

Planning and Regulatory.PChrystal
Reference: 5042774 & 5059539



19 December 2014

Revd the Hon Fred Nile MLC
Committee Chairman
Legislative Council Committee
on the Planning Process in Newcastle and the Broader Hunter Region
Parliament House
Macquarie Street
SYDNEY NSW 2000

PO Box 489, Newcastle
NSW 2300 Australia
Phone 02 4974 2000
Facsimile 02 4974 2222
Email mail@ncc.nsw.gov.au
www.newcastle.nsw.gov.au

Sent via email only: Teresa.mcmichael@parliament.nsw.gov.au
newcastleplanning@parliament.nsw.gov.au

Dear Committee Chairman

INCORRECT ATTRIBUTIONS IN THE COMMITTEE OF INQUIRY'S INTERIM REPORT

I write to you to bring to your urgent attention two incorrect quoted attributions in the Committee of Inquiry's Interim Report published yesterday. I take exception to the errors made by the Committee.

Consequently, I request that the Committee take immediate steps to correct the public record as the conclusions and inferences that are attributed to me in the relevant quotations misrepresent the oral statements that I made at the Committee of Inquiry's hearing held on 7 November 2014. Because of the seriousness of this matter, I request that the Committee take steps to publish a retraction as soon as possible acknowledging the errors and pointing out that the Committee has made the two separate errors and apologises to me for having made those errors.

I can only assume that the errors are inadvertent and reflect a misunderstanding of my oral testimony. It is for this reason that it is vital that an immediate retraction be published by the Committee.

Specifically, the two errors are as follows:

(i) Page 49, paragraph 4.103

My testimony that is reported on page 35 of the transcript of the Committee hearing held on 7 November 2014 being a response to your question "Are you happy there was sufficient consultation with the people?" is incorrectly used in the Interim Report to support the proposition that "the consultation process was adequate". That conclusion is incorrect and is not supported by my testimony. My response was purely factual in stating that "three months as a public exhibition period is longer than normal". I did not state that the public exhibition period was "adequate" as is reported in Interim Report. I did not express, nor did I intend to express, a qualitative conclusion nor did I offer any opinion or view as to the adequacy or otherwise of the public exhibition period.

I reiterate that my testimony related solely to providing a factual response to your question as it related to the consultation period, not to the process. I did not offer any testimony as to the adequacy of the consultation process. Indeed, the consultation process involves more than the public exhibition period.

(ii) Page 67, paragraph 5.3

The quotation of my oral testimony that is reported on pages 37-38 of the transcript of the Committee of Inquiry's hearing held on 7 November 2014 is again incorrectly used to support a conclusion that is not an appropriate use of my testimony. In particular, the question that you put to me was:

"What do you believe will be built on that land where the heavy rail is located?" to which I responded:

".....The question relates to the route selection. That is the submission that **Council** [emphasis added] has made. **Council's** [emphasis added] key goal for the city centre is revitalisation through attracting people to live, recreate, work and invest in our city. **Council's view** [emphasis added] is hence the option to run a Light Rail system on the existing corridor does not deliver on the Council's revitalisation goals for Newcastle and perpetuates the existing barrier to the waterfront".

Indeed, the Hon Greg Pearce went on to state immediately after my response:

"Council made this submission [emphasis added] to the working group....."

The assertion in the Interim Report at page 67 suggests that in giving my testimony, I was expressing a personal view – that was definitely not the case. As is made abundantly clear in those sections of my statement above that have added emphasis, I was confirming Council's position, as it had been made by Council in Council's written submission, in my capacity as Director Planning and Regulatory. I was not expressing a personal opinion nor a personal view. At the hearing, I was simply stating Council's position, not my personal position. The quotation of the entirety of my testimony above in response to your question puts this matter beyond doubt. However, the selective quotation reported in the Committee's Interim Report creates a totally different inference which illustrates the inappropriateness of a selective quotation being used out of context to support a proposition that is incorrect.

I would appreciate if you could take prompt action to correct the above errors and would appreciate receiving your written undertaking to do so as soon as possible.

I kindly await your response and due consideration of my request.

Yours sincerely

Peter Chrystal
DIRECTOR PLANNING AND REGULATORY