



LEGISLATIVE COUNCIL

**QUESTIONS
AND
ANSWERS**

No. 86

THURSDAY 5 MARCH 2009

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

Notice given on date shown

Publication of Questions	Answer to be lodged by
Q & A No. 84 (Including Question Nos 2702 to 2786)	07 April 2009
Q & A No. 85 (Including Question Nos 2787 to 2812)	08 April 2009
Q & A No. 86 (Including Question Nos 2813 to 2824)	09 April 2009

5 MARCH 2009

(Paper No. 86)

2813 TRANSPORT—ABATEMENT FIXTURES AND PROCEDURES—Ms Rhiannon to ask the Minister for Health, Minister for the Central Coast, and Vice President of the Executive Council representing the Minister for Transport, and Minister for the Illawarra—

(1)

(a) Who is responsible for noise abatement along the Southern Sydney Freight Line?

(i) the Minister?

(ii) RailCorp?

(iii) The Australian Rail Track Corporation?

(b) How is responsibility divided?

(2) Have residents along the Southern Sydney Freight Line at Liverpool and Casula expressed concerns about noise levels from the Southern Sydney Freight Line?

(3)

(a) Are there more generous noise abatement fixtures and procedures provided for residents along other parts of the Southern Sydney Freight Line?

(b) If so, what is the reason for this inconsistency?

(4) Are more generous noise abatement fixtures and procedures not provided for residents adjacent to the Southern Sydney Freight Line at Liverpool and Casula given the increase in the amount of rail freight traffic along the Main South route?

(5)

(a) What methodology was used to measure noise pollution along the Southern Sydney Freight Line?

(b) Is it only noise intensity or does the methodology include traffic quantity and the presence of older locomotives that generate greater noise and emissions?

(6) Will a meeting be conducted with concerned Liverpool and Casula residents living adjacent to the Up Main South Line?

2814 PLANNING—SOUTHERN SYDNEY FREIGHT LINE—Ms Rhiannon to ask the Minister for Police, Minister for Lands, and Minister for Rural Affairs representing the Minister for Planning, and Minister for Redfern Waterloo—

(1)

(a) Who is responsible for noise abatement along the Southern Sydney Freight Line?

(i) the Minister?

(ii) RailCorp?

(iii) The Australian Rail Track Corporation?

(b) How is responsibility divided?

(2) Have residents along the Southern Sydney Freight Line at Liverpool and Casula expressed concerns about noise levels from the Southern Sydney Freight Line?

(3)

(a) Are there more generous noise abatement fixtures and procedures provided for residents along other parts of the Southern Sydney Freight Line?

(b) If so, what is the reason for this inconsistency?

(4) Why are more generous noise abatement fixtures and procedures not provided for residents adjacent to the Southern Sydney Freight Line at Liverpool and Casula given the increase in the amount of rail freight traffic along the Main South route?

(5)

(a) What methodology was used to measure noise pollution along the Southern Sydney Freight Line?

- (b) Is it only noise intensity or does the methodology include traffic quantity and the presence of older locomotives that generate greater noise and emissions?
- (6) Will a meeting be conducted with concerned Liverpool and Casula residents living adjacent to the Up Main South Line?
- 2815 COMMUNITY SERVICES—YOUTH CENTRE IN FAIRFIELD—Mr Cohen to ask the Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, Minister for State Development representing the Minister for Community Services—
- (1)
- (a) Did the Government or the Department of Community Services contribute \$440,000 to the construction of a fully-functioning Youth Centre in Fairfield?
- (b) If so, when was the contribution transferred to Fairfield Local Council?
- (2)
- (a) Has Fairfield Local Council decided not to proceed with construction of the youth centre?
- (b) If so, why?
- (3)
- (a) Considering the project has not gone ahead, will the Fairfield Local Council be requested to return the principle sum of \$440,000 including interest?
- (b) If no, why not?
- 2816 COMMUNITY SERVICES—CHILDREN AT RISK OF HARM—Mr Cohen to ask the Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, Minister for State Development representing the Minister for Community Services—
- (1) Will all the recommendations of the Wood Report be put into place when only children at risk of 'significant' harm will be reported to the Department of Community Services (DoCS)?
- (a) If so, how?
- (2)
- (a) Will other children at risk be referred to area groups to look at providing assistance to the families?
- (b) Will the Government set up units to decide if a report is one of significant harm?
- (i) If not, why not?
- (ii) If not, what steps have been taken to ensure that no children at risk of harm will fall through the gaps and assistance will be provided as a matter of priority?
- (3) With increasing numbers of children and young people in out-of-home care for longer periods of time and with increasingly complex needs, is the capacity in all non-government organisations and Aboriginal organisations adequate to enable them to properly partner DoCS and other state agencies in working towards the safety, welfare and well-being of the children and young people who need assistance?
- (4) How will the Minister ensure that the level of funding to non-government agencies is adequate to meet the needs of children in out-of-home care if these agencies are given all the responsibility to provide the services?
- (5) Are all children and young people entering out-of-home care guaranteed to receive, as a matter of priority, the medical, dental and allied health assessments and treatments they need, including counselling, speech therapy, mental health and drug and alcohol assistance?
- (6) What steps have been taken to ensure that capacity-building in Aboriginal organisations leads to a reduction of Aboriginal representation in the child protection system, and greater participation of Aboriginal agencies in that system?
- 2817 PORTS AND WATERWAYS—NSW MARITIME D'ALBORA MARINA—Ms Hale to ask the Treasurer representing the Minister for Finance, Minister for Infrastructure, Minister for Regulatory Reform, and Minister for Ports and Waterways—

- (a) Was a letter received from the Darling Point Society Inc dated the 10th December 2008 with regard to the Land and Environment Court case no.08/10712 NSWLEC1438 d'Albora Marina?
- (b) Was an investigation commenced?
 - (i) If so,
 - (i) Has the investigation been concluded?
 - (ii) What was the outcome of the investigation?
 - (ii) What action have been taken?
 - (iii) If not, when will the investigation be concluded?
- (c) Will the investigation report be made public?

2818 PLANNING—DRAFT WOLLONGONG LOCAL ENVIRONMENT PLAN—Ms Hale to ask the Minister for Police, Minister for Lands, and Minister for Rural Affairs representing the Minister for Planning, and Minister for Redfern Waterloo—

In relation to the Wollongong City Council undertaking of extensive community engagement exercises, highlighting strategies of working with communities to establish aspirations for their local areas in 1992 and again in 2001:

- (1) Does the Draft Wollongong Local Environment Plan (LEP), currently on exhibition, propose only one zoning to apply to 90 per cent of the residential areas within the local government area?
- (2) Is the draft LEP being exhibited in the absence of any prior community consultation being undertaken?
- (3) Will the administrators of Wollongong City Council be advised to undertake widespread community consultation on the implications for residents of the draft LEP and to extend the exhibition period to allow that to take place?
- (4) In light of the complex topography of the Wollongong Local Government area (escarpment, foothills, lakeside, and seaside), what will be the benefits and problem for the Illawarra region and its residents of the imposition of a "one-size-fits-all" medium residential zoning on most of the city, as proposed by Wollongong City Council?
- (5) Will Wollongong City Council be requested to expedite the establishment of promised Neighbourhood Forums and to extend the exhibition period for the draft LEP in order to provide residents with an opportunity for constructive dialogue on planning proposals for their areas?
- (6) Must all residential areas near railway stations be zoned for medium or high residential density?
- (7) In light of section 74C(5), will a developer be entitled to the full height, density and land uses set out in the relevant LEP, regardless of any constraints imposed by the relevant Development Control Plan?

2819 ILLAWARRA—LOCAL ENVIRONMENT PLAN—Ms Hale to ask the Minister for Health, Minister for the Central Coast, and Vice President of the Executive Council representing the Minister for Transport, and Minister for the Illawarra—

In relation to the Wollongong City Council undertaking extensive community engagement exercises, highlighting strategies of working with communities to establish aspirations for their local areas in 1992 and again in 2001:

- (1) Does the Draft Wollongong Local Environment Plan (LEP) currently being exhibited propose that only one zoning apply to 90 per cent of the residential areas within the local government area?
- (2) In light of the complex topography of the Wollongong Local Government area (escarpment, foothills, lakeside, and seaside), what will be the benefits and problems for the Illawarra region and its residents of the imposition of a "one-size-fits-all" medium residential zoning for most of the city, as proposed Wollongong City Council?
- (3) Will Wollongong City Council be requested to expedite the establishment of promised Neighbourhood Forums and extend the exhibition period for the draft LEP in order to provide residents with an opportunity for constructive dialogue on planning proposals for their areas?

2820 CLIMATE CHANGE AND THE ENVIRONMENT—PENALTIES ISSUED TO DURALIE COAL—Ms Rhiannon to ask the Attorney General, Minister for Industrial Relations representing the Deputy Premier, Minister for Climate Change and the Environment, and Minister for Commerce—

In relation to penalties and Duralie Coal:

- (1) How many penalties have been issued to Duralie Coal when its environmental safeguards failed?
 - (a) How many environmental safeguards have failed?
 - (b) Which environmental safeguards have failed?
 - (c) What was the date and nature of each offence?
 - (d) What penalties were issued?
 - (e) Were the community informed of these failures?
 - (i) If not, why not?
- (2) Have members of the public photographed an overburden dump from Johnsons Creek Road being irrigated?
- (3) Are Duralie Coal required to prepare the irrigation areas in regard to amelioration of existing erosion, control of weeds, preparation of pasture and contour bank construction?
- (4)
 - (a) Have Duralie Coal been granted permission to irrigate raw overburden?
 - (b) If not, have Duralie Coal been breaching their conditions of consent, given that this slope is less than 20 degrees?
- (5) What environmental safeguards have been put in place to allow the irrigation of the raw overburden dump?

2821 CLIMATE CHANGE AND THE ENVIRONMENT—MAMMY JOHNSON'S RIVER—Ms Rhiannon to ask the Attorney General, Minister for Industrial Relations representing the Deputy Premier, Minister for Climate Change and the Environment, and Minister for Commerce—

- (1) How the values and uses of the Mammy Johnson's River and surrounding catchments will be evaluated when deciding whether to approve a trial release of mine waste water from Duralie Coal mine into the river?
- (2) Which of the following uses and values of the Mammy Johnson's River will be used to assess the application by Duralie Coal?
 - (a) Protection of aquatic ecosystems?
 - (b) Drinking water?
 - (c) Agricultural water supply?
 - (d) Recreation?
 - (e) Fishing and aquaculture?
- (3) What criteria will be used to assess the impact of the trial release on local water supplies?
- (4) What was the consultation process both with the local community and government environmental experts to assess the application by Duralie Coal?
- (5) Since previous Minister for Climate Change and the Environment announced that no discharge was allowed into the river on 31 July 2006, has any new information on this issue been received?
 - (a) If so, what?
- (6) What role will the Department play in protecting the values and uses of the Mammy Johnson River?
- (7) What water quality data will be used to determine any modifications to the Duralie Coal Environmental Protection Licence (EPL) 11701?
- (8)
 - (a) What water quality monitoring and testing would take place during a trial?
 - (b) How often would water pollution be monitored during a trial?
 - (c) What type of water testing would be undertaken?
- (9)

- (a) What is the suitability of the waste water salinity levels reported by Duralie Coal in its dam of 1,200 $\mu\text{S/cm}$ and PH 7.4?
- (b) How do these levels compare to normal levels for the Mammy Johnson River?
- (10)
- (a) Will a limit be placed on salinity and PH levels for any discharge trial into the Mammy Johnson River?
- (b) If so, what will the limit be?
- (11) What proposed discharge points are you considering?
- (12) Will Duralie Coal be requested to fund an independent third party assessment of the discharge impact on the river as a condition of the trial?
- 2822 PLANNING—DISCHARGE OF MINE WASTE—Ms Rhiannon to ask the Minister for Police, Minister for Lands, and Minister for Rural Affairs representing the Minister for Planning, and Minister for Redfern Waterloo—
- (1) How the values and uses of the Mammy Johnson's River and surrounding catchments will be evaluated when deciding whether to approve a trial release of mine waste water from Duralie Coal mine into the river?
- (2) Which of the following uses and values of the Mammy Johnson's River will be used to assess the application by Duralie Coal?
- (a) Protection of aquatic ecosystems?
- (b) Drinking water?
- (c) Agricultural water supply?
- (d) Recreation?
- (e) Fishing and aquaculture?
- (3) What criteria will be used to assess the impact of the trial release on local water supplies?
- (4) What was the consultation process both with the local community and government environmental experts to assess the application by Duralie Coal?
- (5) Since previous Minister for Climate Change and the Environment announced that no discharge was allowed into the river on 31 July 2006, has any new information on this issue been received?
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- (10)
- (a) Will a limit be placed on salinity and PH levels for any discharge trial into the Mammy Johnson River?
- (b) If so, what will the limit be?
- (11) What proposed discharge points are you considering?
- (12) Will Duralie Coal be requested to fund an independent third party assessment of the discharge impact on the river as a condition of the trial?

- 2823 CLIMATE CHANGE AND THE ENVIRONMENT—PRESCRIBED BURN PLANNING—Ms Cusack to ask the Attorney General, Minister for Industrial Relations representing the Deputy Premier, Minister for Climate Change and the Environment, and Minister for Commerce—
- (a) As of 1 September 2008, how many officers were accredited in prescribed burning?
 - (b) What is the target number of officers to be trained and accredited in prescribed burning activities?
 - (c) Were any prescribed burnings undertaken after 1 September 2008 where the incident controller was not accredited?
 - (i) If so, what are the dates and locations?
- 2824 TREASURER—NSW FAMILY WITH FINANCIAL DIFFICULTIES—Revd Mr Nile to ask the Treasurer—
- (1) Are New South Wales families are struggling financially due to the worldwide economic downturn?
 - (2) Has this downturn also increased pressure on the already stressed domestic childcare industry?
 - (3) Are New South Wales mums and dads faced with the reality of having only one parent able to provide an income?
 - (4) In light of the Federal Government postponing the introduction of paid maternity leave:
 - (a) will the Treasury approach its Federal counterpart in order to find a means to allow single income couples who are trying to raise children under 5 years of age on less than \$80,000 per annum, to spread part of their gross income-tax exposure across both parents?
 - (i) If not, why not?
 - (b) Will income-tax relief be provided for single parents in similar circumstances?

Lynn Lovelock
Clerk of the Parliaments