correct.

Mr ROB STOKES: And there are a number of other significant buildings that are included on the State Heritage Register on the advice of the independent Heritage Council. It is important, as Parramatta continues to develop as Sydney's second central business district [CBD], that we appropriately integrate and adaptively reuse heritage buildings, which add some much to the character and vitality of the urban core of Parramatta. In relation to the specifics you mention, I refer to Mr Bailey.

Mr BAILEY: To confirm, fundamentally it is a matter for Urban Growth but our role is very integral in terms of being part of the committee working with Urban Growth on the renewal of the precinct and the future planning of the precinct. Our heritage division is intimately involved in that work.

The Hon. ERNEST WONG: Is the Minister going to help with the cost of restoring Challoner Cottage in accordance with the commitment of former Minister Parker, who said that there would be funding available for restoration as well as maintenance and upkeep?

Mr ROB STOKES: I will just make a preliminary comment and Mr Bailey has indicated that he would also like to provide a specific comment. There is funding that is made available for specific restoration projects and I am obviously keen to pursue valuable opportunities to add to the value of our heritage estate. We have committed an additional funding allocation of \$6.8 million in the 2014-15 budget as part of a four-year \$27.2 million package. But Mr Bailey has indicated that he might want to make a more specific comment as well.

Mr BAILEY: To assist the Minister in clarifying, that is correct from the comments that were made by Minister Parker at the time. The reference there is that Challoner House at that time was added to the State Heritage Register and by virtue of being added to the State Heritage Register it becomes available to access the grant programs that are administered by the Office of Environment and Heritage [OEH] associated with heritage. So there is the opportunity in our normal grant programs for Challoner House to receive grants.

CHAIR: Thank you, Opposition members. I will now pass over to the crossbench for questions.

Dr JOHN KAYE: Minister, how many prosecutions has your department brought to court for the destruction of Aboriginal heritage items as a result of mining operations in the past 12 months?

Mr ROB STOKES: That is a specific question in relation to an operational matter of prosecutions and I do not have a direct role in directing prosecution. So I will refer that question to Mr Bailey.

Mr BAILEY: I take responsibility for all decisions associated with the commencement of any prosecutions. It is not a responsibility of the Minister.

Dr JOHN KAYE: How many have you brought to court?

Mr BAILEY: As to the specifics that you are referring to around mining prosecutions, my recollection, which I will correct if—

Dr JOHN KAYE: Yes, please.

Mr BAILEY: It is not for mining. We have not commenced any prosecutions associated with mining approvals.

Dr JOHN KAYE: Have you had any investigations with respect to mining approvals and mining breaches?

Mr BAILEY: Every matter that is reported to us as an agency we have a requirement to investigate. So in the last year of 2013-14, 60 reports regarding Aboriginal cultural heritage were received.

Dr JOHN KAYE: With respect to mining or in general?

Mr BAILEY: In general; I do not have a specific on mining.

Dr JOHN KAYE: On notice, can you break that down by mining and agriculture and other activities?

Mr BAILEY: Yes, and I am referring specifically there to Aboriginal cultural heritage.

Dr JOHN KAYE: That is correct.

Mr BAILEY: I note that there are a number of compliance outcomes that are associated with those. So we started with 60 reports and it was determined through those investigations that 14 compliance outcomes were actually undertaken.

Dr JOHN KAYE: When you say a "compliance outcome" that is bureaucratic speak for a court action or other actions?

Mr BAILEY: Or other actions, and compliance activities are all spectral. Spectral compliance commences with education information and at the far end of the spectrum includes those court actions that we have along the way—issues like the issuing of advisory warning letters associated with the matter, remedial directions and a penalty notice.

Dr JOHN KAYE: Of those 14, how many went to court?

Mr BAILEY: No prosecutions were commenced in the last year.

Dr JOHN KAYE: So zero prosecutions, and how many warning letters?

Mr BAILEY: Twelve advisory or warning letters, one remedial direction and one penalty notice was issued. They were all taken as decisions associated with the impacts.

Dr JOHN KAYE: So across all heritage—all of New South Wales, Aboriginal heritage and other heritage—across all of New South Wales, there were only 14 compliance actions of which 12 were advisory notices?

Mr BAILEY: There were 14 compliance outcomes—this is Aboriginal cultural heritage only that I am referring to. This was the result of 60 reports to our information line and those 60 are then investigated in accordance with OEH's policies and procedures for compliance activities.

Dr JOHN KAYE: Do you think your standards are appropriate for what you take to court? Have you taken any steps to review the standards that you use, the thresholds that you set, for the various kinds of compliance actions?

Mr BAILEY: We do. We have a very comprehensive compliance program.

Dr JOHN KAYE: Minister, are you satisfied with the thresholds?

Mr ROB STOKES: I think there has been the development of some very good jurisprudence in relation to Aboriginal cultural heritage over recent years. I think I am right in saying there was the case of Plath and Williams, which is the first example where a particular penalty option was available to a court. I think I am correct in saying that is the first time it was used in relation to an Aboriginal cultural heritage matter, which was all about effectively getting the offender to understand the consequence of the damage that was caused. I will get you the specifics in relation to that particular matter but I am always looking for opportunities to ensure that regulatory compliance with the law in relation to heritage matters is strengthened. If there are particular matters where the agency asks for additional resources or additional powers I would be very open to those ideas, and certainly that applies in relation to the role of the community as well. I know Mr Bailey wants to add something.

Mr BAILEY: In that sense, I just wanted to confirm that there were legislative amendments for Aboriginal cultural heritage protection—my memory is from 2010—which strengthened the provisions. As a consequence of that, we reviewed all our policies and procedures associated with compliance activities. I am also pleased to let you and the Committee know that in the last year we have retrained all our compliance staff across the State so that we have now got about 26 staff, from memory, who are fully trained in Aboriginal cultural heritage compliance activities. That is a significant increase in the last 12 months. We have increased their training and increased their ability to undertake cultural heritage impact compliance investigations. So we have strengthened that by, in my mind, five or six times on the numbers that we were at about a year ago.

Dr JOHN KAYE: But it still produces no court actions and only one penalty notice?

The Hon. Dr PETER PHELPS: Maybe the legislation is working.

Dr JOHN KAYE: Sorry, Peter; if I wanted to ask you a question I would do so. But I wouldn't.

CHAIR: Order! Interjections are disorderly at all times.

Mr BAILEY: I must clarify, we have a hierarchy of decisions that are associated with the investigation that inform what actions should be taken and it is under those guidelines that we make determinations on whether we will seek—

Dr JOHN KAYE: I understand you have those guidelines, but the question I put to the Minister was: Is he satisfied with those guidelines? Do you think that the thresholds are sufficiently stringent or sufficiently broad to get matters to court that should go to court? You responded by saying there is some great jurisprudence. I am asking you: What is the use of that if we are not getting matters into court to expose it to that jurisprudence?

Mr ROB STOKES: I want to correct the record, I said it was "Plath and Williams" but it is *Garrett v Williams*. The law is created in a couple of places, through the Parliament and the courts as well. The point of the penalties that are awarded in courts sends a message to the community about what sorts of activities should be prescribed and sends a clear educative message, to borrow the words of Ronald Dworkin, about what sorts of activities are not supported by the community and which are criminalised. We are sending those messages.

The reaction of the Parliament in 2010 in relation to the increase in penalties, which is something I had been urging from opposition, expressed there was an earlier case—the Plath case that I was referring to—where Justice Biscoe said in that case he was not able to apply a higher penalty because the Parliament, through expressing the criminality of an offence through the penalty thresholds, had sent a message that these offences were not considered very important. That is why the legislation was changed.

The lack of enforcement actions can mean a couple of things. I do not want to speculate on the reasons for that. A lack of enforcement can mean that the law is, as per Dr Phelps' interjection, working reasonably well. Certainly, I want to keep an open mind in relation to that and if there is evidence that suggests there needs to be legislative change specifically in relation to prosecution, or resourcing issues that come up in relation to prosecutions, I would be happy to act in accordance to that evidence.

Dr JOHN KAYE: Minister, can we go to the issue of Aboriginal heritage impact permits [AHIP]. Have there been any changes to the process of issuing Aboriginal heritage impact permits?

Mr ROB STOKES: Again, a lot of those issues go to operational matters. I can say that there has been a high rate in relation to the issue of AHIP applications that I am aware of. It is important to realise that the awarding of a permit comes at the end of a period of negotiation and consultation with the Office of Environment and Heritage and the registered Aboriginal parties. The process is designed so that those that reach the final application stage only do so at the end of a period of appropriate and acceptable consultation with the Aboriginal community. They would be my high level comments in relation to that. Does Mr Bailey have anything to add from an operational perspective?

Mr BAILEY: It assists with the previous question as well to understand that we have been using the Aboriginal heritage information system in a much more productive manner. I can report in 2013-14 there were over 35,000 searches. By allowing that level of information it also informs people about what they might be considering when they make application and areas they may or may not choose. When they come to work with us people bring more information. As the Minister stated, by conducting consultation first, including with Aboriginal communities, it allows potential applicants to gauge what can and cannot be undertaken through an Aboriginal heritage impact permit. Where it is approved it is often approved with significant conditions that also ensure the protection of Aboriginal cultural heritage at the site. There is a very robust process and I must say an increase in information being made available to assist people in their planning that has helped improve the process over time.

Mr ROB STOKES: In relation to that we have to be careful in these sorts of processes because one thing we want to avoid is a situation where proponents would seek to, immediately upon becoming aware of an Aboriginal item, hide it or destroy it so they did not have to deal with it. I take it from your reaction to that we know that this has been a problem in the past. We need to have a process—

Dr JOHN KAYE: My reaction to that is that was the excuse the previous Government used for 10 or 12 years of inaction on this matter. I am disappointed to hear it from you. What you are effectively saying is that because people are going to behave badly we are not going to protect Aboriginal heritage.

Mr ROB STOKES: No, not at all. My statement was a statement of reality. The problem with heritage protections as they have been deployed in the past is it is often seen by property owners as something intrinsically negative that takes away from the value of their assets or their rights. We need to engender a change in the way that people conceive of heritage. That is a debate that I am hoping to lead in my role.

The Hon. Dr PETER PHELPS: Hear, hear!

Mr ROB STOKES: In terms of heritage we need to come to a point where the broad society conceives heritage as something that is so important to all of us that it should be something that is considered more of an asset than something that is easy to destroy or get rid of.

Mr BAILEY: I have a supplementary comment. We have done considerable work around improving access to the Aboriginal heritage information system. We do considerable work in promoting the due diligence code of practice for the protection of Aboriginal objects in New South Wales, which is undertaken by anybody who has a planning approval or an AHIP approval. The other is that we have done work in developing Aboriginal site decisions. The other component is the Aboriginal site decision support tool that helps proponents understand and predict, and it helps our staff understand and predict, when they are considering planning approvals. I mentioned previously the establishment of regionally based compliance and regulation units around the State that have a responsibility for Aboriginal cultural heritage. That is new and has occurred in the last year. That is a significant improvement for us to ensure we can work on maintaining that compliance.

Dr JOHN KAYE: Would you accept that Aboriginal heritage impact permits are generally considered in the community to be permits to destroy? Minister, have you given any consideration to further restriction on their use?

Mr ROB STOKES: I have not specifically, but this has to be considered in the broader context of the Aboriginal heritage reforms that are currently being considered by Government together with my colleague, the Minister for Aboriginal Affairs. This is a complex issue. It is partly complex because there are so many people that need to be properly consulted and brought along as part of the process of reforming the Aboriginal cultural heritage system.

Mr BAILEY: I will add, an Aboriginal heritage impact permit generally allows for a site to be changed from being in situ. If a decision is taken, following consultation and planning consideration, to allow an Aboriginal heritage impact permit to be issued you look at the conditions on how to manage that site and the objects that may be taken out of situ. There is a process that gets worked through. The shorthand reference is: A site destroyed that some people used. By definition you are impacting the site and in most circumstances altering the site from being in situ and that is part of the process that is worked through with consultation.

Dr JOHN KAYE: "...altering the site from being in situ."; altering the items from being in situ, I think you mean. The site is in situ by definition, if my Latin serves me correctly.

Mr BAILEY: It is associated with the objects at the site.

Dr JOHN KAYE: A permit is being used to, in most cases, move the item to another location and the site itself is changed in use?

Mr BAILEY: The Aboriginal heritage impact permit is a process for doing that and is the subject of consultation and consideration in a planning framework.

Dr JOHN KAYE: You would accept, Mr Bailey, that the heritage value for many Aboriginal people of items is not just the item itself but its location?

Mr BAILEY: I have no doubt about that, Dr Kaye, and I have worked extensively around Australia, including in the Northern Territory, with Aboriginal communities. The decision of the Aboriginal community through consultation can be that they will allow the removal of objects to be stored in a particular way or the destruction of objects. Through consultation that is part of the process in deciding whether an Aboriginal

heritage impact permit should be issued or should it be determined that should not occur that will be part of the consultation process as well.

Dr JOHN KAYE: What analysis has been undertaken of the heritage impact of the sale of Housing NSW properties at Millers Point?

Mr ROB STOKES: Obviously the Millers Point and Dawes Point precincts are listed on the State Heritage Register. I understand that in 2007 the Heritage Council prepared conservation management guidelines for the management of those areas. In light of the change in tenure of the properties, I understand that those guidelines are being reviewed and augmented to ensure that the fabric of the buildings is preserved. There are several layers of protection for that precinct. There is obviously the State Heritage Register listing and the consent required by the Heritage Council to make changes to fabric of the buildings. I understand that the sale contracts being prepared include conservation management plans.

Dr JOHN KAYE: Are they the guidelines that are now being reviewed?

Mr ROB STOKES: The guidelines are being reviewed. Because that question involves specifics I will refer it to Mr Bailey.

CHAIR: No. Unfortunately, the time for crossbench questions has expired.

The Hon. Dr PETER PHELPS: The Hon. Amanda Fazio's question reminded me of the Coutts Sailors Home in Newcastle. Do you have any details about the progress of the refurbishment being undertaken to retain its heritage values? I refer specifically to the easement area around the home.

Mr ROB STOKES: We will take that question on notice.

(The witnesses withdrew)

(Short adjournment)

TERRY BAILEY, Chief Executive, Office of Environment and Heritage, on former oath; and

ALAN BLACKMAN, Senior Regional Coordinator for the Central Coast, Department of Premier and Cabinet, sworn and examined:

CHAIR: I declare the proposed expenditure for the portfolio of Central Coast open for examination.

The Hon. GREG DONNELLY: Minister, if it was good enough for the Premier to visit Newcastle yesterday to apologise for the corruption in the Liberal Party, will you and he undertake to visit the Central Coast by the end of this week to offer the same apology to the good citizens of that area?

Mr ROB STOKES: I note the Premier's apology and an apology issued by the Liberal Party broadly to everyone in New South Wales, including those on the Central Coast. However, there is a distinction to be drawn between the admissions made by the former members for Charlestown and Newcastle about specific wrongdoing—

The Hon. GREG DONNELLY: So the answer is that you are not going to the Central Coast with the Premier to apologise. It is a simple question. Are you prepared to do that?

Mr ROB STOKES: I am answering the question and I will continue to do so. Where there were specific admissions of wrongdoing it was obviously appropriate for the Premier to apologise.

The Hon. GREG DONNELLY: If you are not going there, say so.

Mr ROB STOKES: Matters involving sitting members on the Central Coast are now before the Independent Commission Against Corruption and it would be inappropriate for me to offer a commentary.

The Hon. GREG DONNELLY: This is an apology.

Mr SCOT MacDONALD: Point of order: Can the Minister be allowed to finish answering the question?

The Hon. GREG DONNELLY: I will move on because no apology will be forthcoming.

CHAIR: The Minister had concluded his answer as best I can gather.

The Hon. GREG DONNELLY: On how many days each week do you hold meetings in the Gosford office?

Mr ROB STOKES: In the Gosford office of the Department of Premier and Cabinet specifically?

The Hon. GREG DONNELLY: Yes.

Mr ROB STOKES: I hold meetings as required. I try to use my time on the Central Coast to get out in the community rather than sit in an office. However, when I do hold meetings at that office I tend to hold a huge number. It is almost like speed dating.

The Hon. GREG DONNELLY: I am sure you know more about speed dating than I do. How many meetings do you hold each week in the Gosford office?

Mr ROB STOKES: This will work better if you allow me to finish my answers. With respect, you can ask questions but it is up to me how I choose to answer them.

The Hon. GREG DONNELLY: Or not answer them.

Mr ROB STOKES: No, I am choosing to answer it, and if you allow me to get on I will. As I was saying, I have meetings in the Gosford office of DPC as required. I do try to ensure that the time I spend on the coast is with the community and in the community rather than being in an office.

The Hon. GREG DONNELLY: You have answered the question, Minister. You said "as required". Since becoming Minister for the Central Coast have you had any meetings with the member for Terrigal, Chris Hartcher, the member for The Entrance, Chris Spence, or the member Wyong, Darren Webber?

Mr ROB STOKES: I can confirm that none of those members, to the best of my knowledge, has sought a meeting with me.

The Hon. GREG DONNELLY: That was not my question. I asked if you had had a meeting.

Mr ROB STOKES: I am answering the question. I can confirm that none of those members, to the best of my knowledge, has sought a meeting, nor have I met with any of those members other than the ordinary exchange of pleasantries that one might have in the Chamber.

The Hon. GREG DONNELLY: Since becoming Minister for the Central Coast have you had any telephone conversations with the three members I mentioned?

Mr ROB STOKES: To the best of my knowledge I have not.

The Hon. GREG DONNELLY: Would you like to take my question on notice?

Mr ROB STOKES: I am prepared to say that to the best of my knowledge I have not had any telephone conversations.

The Hon. GREG DONNELLY: You have had not meetings and no telephone conversations, to the best of your knowledge, and you do not want to take that on notice. There have just been formalities such as acknowledging the presence of individuals?

Mr ROB STOKES: That sort of thing. I remember there was a presentation night for Central Coast Surf Life Saving where I had a bit more of a chat with the member for Terrigal, who was there. Again, it was—

The Hon. GREG DONNELLY: What was that conversation about?

Mr ROB STOKES: It was not anything substantive. I remember it was about the member for Terrigal's driver, whose daughter received a significant award.

The Hon. GREG DONNELLY: You did not touch on matters of political donations or Liberal Party corruption?

Mr ROB STOKES: That was not the issue I spoke about.

The Hon. GREG DONNELLY: You did not talk about political donations or matters of malfeasance in the Liberal Party?

Mr ROB STOKES: No.

The Hon. GREG DONNELLY: I refer to the promise by the Coalition Government to the Gosford City Council that a State Government department will be relocated to the Central Coast. Can you advise which government department is being considered for relocation?

Mr ROB STOKES: I can advise that there are internal conversations underway with a range of possibilities being considered. I note that WorkCover has a significant presence on the Central Coast. I am not in a position to make any announcements today, but I can confirm that those conversations are ongoing.

The Hon. GREG DONNELLY: Can we expect a time line for when those discussions and considerations will be completed?

Mr ROB STOKES: I will take that on notice.

The Hon. GREG DONNELLY: Minister, are you aware of a recent forum on the Central Coast, held on 21 July, that considered the issue of homelessness? It was reported extensively in the largest newspaper

there, the *Central Coast Express Advocate*. At that forum the issue of a safe car park opening on the Central Coast was raised by a representative of UnitingCare Burnside. Minister, do you know what a safe car park is?

Mr ROB STOKES: Please elucidate. Does it have a specific meaning other than what I assume a safe car park would be?

The Hon. GREG DONNELLY: I am asking you in the context of matters on the Central Coast. Perhaps the representative of the department can help. Do you know what the matter of safe car parking on the Central Coast is about?

Mr ROB STOKES: I will refer to Mr Blackman to provide further details in relation to that.

Mr BLACKMAN: Unfortunately, I am not familiar with the term "safe car park".

The Hon. GREG DONNELLY: Are you aware the matter of safe car parking on the Central Coast involves car parks with night lighting that are made available to women and children who sleep in their cars?

Mr ROB STOKES: That is a terrible situation.

The Hon. GREG DONNELLY: Are you aware of what is happening in relation to establishing safe car parking on the Central Coast?

Mr ROB STOKES: You have just advised me.

The Hon. GREG DONNELLY: You were not aware of it before now?

Mr ROB STOKES: I was not invited to the forum to which you refer. It would have been terrific to have had the opportunity to attend.

The Hon. GREG DONNELLY: It is a simple question, Minister. Are you aware of the issue? If you are, what is the extent of your knowledge?

Mr ROB STOKES: We have canvassed this: You can ask questions, and it is up to me how I choose to answer them.

The Hon. GREG DONNELLY: Or not answer them.

Mr ROB STOKES: I will answer them in a fulsome manner, which I am doing. I can indicate that the general issue of homelessness is being taken very seriously by the Government through the Going Home Staying Home reforms.

The Hon. GREG DONNELLY: This was about safe car parks, Minister.

Mr ROB STOKES: You are talking about—

The Hon. GREG DONNELLY: Can I move on to my next question?

Mr ROB STOKES: safe car parks—

The Hon. GREG DONNELLY: And you know nothing about it.

Mr ROB STOKES: —in the context of homelessness.

The Hon. GREG DONNELLY: Can I move on?

Mr ROB STOKES: Can I please answer your question?

The Hon. GREG DONNELLY: No, you have answered my question.

The Hon. RICK COLLESS: Point of order: Again, the member is interrupting the Minister as he is attempting to answer questions.

The Hon. GREG DONNELLY: To the point of order: I have very limited time and the Minister has indicated that this is the first time that he has heard about the safe car parks. I will move on.

CHAIR: Order! I uphold the point of order. The Minister should be allowed to complete his answers. Minister, as time is short I encourage you to answer as succinctly as you can.

Mr ROB STOKES: These are important issues. Homelessness is not an issue I can address in a succinct statement. In relation specifically to "safe car parks" I understand what the member is referring to. I understand that there is one of these places behind a women's refuge in Wyong. I was not aware of the specific term by which you referred to it.

The Hon. GREG DONNELLY: Minister, are you aware of reports in Central Coast newspapers on various occasions about people living in shipping containers?

Mr ROB STOKES: I am aware that there is a significant problem in relation to homelessness, not just—

The Hon. GREG DONNELLY: I am talking about you being aware of people living in shipping containers.

Mr ROB STOKES: I, too, read the local papers.

The Hon. GREG DONNELLY: Can you answer my question? Are you aware of it? Have you been briefed or have you, through your own investigations, examined the issue of people living in shipping containers on the Central Coast?

Mr ROB STOKES: I have not made a specific examination of the issue of people living in shipping containers on the Central Coast—

The Hon. GREG DONNELLY: Minister, can you name—

Mr ROB STOKES: Please allow me to finish. I was answering succinctly. Please do not ask a question before I have finished answering.

The Hon. GREG DONNELLY: Minister, can you name the women's refuges on the Central Coast that have lost funding under your Government and are scheduled to close?

Mr ROB STOKES: In relation to the Going Home Staying Home reforms, there is a significant injection of new money into homelessness services on the Central Coast—an additional \$112,000 is being provided this year.

The Hon. GREG DONNELLY: That is not my question.

Mr ROB STOKES: We have been through this. You might ask me a question; how I choose to answer it is a matter for me.

The Hon. GREG DONNELLY: Can you name the women's refuges?

Mr ROB STOKES: In terms of specific refuges, there are quite a number. I am aware of at least eight that are operated by Coast Shelter alone. I am not in a position to be able to provide names for each of the refuges.

The Hon. GREG DONNELLY: Do you want to take it on notice?

Mr ROB STOKES: I would be more than happy to take that on notice.

The Hon. GREG DONNELLY: Can you name the youth refuge on the Central Coast that is about to close as a result of your Government's decision to withdraw funding?

Mr ROB STOKES: In relation to funding of youth shelters, I am pleased to report that \$116,000 in additional funding has been made available to ensure that Rumbalara Youth Refuge, for example, is maintaining its services.

The Hon. GREG DONNELLY: That is not my question, Minister. Would you like to take it on notice?

Mr ROB STOKES: In relation to the specific issue you raised, I might ask if Mr Blackman has anything to add.

Mr BLACKMAN: I am aware of what has been funded for the Rumbalara Youth Refuge; I am not aware of—

The Hon. GREG DONNELLY: Thank you, we will move on. Minister, I would like to move on to the issue of the Wallarah 2 coal project. With all the evidence placed before the ICAC this year implicating Chris Hartcher, Chris Spence and Darren Webber in corrupt behaviour and that at least two of the members of Parliament have been both publicly and privately working to promote the Wallarah 2 coal project, will you take immediate steps to stop the project progressing any further and support an inquiry by a Legislative Committee to examine the whole matter of the Wallarah 2 project?

Mr ROB STOKES: Two issues there. First, I obviously cannot comment on matters currently before the ICAC. There are a couple of implications in your question that I am simply not in a position to comment on. In relation to intervening in a planning process, and as I understand the court process, that is not something that I think is appropriate that I seek to do. This Government has taken strong steps to ensure that decisions particularly about contentious issues are made at arm's length by an independent and expert Planning Assessment Commission. For me to seek to intervene in that—

The Hon. GREG DONNELLY: Notwithstanding all these matters involving those members of the Liberal Party on the Central Coast, you are not prepared to press the forward button on this matter?

Mr ROB STOKES: If I can continue with my original answer and then you might ask a supplementary question: For me to intervene in an independent process I think would be highly inappropriate.

The Hon. Dr PETER PHELPS: Hear, hear!

The Hon. GREG DONNELLY: So the answer is no, you are not prepared to take steps, notwithstanding—

Mr SCOT MacDONALD: Did you not listen to what he said?

The Hon. Dr PETER PHELPS: You are just used to your government interfering in planning processes.

CHAIR: Order! Interjections will not be tolerated at any time.

The Hon. GREG DONNELLY: Minister, can you explain exactly where this matter is up to?

Mr ROB STOKES: I have provided my answer in relation to this matter. What specific information are you seeking?

The Hon. GREG DONNELLY: What is the current status of the project?

Mr ROB STOKES: My understanding in relation to the project specifically at present is that a determination has been issued by the Planning Assessment Commission. There have been a number of recommendations provided—

The Hon. GREG DONNELLY: Would you like to table the answer?

Mr ROB STOKES: No, I can answer now—by the Planning Assessment Commission in relation to reducing the project's impacts. At the request of the Department of Planning, Wyong Areas Joint Coal Venture has also since provided comments on the Planning Assessment Commission report and recommendations, which are publicly available on the department's website. Prior to the completion of the Planning Assessment Commission's merit review, the Darkinjung Local Aboriginal Land Council commenced legal proceedings in the Land and Environment Court claiming that consent of the NSW Aboriginal Land Council was required for the proposed development.

On 12 June the Land and Environment Court ruled that the consent of the NSW Aboriginal Land Council is required before the development application can be determined. I understand that the Wyong Areas Joint Coal Venture has since given notice of its intention to appeal the court's decision. So, as the matter is, as I understand, currently before the courts, it would be inappropriate for me to provide further commentary.

The Hon. GREG DONNELLY: As the Minister for the Central Coast and with your other ministerial responsibilities that can have some influence over this matter, your position is to just stand back and let the cards fall where they will?

Mr ROB STOKES: There is a matter currently before the courts. I do not think you would be suggesting that I should try to take action to oust the jurisdiction of the court in relation to this matter.

The Hon. GREG DONNELLY: I am just trying to find out precisely what you are prepared to do given what we know about the malfeasance of the Liberal Party on the Central Coast.

Mr ROB STOKES: You have made certain allegations in that question that are currently before the Independent Commission Against Corruption, so it would obviously be inappropriate for me to provide a comment.

The Hon. GREG DONNELLY: But meanwhile, with all that knowledge and notwithstanding the qualification you just put on it, you are prepared to just stand back and let the cards fall?

Mr ROB STOKES: No, that is not what I said. I gave, I feel, quite a voluminous and specific answer in relation to the steps that are currently underway. I have also made it quite clear that it is appropriate that it will be an independent process—that is what the Planning Assessment Commission is: it is an independent expert panel that makes decisions on environmental, economic and social considerations at arm's length from government. I certainly do not think it would be appropriate to interfere in that process, and particularly now that it is before the courts it would be even more inappropriate for me to seek to intervene.

The Hon. GREG DONNELLY: So the cards will fall where they will. What is the unemployment rate for young people on the Central Coast—just a percentage please?

Mr ROB STOKES: Yes I can get you that figure. In relation to youth unemployment, and I should say—

The Hon. GREG DONNELLY: I just want the percentage, please.

Mr ROB STOKES: In May of this year it was 23.7 per cent.

The Hon. GREG DONNELLY: Can you please explain to the Committee what specific programs this Government is putting in place or has put in place to reduce youth unemployment on the Central Coast?

Mr ROB STOKES: Through the Regional Action Plan for the Central Coast there are a number of regional priorities that assist in addressing youth unemployment, including four actions in particular designed: to grow the economy of the Central Coast; to provide sustainable employment—that is, ongoing employment, not seasonal or unemployment—subject to fluctuation; to enhance skills development and educational outcomes; and to improve transport connectivity and regional roads because the infrastructure—

The Hon. GREG DONNELLY: I am asking for the name of the programs.

Mr ROB STOKES: And I am telling you that these programs fall under the regional action plan.

The Hon. GREG DONNELLY: Specific to the Central Coast?

Mr ROB STOKES: Yes, specific to the Central Coast. You are starting to interrupt me while I am still answering the question. I am being, I submit, entirely relevant to your question.

The Hon. GREG DONNELLY: No, I asked for the specific projects.

Mr ROB STOKES: Yes, and I am in the middle—well, should I start again?

The Hon. GREG DONNELLY: If you know what the projects are—

Mr SCOT MacDONALD: Point of order: As the Minister is protesting, he is not being given a chance to answer the very clear question.

The Hon. GREG DONNELLY: With a very clear answer, I was hoping.

CHAIR: I will uphold the point of order. I ask the Minister to try to answer the question as succinctly as possible.

Mr ROB STOKES: Certainly. I have outlined some initiatives in relation to the Regional Action Plan for the Central Coast. In relation to other specific programs, a range of service providers on the Central Coast provide youth services to support young people in gaining and sustaining employment. They include regional youth support services, which receives funding from the Department of Juvenile Justice to run a joint support program. It also receives funding from Arts NSW. There is a range of others as well; there is Youth Connections, Central Coast Group Training, Break Thru People Solutions.

The Hon. GREG DONNELLY: In light of the fact that the Premier of New South Wales has found it necessary to go to Newcastle and personally apologise to the people of Newcastle about the matters that have come before the ICAC involving Liberal Party members, why will you and the Premier not do the good citizens of the Central Coast the same service by going up there and apologising for what has happened on the Central Coast involving the Liberal Party?

Mr ROB STOKES: I think that would be pre-empting the findings of the ICAC in that we do not know exactly what has transpired. So let us see what the ICAC findings are before seeking—

The Hon. GREG DONNELLY: Just say "sorry".

The Hon. Dr PETER PHELPS: We know what happened at Eddie's house in Terrigal. Will he go and apologise for what Eddie did in Terrigal?

CHAIR: Order!

The Hon. GREG DONNELLY: Just say "sorry".

Dr JOHN KAYE: To start somewhere a little controversial, three of the four seats on the Central Coast were Liberal and are not now. Do you accept that the level of representation of the people on the Central Coast, for which you are the Minister, has declined dramatically since the revelations before ICAC?

The Hon. Dr PETER PHELPS: Point of order: In no way is that within the Minister's portfolio responsibilities. That is not relevant to the budget papers or any proposed expenditure for this year or previous years. It is a purely political question which seeks a political answer.

The Hon. AMANDA FAZIO: We are in Parliament. What do you expect?

CHAIR: Order! There is no point of order.

Dr JOHN KAYE: If you would like to answer the question.

Mr ROB STOKES: Sorry, could you ask the question again?

Dr JOHN KAYE: It is reasonable that you have forgotten it. Let me ask it another way. What steps are you taking to address the decline in the level of representation of citizens on the Central Coast who voted for Liberal MPs? Whether that was a wise thing to do or not, it is up to them to determine, but three of the four MPs in your area have been sidelined to the crossbench and have no say in Government?

Mr ROB STOKES: In relation to candidate selection processes, the processes of the Liberal Party are democratic and a matter for the party membership. I do not get to select who the Liberal Party representatives for any area—

Dr JOHN KAYE: That is very true on the Central Coast.

Mr ROB STOKES: That is a matter for the party. I am aware there are a number of high-quality potential candidates who may decide to put up their hands.

Dr JOHN KAYE: I posed my question poorly. I was asking what will happen between now and 30 March 2015. For example, if I were a TAFE teacher on the Central Coast and I was teaching the Tertiary Preparation Certificate and my entire section disappeared, who would I turn to? Would I go to you or to my local member who has stood aside?

The Hon. GREG DONNELLY: Come to me.

The Hon. AMANDA FAZIO: It would be a waste of time talking to any of them.

Dr JOHN KAYE: Where do they go?

Mr ROB STOKES: Certainly, my door is always open. Of course, members of Parliament, whether they are in opposition, on the crossbench or in government, all have responsibilities to serve their communities and represent their concerns as effectively as they can. So I expect every member on the Central Coast, whether they are on the crossbench or in a political party, to represent the concerns of their citizens as effectively and faithfully as they can in the Parliament, and also to bring those concerns to the relevant Ministers as well.

Dr JOHN KAYE: But you would have some sympathy, would you not, for a situation in which Central Coast constituents voted for a Government member but found they did not have one?

Mr ROB STOKES: There are certain things I can control and there are certain things that I cannot. All I can offer is that I will do my very best in my portfolio responsibilities to discharge those responsibilities as faithfully and as effectively as I can.

Dr JOHN KAYE: Will you allocate additional resources within your office to the Central Coast in light of the fact that there are no Government representatives other than in Gosford?

Mr ROB STOKES: First, I guess I have to describe a little bit about the role of a regional Minister.

Dr JOHN KAYE: That will not take long.

Mr ROB STOKES: I do not have a specific department in relation to the Central Coast. I have excellent support staff in terms of the staff of the Department of Premier and Cabinet in the Central Coast office. In relation to my role, I aim to be an advocate for the interests of the Central Coast in the Cabinet processes—in Cabinet subcommittees and around the Cabinet table—and to marshal the resources as effectively as I can across government departments and advocate for regional priorities in those discussions.

Dr JOHN KAYE: Let us go exactly to that with Gosford TAFE. I do not know whether you have spent a lot of time at Gosford TAFE; I have over the years. One phenomenon I have noticed recently is that you can get a parking space in the Gosford TAFE car park easily any time of the day now, whereas you could not before. It is a symptom that Gosford TAFE has gone into substantial decline under this Government. What will you do, given that, for example, as you said, there is 23.7 per cent youth unemployment on the Central Coast—that is exceptionally high; it is three times the statewide average—yet the Tertiary Preparation Certificate and the Higher School Certificate [HSC] are no longer available on the Central Coast through TAFE?

Mr ROB STOKES: There are a number of initiatives and reforms within the vocational training sector, including TAFE. But you have to remember that there are other education providers within the vocational sector. Specifically I refer to Chris Parker's excellent work with the Central Coast branch of Surf Life Saving NSW, which provides a range of vocational training opportunities. We are working to engage a whole range of new programs. There is one in particular that you would be interested in. I was speaking to one of the senior TAFE employees on Saturday night at the Central Coast Business Excellence Awards about the new associate degree in renewable energy technologies being offered by Hunter and Central Coast TAFE in coordination with the University of Newcastle. That course and the next year of study can be turned into a full degree. So there are a range of programs.

Dr JOHN KAYE: But you are not suggesting that somebody seeking a Tertiary Preparation Certificate should go to a surf life saving club, are you?

Mr ROB STOKES: No, certainly not.

Dr JOHN KAYE: So where will they go? With a high level of unemployment, surely having the Tertiary Preparation Certificate and the re-entrant Higher School Certificate available is a critical outcome for the Central Coast, yet they are losing that opportunity?

Mr ROB STOKES: In relation to that specific matter, I will take it on notice and seek a specific answer from the Minister for Education and Communities.

Dr JOHN KAYE: Minister, are you aware of the property known as "Bambara" and the controversy around that property? No doubt Mr Cassar has spoken to you?

Mr ROB STOKES: He has not.

Dr JOHN KAYE: He will shortly. Minister, you are aware of the general issues around the property. Have you done any work to identify the barriers to the State Government acquiring that property for the purpose of a national park?

Mr ROB STOKES: Before referring the question to Mr Bailey for specifics, the Government is keen to look at high-conservation value extensions to Brisbane Waters National Park and this is obviously something that we are keen to progress. I will refer the question to Mr Bailey.

Dr JOHN KAYE: I am specifically looking for an answer to the question: Are there barriers and, in particular, could the Government compulsorily acquire the property? If the Government does not, is the barrier an economic or a legal one? That is the question I am putting.

Mr ROB STOKES: In relation to that specific point I will provide an answer and then refer to Mr Bailey to provide more detail. Compulsory acquisition is not considered appropriate and the Government and the council remain committed to a voluntary sale process.

Dr JOHN KAYE: But the word you have used there is "appropriate" not "impossible", correct?

Mr ROB STOKES: That is the word I used but I will defer to Mr Bailey for further details.

Mr BAILEY: The key component here, Dr Kaye, is that we have been looking at giving consideration to the 77 hectares in seven parcels of land at Kariong on the Central Coast for an addition to Brisbane Waters National Park and it is a commitment we have been following up for some time. The National Parks and Wildlife Service in the Office of Environment and Heritage and Gosford City Council have been working together to secure the purchases of all the parcels that are surrounded by national park and offers have been made to all landholders at market value.

Dr JOHN KAYE: Mr Bailey, I understand what you are saying. Can I encourage you to put what you are about to say on notice because it is valuable information? I was only looking to find out whether there was a legal barrier to purchase and I think the answer is no, is that correct?

Mr BAILEY: We continue to make offers in our acquisition program at market value and to work with the property owners.

Dr JOHN KAYE: But do you not have the power to make a compulsory acquisition or have you decided politically not to do a compulsory acquisition? That is what I am trying to get to.

Mr BAILEY: Our acquisition program always works through trying to reach agreement with the property owner.

Dr JOHN KAYE: And when that fails?

Mr BAILEY: We consider that we still have the opportunity to work with the property owner in this instance before we would contemplate that.

Dr JOHN KAYE: Thank you, Mr Bailey, I think I can read between the lines. Minister, I go to the issue of Wyong airport. You are aware that this is an old, deeply vexed issue. You would probably also be aware that the recent cost-benefit analysis came up with a result of 17 out of 17 for the site. You cannot get a less cost-effective project than a 17 out of 17. Are you going to intervene in any way, politically or otherwise, to try to stop the council going ahead with an airport that is guaranteed to be a white elephant?

Mr ROB STOKES: I do not think the proposal is at a stage where it would trigger my specific involvement. In any event, rather than being an advocate for specific issues on the Central Coast, I query whether it would be an issue that it would be appropriate for me to have any specific intervention in. It is a matter for Wyong Shire Council to consider, as part of their feasibility investigations. I am aware of the project. I have visited the site with Wyong Council and, as you have intimated, it is certainly an issue that the elected representatives of Wyong, through the Council, are excited about and it offers some opportunities. I encourage the proposal to be thoroughly investigated so that the council has the information upon which it can make a final decision.

Dr JOHN KAYE: And a 17 out of 17 rating does not worry you?

Mr ROB STOKES: Again, I do not want to seek to intervene in what is truly a matter for Council. I think the thing that is motivating Council, particularly Wyong, is that it is seeking to meet the demand within the community to provide jobs. That is a key focus of the Wyong employment area and the whole Warnervale town centre—a key concern about jobs. I feel that the Council representatives see that the potential for a regional airport is a wonderful opportunity for jobs. So I think that is the key focus of Council and I applaud them for being focused on the issue of providing jobs in an area where obviously employment is a key concern.

Dr JOHN KAYE: Even if it is a deeply ineffective expenditure of ratepayers' money?

Mr ROB STOKES: There will be a number of processes that will have to go through. As I understand, it is still at the feasibility investigation level.

Dr JOHN KAYE: Can you at least give an undertaking that you will keep an eye on it?

Mr ROB STOKES: I can say that not only will I keep an eye on it but I am keeping an eye on it.

Dr JOHN KAYE: I go to Wallarah 2. You will be aware of a photograph taken of a number of Central Coast Liberal candidates for the State election. You were not in the photo because it was not relevant to you at the time. It showed the then Opposition leader and the man who was about to become your predecessor in this portfolio, wearing T-shirts with the slogan: "Water not coal"—a promise to not go ahead with Wallarah 2. You are also, in your role, no doubt aware of the huge community concerns about the impacts on the water supply on the Central Coast.

You will also no doubt be aware that Nick Di Girolamo—a member of the Liberal Party and an activist, now infamously, within the Liberal Party—was a lobbyist for Kores, the proponents at Wallarah 2. Can you do two things: Can you explain to us what went wrong between the "water not coal" T-shirt photo promise and the fact that the Government decided to proceed with Wallarah 2? Secondly, what steps are you taking, as the Minister for the Central Coast, to advocate for those residents who are saying there is something deeply wrong with the planning process, particularly given Mr Di Girolamo's involvement in it?

Mr ROB STOKES: There are two questions there. The first relates to processes that took place before I was a Minister and so it is not possible for me to make a comment—

Dr JOHN KAYE: I was not asking—I beg your pardon, I interrupted your answer.

Mr ROB STOKES: Your wording was: What went wrong between that T-shirt wearing episode and the decision to refer this matter to the Planning Assessment Commission? The answer is I am literally not in a position to comment on that process because I was not part of the Cabinet deliberations, if there were any. I am not in a position to know what that process involved.

Dr JOHN KAYE: Are you in a position to find out what happened and to inform people on the Central Coast?

Mr ROB STOKES: I can say that it has been the consistent position of the former Opposition—now the Government—that we were going to depoliticise the development assessment process. So we were going to remove from the political oversight of the Minister for Planning the ability to issue specific development applications in relation to what were then Part 3A matters that have now been reabsorbed with those major projects into State Significant Development. So the decision was made to depoliticise that process by handing over those decision-making responsibilities to an independent expert body, at arm's length from government.

In one sense, that liberates governments to be able to have a much more flexible approach to making comments—which I suspect is what was occurring with the T-shirt-wearing episode you refer to—about what the community would like to see happen. But in terms of final decisions, I agree, I think it is appropriate that with contentious development applications where there is a highly politically charged atmosphere, it is appropriate that those decisions are made by an independent expert body that can sit at arm's length and consider not just the political issues involved but the broader social, economic and environmental concerns as well.

Dr JOHN KAYE: You would appreciate, given what is now known about Mr Di Girolamo and his relationship with senior Liberals, partly through the Australian Water Holdings issue, that there is huge concern on the Central Coast about what has really gone on. Would you as the Minister for the Central Coast advocate for an inquiry into what happened with Wallarah 2, as to how it went from "never ever" to proceeding through the planning process?

Mr ROB STOKES: There is one thing which I think you referred to as fact on which I can provide some specific advice in relation to the involvement of Nick Di Girolamo. I understand there have been recent media reports suggesting inappropriate contact or involvement by Mr Nick Di Girolamo in government processes concerning the Wallarah 2 coal project. I am advised there has been absolutely no contact between the planning arm of the Department of Planning and Environment and Mr Di Girolamo over the Wallarah 2 project or any other matter.

Planning officers have conducted an exhaustive search of the records of the agency. Neither Mr Di Girolamo nor Australian Water Holdings made any submission regarding the Wallarah project. There has been no telephone contact or meetings by the agency on behalf of Mr Di Girolamo or Australian Water Holdings. The development assessment process conducted by the Department of Planning and Environment and its predecessors for the Wallarah 2 project has been completely open and transparent. That is the advice I have been given on that.

Dr JOHN KAYE: I appreciate that advice and I thank you for informing the Committee of it. Of course, that leaves open the question, which you cannot answer but, what was Kores doing paying Mr Di Girolamo, presumably top dollar, in the knowledge that he was well connected within the party that had become the governing party of New South Wales?

The Hon. AMANDA FAZIO: Maybe he dealt with the Minister's office.

The Hon. Dr PETER PHELPS: Point of order: I am not sure how the Minister can answer a question which the questioner prefaced by saying "you cannot answer but"?

Dr JOHN KAYE: I had not asked the question, so what is the point of order?

The Hon. Dr PETER PHELPS: You prefaced it with "you cannot answer but".

Dr JOHN KAYE: The Hon. Dr Peter Phelps has a terrible habit of waiting for a comma and not listening to the actual question.

The Hon. GREG DONNELLY: He had more to say.

CHAIR: Order! I will not rule on the point of order until I have heard the rest of the question. Members should note that questions are to be specific to the portfolio of the witness who is addressing the Committee. Please proceed, Dr John Kaye.

Dr JOHN KAYE: The question that then arises is have you had representations from people on the Central Coast asking you to intervene in this matter or asking you for a different approach from the Government to this matter?

Mr ROB STOKES: I have had several conversations, as you could appreciate, in relation to this and other contentious projects that arise from time to time on the Central Coast. The challenge, of course, is that there is not one consistent view and there are hotly held views on either side of these debates. It is very difficult for me to seek to take sides in these debates, which is another reason why it is important that the development assessment process and the final decision-making process have the benefit of an arm's length independent expert panel.

Dr JOHN KAYE: Let me go to another aspect. At the time you and I were both elected to Parliament the Central Coast was in water crisis. My recollection is that storage was down to about 10 per cent. Things have happened since then, of course, but I think you would appreciate there is still massive sensitivity of the issue of water supply. Minister, what have you done in your role to assist in securing water supply, specifically talking about things like the Rocla sandstone quarry activities, Wallarah 2 and coal seam gas mining, all of which are at least perceived on the Central Coast—and I agree with them—to be threatening the security and quality of the water supply on the Central Coast?

Mr ROB STOKES: In relation to the Rocla project to which you referred specifically, I have been aware obviously that the quarry operator, Rocla, has been seeking an expansion. I also understand that in another portfolio before I was elevated to the ministry, again the independent Planning Assessment Commission approved that expansion at arm's length from government. These are complex issues relating to hydrology and all sorts of things that go beyond my expert competence. It is quite appropriate that they be handled by independent, arm's length bodies like the Planning Assessment Commission. Nevertheless, I take your general point in relation to the security of the water supply.

This is a very important issue and a lot of it relates to the importance of the protected lands surrounding the Central Coast. Many of these usefully fall within my portfolio responsibilities in terms of administering the National Parks and Wildlife Act. Certainly in that role I am very determined to ensure that parks are maintained in such a way that water quality concerns can be allayed. The water supply authorities are the local councils and we have had some conversations in relation to water matters and I stand ready to assist them in any particular issues they raise.

CHAIR: The examination for the portfolios of Environment, Heritage and Central Coast has now concluded. I thank the Minister and his staff and officers for attending and for their cooperation.

(The witnesses withdrew)

The Committee proceeded to deliberate.
