



ELO Hansard Review

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Autumn Session 2013

A weekly overview of environment related proceedings in the NSW Parliament

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Legislative Assembly Tuesday 7 May 2013

MARINE ESTATE

Mr CHRISTOPHER GULAPTIS: My question is directed to the Minister for Primary Industries, and Minister for Small Business. What action has the Government taken to improve the marine estate in New South Wales?

Ms KATRINA HODGKINSON: I thank the member for Clarence for his interest in all things associated with the marine estate. It is a very important issue in his electorate. The Government is undertaking landmark reform of our marine estate to ensure the governance of our precious marine resources can be managed sustainably. This Government, unlike the former Labor Government, is committed to making science-based decisions when it comes to the marine estate. We have made progress since the new management arrangements for the marine estate were announced in March this year. The Marine Estate Management Authority has been established and is already formulating its future direction for the New South Wales marine estate. The authority is being chaired independently by Dr Wendy Craik, AM. The Marine Estate Management Authority will work closely with the Marine Estate Expert Knowledge Panel, which is being led by the eminent economist, Dr Andrew Stoeckel. Through our vision for a clean, safe, healthy and productive marine estate, those groups will play key roles in any future decision.

The concept of science and independent expert advice may be a little foreign to Labor members, who made reactive and politically motivated decisions when they were in government. By taking a fresh approach, this Government is removing the politics from fisheries that for far too long plagued progress in the industry. It plagued the fishing industry for 16 long years—but no longer. The future of the marine estate thankfully now will be evaluated independently across ecology, economics, and social sciences. In March this year I confirmed the Government would support the principal recommendations of the independent scientific audit of marine parks, which was conducted by the University of Queensland's Professor Bob Beeton, who is very highly respected in the industry. The audit highlighted that information used under the former Labor Government's system was "truly lacking" and poorly understood in some areas—specifically in relation to line fishing from ocean beaches.

As a result of the audit I announced there would be an amnesty, effective immediately, to allow line fishing from ocean beaches and headlands in sanctuary zones, but of course with the exception of identified sites for the protection of threatened species. All other recreational fishing restrictions, including bag and size limits, still apply. The expert knowledge panel will undertake a six-month assessment of recreational fishing access to these areas. That assessment will be made in conjunction with a threat and risk assessment framework. Once recommendations are delivered to the Marine Estate Management Authority and adopted, it is intended that changes will be implemented as part of the significant marine estate reforms.

The independent audit concluded that the marine management that this Government inherited is both fragmented and deficient. It also highlighted incomplete science and especially deficient socio-economic capabilities, which is something Government members already knew. Through the new marine estate approach of assessing real risk and putting science at the heart of all decisions, we will restore not only confidence for our fishermen and our water users but also conservation of aquatic biodiversity. We have received strong industry support for our marine estate reforms. The Chief Executive of the Australian Fishing Trade Association, the very well-respected Allan Hansard, said:

This is a step in the right direction. For too long Governments have been using marine parks as a form of political currency to the long term detriment of local recreational fishers, communities and the environment.

It is good to see a common sense approach that aims to base decisions on marine parks on good public policy principles rather than short term political gain.

The Australian Land Based Anglers Association spokesman, Craig Wilson, told *Fishing World*—that wonderful publication—that "the guys from the club are tripping out over this announcement. We can't quite believe it". They are such strong words. He went on to say that the association was "obviously in favour of the announcement, especially that the Government actually listened to us, to ANSA and to recreational fishers". He continued, "We applaud the Government's leadership on recognising the importance of land based fishing access for our ocean. It is the line in the sand that we have been asking for." I am very pleased to inform the House that the Professional Fishermen's Association also publicly supported our reforms.

The marine estate reforms are challenging, but they are necessary to ensure our marine life is conserved—that is very important—our marine resources are sustainable, and the future of our regional communities is assured and secure. Whether it is fisherman Norm Ingersole and his first mate, Johnny, from Narooma in the Bega electorate or up the coast in Coffs Harbour, we will make sure that communities are given input to historic marine estate changes as they arise. I must also point out that the changes will not adversely affect our important commercial fishing industry in this State.
[*Extension of time granted.*]

I thank the member for Clarence: The marine estate reforms are very important for his

electorate. The commercial fishing industry is undergoing its own important reforms by redressing the irresponsible issuing of excessive fishing licences by the former Labor Government, which threatened the viability of that important industry. I am sure that members of the House will be quite shocked and will be deplored to learn that under the former Labor Government, seafood imports to New South Wales increased to 85 per cent.

Mr Andrew Constance: Shame.

Ms KATRINA HODGKINSON: It is an absolute shame and a disgrace. Only 15 per cent of all seafood consumption in this State had been produced locally. We can do much better. This Government will ensure that the marine estate reforms do not impact negatively on the livelihoods of our commercial fishermen. All decisions around access to resources will be undertaken in an independent and transparent manner. It is interesting also to note that according to the Australian Bureau of Statistics, in 2010-11 our vital commercial fisheries industry was worth \$390 million while the average commercial catch from wild fisheries in the State over five years to 2010-11 was approximately 15,000 tonnes. The Government expects this level of catch to continue in the foreseeable future, notwithstanding unexpected circumstances. This is a unique opportunity to create a very successfully managed and sustainable marine estate. The New South Wales Liberals and Nationals Government is delivering on its election commitment for a common-sense marine parks policy. This new direction will serve our important New South Wales marine estate very well both in the near term and well into the future. I thank members for their attention.

Legislative Council Tuesday 7 May 2013

HERITAGE PROTECTION IN NEW SOUTH WALES

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:

- (a) on 16 April 2013, as part of heritage week, the Government announced \$5.9 million in funding will be used to protect the local heritage of communities across New South Wales,
- (b) the \$5.9 million will be used to fund projects in the in the financial years between 2013 and 2014, and 2014 and 2015 to fund the restoration, repairs and care of local historic buildings, landmarks and Aboriginal heritage sites, and
- (c) local councils across New South Wales are encouraged to apply for funding grants until the closing date on 3 June 2013.

2. That this House acknowledges that the funding will provide:

- (a) \$400,000 for Aboriginal heritage places,

- (b) 103,600 for community, youth and seniors heritage projects,
 - (c) \$2.5 million for State Heritage Register listed places, including \$2.2 million for major works and \$200,000 for emergency works, and
 - (d) \$1.8 million for local heritage places.
3. That this House acknowledges that this funding will help to preserve, repair and maintain the unique Indigenous and post-colonial heritage across communities in New South Wales, ensuring that the legacy of past generations are not lost and are accessible to future generations.

GENERAL PURPOSE STANDING COMMITTEE NO. 5

Report: Budget Estimates 2012-2013

Debate resumed from 30 April 2013.

The Hon. CATE FAEHRMANN [5.02 p.m.]: I speak to report No. 36 entitled "Budget Estimates 2012-2013" of General Purpose Standing Committee No 5. I wish to comment in particular on the performance of the Minister for the Environment at the estimates hearing when I asked her about recent changes to the Government's coastal policy and sea level rise guidelines. I hear the predictable scoffing by the Government Whip. I was trying to get a simple admission from the Minister that sea level rise is occurring, that it is being impacted by anthropogenic global warming and that the Government is taking it seriously. The Minister did not do that but I can inform the House that many other governments are taking it seriously.

The Hon. Matthew Mason-Cox: What did you get?

The Hon. CATE FAEHRMANN: I acknowledge the interjection of the Hon. Matthew Mason-Cox. I got some very worrying responses by a Minister who is supposed to be the Minister for Environment. The Minister told me that she gets her climate change science and information about sea level rise from the papers. She told me that there are different viewpoints on sea level rise and that the science is always changing.

The Hon. Dr Peter Phelps: Yes, it is going down all the time.

The Hon. CATE FAEHRMANN: I do not think the science is going down all the time. In an article appearing in the *Guardian* on 28 November 2012 titled "US Coastal Cities in danger as sea levels rise faster than expected, study warns" it states that sea level rises are occurring much faster than scientists expected and that satellite measurements over the past two decades have found global sea levels rising 60 per cent faster than the computer projections issued only a few years ago by the United Nations Intergovernmental Panel on Climate Change. The article further states that earlier this year scientists had found sea level rise had already doubled the annual risk of historic flooding across a widespread area of the United States.

(...)

The Hon. CATE FAEHRMANN: The Minister for the Environment was doing everything she could to avoid putting onto the record that she believes that anthropogenic global warming is impacting on sea level rise. This is a significant issue for the people of New South Wales. The O'Farrell Government has decided to leave it up to landowners, people with beachfront properties, and councils to fend for themselves and to get rid of the sea level rise guidelines. It has essentially sent a message to the people of New South Wales that it is a Government run by climate sceptics and climate denialists. Clearly, the Minister for the Environment is finding it difficult to say the most basic of facts—namely, that climate change and human-induced global warming are occurring. It is the responsibility of the Minister for the Environment to protect this State's environment and she should step up and show some leadership.

The research I was quoting from before I was interrupted was published in the Environmental Research Letters. It was stated that global sea level is rising at a rate of 3.2 millimetres per year, compared to the best estimates by the Intergovernmental Panel on Climate Change [IPCC] of two millimetres per year, or 60 per cent faster. My questions to the Minister during the budget estimates hearing were based around the fact that New South Wales Chief Scientist Mary O'Kane had issued a report titled "The assessment of the science behind the NSW Government's sea level rise planning benchmarks". It is probably a bit rich to say that the Minister was misquoting the Chief Scientist but she certainly seemed to misunderstand the main points of the report. The Chief Scientist agreed that the science is always changing and evolving but she said, given the current level of knowledge, that the way the science has been used to determine benchmarks is adequate. That is the critical letter behind her report.

Nowhere in the report does the Chief Scientist suggest that the sea level rise planning benchmarks should be dropped—I asked the Minister about that. She said that the science behind the benchmarks was adequate and that knowledge was always evolving. Nowhere in the report is there any sense that the science is not adequate and that the Minister should scrap the guidelines. This Government will use anything it can to justify its stance to deny what the huge majority—98 per cent or so—of every credible scientist around the world is saying: global warming is happening. That is the usual response from this Government, and it is disappointing. I asked the Minister several times whether she would put anything on the record. Clearly, I was trying to get her to reassure the people of New South Wales that she believes that anthropogenic global warming is causing sea level rise. I might have asked the question in many different ways, and she did everything within her power to avoid it. It is disappointing for the people of New South Wales that the environment Minister is doing that.

(...)

The Hon. CATE FAEHRMANN: Yes, it is. For people who have spent their life campaigning for conservation and environmental protection, to have suddenly in this State—

The Hon. Dr Peter Phelps: Admit they were wrong.

The Hon. CATE FAEHRMANN: —a Minister who did everything she could to avoid talking sensibly about climate change and global warming. When United States Government officials are being briefed on the danger of an ice-free Arctic in the summer within two years and NASA's chief scientist is briefing United States officials about security implications it is a sorry state of affairs that the environment Minister cannot even admit that sea level rise is caused by anthropogenic global warming. [*Time expired.*]

(...)

BULGA MINING ENCROACHMENT

The Hon. JEREMY BUCKINGHAM [6.49 p.m.]: Tonight I speak on the issue of the battle for Bulga. Now calm down, the Hon. Charlie Lynn, I am not talking about the Battle of the Bulge. The battle for Bulga is the battle to save the Warkworth Sands and the community of Bulga from Rio Tinto's massive Mount Thorley coalmine. I have raised this subject on previous occasions in adjournment speeches, but also through notices of motion, questions without notice and questions on notice. To refresh the memories of honourable members, the boundaries of the Mount Thorley Warkworth mines were set in 2003 when the New South Wales Labor Government gave Coal and Allied permission to expand westwards and keep operations going until 2020.

When then Premier Bob Carr announced the deal he trumpeted its strict environmental conditions: the mining company had signed a legal agreement promising to set aside 755 hectares as a "permanent" conservation zone, including a ridge that hid the mine several kilometres from Bulga. In August 2009 residents were furious when the company finally admitted that it was planning to expand the mine through the conservation zone to within 2.6 kilometres of Bulga. Coal and Allied, owned by Rio Tinto, lodged an application to extend its mining lease at Warkworth into the Hunter Valley. In October 2011 the Department of Planning approved the expansion, ruling that the original deal was flawed because the conservation zone contained coal. In February 2012 the Planning Assessment Commission rejected the community's pleas against the mine, along with the objections of the shire council and the Department of Health and many other reasonable people. Approval was given to mine bushland next to the town that had been set aside as an offset a decade ago. It included a section of heritage-listed Wallaby Scrub Road and would have involved the destruction of 574 hectares of woodland which is home to the endangered squirrel glider.

The community of Bulga would not take this lying down. I visited the fantastic people of Bulga in the Hunter Valley, which is a great community. Those people rallied together, routinely meeting in the pub. Through their local community group, the Bulga-Milbrodale Association, they challenged this approval in the Land and Environment Court. These people are the heroes, not the 101st Airborne Division, and they are just as brave. Historically, on 15 April 2013 during the battle of Bulga the Land and Environment Court upheld the community's appeal and disapproved the

project. In a scathing judgement Preston J. criticised the Government's approval of the proposed Warkworth mine, which he said could damage Bulga's sense of place. He said it would have significant and unacceptable impacts on biology diversity, including an endangered ecological community, noise impacts and social impacts. Preston J. said he was not persuaded by the economic analysis offered by the company. This is the historic precedent. He stated:

The project's impacts would exacerbate the loss of sense of place, and materially and adversely change the sense of community, of the residents of Bulga and the surrounding countryside. I am not satisfied that the economic analysis relied on by Warkworth and the Minister have addressed these environmental and social factors adequately.

This shows that Rio Tinto—"the pack"—and in fact the Government are out of touch with community sentiment. Rio Tinto said that the ability of the community to challenge the Government's decision was significantly obstructing investment and job creation in New South Wales. Today it has been reported that it has sought leave to expeditiously challenge this decision. Rio Tinto is holding the jobs of hundreds of people over a barrel. That company should have foreseen this situation. It was not saying that when the original mine was approved. This is a massive victory for the community. Some of the quotes from the community include:

Everyone on the progress association is over the moon. It's a massive relief.

We've got a lot of happy people who were born and bred in Bulga.

The pub was right in the acquisition zone of the mine so it would have had to have been sold up.

It would have been, which would have been a disaster.

The town would have been fairly uninhabitable, and would have been cut off from Jerrys Plains and Denman.

This shows that the economical modelling that undermines big coal miners does not stack up. The days when king coal could brush aside communities and the environment is drawing to a close. It is over: the community has won the bottle of Bulga.

Legislative Assembly Wednesday 8 May 2013

[LOCAL GOVERNMENT AMENDMENT \(EARLY INTERVENTION\) BILL 2013](#)

Second Reading

Debate resumed from 26 February 2013.

Mr RON HOENIG (Heffron) [11.29 a.m.]: I have the honour of leading for the

Opposition on the Local Government Amendment (Early Intervention) Bill 2013. The Opposition does not oppose the concept of early intervention per se and, subject to some amendments, does not oppose the bill. However, the bill in its current form is one of the greatest attacks on the third tier of democracy in the history of this State. Basically, the concept of early intervention is cloaking a power grab by the Minister for Local Government and the New South Wales Government to control democratically elected councils in this State.

(...)

Mr RON HOENIG: The author of the Local Government Act 1993 has proposed amendments to address the matters about which he has considerable concern. As I said, they relate not only to an attack on democracy but also to poor public policy. The Opposition will propose amendments in two areas. First, the amendments relate to removing the accountability to the Minister as proposed in the bill. Secondly, the amendments will remove the power of the Minister to suspend councils. They are the two issues of concern to the Opposition. I am aware that the member for Balmain also intends to move a series of amendments.

(...)

[Please see the [parliament's website](#) for Mr. Ron HOENIG's full speech]

MARINE PARKS AMENDMENT (MORATORIUM) BILL 2013

Bill introduced on motion by Ms Katrina Hodgkinson, read a first time and printed.

Second Reading

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [12.55 p.m.]: I move:

That this bill be now read a second time.

The New South Wales Liberal-Nationals Government is taking a new approach to protecting the New South Wales marine estate. This comes after years of political interference by the previous Labor Government and decisions based on poorly understood or incomplete information. As a result the credibility of marine parks and the fishing industry has suffered. While an independent, scientific audit of marine parks in New South Wales was carried out a five-year moratorium was imposed in 2011 that prohibited the creation of additional marine parks, alteration or expansion of sanctuary zones and review of zoning plans.

Following the March 2011 election the Liberal-Nationals Government committed to immediately commissioning an independent scientific audit of marine parks in New South Wales. That audit was carried out by Professor Bob Beeton from the University of Queensland who is highly respected in the field of geography, planning and environmental management. The report was released in February 2012. The

Government released its response to the audit in March 2013 supporting the principal recommendations, including the need for change. This independent audit was a direct response to the concerns expressed by stakeholders in relation to how the State's six marine parks were established and managed by the previous Labor Government.

This bill removes some of the restrictions put in place during the term of the moratorium such as reviews of zoning plans for marine parks. The preparation of review reports will once again be permitted under section 17D of the Marine Parks Act 1997. The moratorium will also be lifted to again permit the making of regulations under section 17B of the Marine Parks Act 1997, which alter the boundaries of sanctuary zones or classify new areas as sanctuary zones. However, the moratorium on the declaration of new marine parks will remain in place until further advice on this issue is received from the Marine Estate Expert Knowledge Panel.

The amendments to the Marine Parks Act 1997 will permit some initial reforms to marine park management as part of the Government's new integrated, adaptive and evidence-based approach to managing the entire New South Wales marine estate. Further reform may be adopted based on the expert advice from the Marine Estate Expert Knowledge Panel, chaired by Dr Andrew Stoeckel, and guidance from the authority, chaired by Dr Wendy Craik. This new approach was developed in response to the marine parks audit and will enable management of marine parks to align with a more integrated and holistic approach to managing the entire New South Wales marine estate.

I will provide some background on our marine parks. There are currently six marine parks in New South Wales located at Cape Byron in the north, Solitary Islands on the Coffs Coast, Port Stephens-Great Lakes in the Hunter region, Jervis Bay; Batemans on the South Coast and the unique waters surrounding Lord Howe Island. The first park was established in 1998. These marine parks cover around 345,000 hectares or almost 35 per cent of the New South Wales marine estate and include 6 per cent that is currently sanctuary zones. Marine parks are managed for the conservation of biodiversity. These parks and the marine estate are also iconic areas used and enjoyed by the community in many ways.

The balance between conservation and use is reflected in the objects of the Marine Parks Act 1997. Marine parks sustain our commercial fishing industry, which contributes a total of \$80 million annually to the New South Wales economy from wild caught species. Marine parks also sustain our recreational fishing community which injects more than \$550 million annually into the New South Wales economy. Many regional coastal communities benefit from recreational fishers. It is also a leisure pastime important to many and often passed down from generation to generation. They support Indigenous cultural practices and our coastal tourism industry including charter fishing, whale and dolphin watching, snorkelling and scuba diving.

Last Sunday I went out on a charter boat in Batemans Marine Park in the electorate of the Hon. Andrew Constance, the member for Bega. It was fascinating to see the seals surrounding Montague Island and to partake in some deep-sea fishing, wonderful activities for the many tourists who flock to our coastal areas every year. Marine parks

are essential to our scientific research community and offer important education experiences to school groups, volunteers and the community. Of course, they support the New South Wales community more generally, including families who enjoy swimming, surfing and other leisure activities.

The objects of the bill are, firstly, to allow regulations to be made under the Act within the current five-year moratorium period to alter the areas of existing sanctuary zones or to classify areas as new sanctuary zones within marine parks. This will again allow changes to be made to sanctuary zones in marine parks where appropriate and in consultation with the community. That is in contrast to the previous Labor Government which declared marine parks with a wave of its wand, its decisions based on poor or incomplete science and made for political gain. Under this bill, any changes identified as a result of the recently announced assessment of recreational fishing access to beaches and headlands in marine park sanctuary zones can be put in place. This is consistent with the new approach, that is, management is based on a threat and risk assessment.

Secondly, the bill allows for reviews of zoning plans to be carried out at the direction of me as the Minister for Primary Industries and of my colleague the Hon. Robyn Parker as the Minister for the Environment. It is clear that the community expects marine park management to be reviewed and for this to be done in new and improved ways. In response to the marine parks audit, the Government committed to a common-sense marine parks policy and the development of a better approach to the way marine parks are reviewed. In our review of zones we will look at more effectively meeting social and economic objectives while continuing to conserve our important environmental assets. We will draw on best available science and knowledge to identify key threats, risks and mitigation strategies. We will promote multiple use and appropriate access, with restrictions on activity proportionate to risk. We will also improve stakeholder and public participation by promoting genuine and open consultation. The independent chair, Professor Bob Beeton, in his report clearly pointed out:

Stakeholder engagement and public participation is said to be a central concern to the marine park management-planning process. However there is a view that the way this has been done has been inadequate and often undertaken with predetermined outcomes in mind.

This alienation has been due to problems with the processes: "over-consulting" without clear outcomes; public participation processes being used as a proxy for social research; lack of quality input for the science to enable educated and informed engagement; and lack of transparency around why and how decisions have been made by not closing the feedback loop.

This clearly identifies how the significance of marine parks was undermined through the approach taken by the previous Government. We are deeply disturbed how this approach was taken. The Government also committed to better incorporating local Indigenous knowledge and developing a performance assessment system for marine parks. These amendments will allow for marine park zoning rules to be reviewed so that marine parks are managed efficiently and effectively, the way our stakeholders

expect. Thirdly, the bill permits the authority to conduct reviews of or take other action in relation to zoning plans for marine parks during the moratorium period.

This will allow the Government to take action and get on with doing what it said it would do in response to the marine parks audit. The bill does not alter the moratorium on declaring new marine parks. The Government remains committed to the prohibition on creating new marine parks, subject to advice from the marine estate expert knowledge panel. The nominations for the four other members of the independent marine estate expert knowledge panel are currently under consideration. The successful candidates will sit alongside the chair, Dr Andrew Stoeckel.

These members were identified through a competitive and open process, which shows just how rigorous the Liberals-Nationals Government is in choosing the right people for the job. The nominated members have been chosen to provide the best mix of skills and knowledge across ecological, economic and social science disciplines and to provide essential expert advice to the Marine Estate Management Authority. This advice will be crucial to support evidence-based decision-making, to guide threat and risk assessments and to address key knowledge gaps. The expert knowledge panel will report directly to the Marine Estate Management Authority. A key aspect of the expert knowledge panel is its ability draw on other experts to make sure we have the best people informing better management of the marine estate.

The Government is committed to reducing red tape for industry, stakeholders and the community. These amendments to the Marine Parks Act 1997 will allow the Government to start the review process in the move toward a single, simpler, statutory management plan for each marine park. This will be part of broader changes to the regulation of the marine estate which are being developed and will be the subject of another bill. The threat and risk assessment model recommended by the audit panel was developed as a result of extensive consultation by the audit panel through workshops, interviews and submissions. To ensure this was a rigorous and transparent process, a further opportunity was provided to the public to make comment in relation to the audit panel's recommendations. Those comments directly influenced the development of the Government's response and new approach to how the New South Wales marine estate, including the State's six marine parks, will be managed in the future.

In summary, this bill repeals two aspects of the current moratorium so that once again marine park zoning plans can be reviewed and, where appropriate, changes can be made to sanctuary zones. This will allow the Government to apply a new consultative and evidence-based approach, taking politics out of the issue, to deliver better balanced outcomes for all stakeholders. This is one of the first steps towards improving management parks, one component of the marine estate, which is one of our greatest natural assets. This holistic, new approach of our marine estate reforms will deliver long-term benefits to New South Wales, its people, its regions and its industries, bringing science back to the heart of all decisions. This significant piece of work distinguishes the Liberal-Nationals Government from the previous Government. Our vision is for a clean, safe, healthy and productive marine estate that can be enjoyed, valued and sustainably managed now and well into the future. I commend the bill to the House.

Debate adjourned on motion by Mr Richard Amery and set down as an order of the day for a future day.

PETITIONS

The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:

Container Deposit Levy

Petition requesting the Government introduce a container deposit levy to reduce litter and increase recycling rates of drink containers, received from **Mr Alex Greenwich**.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr BART BASSETT (Londonderry) [3.12 p.m.]: I move:

That General Business Notice of Motion No. 2591 [Rates Notices] have precedence on Thursday 9 May 2013.

It is important that this motion be brought forward because Labor and The Greens councillors in local government are trying to stop their councils from showing the costs of the carbon tax on rates notices. It is important that this motion be debated now because councils across New South Wales are currently finalising their budgets for the coming year and putting them on public exhibition for community consultation and comment as part of a transparent process. It is important that communities know the cost and impact that Labor's carbon tax will have on councils' ability to deliver the essential services that communities expect. The true cost of the carbon tax needs to be revealed to the community in the same way that the Minister for Resources and Energy, Chris Hartcher, ensured that every New South Wales energy consumer sees on every bill the impact of Labor's carbon tax.

We all know the infamous statement that Prime Minister Julia Gillard made during the 2010 election campaign, when she said, "There will be no carbon tax under any government I lead." What is not known are the attempts by Labor, The Greens and friendly Independent councillors to block attempts by local government to show the costs of the carbon tax on rates notices. Local government is responsible for delivering essential services to communities. The recent report by the New South Wales Treasury Corporation has brought to light the financial pressures that local government is under.

The SPEAKER: Order! Members will come to order.

Mr BART BASSETT: Without a mandate, Labor and The Greens imposed an ill-conceived new tax on local government, and now councils have to absorb the costs

into their budgets. Unfortunately, they will have to pay for Labor's carbon tax through diminished services and increased rates. Hawkesbury City Council prepared a report that estimates its annual carbon tax cost will be nearly half a million dollars. That is half a million dollars less spent on community facilities and services.

The SPEAKER: Order! The Leader of the Opposition will have an opportunity to contribute to the debate.

Mr BART BASSETT: Multiply that by the 152 councils in New South Wales, and we are talking about millions of dollars in carbon tax costs to local government. Over the past two years I have worked closely with the local government areas that cover parts of my electorate. The State Government has provided more than \$500,000 in funds for the three councils to build or upgrade community infrastructure. Unfortunately, Labor's carbon tax wipes out all the benefits of the State Government's Community Building Partnership program in these areas. Now Labor and The Greens councillors and the so-called Independents—such as Rob Oakeshott and Tony Windsor at the Federal level, who are really Labor-Greens in disguise—are using every dirty tactic to cover for their mates. They want to avoid transparency and block the true costs of the carbon tax from being revealed to ratepayers. The definition of transparency for members opposite is the Independent Commission Against Corruption. The carbon tax in its current form is a grubby tax born of a grubby deal. Its costs to local government need to be exposed while councils are putting their budgets on public exhibition.

Mr MICHAEL DALEY (Maroubra) [3.16 p.m.]: Let us examine the substance of this motion. It condemns the Australian Labor Party, The Greens and aligned Independent councillors who attempt to block their councils from alerting ratepayers to the financial cost of the carbon tax. The motion supports councils who choose to include a statement on rates notices outlining the cost of the carbon tax. Finally, it calls on all aligned councillors to support transparency. The mechanism inherent in the standing orders that gives a member the opportunity to seek to reorder business so that his or her motion takes priority for debate on a Thursday is underpinned by a necessary implication. That implication is the business in the motion is of such importance to the people of New South Wales and to members of this House that it ought to displace all other business on the *Business Paper* for that part of the morning.

The SPEAKER: Order! Government members will come to order.

Mr MICHAEL DALEY: If this were a motion calling on the Premier and the Treasurer to tell us whether the police asked for more resources for the child abuse squad, we would probably say yes. But we will not say yes to this piffle. If this were a motion that sought to make the Attorney General explain himself more readily than he did today about why he is cutting benefits to child abuse victims, the Opposition would wholeheartedly support it. If this were a motion calling on the Government to explain why it will annihilate benefits to children who are injured in car accidents through amendments to the compulsory third party green slip system, we would be in like a flash.

If it were a motion calling on the Premier and the Minister for Police and Emergency

Services to explain why shootings in western Sydney proliferate day after day, the Opposition would be in it. If it were a motion calling on the Minister for Transport to explain why, despite her rhetoric about fixing the trains, train services continue to worsen, the Labor Party would be in it, boots and all. But we will not agree to a motion to reorder general business to discuss this tawdry piffle, which is just a silly stunt. I do not know why anyone would choose to elevate this sort of ridiculousness to the top of the *Business Paper*. Government members are on their own; we will have no part of it.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 67

Mr Anderson	Mr Fraser	Mr Provest
Mr Annesley	Mr Gee	Mr Roberts
Mr Aplin	Mr George	Mr Rohan
Mr Ayres	Ms Gibbons	Mr Rowell
Mr Baird	Ms Goward	Mrs Sage
Mr Barilaro	Mr Grant	Mr Sidoti
Mr Bassett	Mr Gulaptis	Mrs Skinner
Mr Baumann	Mr Hartcher	Mr Smith
Ms Berejiklian	Mr Hazzard	Mr Souris
Mr Bromhead	Ms Hodgkinson	Mr Speakman
Mr Brookes	Mr Holstein	Mr Spence
Mr Casuscelli	Mr Humphries	Mr Stokes
Mr Conolly	Mr Issa	Mr Stoner
Mr Constance	Mr Kean	Mr Toole
Mr Cornwell	Dr Lee	Ms Upton
Mr Coure	Mr Notley-Smith	Mr Ward
Mrs Davies	Mr O'Dea	Mr Webber
Mr Dominello	Mr Owen	Mr R. C. Williams
Mr Doyle	Mr Page	Mrs Williams
Mr Edwards	Ms Parker	
Mr Elliott	Mr Patterson	<i>Tellers,</i>
Mr Evans	Mr Perrottet	Mr Maguire
Mr Flowers	Mr Piccoli	Mr J. D. Williams

Noes, 23

Mr Barr	Ms Hornery	Mr Rees
Ms Burney	Mr Lynch	Mr Robertson
Ms Burton	Dr McDonald	Ms Tebbutt
Mr Daley	Ms Mihailuk	Ms Watson
Mr Furolo	Mr Park	Mr Zangari
Mr Greenwich	Mr Parker	<i>Tellers,</i>
Ms Hay	Mrs Perry	Mr Amery
Mr Hoenig	Mr Piper	Mr Lalich

Question resolved in the affirmative.

Motion agreed to.

COAL SEAM GAS MINING AND EXPLORATION

Mr JAI ROWELL (Wollondilly) [7.27 p.m.]: For almost two years the matter of coal seam gas mining and exploration has remained the prevailing conversation within my electorate. I have spoken in this place three times on this issue alone. However my community has asked that I continue to further the political debate by focusing on the potential impacts coal seam gas mining may have on Sydney's drinking water. Wollondilly houses many species of native plants and animals, but also approximately 80 per cent of Sydney's drinking water. Coal seam gas continues to be a divisive issue in many communities around New South Wales. However, I have not encountered a single resident who believes that coal seam gas mining and exploration within water catchment lands in Wollondilly is a sensible idea.

We work hard to ensure the environment around our catchment lands remains pristine, not simply so that we can maintain the natural amenity of our region but also to ensure the viability and usability of our dams to provide water to the millions who require it every day. I am told the creed by which the Sydney Catchment Authority abides is that no activity can be conducted within catchment lands unless it is of neutral or beneficial effect to the water supply. When we consider how far the Government has come in an effort to reform the mess left by the former Labor Government, it would all amount to nothing if we lose the largest drinking water supply in the Sydney region due to coal seam gas impacts.

Only approximately 2 per cent of land in New South Wales is considered catchment land, and that must be a vital consideration if we are to truly develop a holistic strategic plan for our State's future. There remains uncertainty about this industry. For that reason, I have taken a strong stance on the issue. I have called for more information to educate not only our policymakers but also the mums and dads who have unanswered questions. I have spoken against the extreme calls to ban the industry entirely: We need energy, and we need employment. But we must get the balance right, and I believe we must continue this debate.

The Minister for Resources and Energy and the Minister for Planning and Infrastructure met with my constituents only last week to hear their concerns about coal seam gas in catchment areas in Wollondilly. The Ministers were generous with their time, and I thank them for that. I have met with the mayors of Wollondilly and Wingecarribee, Col Mitchell and Juliet Arkwright, who are both voicing their concerns over catchment issues. Over the next few weeks, I will be hosting a regional coal seam gas strategy meeting to discuss what needs to be done next. I have had extensive briefings with industry representatives, business leaders and scientists. I have called on industry to improve its consultation with families. By doing those things, I have arrived at my personal opinion on the topic, which is: Gas is a viable source of cost-effective energy, but I see no reason to pursue this around our homes. I believe we must meet the energy needs of the State, but not at the cost of our environment, our health or our drinking water in Wollondilly. As a member of Parliament who has been elected to make choices on behalf of those I represent, and as the father of two young boys, I will not support the exploration or extraction of coal

seam gas within water catchment lands that are located in Wollondilly.

I am a firm believer in the continued striving for better governance, not only to be better than those opposite but also to be better than we were yesterday. In my opinion this is achieved through consultation, consideration of new facts and findings and a desire to get the balance right, even if it involves a shift in policy one way or another. Since their time in opposition Coalition members have charted a path toward better regulation, and since being elected to office the O'Farrell Government has achieved significant policy changes in order to make the most stringent coal seam gas controls in this country.

Some of those policies include the banning of BTEX chemicals; the development of the Strategic Regional Land Use Policy; the development of the Aquifer Interference Policy to assess and protect water resources across the State; the establishment of two-kilometre buffer zones around residential-zoned areas—I thank the people of Wollondilly for their campaign in that regard; the legislating of the NSW Environment Protection Authority as the lead authority to enforce compliance; the use of evaporation ponds being banned; the frequency of monitoring requirements being increased; the Office of Coal Seam Gas being established to administer licences and regulate non-environmental factors; the Chief Scientist having been commissioned to conduct an independent review of coal seam gas activities; the Commissioner of Land and Water having been appointed to oversee regulation of exploration and land access agreements; the introduction of a requirement for an agricultural impact statement to be assessed for all coal seam gas proposals; the introduction of new codes of practice for the coal seam gas industry; and Wollondilly being included in the strategic agricultural land mapping as part of the Southern Highlands project—one that I am particularly proud of—among other things. That is far more than what those opposite did in their 16 years of neglect of this State. I eagerly await the Chief Scientist's report, which is expected around June. My position is clear, and I give this pledge to Will, Brett, Greg and all members of the group Stop CSG in Sydney catchment areas who are based in Wollondilly, that I will not support mining or exploration in catchment lands in Wollondilly now or in the future.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.32 p.m.]: I thank the member for Wollondilly for bringing this important matter to the attention of the House. At any meeting I have attended with the member for Wollondilly he has always been very passionate in ensuring that the concerns of his community are raised. I can inform the House that a new one-stop shop website has been set up to help allay some of the concerns raised about coal seam gas. It is important for residents and landholders to have access to information about the coal seam gas industry, and this website will help with that. The member for Wollondilly is correct in saying that the O'Farrell Government was left with a legacy of nothing having been done in this area. The member for Wollondilly is to be congratulated on his fight to ensure the banning of certain chemicals in order to protect our aquifers, the environment and the health of the people of this State. Well done!

[LOCAL GOVERNMENT AMENDMENT \(EARLY INTERVENTION\) BILL 2013](#)

Consideration in detail requested by Mr Ron Hoenig.

Consideration in Detail

ACTING-SPEAKER (Mr Gareth Ward): Order! I propose to deal with the bill in groups of clauses and schedules.

Clauses 1 and 2 agreed to.

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [9.04 p.m.], by leave: I move Government amendments Nos 1 to 7 in globo:

No. 1 Page 6, schedule 1 [23], line 5. Omit "They are also accountable to the Minister."

No. 2 Page 10, schedule 1 [41], lines 35–36. Omit all words on those lines. Insert instead:

(4) The notice is to specify a consultation period of:

(a) not less than 21 days from the date the notice is served on the council, unless paragraph (b) applies, or

(b) not less than 7 days from the date the notice is served on the council, if the Minister considers that the improvement in the council's performance is required as a matter of urgency.

No. 3 Page 11, schedule 1 [41], lines 10–14. Omit all words on those lines.

No. 4 Page 13, schedule 1 [41], lines 26–27. Omit all words on those lines. Insert instead:

(4) The notice is to specify a consultation period of:

(a) not less than 14 days from the date the notice is served on the council, unless paragraph (b) applies, or

(b) not less than 7 days from the date the notice is served on the council, if the Minister considers that the suspension is required as a matter of urgency.

No. 5 Page 13, schedule 1 [41], lines 31–36. Omit all words on those lines.

No. 6 Page 15, schedule 1 [41], lines 34–36. Omit all words on those lines. Insert instead:

(5) The Minister is required to give a council notice in writing of his or her intention to extend the suspension of the council at least 7 days before the order extending the suspension is made.

(6) The notice is to specify:

(a) the reasons why it is proposed to extend the suspension, and

(b) the duration of the proposed extension.

(7) Submissions in respect of the proposed extension are not to be invited.

No. 7 Page 16, schedule 1 [41]. Insert after line 31:

438R No amalgamations or alterations to area during suspension

(1) A proclamation under section 218A or 218B is not to be made in relation to the area of a council while the council is suspended under this Part.

(2) A proposal that a function be exercised under section 218A or 218B in relation to the area of a council cannot be made by or to the Minister while the council is suspended under this Part.

Since debate on this bill was adjourned I have had discussions with the Opposition, The Greens, the member for Sydney and the member for Lake Macquarie. As a result of those discussions I understand that agreement has been reached. All parties have agreed to the seven amendments that the Government has moved. In summary, they involve the three issues that I mentioned in my reply to the second reading debate; that is, councils being accountable to the Minister; the issue of seven days notice being required even in urgent circumstances when the Minister seeks to issue an order to improve; and when a council under suspension might be amalgamated, which is certainly not the intention of the bill. We will be inserting a provision that will make that obvious. The Opposition expressed some concern about part 6 proposed section 438A. I indicated to the Opposition that I am happy to have continuing discussions relating to that provision.

Mr RON HOENIG (Heffron) [9.07 p.m.]: I thank the Minister for his conciliatory position relating to this matter. As far as the Opposition is concerned, all parties accept that the legislation will result in a genuine improvement of local government in this State. The Government's amendments deal with some of the issues that were of concern to the Opposition, the chief concern being the power of the Minister to suspend councils relatively arbitrarily. I also discussed a proposal by the United

Services Union and issued the Minister with this challenge: If the Minister is genuine and this is not an amalgamation strategy he would adopt the position of the United Services Union.

The Minister, in a sign of good faith, adopted the position of the United Services Union, which I accept. My only concern is that the Government has changed its position relating to suspension when a performance improvement order is issued for genuine dysfunction or unlawfulness by councils. I accept that on the basis that the Minister's discretion to issue such a performance improvement order under proposed section 438A is constrained to those occasions when there is either genuine dysfunction or unlawfulness.

The Minister proposes a detailed framework to implement urgent intervention. The Opposition's concern is that it does not have the statutory force to necessarily constrain the Minister's discretion. For example, a Minister of different political persuasion could ignore that framework and issue orders for the sorts of matters to which I referred in the second reading debate. As the Minister indicated, the Opposition's position is that proposed sections 438A (1) and (4) be reconsidered between the bill leaving this House and going to the other place. In our view, the wording of the proposed section is far too broad. Section 438A (1) proposes that the Minister could reasonably consider that action must be taken to improve the performance of the council. The Opposition considers that the discretion could be constrained in the form of words. The Minister and his advisers tell me that he considered that prior to introducing the bill. I accept that. However, there is difficulty in finding a form of words that deals with unlawful conduct. I suggested that the word "unlawful" be added into proposed section 438A and, if there be time, to consider what could constitute "dysfunction" in a form of words by Parliamentary Counsel.

I am not in a position to offer a form of words. The Government's amendments were given to me only an hour ago, but I am sure that a form of words could be used. The Minister and his staff indicate some concern about constraining the Minister's discretion as some other conduct might require an audit for which the section does not provide. Whether councils have a leave entitlement reserve and are not addressing it, the response is that that requirement can always be regulated. There are other ways around it. Ultimately, the discretion in section 438A must be confined to what every speaker in this House has referred to, that is, dysfunctional councils and not allow future Ministers—not this Minister, who I accept would not do it—simply to start giving orders because they do not think it is reasonable that councils, for example, keep the streets of Kings Cross in their current state. The Minister has indicated that he will in good faith continue to have discussions with the Opposition about a form of words for proposed sections 438A (1) and (4). On that basis the Opposition does not oppose what the Minister proposes. Despite the late notice, I thank the Minister sincerely for considering genuine matters raised by the Opposition. It was decent of him to do so. I indicate to the Minister, as I have on previous occasions, that on matters involving genuine reform and improvement of local government, the Opposition is always happy to have discussions with the Government on a bipartisan basis to achieve a particular objective. We may not agree, but we always are available because we consider that the improved performance of the democratic third tier of government is important to all the people of New South Wales.

Mr GREG PIPER (Lake Macquarie) [9.14 p.m.]: I acknowledge the goodwill of the negotiations and discussions on these amendments for the passage of the bill through this House tonight. I congratulate the Minister and his staff on the way the process was handled, but recognise also the goodwill of the Opposition, the other Independent member and The Greens. Things have been quite productive. Clearly, some matters have not been accommodated by the Government. On the other hand, the Government did not have to take this course of action. In my six years in this place I have not seen such fruitful last-minute negotiations. The last negotiations resembling anything like this in which I was involved might have been with Minister Sartor and they were more colourful. I particularly note the acknowledgement and concerns of the Opposition, which were recognised by the Minister, with the Opposition reserving its right to deal with an amendment in the upper House. I note also that other parties may do the same. I congratulate the parties involved in the discussions. It certainly advanced the issue. The legislation will give greater surety to people in local government.

Mr JAMIE PARKER (Balmain) [9.16 p.m.]: Not only have we saved about four hours in debate on every amendment—I am sure the Leader of the House will be delighted that we will not be here until 3 o'clock in the morning—but also with the goodwill of the Minister and his staff we have achieved some common-sense outcomes. So many of us who have been involved in local government really believe in it. We love what we can achieve in local communities. The Minister has respected and acknowledged that. It was important that we reached agreement not to move all our amendments but we reserve our right to do so in the upper House. I acknowledge particularly that several of my proposed amendments have been acknowledged in the Government's amendments. Obviously, not everything The Greens proposed is supported by the Government, but we can continue to have good-faith discussions in the upper House. I trust that we will create good legislation to support local government in the future.

Mr ALEX GREENWICH (Sydney) [9.17 p.m.]: I too acknowledge the Minister, the Opposition, my fellow Independent, the member for Lake Macquarie, and The Greens member, Jamie Parker, in this process. I acknowledge that the Government has listened to all our concerns and addressed many of them in the amendments. I support the Government's amendments. They address some of my concerns, namely, restoring the provisions in the Act to make councils directly accountable to residents and ratepayers. This removes potential conflicts of interest and conflicts of duties. Councils should always remain accountable to their communities over and above the government of the day. They should be able to advocate for their communities against State Government decisions or policies without fearing potential ministerial influence. I understand Government amendments also will ensure suspension of a council and that extension of a suspension will not occur without prior notice. I acknowledge the member for Heffron, the member for Lake Macquarie, The Greens and, indeed, the Government for dealing with those concerns appropriately. I remain concerned that a performance improvement order can be issued at the same time as a suspension, or that councils may not be given an opportunity to comply with an order for suspension. I am concerned that the guidelines are not to be included in the law and can be changed without parliamentary scrutiny. I have reached agreement with The Greens and will work them in the upper House, and with the Minister and his office, to

address those concerns. Indeed, The Greens may move amendments to that effect in the upper House.

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [9.18 p.m.]: I thank all members who contributed to this debate, particularly those who contributed to this part of the debate, and thank them for their cooperative approach in what potentially could have been an extremely lengthy process tonight dealing with many amendments. I certainly take on board the comments of the member for Heffron. I am happy to continue those discussions as I have indicated. I thank The Greens for their cooperation to move their amendments in the upper House rather than here, and similarly the member for Sydney. Members have achieved something important here tonight for local government. My only motivation is to make local government stronger and that is the Government's agenda. The amendments to the bill will make it a better bill.

Question—That Government amendments Nos. 1 to 7 be agreed to—put and resolved in the affirmative.

Government amendments Nos. 1 to 7 agreed to.

Schedule 1 as amended agreed to.

Schedule 2 agreed to.

Consideration in detail concluded.

Third Reading

Motion by Mr Donald Page agreed to:

That this bill be now read a third time

Bill read a third time and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

Legislative Council Wednesday 8 May 2013

COBBORA COAL PROJECT

Dr JOHN KAYE: My question is directed to the Minister for Finance and Services, representing the Treasurer. Given that last month's planning assessment commission report on the development of the Cobbora coal project stated that "Treasury is best placed to examine the projects costs and benefits at a State level", what steps will Treasury be taking to ensure that the Department of Planning and Infrastructure is provided with an independent examination of the economic, health and environmental costs associated with the mine, particularly as a result of the mine releasing an additional 29 million tonnes of carbon dioxide each year when coal is burnt for electricity generation in this?

The Hon. GREG PEARCE: Dr John Kaye knows my view about the Cobbora coal transaction that was left to this Government by the Hon. Eric Roozendaal and his comrades on the other side of the Chamber. At this stage I am afraid that all I can say is that the Government is very closely examining its options in relation to that project.

The Hon. Duncan Gay: Is it a silly question?

The Hon. GREG PEARCE: No, he asked a specific question, to be fair. We will have a great deal more to say in due course.

WARKWORTH EXTENSION PROJECT

The Hon. ROBERT BORSAK: I direct my question without notice to the Minister for Roads and Ports, representing the Minister for Resources and Energy, and it relates to a decision by the New South Wales Land and Environment Court to overturn the 2012 development consent for the Warkworth extension project. Is the Minister aware that the Warkworth extension project was a continuation of operations at Mount Thornley Warkworth mine within the existing mining tenements and on land owned by Coal and Allied Industries Limited? What impact will this decision have on jobs and the local economy should an appeal against this decision fail, and how much in royalties will the State miss out on? How many other mines or mining operations are currently being challenged or could be challenged by the Environmental Defender's Office?

The Hon. DUNCAN GAY: That is an important question and the ramifications for the region are quite extensive. I do not think any member would underestimate the economic challenge that this decision has placed on the Hunter region. My understanding is that it was a Coal and Allied Industries Limited mine. As Coal and Allied has been taken over by Rio Tinto, it is now a Rio Tinto mine, and Rio Tinto is seeking an appeal of that decision. I will refer the question to the appropriate Minister for a detailed answer.

ASSENT TO BILLS

Assent to the following bills reported:

Racing Legislation Amendment Bill 2013
Small Business Commissioner Bill 2013
Powers of Attorney Amendment Bill 2013

SUSTAINABLE LIVING

The Hon. ROBERT BROWN [10.01 p.m.]: Tonight I wish to speak about the concept that being a Green means that you are going out of your way to save the planet.

The Hon. Robert Borsak: No, it doesn't.

The Hon. ROBERT BROWN: Well, let us see at the end of this short dissertation. It would appear from a study undertaken by Professor Peter Newton, a research professor in sustainable urbanism at Swinburne University of Technology, that that statement may not be true. While many Australians are happy to declare their interest in sustainability and reducing their environmental impact, Professor Newtown wanted to find out how many are prepared to reduce what they consume. His team surveyed 1,200 households in Melbourne to determine whether there is an attitude-action gap on environment and consumption, and his findings were very interesting. His survey found that three lifestyle segments emerged: 40 per cent were defined as material Greens, 33 per cent were committed Greens, and 26 per cent were enviro-sceptics.

The committed Greens were strongly pro environment in their beliefs and behavioural preferences and were prepared to sacrifice economically for an environmental benefit. This was the only group prepared to pay more tax if it helped the environment, including higher power and water prices. Most of this group agreed the environment should be the highest priority, even if it hurts the economy. Material greens moderately agreed the environment should be a higher priority than the economy and that the balance of nature is delicate and easily upset. However, 56 per cent of them agreed that the expense is probably not worth the benefits and, as a bottom line position, were not willing to pay and in fact were vehemently opposed to paying more taxes or higher utility charges from their household budget. They did not want to be hit in the hip pocket. The enviro-sceptics were not prepared to make higher payments for the environment and agreed the expense would not be worth the benefit. They were not interested in Green choices and 44 per cent believed the environmental crisis was exaggerated.

Interestingly, the committed Greens contained more university graduates and households with higher incomes. They believe that they know what behaviours are likely to be required in a climate and resource constrained future and can pay to make the transition. Where did they live? Interestingly enough, they lived predominantly in the inner-city suburbs where in recent years The Greens party has become politically dominant. They absolutely no idea what it is like to live in the bush or away from their lattes and basket-weaving evenings. But if they talk the talk about sustainability, do they walk the walk? Professor Newton next looked at the actual levels of household consumption of energy and water from their most recent bills, housing space, urban travel and appliances. What did he find? Surprise, surprise—he found there were no significant differences between the three lifestyle groups in relation to their actual combined level of urban resource consumption. So while card-carrying Greens go on about saving the planet and re-engineering society, standing so far up on the high moral ground that there is no room for anyone else and giving every tree in every forest a name, at the end of the day, on the basis of this Melbourne research, they are doing no more to save and conserve the environment than any other citizen.

[WIND FARMS](#)

The Hon. ROBERT BORSAK [10.14 p.m.]: In the past few weeks there have been a couple of interesting articles on wind farms which caught my eye for different

reasons. I think that governments, both State and Federal, will need to address the uneconomic and subsidy reliant so-called "renewable energy", which is to replace our natural advantage of cheap power through coal-fired power stations. One article in the *Sydney Morning Herald* quoted developers and suppliers as saying that as much as \$3 billion in wind farm investments may be diverted elsewhere as the New South Wales Government dithers over guidelines and reporting procedures. The companies are waiting for the O'Farrell Government to settle rules on how close to homes turbines can be, and also to rule on what will be acceptable noise limits. I hope the Government takes as long as it needs to get these decisions right. It seems that everyone pushing for wind farms lives in Sydney, where no wind farms will be built.

These people need to go out to the bush and talk to the communities that are being split in two by these developments. I guess the further away from wind turbines one lives the more likely one is to support them. The same story quotes the Vestas Wind Systems people—Vestas Wind Systems is the world's largest maker of turbines—as saying that the O'Farrell Government is introducing a complexity that no other market around the world, or anywhere else in Australia, requires. The Premier deserves praise for his stand, not a veiled criticism from a group that will benefit enormously and economically from wind farms. Another article appeared in the *Age* in Melbourne. The Victorian Government is a big proponent of wind farms and—surprise, surprise—the Victorian Department of Health has found that the inaudible sound caused by wind farms is no worse than that from other rural and urban environments and does not affect human health.

This is to counter claims by opponents who say that inaudible noise, known as infrasound, can trigger health problems, including dizziness, headaches and insomnia. Together, the syndromes are apparently described as "wind turbine syndrome". While the department said that infrasound is generated by many sources, such as trains, breaking waves and air conditioners, the evidence showed that wind farms produced no more infrasound than the background level in other environments. This is not true. It said that audible noise, including that from wind farms, can cause annoyance, resulting in prolonged stress and other health effects. Whether health effects are felt from low-level audible noise can depend on an individual's noise sensitivity and attitude to the source. And is that not the whole point? If these turbines cause problems for any citizens, surely they have a right to protest about the fact and to be heard. Perhaps if we have wind farms they can go in our national parks where there are hardly any visitors, and the roads to the turbines could be useful fire trails and fire breaks.

The Hon. Robert Brown: What a great idea. Hear, hear!

The Hon. ROBERT BORSAK: I acknowledge the Hon. Robert Brown's interjection. I think there is a long way to go in the debate on wind farms, and the issues I have highlighted lead me to speak about an event in Canberra next month which will surely catch the eye of our Federal politicians. On Tuesday 18 June there will be a rally at Parliament House, which the organisers say will be a "demonstration against the fraud that is wind energy and the subsidies that prop up the industry". Apparently it is the first rally of its kind, but in the lead-up to the September election it probably will not be the last. The Federal Government and the wind industry like to claim that rural

people cannot wait to have a wind farm lobbed in their communities. I guess that the only ones who cannot wait are those who will have the turbines on their land but who live somewhere else.

It has been said that farmers from around the country will travel to Canberra to let all sides of politics know what they really think about the current renewables policies and what they believe is the unjustified support of a carbon market and investment in wind power. The organisers also hope to highlight the increase in power prices and the zero emissions reductions that wind and other energy renewables are creating. I understand the rally will be large and I think the message will be clear. Given the carbon market collapse in Europe, it is hard to argue against the fact that we cannot afford these wind and solar industries at this time, if indeed if ever.

Legislative Assembly Thursday 9 May 2013

ASSENT TO BILLS

Assent to the following bills was reported:

Racing Legislation Amendment Bill 2013
Small Business Commissioner Bill 2013
Powers of Attorney Amendment Bill 2013

PETITIONS

The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:

Container Deposit Levy

Petition requesting the Government introduce a container deposit levy to reduce litter and increase recycling rates of drink containers, received from **Mr Alex Greenwich**.

Legislative Council Thursday 9 May 2013

NATIONAL PARKS AND WILDLIFE AMENDMENT (ILLEGAL FORESTRY OPERATIONS) BILL 2012

Second Reading

Debate called on, and adjourned on motion by the Hon. Amanda Fazio and set down as an order of the day for a future day.

MINING EXPLORATION ACCESS

The Hon. JEREMY BUCKINGHAM: I direct my question to the Minister for Roads and Ports, representing the Minister for Resources and Energy. In light of the

Federal shadow Minister Ian MacFarlane and Federal Leader of the Opposition Tony Abbott saying that miners should not go onto farms if they are not welcome, will the New South Wales Government legislate to give landholders the right to refuse access to mining companies attempting to access their land, or is Tony Abbott a liar?

The PRESIDENT: Order! The Hon. Dr Peter Phelps and the Hon. Jeremy Buckingham will desist from interjecting.

The Hon. DUNCAN GAY: Is Tony Abbott a liar? Can we believe what we were told by the Hon. Jeremy Buckingham? You make the choice. I reckon I would trust Tony Abbott ahead of the allegations made by the Hon. Jeremy Buckingham day after day in this Chamber. We still have not found out who left the tap on in the Pilliga.

(...)

The Hon. DUNCAN GAY: I was just having a warm feeling—save it, Amanda. Many members were in the Chamber when the Hon. Jeremy Buckingham said that we do not allow these people on farms. I do not know whether the Hon. Jeremy Buckingham would extend that to looking at native vegetation and woody weeds in the division. I cannot disclose who had that thought bubble but it was from someone very close to me in the Chamber. The Greens have these days.

The Hon. Jeremy Buckingham: You can't trust Tony Abbott.

The Hon. DUNCAN GAY: I would take the word of Tony Abbott ahead of that of the Hon. Jeremy Buckingham any day of the week. Everyone knows that the Hon. Jeremy Buckingham and The Greens do not like commercial farming. It has been obvious for some time that he hates commercial farming.

PLANNING POWERS

Mr DAVID SHOEBRIDGE [3.46 p.m.]: In the lead-up to the last State election the then Coalition Opposition, through Brad Hazzard, its planning spokesman, made a series of promises to the people of New South Wales that any Coalition government would return planning powers to the community, thereby re-empowering the community, re-empowering local councils and giving ordinary people a say in planning. To deliver on that promise, the Government says that it has gone through a process of developing a new planning law, which is now set out in the Government's white paper response that was released last month. Of course, when one examines the white paper, one sees that it is clear that this Government has no intention of returning planning powers to the community.

The best example is looking at what it has done on its watch. Under the white paper there are levels of strategic planning, and the key strategic planning document for any region is to be called a regional growth plan. That regional growth plan will direct and inform all of the subordinate planning instruments, all of the local council planning instruments and all of the subregional planning instruments. Under this Government's plan regional growth plans will be determined by unelected nominees from the

Minister for Planning, which is one representative from local councils.

The Government has said on page 74 of its white paper that the current Sydney Metropolitan Draft Strategy for 2013 will become the regional growth plan for Sydney under its new planning laws. What has the Government done about community consultation under the draft metro strategy for Sydney? It put out a discussion paper last year in just the same way that Labor used to put out discussion papers when it was doing regional planning. In fact, the Government's discussion paper largely mirrored the Labor Government's discussion paper when it did its 2010 metro strategy. Having distributed the discussion paper, the Government then invited submissions. Who did it listen to? Did it listen to the councils' submissions that asked for more careful controls and respect for local government? No. Did it listen to the individual residents and citizens who put in submissions, saying, "We want to have a say. We want to be heard on our development."? No. Who did it listen to? Of course, just like the Labor Government, it listened to the big developers. The Urban Taskforce's submission stated:

With the NSW Government returning planning powers to councils and the community, their role becomes critical. Councillors are generally very swayed by populist anti-development groups. They need to do this if they want to be re-elected. As the community is generally anti-change and anti-development most councils will generally support this position except for rare cases.

What was the Urban Taskforce plan to defeat this outbreak of democracy at the local government level? Its suggestion to the Government stated:

Growth targets as minimums must be locked in to council planning documents.

It also stated:

Under achievement of growth targets should lead to state intervention ... More State Significant Projects must be determined by the state.

That is what the Urban Taskforce wanted out of the draft regional strategy. What did it get? That is what the Government delivered. The Minister stated:

For the first time, minimum housing targets have been set for 2021.

He went on to say that the State Government would take over all planning decisions for so-called urban activation precincts—effectively State significant developments. They will start at Epping and then go to North Ryde and the rest of the city. There will be vastly more intense development, all proposed and approved by the State Government. That is exactly what the Urban Taskforce requested. What did the Property Council ask for? It stated:

Metropolitan and regional planning in NSW is highly politicised, with fundamental changes to the vision for Sydney too often exposed to community sentiment—

we definitely do not want that—

and political expediency. For example, the public debate about Sydney's residential growth profile—that is whether it should be 70/30

urban/greenfield split, or a 50/50 split, or any other target—is currently shaped by personal preferences, but should be guided by economics or market demand.

What has the Government delivered? Has it delivered strategic planning and careful forethought? No, it has not. In announcing the draft metropolitan strategy, the Minister for Planning and Infrastructure said that he did not want constricting planning rules and thinking. He stated:

We're trying to [be] less constrictive and restrictive and what we're saying is the marketplace should have far more of a say in what the mix of housing is and where it should be ... No one should be preoccupied by particular prescriptive formulas.

The Minister could not have been more on message with the big developers if they had written the press release. The community is being written out of these planning laws by the Government and we know who has been put in their place. Just like the Labor Government, this Government is allowing property developers to make the decisions.