INQUIRY INTO THE MANAGEMENT OF THE SYDNEY HARBOUR FORESHORE AUTHORITY

Organisation:	Pyrmont Community Group	
Name:	Ms Jean Stuart	
Position:	President	
Telephone:	96606702	
Date Received:	09/06/2004	

Subject:

Summary

<u>**PYRMONT COMMUNITY GROUP</u>** working for a better environment</u>

85 Point Street Pyrmont 2009. 20.5.04

Dear Ms Gardiner,

Please find enclosed the Pyrmont Community Group's Submission to The Parliamentary Committee of Inquiry No 4, into the Management of the Sydney Harbour Foreshore Authority.

We seek leave for the following to present our submission:

Dr Edward Harkness FRAIA, FIE Aust. CP Eng. PH. 9571 8325, FAX 9571 8326. E-Mail <u>tedharkness@edwardleoharkness.com</u>

Jean Stuart BTC. LRAM. President, Pyrmont Community Group PH/FAX 9660 6702 E-Mail stuart_jean @hotmail.com

In the event of the above being unable to attend either of the following will be available:

Dr Barry Moscrop MBChB. FRCOG. FRACOG. PH9692 8460 FAX 9692 8760

Janet Kerr PH 4343 1000 FAX 4341 1053

Thank you for the opportunity to present our concerns to your committee.

Yours faithfully.

Jean Stran Legislative Council GENERAL PURPOSE STANDING COMMUTTEES 1 JUN 2004 RECEIVED 83 Point St Pyrmont NSW 2009 Tel/Fax: 9660 6702

SUBMISSION TO GENERAL PURPOSE STANDING COMMITTEE NO. 4 INQUIRY INTO THE MANAGEMENT OF THE SYDNEY HARBOUR FORESHORE AUTHORITY

Prepared by

PYRMONT COMMUNITY GROUP

20 May 2004

May 2004

Marine and the second sec

Page 1

Submission on the Sydney Harbour Foreshore Authority from the Pyrmont Community Group.

TABLE OF CONTENTS

1.	EXECUTIVE SUMN	IARY - H	KEY POINTS 3
----	-----------------------	----------	--------------

2.	CO	MMUNITY CONSULTATION 4
	2.1	Elizabeth Macarthur Bay - Water Police Site 5
	2.2	Elizabeth Macarthur Bay - Architectural Competition 6
	2.3	Probity Officer
	2.4	Preferential Treatment7
	2.5	Wharves, 19-21 Jones Bay Wharf, Pyrmont9
	2.6	Traffic Study10
	2.7	Open Space11

3.	CONCLUSION	.13	į
----	------------	-----	---

÷

bangan na mangang ka

SUBMISSION ON THE SYDNEY HARBOUR FORESHORE AUTHORITY (SHFA) FROM THE PYRMONT COMMUNITY GROUP

1. EXECUTIVE SUMMARY

This submission has been prepared by the Pyrmont Community Group (PCG) in response to the formation of the General Purpose Standing Committee No.4 to inquire into management of the SHFA.

The submission is based on PCG's experiences dealing with the SHFA on a number of matters which have involved the Pyrmont peninsular. The purpose of the submission is to assist the Inquiry in its investigations into the management of the SHFA.

The PCG has been exposed to the modus operandi of SHFA and its predecessor, City West, on numerous occasions over the past 12 years and wishes to comment as follows.

KEY POINTS

LAST CHANCE TO SAVE SYDNEY HARBOUR FORESHORES. A PLACE FOR THE PEOPLE, OR UNFETTERED DEVELOPMENT?

As the Carr Government considers the merits of selling off harbour-side land now occupied by docks and commercial shipping operations, Pyrmont residents have raised serious concerns that planning and development control over this land may be handed to the Sydney Harbour Foreshore Authority - a body which has shown scant regard for community interests to date.

The PCG believes the SHFA has demonstrated blatant disregard for the consultative process, and has breached State Government guidelines in the selection procedure for a development at the Water Police site on Elizabeth Macarthur Bay, Pyrmont.

The group is also alarmed over the implications that the SHFA reconsidered a development application regarding Wharves 19-21, Jones Bay Wharf, Pyrmont refused by The Land and Environment Court in 2002. Residents were overwhelmingly opposed to the DA, and claim there is a conflict of interest in the SHFA having planning powers over property it in fact owns, and from which it can benefit financially. When Government wears the developer's hat who is there to speak in the public interest?

In relation to these and other matters, the PCG, Pyrmont Action, and The Friends of Pyrmont Point groups have requested that a new traffic study be undertaken for the whole Ultimo/Pyrmont area, and that all development decisions be put on hold until that study is completed and properly assessed. There has been a massive increase in

Page 3

commercial activity and the residential population in the area since the last study was done in 1997.

On 16 September 2003 SHFA Chairman, Gerry Gleeson, refused to consider this request, but the Sydney City Council agreed on 27 October 2003 to undertake a new Strategic Traffic, Parking and Open Space Study.

Pyrmont residents point to these recent examples of the SHFA's role and behaviour as a major problem, given that the Authority was quietly given extended planning powers by NSW Planning Minister Craig Knowles on 4 August 2003. The SHFA now controls functions formerly undertaken by the State Department of Planning, including processing, exhibiting, assessing and reporting on major DA's and Master Plans, in all areas within SHFA's legislative boundary. Although final consent still lies with the Minister, it is clear that SHFA recommendations will have enormous influence on final decisions.

Planning Changes at SHFA 4 August 2003 (Att. 1) Sydney Harbour Foreshore's Role - Commencing 4 August 2003 (Att. 2).

Apart from destroying Sydney's traditional "Working Harbour", residents are concerned that if Premier Bob Carr's idea to sell more land now leased to the commercial shipping industry comes to fruition, it is quite likely that planning and development responsibility over that land will fall to the SHFA.

Given the SHFA's record of riding roughshod over the wishes of local residents, the Pyrmont community groups and others concerned with the future of Sydney Harbour's few remaining publicly-owned foreshore areas, believe the SHFA should not be the sole authority determining the future of our magnificent harbour, that its powers should be significantly reduced, rather than extended, and that its charter be changed.

The community groups have also called for a halt to any development at the Water Police site, Elizabeth Macarthur Bay, demanding the land revert to public open space.

The Sydney City Council has also called on the SHFA and the NSW Government to hold off any redevelopment or sale of the Water Police site until the traffic study is completed and assessed.

2. <u>COMMUNITY CONSULTATION - BACKGROUND</u> INFORMATION

The PCG has been exposed to the conduct of the SHFA on several occasions. To provide the Inquiry with sufficient background information to assist in its deliberations, details of the matters where PCG has been in contact with the SHFA are described in further detail below.

2.1 WATER POLICE SITE, ELIZABETH MACARTHUR BAY, PYRMONT

The Pyrmont Community Group believes the SHFA's handling of the process to develop this site raises serious questions about its competence and impartiality. If the SHFA's management of this site becomes a precedent, there are serious implications for the future development of Sydney's publiclyowned harbour-side land.

Under current plans, the Water Police site on Elizabeth Macarthur Bay is to be developed for residential use. The SHFA owns the land through a 99-year lease, and developed its own Master Plan for the site. (Att. 3).

All community groups are unanimously opposed to any development on the site as evidenced by the following motions:

• **Pyrmont Action:** 15 July 2003 Motion put to the meeting. Proposed Bronwyn Connolly, seconded Gerard Dupal.

"That Pyrmont Action supports the return of more public open space to all of the Pyrmont area, and supports the return of the present Water Police site as public open space".

Motion carried on show of hands. One dissenter, Elizabeth Elenius - Convenor.

• Friends of Pyrmont Point:

Motion: That the delegation from the Friends of Pyrmont Point inform Mr C Knowles, Minister for Infrastructure, Planning and Natural Resources of the following:

- i. That, given the actions and behaviour of the Sydney Harbour Foreshore Authority in relation to development in the Ultimo/Pyrmont area, this community has no trust or confidence in the Sydney Harbour Foreshore Authority.
- *ii)* That the Ultimo/Pyrmont community rejects the Sydney Harbour Foreshore Authority's plans for the former Water Police site on Elizabeth Macarthur Bay.
- *iii)* That the land on Elizabeth Macarthur Bay be retained as public open space for use by the community.
- *iv)* That this public open space be managed by the Sydney City Council for the benefit of the community.
- 18 November 2003 passed unanimously".

• The Pyrmont Community Group: 22 December 2003 Motion put to the meeting. Proposed by Jean Stuart, seconded by Peter Duffield.

"The Pyrmont Community Group notes that the Ultimo/Pyrmont Local Open Space Study of 1995 ... "identified a shortfall of 11.1 hectares of local open space and recommended that in the light of the identified shortfalls in open space allocation, all lands within the precinct which may become available in the future should be assessed for their potential for development as open space, with particular consideration being given to land in Government ownership.

Because of the density of the built environment, increases in population and traffic, and the shortage of useful, quality, open space, the sale of the publicly owned Water Police Site to developers is not supported. The community need this unique foreshore area to be retained in its entirety as quality, local open space".

Motion carried unanimously on show of hands.

2.2 <u>ARCHITECTURAL COMPETITION – ELIZABETH MACARTHUR</u> <u>BAY</u>

Partly on the urging of the local community, the SHFA organised an architectural competition for design of the residential development on the site. The resident groups believe the SHFA's handling of this competition was seriously flawed, and appears to favour one entrant.

Of eight entries in the competition, three were selected to advance to the second stage - Plans A, B and D. These were put on display and public comments invited. A poll of the local community found 81 per cent favoured Plan A, as it provides the most public open space and a workable plaza, and is an interesting and attractive design, compatible with the site.

The community groups claim the SHFA then ignored resident opinion and the publicly-stated conditions of the competition, and breached government guidelines on procurement and development processes, in the following ways.

2.3 PROBITY OFFICER

Under guidelines prepared by the ICAC and issued to NSW Government ministers by Premier Bob Carr, the architectural competition selection panel should have included an independent probity officer, to ensure that probity considerations were taken into account "so that all decisions can withstand public scrutiny".

A memorandum from the Premier to all ministers lists the criteria for determining whether to engage a probity officer:

- Where the integrity of the process may be called into question.
- Where the project is politically sensitive and/or potentially controversial.
- To avoid a perception of bias/favouritism.
- Where the project is extremely complex.
- Where there are substantial costs involved in preparing submissions or there is substantial Government funding involved.

An attachment to the memorandum states that the probity auditor's role is to "ensure that the process has been impartial and fair with no party being given advantage over another or unfairly discriminated against".

Bronwyn Connolly, of Deloittes, was approached to act as the probity officer on the architectural competition selection panel, but the appointment did not proceed. After a meeting on 26 November 2002 with Ms Connolly and three SHFA staff, the SHFA file note reported: "Following the meeting SHFA decided not to engage Deloittes as probity officers as the proposed process of selecting architects to produce a Development Application for the site is a procurement process within SHFA's procurement guidelines." (Att. 4), (Att.5).

The Premier's memorandum to Government ministers clearly states: "Probity auditors are most commonly used by the Government in the context of procurement and development processes". Is the SHFA exempt?

(Memorandum No: 98 – 12 (Memorandum to all Ministers) Use of Probity Auditors by Public Sector Agencies. Premier Bob Carr. Issued: The Cabinet Office Public Sector Management Office). (Att. 6).

As will be shown below, in relation to the first three dot points and the attachment quoted above, there was a clear need for inclusion of a probity officer on the selection panel.

2.4 PREFERENTIAL TREATMENT

From FOI and other documents obtained by the community groups, it appears that despite overwhelming community support for Plan A, the SHFA decided to support Plan B. According to the residents, a 13-storey tower included in Plan B would block views from public housing apartments at Bowman Street behind the Water Police site, and the design allows for much less open space than Plan A. Plan B is also less compatible with the surrounding environment.

FOI documents show that before the second stage of the competition, the SHFA conducted negotiations with the architects of Plan B, inviting them to reconfigure their design. The architects of Plans A and D were given no such opportunity to revise their plans.

As Geoffrey Twibill, an architect and the Pyrmont community representative on the selection panel, wrote to Todd Murphy, SHFA Project Development Manager for the Elizabeth Macarthur Bay architectural competition: "I'll be most interested to know the outcome of your negotiations with the Architect for Scheme 'B' - and I cannot help but think that a similar process should be (or should have been) followed with the Architects for Scheme 'A' ... It follows that Scheme 'A' should neither be disregarded nor disadvantaged ... when it demonstrates such innovative site planning and other attractive principles - and has been received so enthusiastically at the Community level".

Geoffrey Twibill's letter 14 June 2003 to Todd Murphy (Att. 7).

Although he was the community representative on the selection panel, Mr. Twibill was constrained by a confidentiality agreement, and could not inform the people he represented of the panel's deliberations! His letter was obtained under a Freedom of Information request. It seems openness is not on the SHFA's agenda.

Mr. Twibill also told the SHFA's Gerry Gleeson that the Royal Australian Institute of Architects (RAIA) had agreed to help draft the competition conditions and manage the process. (Att. 8). Mr. Gleeson rejected the offer. "The Authority has previously conducted architectural competitions and is experienced in managing the process," he wrote on 27 May 2002. "Hence, the assistance of the Institute of Architects is not required". (Att. 9, 10). The community wrote to Mr. Gleeson offering to participate in a working party with other stakeholders in an attempt to achieve an improved design solution. Mr. Gleeson refused. (Att. 11).

It is apparent from the "Anonymous Submissions Table" (AST), compiled by Planning NSW, which confirmed that the PCG's responses to the Draft Master Plan were representative of the wider community. (Att. 12). The AST also confirms that important stakeholders such as NSW Waterways, RTA, Department of Housing, Sydney Ferries and Council were not consulted in the preparation of the Draft Master Plan. Indeed had NSW Waterways been consulted, it would have been impossible for design A, favoured by 81% of the community and Council, to have been achieved. During Stage 1 of the competition, no legend was attached to designs which required land-holder consent from NSW Waterways.

It has since emerged that extensions over the water included in Plan A, in part using existing Water Police pontoons, would not have received land-holder's consent from the NSW Waterways Authority. (Att. 13).

The PCG understands that NSW Waterways had told the Water Police the pontoons must be removed when they relocate to Cameron Cove. The SHFA therefore allowed the public to believe Plan A was a genuine short-list entrant in the architectural competition, when it was not actually viable due to NSW Waterways requirements.

Despite Mr. Twibill's reservations and the objections of residents, it appears the SHFA decided in advance to select Plan B. So much for community consultation!

The process of the competition was seriously flawed and inequitable to all participants and stakeholders.

PCG sent a letter to Minister Knowles expressing their concerns but have not received a reply (Att. 14).

MOVING THE GOALPOSTS

The stakeholders were told the site would be sold with the winning design's development application.

Now the Australian Financial Review (20 October 2003) has reported that the site is to be put to tender and could be sold prior to approval of the DA. Does this mean the developer will be able to submit a new DA, which will in turn be approved by SHFA?

2.5 WHARVES 19-21 JONES BAY WHARF, PYRMONT

The SFHA owns Wharf 19-21 at Jones Bay Wharf, Pyrmont. While owning the property, the SHFA since 4 August 2003 has had the power the assess Development Application regarding the property and make recommendation to the Minister for Planning.

The SHFA considered a Development Application which sought to change the zoning of the wharf 20 from Code 6 to Code 9 (b) of the BCA. This would have allowed the premises to be used as a 'Live Muic Venue'. The application was made for the area where there are 2×450 seat "Restaurants' (which are divided by a removable wall) and faces a number of residential apartment buildings. It is no part of the Darling Harbour or Star City Casino entertainment precinct.

The DA appeared to be in the most part identical to a former DA for the same site lodged by Jones Bay Wharf Pty Ltd on behalf of Doltone House. This DA was to establish a 900 seat function centre on the same area of the wharf. This DA was taken to the Land & Environment Court by the Dept of Planning (who had carriage of the matter at this time - such applications are now under the carriage of SHFA) the Dept of Planning with the residents won the court case on the basis of loss of amenity to Residents and in particular, noise, traffic, parking and disturbance.

The 'live music' application was refused by SHFA, however Residents again had to fight their case and were told by SHFA Officers that SHFA would condition the application if approved and they would then 'police' the enforcement of conditions.

Dept of Planning however, failled to condition the DA 37/98 (which an Officer of Dept of Planning stated was merely giving the activities for use as guidelines). This DA is being used as the basis for the purported allowance of the 2 x 450 seat 'Restaurant'. Other businesses have applied and received Consent for their

specific usage on the wharf; why has Doltone House been exempt from this requirement. Neither DIPNR nor SHFA are 'policing' Doltone House which now operates from the 2x 450 seat 'Restaurant' as a Function Centre which is the same operation that it had on the Old Casino Site. This Function Centre was refused by the Land & Environment Court yet SHFA has turned a 'blind eye' perhaps because of some financial ramifications in that they are the owners of the wharf. The community has failled to determine whether there is any agreement with the Head Leaseholder and SHFA regarding viability. Who is the 'Policeman' when tenants go outside the boundaries?

SHFA has stated they are the 'policeman' when they approve the DA and DIPNR when they approve the DA. However SHFA did not control Doltone House when they operated on the Old Casino Site as DIPNR proved in the Land & Environment Court. DIPNR has not controlled Doltone House in the running of their so called "restaurant' (900 seat) although it is clearly operating as a Function Centre which was rejected by the Land & Environment Court.

Where do the Residents go at 3.00am in the morning when they can't sleep due to the non policing of this de facto function centre !

SHFA is taking no action on these issues. The PCG is not the only body which has difficulty in obtaining information concerning conditions and development determinations.

Letter from the Lord Mayor, Lucy Turnbull, 22 May 2004, in response to a request from the PCG for a copy of the DA consent and conditions for Doltone House/Jones Bay Wharf. (Att. 15).

"...As Sydney Harbour Foreshore Authority (SHFA) is the consent authority for this portion of Pyrmont, the City experiences the same difficulties as you in obtaining copies of development determinations.

I am advised that, as a matter of course, these determinations are not provided to City staff. Despite our best endeavours, no copy is available to forward to you from city records".

Jones Bay Wharf, Synopsis of Development Consents/Applications. (Att. 16).

2.6 TRAFFIC STUDY

The SHFA believes there is no need for an updated traffic study of the whole Ultimo/Pyrmont area, and that individual traffic studies carried out by developers for their own projects are sufficient.

This ignores the rapid growth of the residential population since the last study in 1997, and the big increase in traffic flowing into the area for commercial and entertainment purposes in Darling Harbour, the Fish Markets and Star City

Casino. It also begs the question of whether developers are likely to submit a traffic study which could in any way cast doubt over their own developments.

The two examples of a residential development at Elizabeth Macarthur Bay and a 900-seat venue at Jones Bay Wharf attract more traffic to the area (sometimes backing up to Parramatta Road), and put further pressure on already scarce parking facilities.

Yet the SHFA favours a large residential development at the Water Police site and an increase of some 600 cars on the Fish Market site, while opposing a new traffic study.

The PCG believes this demonstrates the incompetence of the SHFA in managing the property under its control to the benefit of the community and the environment. Again, it raises concerns over the SHFA's competence to manage development of more publicly-owned land if the Carr Government goes ahead with the sale of land now leased to the commercial shipping industry.

As noted above, the Sydney City Council has now agreed to undertake a new Strategic Traffic, Parking and Open Space Study, and has called on the SHFA and the NSW Government to hold off any redevelopment or sale of the Water Police site until it is completed and assessed.

The Minister has agreed there will be no DA on the Water Police site until the Traffic Study is completed. In spite of this guarantee, the SHFA is seeking a DA on the site for a temporary boat repair facility which will tie up the site until 2006. The community is unanimous in rejecting this DA. (Att. 17).

It is noted that the SHFA has sought to be part of the independent traffic study while unwilling to undertake a study of its own. The community is opposed to the SHFA having a role in this study. (Att. 18, 19, 20).

2.7 <u>OPEN SPACE</u>

Pyrmont residents are concerned that if Plan B for the development of the Elizabeth Macarthur Bay site goes ahead, another chance to provide muchneeded public open space in the area will be lost.

In 1995 the Sydney City Council carried out a local open space study which identified a shortfall of 14.5 hectares of local open space in the Pyrmont/Ultimo area. The Council and the NSW Planning Department later included half of Wentworth and Tumbalong parks in the local open space category, reducing the shortfall to 8.1 hectares. The community opposed these inclusions, as Tumbalong Park (Darling Harbour) was defined as a tourist entertainment destination and a CBD recreational space, and Wentworth Park was already counted as part of Leichhardt's open space.

"Consultant The study recommends that, in the light of the identified shortfalls in open space allocation, all lands within the precinct which may become available in the future should be assessed for their potential for development as open space, with particular consideration being given to land in Government ownership (see Section 7)." Ultimo/Pyrmont Local Open Space Report by Design Collaborative Pty Ltd September 1995 (Att. 21).

The PCG believes the local open space study should be revised to include a large, green open space for residents. The Elizabeth Macarthur Bay site is a perfect example of how the shortfall of open space can be remedied in what has become a densely populated area.

The Sydney City Council supports this view, and in its decision to commission a new traffic study for the area recommended: *"To request the Lord Mayor to call on the State Government and the Sydney Harbour Foreshore Authority to create much needed, high quality, green, useable open space on these sites, and to hold back on the redevelopment or sale of the Water Police site, the SHFA-owned site in Point Street adjacent to the light rail cutting and the State-owned site under the Anzac Bridge, until the study is complete and has been assessed".*

The SHFA, on the other hand, appears to be hell-bent on selling as much land as possible to the highest bidder, with little thought for the future amenity of the area for residents, or long-term access to harbour-side land to the wider community. The effect of many of its decisions has been to wall off the harbour from the community with high-rise buildings.

It is not acceptable to classify walkways and small plaza-type spaces in private developments as public open space, as the SHFA does.

In essence, 99-year leases on land under the control of the SHFA has effectively alienated some 35 hectares of land in Pyrmont from the public. The NSW Government has access to the revenue these leases generate, but as far as the public is concerned, the land is effectively privatised.

The Pyrmont Community Group believes an independent public inquiry should be established to give all stakeholders input into the decision-making process before a further 33 hectares is sold off for development under Premier Carr's mooted plan to change the face of Sydney Harbour and end its days as a working port.

Over the past 20 years, shipping usage of the harbour has halved, and to sell off a further 33 hectares would seriously detract from the traditional maritime atmosphere of the harbour.

There is a serious danger that, if this plan goes ahead, planning and development powers over the additional land will be handed to the SHFA. The two examples cited above are typical of the SHFA's modus operandi of ramming through developments against the wishes of the local community. They demonstrate what the Pyrmont community groups believe is a lack of competence of the SHFA to properly manage these important matters.

It is imperative that the SHFA's power be reduced rather than extended, and that full and open community consultation is undertaken on the future of all publicly-owned land on the Sydney Harbour foreshores.

We would do well to heed the lessons of the Thredbo disaster. The Sydney Harbour Foreshore Authority should not be the sole authority to determine the future of our magnificent harbour.

3. CONCLUSION

THE CHARTER OF THE AUTHORTIY MUST BE CHANGED

When the Government wears the developer's hat, who is there to speak for the public interest?

The principal functions of the Authority are stated in the Act as follows:

Part 4 Functions of Authority Division 1 Principal functions 2.2 Functions generally.

- (1) The Authority has the following functions:
 - (a) to protect and enhance the natural and cultural heritage of the foreshore area,
 - (b) to promote, co-ordinate, manage, undertake and secure the orderly and economic development and use of the foreshore area, including the provision of infrastructure,
 - (c) to promote, co-ordinate, organise, manage, undertake, secure, provide and conduct cultural, educational, commercial, tourist, recreational, entertainment and transport activities and facilities.
- (2) In addition, the Authority has the following functions in relation to specific classes of land within the foreshore area:
 - (a) in relation to core land to develop and manage core land,
 - (b) in relation to non-cored land to develop, manage and deal in non-core land.
 - (c) in relation to managed land to manage managed land in accordance with the terms of the agreement with the owner or occupier of the land.
 - (d) in relation to the public domain to enhance and manage the landscape of the public domain and to improve, maintain and regulate the use of the public domain.

Further, in Part 5 paragraph 28, it is stated that:

"The Authority is subject to the control and direction of the Minister in the exercise of its functions."

In short, the Authority was established by the Government to carry out certain functions, and is subject to direction by the Minister in the manner in which it does so and in the priorities it adopts.

Therefore, while the Authority is publicly accountable for its performance under the Act, the Minister, on behalf of the Government, can give explicit direction to the Authority to conduct its affairs in a prescribed manner or to emphasise or give priority to some functions over others. The community criticises the conduct of the Authority, but ultimately that criticism is of the Minister and the Government.

In its dealings with the Authority and its predecessor over many years, the community has come to the view that by far the highest priority of the Authority, and thus presumably the Minister, is to execute function (1)(b), to promote, co-ordinate, manage, undertake and secure the orderly and economic development and use of the foreshore area ..., particularly with respect to (1)(a) and (b), the development of core and non-core land. Other functions are subservient to this one.

The Authority conducts itself essentially as a developer, albeit, since it is a public entity, with the pretence at public consultation as described elsewhere in this document. However, unlike other developers, it is accountable to no other authority than the Minister. On the evidence, since the Minister gives no other direction, the Authority works in accord with the Government's purpose for the area, which is primarily to secure the best possible return on its land.

The electors in the community, on the other hand, have a greater interest in the achievement of functions (1) (a) and (c). It should surprise no-one that the community is more interested in the functions that confer benefit on the community than the function that confers benefits on private developers. What is surprising is that the Government's priorities are not, on the evidence, those of the community, but the realisation of its own inherited capital assets and the profit of developers.

The conflict might not exist were there a reasonable balance between the emphasis given to the functions. That there is no balance is demonstrated very simply by the lack of public open space. It was easily within the Authority's powers to assign land already in public ownership to serve as public open space. In the event, the provision of open space in this area, funded by the Commonwealth Government as a model urban community under the Better Cities program to the tune of some \$143 million dollars, is the lowest of any residential area in Sydney. Indeed, if the formula for calculating open space in the Ultimo/Pyrmont area did not include roadways, the provision would hardly register on the scale.

The Act must be amended to ensure that satisfaction of the interests and reasonable requirements of the community is a fourth principal function of the Authority as it works to execute the other three functions.

Furthermore, the Act must specify that the Authority will give public notice of all development proposals, enter into genuine consultations with the community, and demonstrate that it has taken community opinion into account in reaching its decisions.

Finally, since the Authority is under the direct control of the Minister, it is proposed that the Minister himself should announce publicly all decisions concerning the proposed initiatives of the Authority.