

REPORT OF PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE No. 4

**INQUIRY INTO THE MANAGEMENT OF THE SYDNEY
HARBOUR FORESHORE AUTHORITY**

At Sydney on Friday 29 April 2005

The Committee met at 9.30 a.m.

PRESENT

The Hon. J. A. Gardiner (Chair)

The Hon. J. C. Burnswoods

The Hon. G. Donnelly

Ms S. P. Hale

The Hon. D. Oldfield

The Hon. G. S. Pearce

The Hon. E. M. Roozendaal

CHAIR: This is the third public hearing of the inquiry of General Purpose Standing Committee No. 4 into the management of the Sydney Harbour Foreshore Authority. The transcripts of the previous public hearings on 18 and 21 February have been posted on the Committee's web site. In terms of media broadcasting, the Committee has previously resolved to authorise the media to broadcast sound and video excerpts of these public proceedings. Copies of the broadcasting guidelines are available from the table by the door. In reporting Committee proceedings, the media must take responsibility for what they publish, including any interpretation placed on evidence before the Committee. In accordance with those guidelines, while a member of the Committee and witnesses may be filmed or recorded, people in the public gallery should not be the primary focus of footage or photographs.

Under the Legislative Council's standing orders, evidence and documents presented to the Committee that have not been tabled in Parliament may not, except with the permission of the Committee, be disclosed or published by a Committee member or by any other person. Messages should be delivered through the attendant on duty or through the clerks. I ask everyone to turn off their mobile phones.

ELIZABETH ELENIOUS, Convenor, Pymont Action, 102/38 Refinery Drive, Pymont, affirmed and examined:

CHAIR: In what capacity are you appearing before the Committee?

Ms ELENIOUS: As convenor of Pymont Action.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Ms ELENIOUS: Yes.

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, if you would indicate that fact to us, the Committee will consider that request. You have made a submission. Would you like to start by making a short statement to the Committee?

Ms ELENIOUS: Yes, I have brought along a short statement. Pymont Action [PA] was formed in July 2003 to foster co-operation between the local community, council and other government agencies; to work towards the enhancement of the physical, social and economic environment of Pymont in collaboration with other community organisations with similar aims; to provide a vehicle for resolution of community issues; and to promote community cohesion. Since its formation, PA has worked towards the resolution of a number of issues involving the Sydney Harbour Foreshore Authority [SHFA], including the Sydney Fish Markets, a commercial building in Union Street, site M North, Waterfront Park, Bank Street, the coal loader site in Blackwattle Bay and the western escarpment at Jacksons Landing.

Pymont Action has not opposed outright any of these developments, but has proposed various changes that would alleviate in particular the worsening of already disastrous traffic bottlenecks and provide more open space in a suburb which even Gerry Gleeson has publicly admitted has been overdeveloped. We have sought to work with SHFA and other government instrumentalities to reach better outcomes for Pymont. Community groups such as Pymont Action have no access to the decision makers, other than through written submissions or follow-up meetings with the assessors to reinforce the points made. The only other communication we receive is the consent authority's final determination—no correspondence to be entered into. We never learn whether our recommendations have been considered or, if they have, why they are by and large rejected.

Our experience over the past year of the assessment process run by Sydney City Council demonstrates that it is entirely different in that members of the community can address council—the decision-making authority—directly and publicly at various stages of the process; can have access to the documentation associated with developments being assessed, including full summaries of the assessors' responses to the various public submissions made, at the various stages of assessment; and councillors are publicly accountable to their electorate. In other words, it is an open process, in contrast to SHFA's process.

In our submission we make recommendations for improvements in the assessment process. We have sought to discuss these ideas with SHFA or the Minister but has not been able to get a meeting. We want to work with SHFA and the Government to achieve better outcomes for the residents and workers of, and visitors to, Pymont. It is not rocket science, and if SHFA is to be the model for the new Redfern-Waterloo Authority then these more open processes need to be adopted in order to avoid constant conflict. Many groups, like ours, are comprised of reasonable people who understand the need for redevelopment and urban consolidation close to the city. We also understand the need for good planning, involving the provision of transport, social and communications infrastructure, management of traffic, and the provision of good quality and appropriate open space to provide relief in the concrete jungle. But we are left out of the planning and assessment process.

An example of successful consultation is occurring now between the Coalition of Community Groups and Lend Lease Developments. We are meeting weekly with Lend Lease and its design consultants to redesign Waterfront Park. Having been led up the garden path by SHFA's process, which saw the approval by SHFA of a disastrous design for the park, we are now confident that

together the developer and the community representatives can achieve a really interesting, attractive and useful park. By bringing in the community at an early stage in the development of DAs and master plans, good results can flow to all. We need a process that provides such opportunities for community partnership in planning in the SHFA process. I should add that the announcement that Craig Knowles made earlier in the week has given us a lot of heart that the Minister will start to take an overarching view to planning in particular with regard to transport and traffic. We are very pleased with the way things are now moving, and we hope that SHFA's process and possibly the Redfern-Waterloo's process can be opened up and made a bit more accountable.

Ms SYLVIA HALE: You mentioned the site M North development.

Ms ELENIUS: Yes.

Ms SYLVIA HALE: Can you expand on your misgivings about the site?

Ms ELENIUS: It is a very small, almost pocket handkerchief site, which embraces a sliver of land adjacent to a heritage protected deep railway cutting, which is where the light rail runs. On the other side of the road, Scott Street, there is a heritage precinct—one of the few remaining gems in Pymont of old cottages—which I understand is owned by SHFA, and on Point Street, which is a higher level, there is a high-rise building proposed. While Pymont Action put the preference that the whole site be public open space, we indicated that we would recommend, if development did proceed, that the Scott Street part of the site, the lower part, be left public open space and that perhaps a higher building and a skinnier building—in other words, a smaller footprint building in Point Street, which is on top of the escarpment—be developed.

It is an example of where we tried to put forward practical solutions that are compromises. Obviously, ideally we would like the open space, but we tried to make helpful suggestions. What has happened is that the Minister has approved the development in Scott Street which will see a substantial increase in vehicular movement because Scott Street will be used as the entrance to the car Park for the whole development. I think there is a real risk, because of the very narrow site, that the railway cutting will sustain damage. The Minister's approval does not require any pre-assessment or monitoring of any possible damage to the old buildings across the road.

Our other misgiving is that Scott Street is the road into a precinct occupied by public housing in Bowman Street. Certainly at present the kids involved in the public housing use that land, which is level, to play cricket and other games. It is their only playground close to home. So the idea of introducing a substantial increase in traffic causes us concern. However, as I have said, we put forward a compromise solution, which was to increase the height on the hill, which has already been done, on the western side of the escarpment with Jacksons Landing. There is a precedent for it and, while not ideal for the residents whose views would still be blocked, they could still see around the building. That is one example of a compromise that with discussion with the community could possibly have been realised.

Ms SYLVIA HALE: It is my understanding that there has been a development application approved for an 8-storey to 10-storey residential flat building with 32 units, 51 car parking spaces and a commercial tenancy of 265 square metres.

Ms ELENIUS: That is correct.

Ms SYLVIA HALE: Presumably that is contrary to the outcome that you and other residents of the area wanted to see.

Ms ELENIUS: I think most residents would prefer to see it as public open space but we did put forward a compromise.

Ms SYLVIA HALE: Do you know what the view of Sydney City Council was of what the future of that site should be?

Ms ELENIUS: I do not. I am not acquainted with that.

Ms SYLVIA HALE: In a publication that came out last year the council described the goat track as a "tiny site just over a thousand square metres. Council added that the light rail cutting adjacent should be open to the public and landscaped, bringing life to an area that is surrounded by apartment buildings. The State Government should cease any plans for development on this site and dedicate it as parkland". That was obviously the city of Sydney's view, and presumably that is one that corresponded—

Ms ELENIUS: Certainly. There was a small compromise in the western end of the site—in other words, the apex of the triangle—a very small pocket park was allowed for.

Ms SYLVIA HALE: Are you saying that the process that SHFA engages in—it might advertise a development application, you are invited to make written submissions and that is in effect the last you hear of it until such time as you are notified?

Ms ELENIUS: Yes.

Ms SYLVIA HALE: So none of those normal procedures that you would expect of an elected council come into play in terms of being able to address the council and talk to the people who are going to make the decision.

Ms ELENIUS: We have been advised that we can go and talk to the assessors, and a couple of us did avail ourselves of that when it came to the Bank Street master plan. So we did go along and chat to the assessors but we do not ever get to talk to the consent authority, which in the case of council we are able to do—and, in fact, have turned the ship around on two occasions.

Ms SYLVIA HALE: Of course, SHFA maintains that it is not the consent authority; it merely makes a recommendation to the Minister.

Ms ELENIUS: Quite; I understand that. But no-one can get to the Minister.

Ms SYLVIA HALE: No-one can get to the Minister and no-one can get to SHFA. So it is really a very closed process.

Ms ELENIUS: Exactly. We actually do not know—

The Hon. JAN BURNSWOODS: Is this a question or something of a speech?

Ms SYLVIA HALE: Yes, I am trying to clarify the actual way in which the authority—

The Hon. JAN BURNSWOODS: Perhaps you could try putting a few questions marks at the end just for the sake of form.

CHAIR: Order!

Ms ELENIUS: I have no personal knowledge of what happens to our submissions once we make them. I cannot answer a question as to what happens to those. I do not know whether it goes from the assessor to the board, for instance. I do not know whether the board has any active role in it. I do not know how our submissions are treated. We do not know what account is taken of them. We never get any feedback. All we get is the final determination from the Minister, or from SHFA in the case of Waterfront Park because they were the assessor and the consent authority.

Ms SYLVIA HALE: The processes that would be normally followed by an elected council would be that the public would be invited to make submissions, the appropriate officers would prepare a report, usually there would be a summary of those submissions and comment upon them and that report would go to a council meeting where the councillors—the elected representatives—would discuss the report and presumably the contents of the submissions. Are you saying none of that happens in the way in which the authority conducts itself?

Ms ELENIUS: Certainly I cannot speak about any council other than Sydney city council, but that is the process that happens with Sydney city council. I am only speaking in terms of

community involvement. My understanding is that there are quite often substantial negotiations between developers, other instrumentalities et cetera in the assessors' final determination. We are not involved in those discussions between SHFA and ourselves. We can talk to the assessors and put our case but we are not involved in any discussions with council, with the developer or with the Roads and Traffic Authority [RTA], which plays a significant role in Pyrmont in terms of traffic impact. We have, as I said, been recently made aware that we can speak to the assessors and we have availed ourselves of that but we do not in any way get any feedback on how our representations to the assessors are going to be treated. We just do not know.

Ms SYLVIA HALE: Is that a recent development—even being able to talk to the assessors?

Ms ELENIUS: I do not know whether it is a recent development but we have only fairly recently been advised by Rob Lang that we can avail ourselves of discussions with the assessors. We can make our case. They are not discussions; they are not negotiations. We make our case.

Ms SYLVIA HALE: It is interesting that this late in the piece suddenly you should have been advised of that and not have been advised of that possibility earlier. We are at the end, are we not, of SHFA's control of a major portion and only at the end of the process are people being—

Ms ELENIUS: That might be our fault; I am not blaming SHFA entirely. It might well have been public knowledge for a long time but we certainly were not aware of it until relatively recently.

The Hon. JAN BURNSWOODS: Point of order: Madam Chair, could you please clarify whether we are following the usual 10 minutes, 10 minutes, 10 minutes?

CHAIR: Yes, we are.

The Hon. JAN BURNSWOODS: So how much time has Ms Hale had? It is now 10 minutes to 10 o'clock and there have been no Opposition or Government questions yet. Could you clarify the position for us?

CHAIR: The Opposition has allowed Ms Hale to continue into our time but 10 minutes will be reserved for the Government.

The Hon. JAN BURNSWOODS: When will that time start?

CHAIR: At five minutes to 10 o'clock.

The Hon. JAN BURNSWOODS: Thank you.

Ms SYLVIA HALE: Architect, journalist and former Sydney city councillor Lisbeth Farrelly wrote a piece in the *Sydney Morning Herald* on 15 March this year. In part of it she says that the submissions:

... show a clear divide between the ins and outs of the communication front of this notoriously occult organisation—

She is obviously referring to the authority. She continues:

From community organisations though there is a near unanimous view of SHFA as an obscure, inconsistent, over intimate with developers and deeply conflicted in its public interest performance.

Would you say that is a common view of the activities of the authority? It is not necessarily your view but I am asking whether there is that common perception.

Ms ELENIUS: Certainly amongst community groups it is a perception.

Ms SYLVIA HALE: So you would think that in order to dispel that perception that has certainly been around, as I understand it, for a long time there should be appropriate procedures put in place to make its operations more transparent.

Ms ELENIUS: I am not intimate with the legislation but I would have thought that there were opportunities within the legislation to provide for better community consultation and broader community consultation at an earlier stage. I think I can use Waterfront Park as an example—if you do not mind me taking a bit of time.

Ms SYLVIA HALE: No, please.

Ms ELENIUS: It has an interesting history in that the master plan for Jacksons Landing was amended under the auspices of the Department of Infrastructure, Planning and Natural Resources [DIPNR] when it had the assessment role. There certainly were substantial discussions with members of the community and community groups about the form that that park would take. The community groups, including me, had a very clear view of what DIPNR was going to expect from Lend Lease in the design of that park, and the key element of that was that it would be informal. The words are in the master plan in contrast with Pymont Point Park. The control of Jacksons Landing then transferred to the Sydney Harbour Foreshore Authority and the knowledge and understanding that we had developed with DIPNR, which had reassured us that we would get a soft, interesting and largely native-planted park, was lost—I do not know how.

So SHFA started the process again, basically. SHFA had substantial negotiations with Lend Lease, even down to whether barbecues would be placed in the park. So I think it is disingenuous for SHFA to say, "We had nothing to do with it; it's all Lend Lease." They did work very closely with Lend Lease—and we got this from people in Lend Lease; this is a communication from them. I am basically quoting down to the placement of the barbecues, which was contrary to where they wanted to put them. So they were intimately involved in the design of park, whether they had that role formally or not. Consequently, we were presented with a park that shocked us all because it was so totally against all the understandings we had previously reached. Fortunately, I think we will have a happy outcome with that because the community just rose up and Lend Lease sensibly realised that it was in their interest to work with us. They are, and I think we will be delighted with the outcome. We will get an informal, attractive and useful park, which did not happen before. I am just using that as an example.

Ms SYLVIA HALE: Why do you think the authority had this view?

Ms ELENIUS: I think it is a cultural view, to be perfectly honest. I do not know why. I think there is a culture. I will have to mention the war here, but I think since the Elizabeth Macarthur Bay decision SHFA has, possibly understandably, decided to go just by the strict letter of the law and not engage as fully with the community as perhaps it might have done in the past. I do not know. Do not ask me why; I do not know. But that is a possible explanation for the more recent very rapid turnover of master plans and development applications that has occurred.

I think what we find a bit unfair is that we do know that there are extensive discussions, not just with the developers. But I will give another example. The loss of the direct pedestrian link from Fig Street into the city as a consequence of changes to the Western Distributor resulting from the cross-city tunnel was entirely an idea developed between the RTA and SHFA. It is actually on the record in the estimates committee's discussions that they decided it would be a lovely idea for pedestrian commuters to have to stop, get a lift, go down to Darling Harbour with no signage, wander aimlessly around Darling Harbour, fight their way through the school mobs et cetera to get to the other side and then, if they happened to come across Bathurst Street or end up in Druitt Street, who knows? But it does add substantially to the pedestrian flow from Ultimo-Pymont into the city. That was entirely dreamed up between RTA and SHFA. The community were never told that this was going to happen: The first they knew of it was when the walkway was suddenly closed off. With a little bit of goodwill—and I know that the Elizabeth Macarthur Bay thing probably caused SHFA to pull their horns in—we are ready to work with them and with the other agencies to get a better outcome.

CHAIR: Government members?

The Hon. JAN BURNSWOODS: I want to return to your comments about site M North.

Ms ELENIUS: Yes.

The Hon. JAN BURNSWOODS: I note that, as questions developed earlier, you said that you had put forward a compromise and part of it was a park. We do not have a map, unfortunately, to clarify this. Part of the site is going to be left as open space.

Ms ELENIUS: A very small part.

The Hon. JAN BURNSWOODS: And that is one of the development consent conditions. But I gather that the site is only a few hundred metres from Pymont Point Park and that Elizabeth Macarthur Bay Park, which you have just talked about, will be even closer. First, do you agree in relation to those three areas of open space? Secondly, are you putting forward an ambit claim for every site to be open space? What do you see as an appropriate outcome here?

Ms ELENIUS: In the recent Infrastructure Study, I think it is, for Pymont, the draft of which has just been released by the Sydney city council, there is still a 14.2 hectare shortfall in public open space in Pymont. In particular—

The Hon. JAN BURNSWOODS: Shortfall on what?

Ms ELENIUS: On the ratio of public open space to the number of residents that was originally envisaged when the whole redevelopment of Pymont was commenced. One of the reasons there is the shortfall is that it was envisaged that there would be a much larger proportion of commercial development versus residential development within the State regional environmental plan [SREP] 26 than has in fact eventuated. In other words, there are far more residents moving into the area versus business population and that has led to, I think, a substantial shortfall in the ratio or the square metre-age per individual than was originally proposed.

The Hon. JAN BURNSWOODS: Particularly at that site, M north.

Ms ELENIUS: In terms of site M north, as I have said, Pymont Action—and I am only speaking for Pymont Action—put forward a compromise which we believed would enable the Government to get a return on the value of the property but—

The Hon. JAN BURNSWOODS: Who owns the property?

Ms ELENIUS: The Government.

The Hon. JAN BURNSWOODS: I thought it was owned by—

Ms ELENIUS: No, it is owned by the Government. In fact there is a for sale sign up there at the moment. Presumably the for sale sign is with an approved development application [DA].

Ms SYLVIA HALE: Yes, it is.

The Hon. JAN BURNSWOODS: So, there is now some public open space included?

Ms ELENIUS: A very small amount, yes.

The Hon. JAN BURNSWOODS: I am particularly interested in your comments on the two nearby parks, Pymont Point Park and Elizabeth Macarthur Bay Park.

Ms ELENIUS: Yes.

The Hon. JAN BURNSWOODS: In terms of the arguments you are putting forward.

Ms ELENIUS: Guess. The Infrastructure Study certainly indicates that the northern end of Pymont, or Pymont Point as they call it, is better served in terms of public open space than is central Pymont. That is why Pymont Action—

The Hon. JAN BURNSWOODS: No, no. The point am making is that there are two parks, Pymont Point Park and the Elizabeth Macarthur Bay Park.

Ms ELENIOUS: And the waterfront park.

The Hon. JAN BURNSWOODS: Which is only a few hundred metres at most in the case of Pyrmont Point.

Ms ELENIOUS: That is true.

The Hon. JAN BURNSWOODS: And the other one is much closer to this site M, which will also have open space within it. I am trying to get a handle on, I guess in a sense, how much more do you want, given—

Ms ELENIOUS: I understand. Our concern is not just to get public open space, but our concern is such that in the Scott Street parking site, not Point Street which is on a different level, the Scott Street part of the site is very—I mean, you have not got a plan before you but, believe me—

The Hon. JAN BURNSWOODS: We did have one.

Ms ELENIOUS:—it is very, very narrow. I mean, I am not an engineer but I find it very difficult to see how you can excavate down into the sandstone on a very, very narrow site for 50-odd car parking spaces and ensure the protection of that heritage cutting and the protection of the heritage precinct opposite in Scott Street. I am not an engineer, but the DA—as I have said, the Minister has not put on any conditions on the DA for a pre-assessment of the structural soundness of those very old heritage cottages, nor any requirement for monitoring of the continual structural viability during the substantial excavation on this very narrow site. As I said before our third concern is the close proximity—well, the use of that street, which currently is very, very quiet and used by the kids from the Bowman Street public housing complex to play cricket. They will no longer be able to do that in safety.

The Hon. JAN BURNSWOODS: The other question I have in relation to open space is that I note in your submission you have a section dealing with the proposed master plan for the fish markets.

Ms ELENIOUS: Yes.

The Hon. JAN BURNSWOODS: Obviously the group has had discussions with the Sydney Harbour Foreshore Authority [SHFA] about that.

Ms ELENIOUS: Only at the community reference group [CRG] level.

The Hon. JAN BURNSWOODS: You would know from your discussions that there is a considerable increase in the use of open space under the new master plan and that that includes foreshore access through wide boardwalks. They are up to 18 metres wide, I believe, whereas the open space on the site at present is mostly bitumen car park.

Ms ELENIOUS: Absolutely.

The Hon. JAN BURNSWOODS: I guess the group has had discussions with SHFA. There is a considerable increase in the usable open space that will be on the fish markets site under the proposed master plan compared to the pretty ugly bitumen car park that is there at the moment, as we all know.

The Hon. GREG PEARCE: Is this a question?

The Hon. JAN BURNSWOODS: Do you see that as a successful example of the kind of consultation you are calling for?

Ms ELENIOUS: I would not say we actually had consultation on the fish markets. We had a presentation at the CRG once the assessment recommendation had gone to the Minister. We still are awaiting the final approved master plan from the Minister. I am still very confused personally as to

whether we have got an increase in waterfront open space from the draft master plan to the final master plan. It seems from my reading, and I could quite well be wrong, that the space is being provided with one hand and removed with another. Certainly along the waterfront edge it seems that there will be provision for tables and things like that, so the amount of open space for pedestrians and the continuous foreshore access, which we are all still dreaming about and hoping for—we just do not understand until we get the final approved master plan exactly what is planned for the fish markets.

The Hon. JAN BURNSWOODS: But you would agree—

Ms ELENIUS: I am just coming to that. Certainly the provision of any open space in the fish markets is welcome over and above what is there at present. Our major concern is the extraordinary almost trebling of the number of cars that will be actually parking on that site. I do not know whether anybody has ever sort of been there at peak hour or even at weekends, but the traffic situation down there is diabolical. It can sometimes take an hour to get from Darling Drive to the entrance to the Western Distributor in peak hours.

The Hon. JAN BURNSWOODS: But in terms of the usable public open space?

Ms ELENIUS: We are not entirely—I do not know. I do not know what has been approved, but there was a small—

The Hon. JAN BURNSWOODS: But in the draft master plan that you have seen?

Ms ELENIUS: Comparable to the size of the site, there was a small—relatively small—area set aside, a square, for public open space.

The Hon. JAN BURNSWOODS: What about the boardwalks?

Ms ELENIUS: As I said, I am still very unclear as to what has been approved for the waterfront because, as I understand it, there is provision for tables and all sorts of things where people can sit and eat, and that is fine, but other people would prefer possibly to sit on a bit of grassy open space. I do not know. But relative to the size of the site, it is a very small amount of public open space.

The Hon. JAN BURNSWOODS: But it is a lot more than is there now?

Ms ELENIUS: Of course. Of course. One would hope there is an improvement.

The Hon. JAN BURNSWOODS: It took us a long time to act to get to that point, but that was one of the points that I wanted to make. A lot has been done to increase the open space.

Ms ELENIUS: But there will be a trebling of the number of people accessing the Park at any one time. In addition to that, the opening hours of the Park will be substantially increased as well. So it is not just going to be operating 95 as it is now, apart from the wholesale activities.

The Hon. JAN BURNSWOODS: And Christmas and Easter and all that.

Ms ELENIUS: It will be almost not around the clock but a substantial increase in the hours of operation. With almost a trebling in the parking of cars and access to the site, you will have a trebling of the number of people who visit the site. So therefore, to claim that the amount of open space that has been provided is a welcome increase—I mean, it will be used up. At the moment, you cannot find anywhere to sit at the fish markets, but the number of cars is going to be trebled, so at any one time you are still going to be sort of fighting for a bit of grass on which to eat your fish and chips.

CHAIR: Thank you very much, Ms Elenius, for your assistance today.

(The witness withdrew)

ROBERT DAVID LANG, Chief Executive Officer, Sydney Harbour Foreshore Authority, 66 Harrington Street, The Rocks, and

JONATHAN MARTIN ISAACS, Chairman, Sydney Harbour Foreshore Authority, 66 Harrington Street, The Rocks, on former oath:

CHAIR: Do either of you have an opening statement for this hearing?

Mr ISAACS: No, Madam Chair.

Dr LANG: No, we do not.

CHAIR: We will go straight into some questions.

The Hon. GREG PEARCE: I want to ask a few follow-up questions from last time. First of all, in relation to the Mercantile Hotel, thank you for giving us the details of directors and so on. As you have noted, the former Police Minister, Paul Whelan, is still a director. What is the current status of the arrangements with the Mercantile Hotel's new lease for tender?

Dr LANG: The negotiations are still being completed. We have not as yet signed the final lease but we have agreed to terms, so it seems now that we are getting quite close.

The Hon. GREG PEARCE: And that will be with the current operators?

Dr LANG: Correct. Yes, that is right.

The Hon. GREG PEARCE: I turn now to the Superdome. Again, you were good enough to send us some documents that we asked for. In relation to the financial analysis of the Superdome, you gave us evidence that the decision to be part of the Superdome was based on its being financially feasible. I have had a look at this and the recommendation says:

Based on the analysis contained in the submission showing this project as having the capacity to pay its own way or provide an incremental return to SHFA, then it should proceed.

That was on the basis that you paid the \$23.8 million for the lease. So, really, when you say that it was financially viable, that was dependent on the fact that the Superdome cost \$207 million to construct, which is also in the submission, of which the Government contributed \$146 million. So, sort of netting it, the Government put in \$146 million to construct it and you were proposing to spend another \$23 million, so we have an investment of \$170 million, really, by the Government.

Dr LANG: Just to come in on that one, if I may.

The Hon. GREG PEARCE: I am just trying to get a global picture of what the real financial position is.

Dr LANG: Certainly. The Government's contribution, of course, was written off at the time of the Sydney Olympics. What really happened was that the private sector paid the difference, \$60-odd million, to secure what I think at the time was close to a 30-year lease. The current proposal was to secure 23 of the remaining years of the lease in return for some \$22.8 million. So in that scenario, we would be getting it for something like a third of the cost that the private sector paid for it only five years ago.

The Hon. GREG PEARCE: The people of New South Wales paid the previous \$146 million towards constructing it. So when you look at it in terms of a good deal from New South Wales, you are proposing \$170 million.

Dr LANG: That had nothing to do with it because that \$140-odd million was paid regardless, even though the private sector had actually secured it and the Government had provided the contribution for nothing. So that made no difference to the assessment of the business case in this

particular scenario because if the private sector bought it then it would be buying it for some \$20-odd million.

The Hon. GREG PEARCE: That is what subsequently happened, with a contribution of \$146 million from the Government.

Dr LANG: Back in 2000, yes.

The Hon. GREG PEARCE: Just in relation to that, I notice in the annual report for last year, 2004, SHFA had a net operating deficit of \$116 million and one of the items you refer to is the fact that Sydney Convention Exhibition Centre does not generate direct profits but in fact has a \$10 million to \$15 million shortfall for the authority each year.

Dr LANG: No, I do not believe that is the case.

The Hon. GREG PEARCE: That is what it says on page 45 of the report in the director's statement signed by you.

Dr LANG: Can I just ask where—

The Hon. GREG PEARCE: Page 45 of your annual report, the director's statement, paragraph (b) on the left-hand corner, halfway down.

Dr LANG: No, that is a different answer altogether to how you have interpreted it. What it says is that those assets return less than our cost of capital and that is if our cost of capital is about 7.8 per cent—and that is the cost of debt, if you like—does the Convention and Exhibition Centre create a greater than 7.8 per cent return? No, it does not, but it certainly still does produce a positive return.

The Hon. GREG PEARCE: For the economy but not for the—

Dr LANG: No, for the organisation, but not as high as 7.8 per cent, it is only 3 or 4 per cent. It is not loss making.

The Hon. GREG PEARCE: I am just clarifying the point that these facilities are not what you would call first-ranking profit-generating investments.

Dr LANG: If they were not held in government hands they probably would not be funded, that is correct.

Mr ISAACS: Could I just make the point there, if I may: I think that is the point. These are facilities for the community and the reason that the governments in the past have invested in them is to generate economic activity for the State, for Sydney in particular. They do not, as Dr Lang has said, make a return on investment which would make any private sector investor jump with joy—quite the reverse.

The Hon. GREG PEARCE: That is exactly my point: the reason that I am concerned that you are trying to make the argument that the Superdome was in fact going to be an economically viable proposition. You are contradicting yourself.

Dr LANG: No, that is not the case, if I can come in on that. The Superdome business case talked about at least a 7 per cent return and actually building up higher than that over time. So in that regard it would in fact return greater than our cost of capital and therefore be viable in its own right.

The Hon. GREG PEARCE: Well, the words in the recommendation are, "Its capacity to pay its own way or provide an incremental return", and when you look at the figures it does not.

Dr LANG: The rate of return on that piece of paper says 7 per cent at 23.8 bid; we actually bid at 22.8 so the return was in fact higher than what that business case suggested.

The Hon. GREG PEARCE: By a tiny amount.

Dr LANG: An extra per cent or so.

The Hon. GREG PEARCE: Can I just clarify, in the business case at paragraph 1.2 it says, "This acquisition is not considered to be a straight commercial acquisition decision but more so it is about obtaining control of a major economic driver at the Olympic Park precinct". That seems to contradict some of your previous evidence that it was purely a business decision driven from SHFA and that the exhibition centre was fallen, and all that stuff that you told us.

Dr LANG: I can clarify that for you. The business case spells out quite clearly that there was a number of reasons for why it would make sense to invest in this. The requirement was that you did not want to have those additional benefits at some financial cost or burden to the organisation, and that was what the business case suggested. The additional benefits are things like it drives visitation into the precinct at SOPA that is clearly of benefit to the government in providing greater returns to the Olympic Park Authority; it brings an economic benefit to the State to bring in large events, large exhibitions, which we know from our own studies that we have had done by KPMG that that is about \$9 billion worth of value to the State of New South Wales over a 12-months period just from our own activities let alone from Superdome's. So for all those additional reasons they add, if you like, icing to the cake. But the fundamental requirement was that we did not want those to be at the expense of making some sort of, at least, financial contribution.

The Hon. GREG PEARCE: Further on in the report it says, "The acquisition would be a clear indication that the New South Wales State Government intends to support the Sydney Olympic Park as it grows to become the next key entertainment precinct for Sydney". Unfortunately, Mr Carr did not agree with that though, did he?

Dr LANG: All we know is that the bid which we put in was asked to be withdrawn and we did that.

The Hon. GREG PEARCE: Just finishing on that, in the memo that you provided to us from the former chairman to you, Dr Lang, on 26 May 2004, the memo confirming that the bid had been withdrawn, point five says, "The chairman would be pleased"—that is you—"if you would now take legal advice concerning any further formal steps that need to be taken by SHFA, particularly directed to mitigation of any damages that might be claimed". Were there any damages claimed?

Dr LANG: No, there were not.

The Hon. GREG PEARCE: In relation to documents you have provided to us you were good enough to give us the tenancy listing. Can I just ask you if you know the current status of the tenancy of Global Switch at 390 Harris Street?

Dr LANG: Yes. Global Switch is still a tenant. They have had some difficulties trading since the tech wreck, if we can use those terms, of some years ago, so negotiations are under way with them to try and alleviate their problems. The alternative would be, of course, that they would not be able to continue on trading. So we have had long discussions with them over a period of more than 12 months trying to assist them as best we can and we are very close again in trying to finalise new lease arrangements for them so they can continue forward.

The Hon. GREG PEARCE: Are they behind in their rent?

Dr LANG: No, at this point in time they are on track, but their capacity to continue to pay is probably limited.

The Hon. GREG PEARCE: Can I just ask you about a letter to the editor of the *Sydney Morning Herald* that was published on 17 March I think. Did that letter correctly quote what you wrote to the editor of the *Sydney Morning Herald*?

Dr LANG: Yes, it did.

The Hon. GREG PEARCE: Do you think it was appropriate for you as a head of a government authority and as a witness before this committee to have written to the *Sydney Morning Herald* in that fashion while the committee was still conducting its inquiry?

Dr LANG: Certainly. Look, I am very conscious of the need to be very factual in how I responded. There was an article put by Elizabeth Farrelly in the *Sydney Morning Herald* a day or so before my letter, which had a number of incorrect facts in it and to set the public record straight and also to point out that Elizabeth Farrelly had clearly not even read the *Hansard* of the first or second days of the inquiry, I referred her to the *Hansard* and also referred her to a report that had been in her own paper which did report on the first day of the inquiry hearing and which was contrary to what Elizabeth Farrelly was actually stating in her article. So I thought it was important that those statements were made back to her.

The Hon. GREG PEARCE: Why did you cast aspersions on evidence given by some of the witnesses? You said witnesses corrected or retracted statements they had made.

Dr LANG: Yes, that is factual. There was in fact, I think it was Mr Jenkyn who retracted large paragraphs of his submission when he actually sat down at the inquiry and I was pointing that out.

The Hon. GREG PEARCE: When he was badgered by the Hon. Jan Burnswoods?

Dr LANG: That is not for me to say.

The Hon. GREG PEARCE: Were you working in cahoots with Jan Burnswoods?

The Hon. Jan Burnswoods: Point of order: My point of order is that Mr Pearce probably does know but certainly I remember very clearly that when Mr Jenkyn sat down and started to talk to us he explained that Mr Glascott, who had actually written the submission in question, had been unable to attend I think because of illness and he then proceeded to say that they had realised that there were some mistakes in their submission, which Mr Glascott had done as secretary, and he then proceeded to withdraw those sections.

I take great exception to Mr Pearce accusing me of badgering Mr Jenkyn, who in fact I have known for very many years, and of misleading this witness by somehow trying to suggest that something that Mr Jenkyn very generously and properly volunteered to correct was not done voluntarily and generously by Mr Jenkyn. I think that that is a very offensive suggestion that Mr Pearce has made.

CHAIR: Can I suggest that because the Committee will be discussing a complaint about this matter later on at a deliberative meeting we might move on?

The Hon. GREG PEARCE: I just want to finish with Dr Lang. Your view is that you were perfectly entitled and it was perfectly appropriate for you to write to the newspaper commenting on witnesses giving evidence before this committee before the committee had reported, but you did not think it was appropriate for you if you had some concerns to write to the committee and tell us?

Dr LANG: Mr Pearce, I certainly regret if the impression was given that I was doing anything other than providing a factual account. The trouble was Farrelly did in fact refer to a statement in Mr Jenkyn's submission that he later retracted as if it was fact, and if he had retracted it in the inquiry then Ms Farrelly should know about that.

The Hon. GREG PEARCE: As a senior bureaucrat do you not think that the proper course would have been for you to have written to the committee and asked the committee to deal with it? Do you think it is appropriate for you as a senior bureaucrat to be debating witnesses' evidence in the media?

Dr LANG: I appreciate the challenge and I had no intention to debate anything, only to put on the factual account of what was in the *Hansard* and I referred the *Hansard* to her in my opening paragraph. It was as simple as that.

CHAIR: If I could move to the Ballast Point issue. Is it not so that SHFA, to undertake planning approvals for its own projects under the EP and A Act, was initially extended on a trial basis? Is that true?

Mr ISAACS: Are you referring to Ballast Point in particular or our planning assessment role?

CHAIR: Yes.

Mr ISAACS: A planning assessment role—yes, it was on a trial basis.

CHAIR: Can you explain what the definition of a trial basis is and has that been converted into a permanent basis?

Mr ISAACS: No. The trial is exactly what it means: we were required to review how the process had gone over 12 months. We have done that, but that is before the Minister.

CHAIR: Before the Minister now?

Mr ISAACS: Yes.

CHAIR: Has there been any independent assessment of the master plan for Ballast Point? Is there any proposed?

Dr LANG: The current state of play with Ballast Point is that Leichhardt council has rezoned the area for recreational use, which is one of the things that needed to be done, and I think that was a prerequisite before the Minister could consider the master plan. The master plan has gone through the assessment process but has not yet been consented to by the Minister. That is a step he will do after he approves of the rezoning.

CHAIR: In relation to the general shortage of infrastructure for the very large and growing recreational boating fraternity was there any serious consideration given to a multifaceted providing type centre for Ballast Point, or is it still very much restricted to a "small" refuelling operation?

Dr LANG: It is certainly the latter. One of the original purposes of Ballast Point was to provide a small refuelling facility, and those exact words were used, and there was a lot of discussion in the community consultation program, which went through, both with Leichhardt council and with local community and there was, I would have to say I think, fairly widespread views that anything bigger than that was probably unsupportable and, as a result, the final master plan does continue to recommend a small refuelling facility.

CHAIR: So notwithstanding that the way SEPP 56 is worded would allow a more multifaceted centre there, it will probably turn out to be a small refuelling centre in line with the Premier's comments at the beginning of the discussion?

Dr LANG: Ultimately that is up to the Minister, but that is certainly what is recommended in the master plan at the moment.

CHAIR: Can you update the committee on this general question of facilities for recreational boaters from the point of view of SHFA as to the status of where future infrastructure might be and whether it will adequately cope with the growing number of users, boating users in particular?

Dr LANG: Certainly. Strictly speaking the Sydney Harbour Foreshore Authority does not have any role in water-based planning or water-based activities. It is a matter for New South Wales Maritime, which is the consent authority directly for all such activities on water and where it impacts on foreshore land they might prepare, for example, on Bank Street a master plan to allow for recreation or boating, et cetera, but ultimately that would be approved by the Minister for Infrastructure and Planning. I suppose the whole question of water-based activities is more of one for New South Wales Maritime than us. The only area where we tend to get involved is if those activities

result in some foreshore development that happens to be within our boundaries and then we may end up being an assessment agency for the Minister for that site, for example Bank Street.

Ms SYLVIA HALE: There is a perception that there is a conflict of interest within the authority because it is not only the owner of land but it is also the assessor for any development and it reports to the Minister. I believe the authority contends that because the Minister is the one who makes the ultimate decision then that provides the appropriate check and balance. Would you be able to provide the Committee with details of four development applications or any master plans that have been recommended by the authority to the Minister for approval, and which had been rejected by the Minister?

Dr LANG: Can I take that on notice? I do not have at my fingertips the breakdown of those. I suppose I would be of the view that the Minister quite often adds conditions to master plans. They may or may not be ones we recommend, which certainly influences the outcomes. Whether or not he has outright rejected something that we have suggested I could not say.

Ms SYLVIA HALE: Could you provide us with details of any that he has rejected or any that he has modified in any way and whether those modifications are substantial or otherwise to determine whether he is acting as a cheque and balance on the authority.

Dr LANG: I understand the question. I will take that on notice.

Ms SYLVIA HALE: There is a perception in the community that the authority is very close to developers. Would you mind providing the Committee with a list of all the boards, both private and government, on which members of the authority and senior staff sit?

Dr LANG: It is in the annual report.

Ms SYLVIA HALE: That is complete, including senior officers?

Dr LANG: Complete. No, only the board members and myself.

Ms SYLVIA HALE: Would you provide it in terms of the senior officers?

Dr LANG: I think I can state quite clearly that they do not have any other board appointments.

Ms SYLVIA HALE: You have provided the Committee with a report from Deloitte on probity procedures. I note the report you provided, dated 18 June 2003, is only a draft. Why were we not given the final report?

Dr LANG: Sorry, I cannot answer that. I think that may be the only copy of the report we have.

Ms SYLVIA HALE: Does that imply that the report was never finalised and never acted upon?

Dr LANG: It was certainly acted upon and it went to the board at the time, I believe.

Mr ISAACS: We will provide a copy of the final report.

Ms SYLVIA HALE: Page 3 of the report notes that "undertakings in relation to conflict of interest by staff advisers and consultants should also be revisited and confirmed." Could you tell me what those undertakings were, and could you provide details of the revisiting and the confirming of those undertakings?

Mr ISAACS: We did have a review undertaken by—I cannot remember the law firm.

Dr LANG: We will have to confirm, I am sorry, I cannot say.

Mr ISAACS: We had a review done of our compliance with those probity requirements.

Ms SYLVIA HALE: I am asking you to provide details because they are not here. The report recommends that these things should be revisited and confirmed, but we have no evidence that it has taken place. The report also says, "to further mitigate probity risk we recommend SHFA could periodically use an appropriately qualified independent third party to report unsatisfactory adherence and compliance to these processes to enable the board to be satisfied that the processes are working as intended." How often are these independent reports provided by appropriately qualified independent third parties? Could you provide the Committee with copies of any such reports?

Mr ISAACS: That is the review I was referring to. I think we did that three or four months ago.

Ms SYLVIA HALE: The conclusion to the report on page 3 says, "It would appear that SHFA has established appropriate processes to consider key probity risks." He concludes that you have established them, yet page 2 of the report states that the authority proposes to adopt demarcation processes. This seems to be one part of the report contradicting another.

Dr LANG: I can certainly explain that. This report was written in June 2003, but the planning and assessment powers did not commence until August 2003. The report is pre taking on this assessment of what we planned to do once we had the role, and eventually we put in place all those things that the report talks about and recommends, and started to execute it from 1 August when the planning powers came our way.

Ms SYLVIA HALE: Page 2 of the response to questions on notice, Tab A, which you provided in relation to Government Printing Office, says, "SHFA has taken independent probity advice regarding rationale and method of proposed direct negotiation process", saying that it varies from the usual procedure. Could you tell the Committee to provide this advice, and would you be able to provide a copy of that advice to the Committee?

Dr LANG: If I can explain the situation, this was done many years ago, certainly before I was the CEO. Normally the process in going forward with leases is there is an expression of interest or a tender process of whatever it might be. This is one of those examples where that process was not followed and therefore advice was received on how best to proceed when the Government's intention was that this activity was what they wanted to have in this building. It was not a question of going to competitive tender for an unknown activity. They wanted this particular activity of the Global Switch business to go into this facility. Therefore direct negotiations are what we had to do to come to lease terms. We got probity advice. I am unsure as to who provided it, but we can find out for you. As a result of that advice we followed it and, ultimately, a lease was put in place with Global Switch and that was some three or four years ago now.

Ms SYLVIA HALE: You also provided the Committee with a copy of the March 2004 Cox Richardson report on open space provisions. I believe this is the first time anyone, other than the authority, has had a chance to access that report. Why did you decide to use Cox Richardson to prepare the report of an essentially they are architects? Why select that firm?

Dr LANG: Thank you for that question because I think it is a very important matter. Cox Richardson is one of a number of firms like Cox. I believe the city commissioned Hassell, who are—

Ms SYLVIA HALE: But they describe themselves as planners, do they not, whereas Cox describes themselves as architects?

Dr LANG: I think it is semantics. They both do very similar type of work, and we have used both Cox and Hassell for doing both of those types of things in the past. What I think is interesting, though, is a comparison between the Hassell report commissioned by the City of Sydney and the Cox report, which we have managed to see only in the past couple of days when the city released it. The Hassell report seems to underestimate the public space in Pymont by over a factor of two. Yesterday we approached Hassell to find out how it could be that they got those numbers so wrong given that we have detailed survey plans that correspond with the DP lot numbers and we know exactly to the square metre how big each of these blocks of land is. Hassell wrote back to me yesterday and

indicated that they had relied on information provided to them by the City of Sydney, that they did not audit it, that they did not use a registered surveyor and never had access to any maps or plans. It would appear, therefore, that those inaccuracies will be corrected when we advise Hassell of information they do not have.

Ms SYLVIA HALE: But a significant difference is that the City of Sydney, in its assessment, also took into account whether the open space was usable or accessible?

Dr LANG: Not according to Hassell. Hassell said that they have used all open space according to the definition of open space, including all public open space, things that were zoned open space and also shared pedestrian areas. If you use those definitions then those numbers do not correlate.

CHAIR: Would you mind tabling that document from which you are quoting?

Dr LANG: Certainly. Just to give you one example, I can also indicate that in the Hassell report they said that Pyrmont Point Park was 13,140 square metres. We have deposited plans that say that it is 29,150 square metres, which is a factor of more than double the size. Clearly, Hassell's report is wrong.

Ms SYLVIA HALE: Why is the fee that was paid to Cox Richardson for the report not referred to in a list of consultancy fees that are paid by the authority?

Dr LANG: I am sure it is listed. It may be under something that you are not looking for.

Ms SYLVIA HALE: It would be under \$30,000, presumably, would it not? They would have been paid separately for the preparation of this report?

Dr LANG: Not necessarily. It could have been that Cox was doing a body of work at that time and it was included in another sum. I am not sure, but we can confirm for you.

Ms SYLVIA HALE: If you would not mind. You say that the City of Sydney study has been released. It is interesting that the City of Sydney has at least put its report out for public discussion whereas the authority did not make the Cox Richardson report available for any public consultation.

Dr LANG: We published the Cox Richardson results in our Pyrmont booklet.

Ms SYLVIA HALE: No, there is a reference to it. There are references to it. It is not published in there.

Dr LANG: Indeed, and it was available to anyone who asked for that reference, but it was not asked for.

Ms SYLVIA HALE: But when Cox Richardson undertook their report which groups did they consult in the preparation of it?

Dr LANG: The Cox Richardson report?

Ms SYLVIA HALE: Yes?

Dr LANG: This was a survey of open space. They did not need to consult with anyone to find out what the—

Ms SYLVIA HALE: They did not talk to the city council?

Dr LANG: I do not imagine that they would have, although we offered to talk to the city council in the preparation of their report and provide them with the plans and so on, but they did not take up that kind offer on that occasion.

Ms SYLVIA HALE: You did not talk to any resident groups at all to get—?

Dr LANG: I do not believe the residents groups would know how many square metres a particular piece of open space would be. I should just point out that the Cox Richardson report was an audit. They went back to the original source documents. They did not take our word for any particular thing, and it happens that it correlates very well with our numbers and it does not correlate with Hassell's. I should also point out that the community was aware of the Cox Richardson report because we put out a newsletter to all Pymont residents at the time and told them of its existence.

Ms SYLVIA HALE: It is one thing to inform a community after the event, and this seems to be typical of the way the authority operates—it tells people what has been decided after the event rather than during the process leading up to this.

Dr LANG: Our intent was to inform them of the results. I do not think we needed to ask them what their opinion was of how much space was there. That was a definitive question.

Ms SYLVIA HALE: But would you not agree that if you look at the report in detail the section on open space philosophy seems to consist basically of biased and gratuitous comments suggesting that the provision of open space in Ultimo-Pymont is too expensive, unnecessary because of its proximity to the harbour, not required by an older population, and it talks about a few children, and of lesser importance because of its proximity to the CBD? But there is no comment in the report on the open space philosophy. There is no comment on it on the benefit of providing open space in an intensively developed area, such as Pymont.

Dr LANG: This was an audit against the original planning document, 1991, so it is referring to what was planned to be provided in 1991, the reasons behind the 1991 plan and whether or not that had been achieved. It did not need to comment on those other matters.

Ms SYLVIA HALE: This report was prepared in March 2004. It asserts, "The population of the inner areas of Sydney in 2001 totalled 16,148. This is unlikely to expand substantially." However, the Sydney City Council advises that the current CBD population is 20,000 and rising.

Dr LANG: That is not the case. I presume you are speaking about Pymont-Ultimo. We know from the current census that the figures are much lower than that. The question that arises is how many more residential dwellings you allow in the Pymont-Ultimo area. At this stage it seems unlikely that a huge amount of new residential developments will be developed in Pymont, and therefore it seems unlikely that it will ever reach the original 20,000 estimate, which was made about 10 years ago.

Ms SYLVIA HALE: Harking back to site M North. This involves the sale of public land, does it not?

Dr LANG: Yes.

Ms SYLVIA HALE: Obviously, the sale of public assets is a serious matter. Would you care to walk the Committee through the stages of community consultation that were undertaken in relation to the approval of the development application and the fact that there are now "For Sale" signs on the site?

Dr LANG: Certainly. The site has a very long and interesting history. Originally, I think back in 1992, the first master plan said that the site would be a residential development. At the time of that master plan creation there was an enormous amount of community consultation and discussion, and it was agreed that the site was a residential site—along with other sites around Pymont which were decided to be open space, or whatever they were to be. That was reviewed again in 1996, when the master plan was again publicly exhibited, reviewed, and modifications were made, and it was reviewed again in 2000. On each occasion the public consultation has remained that the preferred use of the site was at all times to be residential. Of course, those exercises were overseen by DIPNR.

That zoning of residential was something that the Sydney Harbour Foreshore Authority has no control over. We do not change zoning; we cannot change zoning. We can only provide facilities within the zoning that are approved for a site. So our options on this site—as with all options on all

the sites we had in Pymont—were to put in place the solution as required by the master plan, to make this a residential site, and we have moved forward on that basis.

The particular development application for site M went through the usual consultation process: public exhibition, the opportunity to talk to the assessors, the reports produced as per normal. I might add that those processes, contrary to what other people may say, are identical between council and the Sydney Harbour Foreshore Authority, under the Environmental Planning and Assessment Act. The only difference is that when our officers produce our final report it goes to the Minister, where as in the case of a council it goes to the council. That is the only difference.

Ms SYLVIA HALE: In council's eyes, I understand that there is an opportunity to make submissions and then to read the report that goes to council prior to the council deciding it. Was there any opportunity for the public to read the officers' report in relation to this development application?

Dr LANG: Under the Environmental Planning and Assessment Act—which has nothing to do with the Sydney Harbour Foreshore Authority but I will quote it just to clarify the matter—State-significant sites, or sites that are referred to the Minister, are required to go directly to the Minister. The Minister then makes his determination, and then the report is made public and people get copies of it if they so wish. In the council process, the only difference is that the council determines how it wishes to consent to when it has its own process, which is different to the Minister's.

Ms SYLVIA HALE: That is a clear difference, is it not? In the council process, where you have discussion on a report that is available to the public, you have the opportunity to listen to the discussion that occurs between councillors and the opportunity for amendments to be moved in public to the recommendation that is finally adopted or rejected?

Dr LANG: It is a key difference that is very clearly stated in the Environmental Planning and Assessment Act, and every government authority, whether it be Waterways, the Sydney Harbour Foreshore Authority, Sydney Ports, or the Sydney Olympic Park Authority, all follow exactly the same Environmental Planning and Assessment Act requirement. So if the community has an issue with that process, they need to talk to the Minister who looks after the Environmental Planning and Assessment Act.

Ms SYLVIA HALE: But in the interests of democracy and accountability, the notion of extending the Minister's reach in terms of State-significant sites does not augur well, does it?

Dr LANG: That is part of the Minister's process, and not something that we could comment on.

Ms SYLVIA HALE: This morning Ms Elenius said there are no conditions on the development application for any assessment—or dilapidation report, presumably—of the structural soundness of the heritage cottages that are next to the site.

Dr LANG: The City of Sydney's comments are required on all development applications before they go to the Minister, and the City of Sydney's comments are forwarded to the Minister along with our assessment report. In this case, the City of Sydney made a couple of the suggestions that were incorporated in the conditions imposed on the site. A number of conditions were imposed on the site and development, and they were all approved by the Minister. So we are unsure as to—

Ms SYLVIA HALE: But is it true that there is no requirement to take any heed of the possible impact of the development of the site on the adjoining heritage cottages?

Dr LANG: This is a stage one development application. Therefore a stage two development application, with an actual final building envelope, would need to address all those issues.

Ms SYLVIA HALE: So you are confident that they will be addressed then?

Dr LANG: When a stage two development application is finally put forward, that will have to be covered.

The Hon. JAN BURNSWOODS: Madam Chair, perhaps you could advise us. I note that the Secretariat has prepared a number of questions that we have been given. I wonder whether you, as Chair, intend to run through those questions.

CHAIR: Either way. If you would like to ask some of the questions, I am happy to ask others.

The Hon. JAN BURNSWOODS: I might ask a couple of other questions first. It seems that the Secretariat has prepared some useful questions and it would be a pity if Committee members ignored them.

I think we have gradually developed some clarity in relation to terms such as "consent authority". However, given that this is our final hearing I would like to have some of the other terms clarified. With regard to the suggestion that the Sydney Harbour Foreshore Authority assesses its own development applications, and the misconceptions surrounding that which have been raised, can you clarify how many development applications you have assessed on your own property and the procedures that have been adopted in relation to them to address the concerns that have been raised in submissions or evidence?

Dr LANG: On average, we are doing 300 or 400 assessments per annum. At the time of our submission, which goes back to nearly a year ago, we had done around 360 assessments, only one of which was a major development application on our own land, and therefore only one that we had independently assessed; the other 340-odd were done by our planners. Over the last 12 months that figure has gone up to a total of four. In other words, over the course of the last 18 months or so we have used independent assessors in relation to four assessments, to look at sites where we have some interest. I do not have the exact figure in front of me, but the remaining 600 or so have been done by the internal planners for the Minister under delegated authority, depending on what the subject matter was.

Those four projects I mentioned are Darling Island stage three, site M North, a building at the Australian Technology Park which was at the time in the authority's ownership but now which is not, and Ballast Point, which is a park within the authority's ownership which we had independently assessed. Even though we had no commercial interest, we still had a close connection to it. In those four cases, we had an independent assessment done, to avoid any perception of conflict of interest. That process is in line with what other councils do; it is in line with what has been suggested by the ICAC in its *Taking the Devil Out of Development* guidelines on how assessments should be done when you both have an ownership role and an assessment role.

As I said when I was here last, it is a far more common issue for local councils than it is for the authority, because they tend to have a lot more ownership of land in their regions than we do. Typically, larger councils might come across this sort of issue five or six times a year, whereas we tend to do it one or two times a year, on average.

The Hon. JAN BURNSWOODS: In any future cases that come up, you would be using independent assessors to do the work, and in due course pass the report on to the consent authority?

Mr ISAACS: That is the clear principle we have: that where we have any interest, in terms of the commercial return, it is done by an independent assessor.

Dr LANG: And that is part of our standard procedures, so it happens as a matter of course.

The Hon. JAN BURNSWOODS: I have been reading the April edition of *City News*, which I note quotes Ms Sylvia Hale at some length. In particular, she is quoted as saying that members of the Committee have not received any convincing evidence of poor practices in your organisation. If you have read *City News*, I guess you would be rather happy with that comment by Ms Sylvia Hale—despite the fact that it is a breach of the Committee's standing orders?

Mr ISAACS: We are just happy to have been able to put our position on the record and to clarify what clearly have been a significant number of misconceptions.

The Hon. JAN BURNSWOODS: Would you like to add anything to that, Dr Lang?

Dr LANG: No. I am happy with that answer.

The Hon. JAN BURNSWOODS: At various times allegations have been made that the SHFA sells off foreshore land, or it creates high-rise developments on the foreshore. I note that some of these matters have been addressed in the past but, given that this is the Committee's final hearing, could you outline the SHFA's record in relation to these allegations?

Mr ISAACS: Dr Lang can answer the detail. But the simple fact is that the Act of Parliament under which we work forbids us from selling off foreshore land. We simply cannot do that. So any commentary that makes that assertion simply is not correct. The Act is very clear, and we adhere to that.

Ms SYLVIA HALE: Can you lease it?

Mr ISAACS: Of course you can lease it.

Dr LANG: Any lease over five years requires the Minister's approval. May I add a couple of comments. An interesting point came out of the Auditor-General's report, which related to the selling off of foreshore land so I think it is pertinent to the question. At the time Mr Sendt gave evidence, he expressed some surprise about how strongly we reacted to his report. I would like to explain to the Committee why we reacted in such a way. As Mr Isaacs has pointed out, our Act prohibits us from selling foreshore land. Mr Sendt failed to indicate that that is a difference between us and all other authorities who own foreshore land. Some 28 government authorities own foreshore land. We own a very small proportion; we are one of the smaller players. Most other authorities do not have that requirement in their Acts, and therefore they can simply sell off foreshore land as they wish.

So we were surprised and disappointed that that report did not point out that our Act was different, and that that difference was not highlighted. We were also disappointed that the final report was somewhat watered-down compared with the draft report that Mr Sendt's office produced on that same topic. For example, there was previously a reference to the Sydney Harbour Foreshore Authority's well-organised processes in how we deal with the development of surplus sites around the foreshores. In particular, the draft report said, "public access and use has generally been enhanced" by the Sydney Harbour Foreshore Authority's work, which is different from what other authorities were doing in their foreshore areas.

The report made reference to our programs being an exception among government agencies in respect of place management. In addition, the Audit Office also in its final report failed to differentiate between the Sydney Harbour Foreshore Authority and other government agencies. Our Act requires that we balance commercial outcomes against the requirement of a broad range of social, community, and environmental and heritage outcomes, whereas a lot of other organisations simply sell land because it is the highest and best use to make money out of it.

Invariably, that is not our objective; our objective is to produce the correct social and urban outcomes whenever we deal with land holdings. What we do, however, acknowledge is that the Audit Office report did say that the Sydney Harbour Foreshore Authority had put in place a very specific guidance for how the foreshore lands would be dealt with, the appropriate uses. The final report also acknowledged that we had well-established governance processes within our responsibility for the city foreshore. In responding the way we did I think it was more so because the foreshore authority's very good examples of how best to deal with foreshore lands were not taken up, if you like, as an example to others to follow. It was certainly in the draft report but did not appear in the final report. That is why we are disappointed.

The Hon. JAN BURNSWOODS: You have just gone through some of the good things, the things that we would all welcome that are in your own Act, but it has been pointed out that one thing that is not in your Act, I believe, is a requirement for community consultation. Whereas, for instance, in the Federal Act relating to the Sydney Harbour Federation there is a function "to undertake community consultation on the management and conservation of Trust land". Do you think the

Sydney Harbour Foreshore Authority Act should include specific provisions of such as that? Would it be a useful amendment or addition to the SHFA Act?

Mr ISAACS: I think would like to adopt whatever the best practice is that is going, but if you are asking us to comment on what should be in our Act, really you cannot expect us to make a comment on that.

Dr LANG: Can I say, with regard to community consultation, that the Environment Protection Act [EPACT] is very clear about what is required under planning processes in terms of consultation. Again, despite perhaps what other witnesses may have said, the processes are identical. The EPACT spells out how consultation is to be conducted, including public exhibition for a specified amount of time; including the opportunity for submissions to be taken into account, and that those submissions are all summarised and produced in the final report; that the City of Sydney has the opportunity to have that same overlay onto our development applications [DAs] as a part of State Environmental Planning Policy [SEPP] 56. So we have, in addition to the normal requirements, some additional requirements which I think give every opportunity for people to have their say in whatever planning arrangements might be happening within our areas.

Mr ISAACS: Could I just add to that? Our role, essentially, is the management of those iconic sites—Darling Harbour and The Rocks. I think you will find, given the nature of the submissions made to the inquiry, that people respect and are comfortable with how we manage those sites. The fact that people vote with their feet is an indication of that. We had over 200,000 people in Darling Harbour on New Year's Eve, and we have something like 26 million visitations a year in Darling Harbour and 9 million in The Rocks. We would not get that sort of visitation, we would not get that kind of activity, if the people affected—the tenants, the community—were not happy with the way we do it. We have a substantial and ongoing community consultation process. Our communities are varied and include our tenants and visitors. We do a lot of surveying of visitors and so on and we get that sort of information. To put it into perspective, in terms of the sites we manage and whether people identify with us, I think you would have to say that our community consultation process is thorough and very much acceptable to the various communities that use those sites.

Dr LANG: If I could just add—and, again, this is why these sites are State significant sites—in The Rocks and Darling Harbour, our "community" is a very broad one and includes international visitors. It would be a mistake to advantage or ignore or any one of the very many stakeholders that we need to satisfy in making these precincts vibrant and active by saying that, "What we are going to do is make this particular precinct really good for the nearby central business district residents." That might be one aspect but it is not the only one; it is one of many hundreds of different types of visitors and community members that we need to address. It is not commonly known that the largest groups of visitors to Darling Harbour are people from Western Sydney. It would be a mistake to think that we could ignore Western Sydney visitors, who come back to Darling Harbour 27 times each year because they like to come to the city and to go to Darling Harbour. They like the ambience of that place. They are a very important stakeholder group and we have to make sure we look after them.

The Hon. JAN BURNSWOODS: You may have partially answered the question I was going to ask, given what you have said about the EPACT being what you must follow in regard to consultation processes. I was going to ask whether, in addition to those requirements, the organisation has a consultation policy. You have certainly partly answered that in drawing the Committee's attention to all those other groups who are non-resident, if you like. Are there any other documents or policies that the organisation specifically uses to guide its processes?

Dr LANG: Yes, we do. We have various plans that we could table on notice. We do not have them here today but we can certainly provide them to the Committee.

CHAIR: Plans or policies? What you mean by "plans"?

Dr LANG: They are communications policies.

The Hon. ERIC ROOZENDAAL: I think you mentioned earlier that there were 26 authorities that hold land around the Sydney Harbour foreshore. I note that you mentioned two icons

of The Rocks and Darling Harbour. What is the situation in regard to land from the Opera House around Circular Quay to The Rocks? Who looks after that?

Dr LANG: The Sydney Harbour Foreshore Authority manages Circular Quay up to, if you like, the end of the "toaster". From that point it is the Opera House Trust. At the other side of the Opera House it is the Botanical Gardens Trust, which goes around to Mrs Macquarie's Chair. Once you get into Woolloomooloo Bay, just after the wharf I think, you start hitting private landholdings. That is where the government authority's land runs out.

The Hon. ERIC ROOZENDAAL: How far back from the harbour foreshore do you manage? Do you manage all of the commercial holdings under the Cahill Expressway, for instance and back further to Customs House?

Dr LANG: No. It varies. At Circular Quay it is up to I think Alfred Street, the kerb of Alfred Street on the harbour side. The rest of that is City of Sydney land. We are, in fact, not the landowner of all that land because it is partly owned by State Rail, partly owned by the Waterways Authority and partly by us, but we manage it all on behalf of the three authorities because that was considered many years ago to be a more sensible arrangement between the authorities for only one group to manage that space.

The Hon. ERIC ROOZENDAAL: Is there a difference between managing it and actually having total control of it?

Dr LANG: Yes. In the case of, for example, the Waterways Authority properties at Circular Quay we take a management fee to collect on their behalf their rent from their tenants. We are managing the open space, providing a property management role for a small fee, but the total rent goes to the Waterways Authority.

The Hon. ERIC ROOZENDAAL: Would there be an advantage if you owned about as well as managed it? Or should it be left pretty much the way it is?

Dr LANG: Our view at the moment is that we are happy to leave it to the way it is.

The Hon. ERIC ROOZENDAAL: It has always struck me as a bit untidy, that whole precinct around Circular Quay.

Mr ISAACS: That is a policy matter. Our Act makes it clear that where there is surplus land or where the land is held by another agency, by agreement between Ministers, the land can be transferred to us. So there is that section in the Act, but it requires agreement between Ministers.

Dr LANG: I think it would have to be done on a case-by-case basis to look at a particular block of land and ask whether it makes sense for the particular block to be managed or the subject of an ownership transfer. I do not think there is a single answer to that question. It depends on the circumstances.

CHAIR: Following on from that question, do you think that it is a misnomer, that these days the title of the authority, Sydney Harbour Foreshore Authority, leads to some confusion about the extent of its role?

Mr ISAACS: That is clearly the case when you look at the amount of land we own. The Auditor-General commented that he was surprised that the Sydney Harbour Foreshore Authority was, in a sense, such a small player. That is the name we have at the moment.

CHAIR: Have you given consideration to suggesting a more appropriate name, one that the Committee might consider?

Mr ISAACS: We have not. I have a personal antagonism to acronyms. With the greatest of respect to the Hansard writers, when I read the transcript I could not figure out what on earth we had to do with the model, Claudia Schiffer. That is how it appeared in the transcript. So I have an aversion

to acronyms. I think if we are going to be called the Sydney Harbour Foreshore Authority, let us be called that. If there is a more appropriate name, that is fine.

CHAIR: The Committee is able to deliberate upon that. Following on from quite a lot of the evidence in relation to consultation, the Hon. Jan Burnswoods referred to the Sydney Harbour Federation Trust Act, to which some witnesses have also referred. In relation to some witnesses saying that consultation opportunities do not occur earlier enough in various processes, it has been suggested that the SHFA Act should emulate the Federal Act to provide for community involvement before the preparation of a draft plan. Are you able to comment on that evidence?

Dr LANG: Let me have a go at it. I have certainly had long discussions with Jeff Bailey, who is the Chief Executive Officer of the Federation Trust. One of the things I was quite interested in was how they have managed the community consultation programs. I have looked at a similar model for some of our activities. I think one of the challenges the Federation Trust had was that it had a very active and diverse group of stakeholders that it really needed to bring together in some way. From what I understand was their situation, they had one community group telling them to go left and one community group telling them to go right. There was no solution for satisfying the general community requests.

We do not have that situation in our areas. In respect of The Rocks and Darling Harbour our focus is very clear. Our tenants and our customers have a single-mindedness about what they want to achieve, that is a very active and vibrant area for people to come to play, to work and to shop, and so on. As a result of that, our consultation has mainly been focused on the DA process. Therefore, there are very strict guidelines on how one can do that. To a large extent one has to be very careful. Even when I at one point tried to create a community reference group to discuss other matters, precinct-wide matters, in much the same way as the Federation Trust operates, they very quickly said, "No, we do not want to talk about that. We want to talk about DAs."

Unfortunately, I was in no position to say that I could do that because that would have circumvented and overridden the EPACT requirements. To have this group exercising some sort of veto power over the DA process was not something I could contemplate. It turned out that our communities did not really want to talk about those precinct-wide matters that we initially set up the group to discuss. As a result, that group fell by the wayside. As to whether or not it would be useful to have a Federation Trust-style consultation in the Act, we would have to understand what the point of that group was independently of the DA process, and to understand how that would operate. I would be very happy to do it if it were to focus on the precincts, and the future plans for the precinct. We have had those discussions quite a lot with the communities of The Rocks and Darling Harbour, but in Pyrmont they did not want to talk about that; they wanted to talk about DAs.

Mr ISAACS: One other point: for example, Ballast Point community groups have commended us in writing for the consultation process we have adopted and the outcome we have achieved. I think you have to balance the comments that are made.

CHAIR: Similarly, Pyrmont Action in its submission made some remarks to the effect that from that group's point of view there was little opportunity available to participate during the assessment phase of the development. That group has made a number of suggestions to the Committee, firstly that documentation associated with assessors' recommendations be made public, including the reasons for accepting or disregarding the submissions. Secondly, the submission authors should have an opportunity to address the recommendation in further submissions to the Minister. Would you care to respond to that submission?

Dr LANG: Certainly, if I can answer it in two ways. Firstly, on the question of whether or not they get any feedback on what is being approved by the Minister, the answer is yes they do. Anyone who makes a written submission to the DA process is given a letter back from our planners saying that the DA was consented to or otherwise and what form that is, and copies of that consent are then put on web sites and forwarded to people who put in submissions. So that feedback certainly occurs, and I was a little surprised that Elizabeth had not experienced that. So that is an anomaly I cannot answer but perhaps it is only because she has been involved in a few sites recently that are still going through that final process.

For example, the fish market, although it is now determined, until the final paperwork is received back from the Minister's office and all the conditions that he imposed written into the documents, that has to happen before they can be publicly released. That has not happened yet. The same for site M North—recently been approved DA. That feedback process has yet to occur because the paperwork is still being finalised. But it certainly will occur in the next little while. Certainly, in the past our experience has been that people have received that advice, and I am not aware of any situations where it has not occurred.

CHAIR: With respect to the fish market site, are you aware of the expected timetable where it comes back from the Minister?

Dr LANG: Apparently the conditions that have been imposed by the Minister need to go back to the proponent. He must incorporate those into the documents, and he has six months to do that. So a period of time is allowed for by the proponent, depending on whoever the proponent is for a particular DA, before those documents are then finalised and made public.

CHAIR: With respect to the Luna Park issue, is the authority able to provide the deed of agreement between the Luna Park Reserve Trust and Metro Edgley to the Committee?

Dr LANG: My understanding is that such leases become public documents once they are registered.

Mr ISAACS: I suspect it is a public document.

Dr LANG: Can I confirm for you that the registration process has been completed, and if so—

CHAIR: If you could help us with that, that would be great.

Dr LANG: Certainly.

Ms SYLVIA HALE: And give it to us.

Dr LANG: Yes, certainly.

The Hon. GREG PEARCE: In relation to the Australian Technology Park, has there been any change in relation to the arrangements for that and the lease of that as a result of the new Redfern-Waterloo Authority being established?

Mr ISAACS: I am not sure I understand the question. The ATP is now a subsidiary of the Redfern-Waterloo Authority. If so in either respects it is the same. The Sydney Harbour Foreshore Authority had to separate out those matters that were specifically related to the Australian Technology Park and hand them over to the Redfern-Waterloo Authority. That has been done. I think 1 April was the date on which it went over to the new Redfern-Waterloo Authority, so it is no longer under our control.

The Hon. GREG PEARCE: Can I just quickly summarise the authority's financial position? On my reading of the accounts you have revenues of about \$180 million. Is that correct?

Dr LANG: Yes, that is correct. In 2004 the revenue was \$183 million.

The Hon. GREG PEARCE: How much money did you actually pay to the State Government?

Dr LANG: Under the Government's dividend policy, we are required to pay a small dividend. I think that in this particular year it was \$7 million. I can confirm that for you, but that is my recollection. In the 2004 year we made a loss, but that is a one-off situation.

The Hon. GREG PEARCE: When we had the Auditor-General in I asked him some questions, and he wrote back to the Committee saying that for 2003 dividends were paid to the State Government totalling \$58,174,000.

Mr ISAACS: What that may have included—and I would have to check this—that is not a common dividend scale.

The Hon. GREG PEARCE: No, that is why I could not—

Mr ISAACS: I suspect that it had to do with the sale of a building that went through at that time. I would just have to check that.

The Hon. GREG PEARCE: If you would not mind doing that.

Ms SYLVIA HALE: On a totally different matter, Sydney City Council permits public meetings to be held, for example, in St Andrews Square, and does not charge prohibitively for that; presumably it picks up the public liability insurance questions. It also permits material to be handed out in Pitt Street or whatever. I understand that the authority has made it impossible for any public group or any public meeting to be held in the park adjacent to Circular Quay railway, and also refuses to allow people to hand out material, say, in the lead-up to an election. It refuses to allow material to be handed out on its properties. Do you think this is conducive to a properly functioning democracy?

Dr LANG: We allow about a thousand community events a year in our precincts where they either pay no or a minimal charge to book our open spaces. Clearly, they do need to book then. You cannot just wander up and expect to be allowed to do anything in an area, an open space, a park and so on. So I am not sure what you are referring to, but if people inquire then invariably they get a grant to say that they may use that public space and depending on what the community group is it may be for free.

Ms SYLVIA HALE: Can you provide the Committee with your policy in relation to what events are free and, if they are not free, the charges that are imposed?

Dr LANG: We can give you for example the number of community events that have run in the past 12 months and what the arrangements were.

Ms SYLVIA HALE: And also where you have had applications were they have been refused.

Dr LANG: I am not aware of any but we will have a look and see.

Mr ISAACS: Do you have an example we could follow up?

Ms SYLVIA HALE: I have had a number of complaints. I can get the specific examples and get them to you. What about the handing out of material in the lead-up to elections?

Dr LANG: I am not aware of any issue. Is that a council election?

Ms SYLVIA HALE: The last Federal election.

Mr ISAACS: Again, can you give us the specific details?

Ms SYLVIA HALE: Yes I can. I was down at Circular Quay handing out material to commuters catching the ferry. I was asked by your officers to move on; I asked why and I was told that one was not allowed to do this. I said that I thought that was an infringement of one's democratic right. Your officers took my name, saying that someone from the police presumably or the authority would follow up the matter with me.

Dr LANG: Can we take that on advice? We will find out for you.

Mr ISAACS: I am sorry you did not give me a call.

Ms SYLVIA HALE: I was in company with quite a few other people.

Mr ISAACS: Can I encourage you to give me a call?

Ms SYLVIA HALE: I certainly will.

The Hon. JAN BURNSWOODS: This probably comes back to Hon. Eric Roozendaal's question about the Circular Quay land. I know that in the same Federal election in numerous parts of Sydney people were asked to leave railway station premises for a whole variety of reasons that were quoted, whether it was for safety or whatever, which made a whole lot of representatives of political parties very unhappy. If you are going to submit some examples and take it on notice, I am not sure the extent to which it is a transport policy for instance or a Sydney Harbour Foreshore Authority policy.

Dr LANG: I would like to get to the bottom of it. If I may—and I will confirm this—we have a policy about litter. People cannot just come down into our area and hand out flyers for example because that means that people look at them for three seconds and throw them on the ground. So there is certainly a policy about that, but I am not aware of any particular political party policy.

Ms SYLVIA HALE: Can I say that because people were aware of that they were very keen to ensure that material was not discarded. Turning to a different topic, given the approval of the Sydney airport's master plan and the obvious intentions of Sydney airport to expand its commercial activity and encourage a vast increase in traffic to the airport, what impact is this having on the authority's plans for the Cooks Cove site?

Dr LANG: The short answer is limited, the reason being that the intended use of the Cooks Cove site is a very different use than what the intended use of the expanded airport lands are and therefore we do not see a conflict of uses there. There are some suggestions that it may be a positive effect in that it may cause that area of Sydney to be more activated and therefore the Cooks Cove development might be enhanced by that. On the other hand there could be a negative effect and that is that if that results in a greater transport issue in that general area of Sydney then other infrastructure things need to be looked at. The Cooks Cove development plan in its own right has taken all the various traffic and things into account but obviously we are not taking into account any enhanced traffic that might come from an adjacent development.

Ms SYLVIA HALE: Do you think that to plan appropriately it would be advisable to take traffic forecasts—

Dr LANG: I think the city should be absolutely looking at that because that is its issue.

Ms SYLVIA HALE: In view of the considerable loss of amenity that will result from the expansion of the airport do you have any perception that in fact the Cooks Cove development should not proceed?

Dr LANG: No, I do not believe so. It is an independent development that has a different purpose. One of the many purposes is to address what is very deteriorated land in terms of needs of remediation to get rid of the local council tip, to fix up a whole lot of environmental problems that would be enormously enhanced by the Cooks Cove development. All of those reasons still make this a project that is worth doing. The only question in my mind perhaps is one of timing but not one of intent.

Ms SYLVIA HALE: What consultation took place prior to the announcement of the master plan?

Dr LANG: There was an enormous amount of consultation going back—I think, if I can go from my memory, it was in 2000 that the local council brought this matter to the State Government saying, "This is too big for us to deal with. Can you please assist?" The Department of State and Regional Development took it on as a project. I go back, Cooks Cove was brought to government by Rockdale City Council in 1997. It was then the Department of State and Regional Development that

worked with the various landholders—Sydney Water, the Roads and Traffic Authority, DIPNR—to try to develop this. It was then in 2000 or 2001 that it started to go into the next stage. I am sorry, I have lost track of the question.

Mr ISAACS: The matter of consultation.

Dr LANG: At that time there were both the development of the REP and of the master plan, which were two different processes. One was done by DIPNR and the other was done by the authority. They each had their community consultation programs, as you would expect, working very closely with Rockdale City Council because it is a major landowner in this development and it retains the development approval role for any subsequent DAs on this site after the master plan has now been approved, so it is an absolute key player in the whole thing moving forward.

(The witnesses withdrew)

(The Committee adjourned at 11.30 a.m.)