

**REPORT ON PROCEEDINGS BEFORE**

**GENERAL PURPOSE STANDING COMMITTEE NO. 3**

**ENROLMENT CAPACITY IN INNER CITY PUBLIC PRIMARY  
SCHOOLS**

**CORRECTED PROOF**

**At Jubilee Room, Parliament House, Sydney on Friday, 25 November 2016**

**The Committee met at 9:00 am**

**PRESENT**

The Hon. M. Gallacher (Chair)

The Hon. J. Graham

The Hon. C. Houssos

The Hon. N. Maclaren-Jones

The Hon. S. Mitchell

Reverend The Hon. F. Nile

Mr D. Shoebridge



**SYLVIA CORISH**, Director, Public Schools NSW, Inner City Strategy, Department of Education, sworn and examined

**PETER RIORDAN**, Deputy Secretary, Corporate Services, Department of Education, sworn and examined

**ANTHONY PERRAU**, Executive Director, Asset Management, Department of Education, affirmed and examined

**MURAT DIZDAR**, Executive Director, Public Schools NSW, Department of Education, affirmed and examined

**TONY MCCABE**, Group Director, Capital Works, Department of Education, sworn and examined

**The CHAIR:** I am the newly elected chairman of General Purpose Standing Committee No. 3. I am a member of the Legislative Council. For those who are wondering who I am, I was voted on to the Committee in the last sitting week of Parliament. I will open today's proceedings with a welcome to country. Welcome to the hearing of the General Purpose Standing Committee No. 3 inquiry into enrolment capacity in inner city public primary schools. The inquiry is examining how responsive the Government is being to the changing demographics of inner Sydney and is focusing on specific issues concerning the redevelopment of the Ultimo Public School.

I acknowledge the Gadigal people, the traditional custodians of the land we meet on. I pay respect to the elders past and present of the Eora nation and extend that respect to other Aboriginal people present. Today we will hear from the Department of Education, City of Sydney, parents and citizens from the Ultimo area, as well as environmental scientists and architects. I will make brief comments about the procedures for today's hearing. Today's hearing is open to the public and is being broadcast live via the Parliaments' website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the broadcasting guidelines while members of the media may film or record Committee members and witnesses people in the public gallery should not be the primary focus of any film or photography. I remind media representatives that you must take responsibility for what you publish about the Committee's proceedings.

It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at this hearing. I urge witnesses to be careful about comments they may make to the media or others after they complete their evidence as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation. The guidelines for broadcast of proceedings are available from the secretariat. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In those circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days. I remind everyone here today that Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. I therefore request that witnesses focus on the issues raised by the inquiry terms of reference and avoid naming individuals unnecessarily.

Witnesses are advised that any messages should be delivered to Committee members through the appropriate Committee staff. Could everyone turn their mobile phone to silent or turn them off completely for the duration of the hearing. Would anyone like to make an opening statement and if so could you please keep in mind that our time is restricted and to keep it down to a couple of minutes?

**Mr RIORDAN:** The Department of Education takes these matters very seriously, we have detailed planning processes in place to ensure we can accommodate any students that wish to come to public schools in New South Wales. We have prepared a detailed submission that has been provided to the Committee, which directly responds to each of the elements of the terms of reference. We have made available senior officers to come to the Committee to further delve into the questions the Committee might have. We are happy to answer questions and take the Committee through the planning process currently in place to meet inner city public education demand.

**The CHAIR:** For the information of everyone here the proposal is that the questions will run sequentially from Opposition to cross bench through to Government in 10 minute pieces. If one of the respective groups does not complete the full 10 minutes the time will be equally shared by the other parties.

**The Hon. JOHN GRAHAM:** Chair, we are happy to run crossbench to Opposition if that is acceptable.

**The CHAIR:** Yes.

**Mr DAVID SHOEBRIDGE:** Thank you for attending. You probably understand the frustration the community feel with the failure to develop the Fig and Wattle site and the concept of demolishing the school and relocating students to temporary accommodation when everybody in the community can see a couple of hundred metres down the road a much bigger site, owned by a public authority, that they feel should be the school. Do you collectively get a sense of the frustration that the community has from the outcome?

**Mr PERRAU:** We do. It is not a decision that we have taken lightly. At the end of the day we are charged with the best use of money and in this instance that you are talking about, ensuring as best as I can the safety of kids and staff that go to our public schools. It is in the submission but all those things have added up to tell us that we can probably provide the enrolment or meet the enrolment demand in inner Sydney in a better way.

**Mr DAVID SHOEBRIDGE:** You say it is a safety issue not a funding issue?

**Mr PERRAU:** They are linked. In order to address what we believe are inherent safety concerns with that site you have to do a certain amount of work that we are convinced we are right to do and that comes at a cost.

**Mr DAVID SHOEBRIDGE:** I assume you are talking about the remediation?

**Mr PERRAU:** Yes.

**Mr DAVID SHOEBRIDGE:** Have you given the remediation report to the City of Sydney to critique? They are familiar with the site and have had their own experts look at it.

**Mr PERRAU:** I know. All of our information is on the website and has been for quite some time.

**Mr DAVID SHOEBRIDGE:** Have you engaged with that process, given the remediation report to the City of Sydney and said, "Let us sit down and talk about it and see if our experts agree on it?"

**Mr PERRAU:** I understand what you are saying. As I am sure the Committee is aware, we did spend quite a considerable period of time trying to get agreement. There is no disagreement that the site is highly contaminated. There is no disagreement there. We could spend time trying to come to an agreement on how much it would cost to decontaminate the site. We did spend nearly a year talking about it.

**Mr DAVID SHOEBRIDGE:** Either decontaminate or cap the site. Most heavily contaminated sites in the city, the only economic solution is to cap it, not to remove the fill, which is hideously expensive.

**Mr PERRAU:** The department needs to make a decision with what is in front of it. What is in front of us is that that site has got, even with capping, ongoing concerns to us with safety.

**Mr DAVID SHOEBRIDGE:** What are the concerns with a solid concrete cap and a division between any development and the students? Please explain your ongoing concerns?

**Mr PERRAU:** They are in the report.

**Mr DAVID SHOEBRIDGE:** I am asking you.

**Mr PERRAU:** I am happy to go through the report. You have an expert coming in who wrote the report who can go through it in some detail with you.

**Mr DAVID SHOEBRIDGE:** I assume you have read the report and digested it.

**Mr PERRAU:** I have.

**Mr DAVID SHOEBRIDGE:** I am asking you to explain to me from a decision-maker view point what the safety concerns are with the capping?

**Mr PERRAU:** Our concerns are that the capping, put as simply as I can, the capping does not give us enough certainty about the students, primary school in particular.

**Mr DAVID SHOEBRIDGE:** You have restated the conclusion, you have not given me the reasons. I am asking you for the reasons, not the conclusion.

**Mr PERRAU:** If you read through the report the nature of the contaminants are a concern to us and if you just cap the site—you will get a better response from the expert—the experts are of the belief that you still

have to vent it. I do not think it is appropriate—and that was my advice to the Minister—to have a primary school and staff on a site where I am still venting noxious gases. If you look at the report they think there is no end to that. It would go on indefinitely. You can argue about the fact that you can push it up high or push it out and down the end of the site, but at the end of the day it is still not an ideal thing for a primary school. That is just our opinion.

**Reverend the Hon. FRED NILE:** You are really saying that there is a risk to children that you are not prepared to take.

**Mr PERRAU:** It is a risk and we are just not prepared to take it, yes. When the council come in, I am hoping—we all agree that it is really a very contaminated site. When faced with that and the responsibility for kids aged five and up, you have to say to yourself, "What would be the best long-term outcome for that site?" The only best outcome is to get rid of it all, and to get rid of it all is extraordinarily expensive.

**Reverend the Hon. FRED NILE:** So your final position would be not to use it for a school site.

**Mr PERRAU:** Yes. Even the council's own report, which was done in 2005, makes a recommendation not to use it as a primary school. It actually says that perhaps some of the owner uses of it are as a commercial development because in a commercial development you can put a concrete cap over the whole thing and there are ways of venting that under the cap. But I cannot cap it all like that: I have to provide some play space. It does not believe it should be used as a primary school.

**Mr DAVID SHOEBRIDGE:** You can put soil over concrete. It happens all the time. There was an occasion when I was on a local council and there was a contaminated site. Detailed contamination reports came in, and we capped the site and built a community garden on top of it. The idea that you cannot put soil on concrete and cannot have a playground because of a concrete cap is just nonsense.

**Mr PERRAU:** It has still got to be vented—that is the problem.

**Reverend the Hon. FRED NILE:** A community garden is different to having 500 primary schoolchildren running around on it.

**Mr PERRAU:** It is a bit different, yes. By any stretch of the imagination, it is just too much to ask a primary school to have to live with. That is just the way we feel: It is just too dangerous.

**Reverend the Hon. FRED NILE:** Is the City of Sydney council prepared to take responsibility for any of the costs of trying to decontaminate the site?

**Mr RIORDAN:** That is a matter for the City of Sydney council. We did have negotiations when we did not have a full appreciation of the contamination on the site, and the council was very cooperative in terms of identifying what it would take to remediate the site to an acceptable level, given the information we had at that time. Once we gained the full information around the level of contamination, in our view the costs and the solutions became prohibitive.

**Mr DAVID SHOEBRIDGE:** The council came to you with a variety of options for a more financially viable site. One of them was to hand over the whole of that very large site to the State Government so you could benefit from economic return for residential or commercial development on part of it and then use that return to make remediation of it more economic. Why did you not take the council up on that option?

**Mr PERRAU:** Honestly, I was in those negotiations for 12 to 15 months and that was not really a serious discussion. The community had already rejected outright any kind of mixed development. It was not keen on that. It was considered by the Inner City Schools Working Party, but it was not really considered to be a viable option.

**The CHAIR:** Reverend the Hon. Fred Nile, Mr Shoebridge's questions are in your time. Are you happy for him to continue with this line of questioning?

**Reverend the Hon. FRED NILE:** No, I am not.

**The CHAIR:** Over to you, Reverend the Hon. Fred Nile.

**Reverend the Hon. FRED NILE:** In your submission on page 1 you talk about expenditure to date for initial planning, design, et cetera, for the new school in the City of Sydney's Fig and Wattle streets site, the redevelopment of the existing Ultimo Public School and the temporary school on Wentworth Park. Is there any timetable for those projects and their completion, if you go ahead with them?

**Mr PERRAU:** We did not stop: We have effectively completed a full design competition, we have a design for the new site, we have planning approval for the pop-up school on Wentworth Park and we are ready

to go. We have briefed the community. We are effectively about to launch into doing contract documentation, which would then be tendered, and it would be on with delivering a new school, which we have always promised. We have always said we would build a new school—

**Reverend the Hon. FRED NILE:** When will the new school open?

**Mr McCABE:** Two years from when we start construction.

**Reverend the Hon. FRED NILE:** I am trying to get to the timetable.

**Mr PERRAU:** If we start construction in 2017, it would be sometime in 2019.

**Reverend the Hon. FRED NILE:** Are you confident you can maintain that timetable?

**Mr McCABE:** Yes.

**Mr PERRAU:** Yes, absolutely.

**The Hon. JOHN GRAHAM:** Following on from questions about remediation, I am sympathetic to the fact that remediation is going to be a significant issue at any of these sites. One of the issues that the community has put before the Committee is a view that the remediation standards that have been applied to the Fig and Wattle streets site are different standards to those that have been applied to remediation for the temporary site. I am interested in your view of the submission put to us by the community.

**Mr PERRAU:** Firstly, I will state the obvious: We are talking about different kinds of contamination. The contamination of Wentworth Park is contamination that probably exists all over that part of Sydney, which is effectively ash or fly ash that was used as fill in that area. The type of contamination is what we call bound, not loose. It is caught up in ash on that site. In two separate reports from two expert environmental advisors, advice is that that level of contamination is not significant to be a danger to a primary school, because people have been running around on Wentworth Park for about 100 years. We could have made the case that it has been a park for that long and put a primary school on there with kids playing there. But the department, as I previously indicated, sets a very high standard, so we tested it and—

**The Hon. JOHN GRAHAM:** That is really the question—not the specifics of the site but the standard the department is holding both sides to. I am asking whether you can assure the Committee that the same standard is being applied to the Fig and Wattle streets site as to the temporary site.

**Mr PERRAU:** Yes. We just have a very high standard.

**The Hon. JOHN GRAHAM:** I thank the department for the costings it has provided, which are crucial to the Committee's work. They include the current costings and costings for the Fig and Wattle streets site, but I do not believe we have seen costings for the rebuild. I can understand sensitivity around that from a commercial point of view but I am interested to know the department's view about an appropriate way to convey that, given that it forms one of the key questions before the Committee.

**Mr PERRAU:** We are very careful about commercial in confidence. All I can tell you is that the cost of a virtually new school on the current site, including the pop-up school, will be significantly less than the other option.

**The Hon. JOHN GRAHAM:** I accept that assurance, and I do not need this question answered in an open session, but in order to answer the question we have been asked by the House, we need to find a way to drill down more on those costings. I am very interested in the department's view on an appropriate way to do that, given the commercial-in-confidence restrictions.

**Mr RIORDAN:** We will take that on notice and see how we can work out something that gives the Committee enough information without undermining any future tendering process for building that school.

**The Hon. JOHN GRAHAM:** That would certainly be helpful. I take the view that we cannot report back to the House without that information. Lastly, on the costings, and then I might hand over, I noted in some of the material that this option was regarded as being more than three times as expensive as any other primary school that had been built. My specific question is what is the second most expensive school that has been built in that case?

**Mr PERRAU:** I might take that on notice. I have got the information; it is just that there are so many of them I will have to go back through it.

**The Hon. JOHN GRAHAM:** I can understand why you might want to take that on notice, but I think that will be helpful.

**The Hon. COURTNEY HOUSSOS:** Thank you very much for your time and thank you for coming in this morning and for your extremely detailed submissions that we have received. I want to ask you about the planning for the school and particularly the process that you come up with to determine how many places should be offered. We have seen in your submission that the original proposal on the Fig and Wattle site was 1,000 places, now it is 800. Is that due to the constraints of the site or is that because that is your planning—they are your projected enrolments for the particular school?

**Mr PERRAU:** It is a bit of both. The site itself does have some constraints and we do not want to overdevelop it. Eight hundred at that school, with the work that we intend to do in the cluster of schools in the inner city, will see us adequately cope with the enrolment demand up to about 2036.

**The Hon. COURTNEY HOUSSOS:** Is the planning for the figures purely an internal education process? That question might be better directed to Mr Riordan.

**Mr PERRAU:** What you are talking about is the demography?

**The Hon. COURTNEY HOUSSOS:** Yes.

**Mr PERRAU:** The demography—we work with the Department of Planning, we work with local governments, who forecast housing starts. We use the figures and the projections of the Government through the Department of Planning and working with the Department of Planning to come up with projections of enrolment. To give some confidence to the Committee: just recently our demographic processes have been reviewed by Treasury and Treasury had a third party review them; they have been reviewed by INSW and they were third-party reviewed by the Department of Planning as part of another process. Each review found them to be robust.

**The Hon. COURTNEY HOUSSOS:** I am interested in that point because we have received a submission from the City of Sydney, which talks about the exponential growth that is happening within the City of Sydney in terms of its population, and they are expecting 10,000. I appreciate we are going to talk about the Bays Precinct a little bit, and obviously that is a bit of a changing base, but it is crucial to, first of all, what the Committee is looking into and, obviously, particularly into the Ultimo Primary School projections because we expect that those students would go there. They submit that they are expecting 10,000 new residents across the Bays Precinct, but according to your projections you are expecting only 200 students out of those 10,000. You say you are working with local government. How are you having such disparity in your figures?

**Mr PERRAU:** I have not been privy to how those figures have been calculated from the council. All I can tell you is that you are right, that the Bays Precinct is an unknown for us at this stage. I am sure you would agree that they are still trying to, as far as we are aware—and we are working with UrbanGrowth on this—as of a couple of days ago they are still trying to work out the mix of that development. So there are no firm indications of exactly how many people are going to be in that development. Having said that, the point you raise is valid. Depending on how the Bays Precinct plays out, there could be a bigger demand than we currently expect. But I think it is important to assure the Committee that as part of that development process the Committee has education at the table, so we are there with them, and that they take it on board as critical infrastructure and we will be ensuring that, depending on what the outcome is, that there needs to be some consideration for schooling.

**The Hon. COURTNEY HOUSSOS:** Have you discussed at all the need for a site for a school within the Bays Precinct?

**Mr PERRAU:** The discussions have not progressed that far, no.

**The Hon. COURTNEY HOUSSOS:** The evidence that this Committee received during the budget estimates process, which Mr Riordan and, I think, Mr Dizdar were here for, was that the problem that we have in Green Square—another inner city area—is that there is no land that has been allocated within that particular space for a school, and that is obviously expensive for the department. Learning from that experience, has the department then said to UrbanGrowth, who you say you are working closely with, "Therefore, if we are going to put 10,000 new people in this space we should be setting aside some location for a school, given that it is not going to be able to be accommodated within our existing expectations"?

**Mr PERRAU:** In all the priority precincts that are currently on the table, we are at the table discussing how education will be catered.

**The Hon. COURTNEY HOUSSOS:** That is not really answering my question. I appreciate you are at the table. My question is: Has the department asked for land to be set aside for a school?

**Mr PERRAU:** We have asked for UrbanGrowth to consider in that development allowing for a school to be in there to cater for growth. The land has not been—

**The Hon. COURTNEY HOUSSOS:** I appreciate that is not your decision to make.

**Mr DAVID SHOEBRIDGE:** No land has been set aside for a school in a single priority precinct anywhere in the city, has it? You can ask, but every time UrbanGrowth says, "We want to maximise it all for Treasury".

**The CHAIR:** We will go across to Government. You can come back to it, Mr Shoebridge.

**The Hon. SARAH MITCHELL:** Thank you all for being here. It is nice to see some of you again. I just want to put on the record thanks for having us for the site visit a couple of weeks ago now. It was good for us as a committee to go and have a look at the existing site and also the Fig and Wattle, and particularly for me as a regional member—because your primary schools are a bit different in the inner city to what we have in Gunnedah—to get an understanding of it. I just have one question, and it is in relation to feedback from the parents and the school community. I know Mr Shoebridge asked about that in his initial question, and we obviously have submissions and we are hearing from some witnesses later from those groups, but I noticed throughout the submission that you put it to us that you talked a little bit about the project reference group and also that there was parent and community support particularly for the temporary relocation to Wentworth Park and the rebuild of the existing Ultimo. Did you want to add any comments around what your interaction has been with the school community and the feedback that you have had from parents?

**Mr PERRAU:** I would, and I might hand over to Dr Corish to answer that question.

**Dr CORISH:** We have a large number of ways that we do consultation. We have a project reference group [PRG] that has two P and C representatives on it and another parent rep on there. The PRG meets every month. On top of that, through McLachlan Lister—through the project managers—we have been organising workshops to talk to students, staff, parents and community members. So there has been a great deal of discussion, talking, getting feedback, asking people about particular things. In terms of consultation, we consult, we talk to people, but then it does come back to us to make a decision about what we believe, putting all those factors together, is the most appropriate way to go.

**The Hon. NATASHA MACLAREN-JONES:** I just want to learn a little bit more about venting for a contamination site and the difference between what would be done for a school versus a commercial site.

**Mr PERRAU:** There is no difference in the venting itself; it is just venting because if there is a build up of gases and you cap it you have got to vent them from under the buildings and the area. I suppose what you are asking me—it is just a higher standard we apply to schools, effectively. I am now commenting on developers, but developers may be happy to accept a lower standard but we are not, for kids.

**The Hon. NATASHA MACLAREN-JONES:** You said that you have got a high standard. Has that always been the case or is it something new that the department has set recently?

**Mr PERRAU:** No. Bear in mind that over the years analysis techniques and knowledge and how they do this kind of thing and the information they can get have improved, but if you go back through history, as far as I am aware—and I have been with the department for three years—the department has always taken a safety-first approach based on the information it had in front of it at the time, depending on when that was in the past.

**The CHAIR:** We will go back to the crossbench with a 10-minute allotment.

**Mr DAVID SHOEBRIDGE:** What is the standard that you apply?

**Mr PERRAU:** We apply the highest standard we can.

**Mr DAVID SHOEBRIDGE:** A standard is a standard. What is the standard?

**Mr PERRAU:** Based on the information in front of us we have to make a call on whether that is safe, and that is how we make the call.

**Mr DAVID SHOEBRIDGE:** Your advice was that it would not be safe to put children on a site that had been capped? Was that your advice?

**Mr PERRAU:** Yes. Our advice is that we do not think long term that is the best outcome for kids.

**Mr DAVID SHOEBRIDGE:** My question was: Did you get advice that it would not be safe to put children on a site that had been capped and sealed? Because option two I think was a cap and a seal—seal the perimeters and cap the top. Was your advice that that was not safe?



**Reverend the Hon. FRED NILE:** Is the problem that you had to have vents?

**Mr PERRAU:** I am saying we just do not think it is appropriate to have venting of noxious gases on a school site.

**Reverend the Hon. FRED NILE:** Odious gases?

**Mr DAVID SHOEBRIDGE:** It is a very large site, is it not? The whole site was not needed to be occupied for the school so venting could be well away from it. For example, if there was a contaminated site next to a school that could be capped and vented. You could not prevent that from happening next to a school. As it is a very big site, why did you not explore having the vent well away from the school?

**Mr PERRAU:** I do not think any level of venting around buildings is appropriate. Because it builds up under buildings I have got to vent it somewhere close to the building.

**Mr DAVID SHOEBRIDGE:** Put it over on the commercial side. It is a big site, half of which could be used for commercial purposes. Why did you not explore having the venting well away from the school on the commercial part of the site from which you will get a commercial yield?

**Mr PERRAU:** I suppose what I am saying is that we just do not think the venting of noxious gases on a school site is appropriate.

**Mr DAVID SHOEBRIDGE:** I think you are misunderstanding my question. It is a big site, half of which is for commercial use, so why not vent it on the commercial side away from the school and then it would not be on the school site?

**Mr PERRAU:** As I said to you, the use of the site for commercial purposes and a school just was not a particularly well received option for the community.

**Mr DAVID SHOEBRIDGE:** By whom?

**Mr PERRAU:** It was just not an option that was perceived to be pursuable.

**Mr DAVID SHOEBRIDGE:** Did you take it to the parents and citizens association? Did you say to the P and C, "It is a very big site. We could keep your kids in a good school, a solid school that is here now. We could divide the site into two—two-thirds or one-third with a commercial development on one side—and we will get some more money. Your kids will stay there. They will not be in a temporary relocation. We can sort out the contamination issues. What do you think about that?"

**Mr PERRAU:** Coming back to your point, if we halve the site as you are indicating—

**Mr DAVID SHOEBRIDGE:** Two-thirds, one-third, whatever.

**Mr PERRAU:** I can get the same result on the current site. I do not have to pay any money for the land, I would get the enrolment that I need and I do not have any contamination issues. I do not really know what you are saying.

**Mr DAVID SHOEBRIDGE:** And kids spend three years in a demountable school in the park.

**Mr PERRAU:** Yes, that is true; it is not ideal. I can say that Sydney is facing a once in a generation enrolment surge and, unfortunately for us, or fortunately for the city, it is happening in the built-up infill areas. People are wanting to live back in those areas so we are going to be faced with some disruption but I think the upside of that is that we are going to produce some pretty good schools on existing sites. Unfortunately to do that there will be a little bit of disruption but I think the investment that is going to come will make that all worthwhile.

**Mr DAVID SHOEBRIDGE:** Mr Riordan, I would want you to have enormous power in your negotiations with UrbanGrowth about what the size and scale of the base precinct will be so there are enough public education places, but to date that has not been the case, has it? You have asked for and requested that but not a single school site has been set aside in a priority precinct in your area.

**Mr RIORDAN:** The environment has changed in recent times. So the Greater Sydney Commission has now been established with pretty significant powers—

**Mr DAVID SHOEBRIDGE:** It has no powers over UrbanGrowth. I am asking about UrbanGrowth and priority precincts.

**Mr RIORDAN:** They have pretty significant powers in order to develop a liveable city. The department is represented on the commission. As Mr Perrau has indicated, we work very closely with UrbanGrowth. We have been successful in getting UrbanGrowth and government to accept that schools are

essential infrastructure when planning is being done. Now that was not always the case. I am now much more confident, if you had asked me the question two or three years ago, that when we sit at the table people have accepted that a school is part of essential infrastructure. When they are designing renewed urban environments to increase densities in our city we will be able to work with those government bodies in order to ensure there are spaces for local schools.

**Mr DAVID SHOEBRIDGE:** Mr Riordan, my simple question has not been answered. Has a single school site been set aside in any priority precinct or any parcel of land owned by UrbanGrowth to the best of your knowledge?

**Mr RIORDAN:** I do know at the moment that some of these things are in very early days.

**Mr DAVID SHOEBRIDGE:** Has a school site been set aside?

**Mr RIORDAN:** Yes, there has.

**Mr DAVID SHOEBRIDGE:** Where?

**Mr RIORDAN:** Wentworth Point.

**Mr DAVID SHOEBRIDGE:** Wentworth Point is going to help Ultimo.

**Mr RIORDAN:** It is one of the big development areas.

**Reverend the Hon. FRED NILE:** As we know 320 students currently attending Ultimo Public School will be relocated to temporary accommodation at Wentworth Park. What will be that temporary accommodation?

**Mr PERRAU:** It will be what we would call a pop-up school, which is a demountable. The quality of the demountable that we produce nowadays is very different to the quality of the demountable that you may have seen in photographs. These are excellent teaching spaces, brand new, fitted out and air-conditioned. If you talk to teachers they will tell you they often prefer to be in these kinds of spaces because they are more comfortable. The quality of the school that we will produce there will be high.

**Reverend the Hon. FRED NILE:** Is it mainly steel construction?

**Mr PERRAU:** Yes, it is steel and lightweight constructions.

**Mr DAVID SHOEBRIDGE:** Australian steel?

**Reverend the Hon. FRED NILE:** Is it made of Australian steel?

**Mr PERRAU:** I do not know. Do they stamp that on it?

**Mr DAVID SHOEBRIDGE:** They do. You can tell because you would buy it from Australian workers.

**Mr PERRAU:** I will check.

**Reverend the Hon. FRED NILE:** Will you take that question on notice?

**Mr PERRAU:** Yes.

**Reverend the Hon. FRED NILE:** Earlier you were reluctant to provide the total cost of the Ultimo Public School redevelopment as it is commercial-in-confidence. Normally there is a budget estimate in round figures. What would that estimate be?

**Mr PERRAU:** I would prefer to provide that information on notice if I could. I am happy to work with my deputy secretary to establish how we could provide that information. I do not want to talk about it publicly, if that is okay.

**Reverend the Hon. FRED NILE:** Will you provide that to the Committee?

**Mr PERRAU:** Yes, we will work out a way to provide that information.

**Reverend the Hon. FRED NILE:** I refer to the timetable. The project is currently in the design phase and is anticipated to be completed by mid-2019. Do you believe you can maintain that date? Is it a realistic date in view of the hurdles you are facing?

**Mr PERRAU:** Yes. I was thinking of one of the wettest winters we have ever had, or things like that—things that I cannot predict. But providing I do not get any force majeure, as I might call them, and we are not held up too long, I am happy to say that we are confident we can deliver the school by that time, yes.

**Reverend the Hon. FRED NILE:** In your submission you made reference to a number of Sydney city schools in addition to government public schools—the International Grammar School and St Andrew's Cathedral School—that also use Wentworth Park for outdoor space. Is that creating any pressure with the number of public school students versus private school students?

**Mr PERRAU:** I might defer to my colleagues.

**Mr DIZDAR:** That just becomes a timetabling or logistics exercise in liaising with our cross-sector partners. We do that in multiplicity of sites where we use public land for play and recreational activities. So we do not see that as an unachievable hurdle. It will mean negotiating what recesses and lunches, and sport times the timetable can look like for Ultimo Public School vis-à-vis the other sites.

**Reverend the Hon. FRED NILE:** Would Ultimo Public School have priority for the most convenient normal lunch time or will the private schools have the best lunch time?

**Mr DIZDAR:** We would be working on the premise that all children, regardless of what sector, have access to meet their curriculum requirements, because there are certain curriculum requirements around sport. There are also curriculum requirements around recess and lunch breaks. It is already in play, because Ultimo public already uses the site, so it is not something that we would be starting from scratch.

**Reverend the Hon. FRED NILE:** Would that timetable arrangement be left to the Ultimo Public School principal to negotiate or does the department do that at a higher level?

**Mr DIZDAR:** We support our principal if and where required in those negotiations. As I understand it in the current state of play with the site it is simply being worked through at principal level between the school sectors.

**Reverend the Hon. FRED NILE:** So if the Ultimo school principal was not happy, they could then ask for your intervention or support?

**Mr DIZDAR:** They certainly could, as could the other sectors if that was the case too. But it has not been the case, as I understand, in current sharing of the play space.

**Reverend the Hon. FRED NILE:** Thank you.

**The Hon. COURTNEY HOUSSOS:** On that point, the submission says that it currently uses Wentworth Park. As the Hon. Sarah Mitchell outlined we went and saw the little pedestrian bridge. Are you anticipating that after the redevelopment the Wentworth Park space will still need to be utilised for lunchtimes or sport activities?

**Dr CORISH:** Yes.

**Mr DIZDAR:** I might just hand across to my colleague, Dr Sylvia Corish, who is on the project reference group [PRG] and has had some of those detailed discussions.

**Dr CORISH:** The school currently uses Wentworth Park as an alternative play area. My understanding is they go across there during lunchtime. When the new development is built they will still need to do that and to have a nice bed of grass to run around in. There will still be opportunities for the children to use the park. As has been said, we do it in a number of other places. A number of other schools use public play areas as well. It gives the children an additional area of big trees and play equipment to use that they would not necessarily have on their site. So, yes, they will continue to use it.

**The Hon. COURTNEY HOUSSOS:** When you were looking at the Fig and Wattle site, did you factor that into your consideration? Was there enough space on the Fig and Wattle site to allow that open space to occur within the same precinct?

**Dr CORISH:** We had started doing some very preliminary designs with the Government Architect's Office for Wattle, Jones and Fig. While there would be play space there, in discussions with the principal we thought it would still be good to be able to go across the road and use the park for other activities and at other times, so it was an advantage that we were still near the park. For schools, we have a look at other facilities that are close by so we would have still wanted to use the park on those occasions as well.

**The Hon. COURTNEY HOUSSOS:** When you say "on those occasions", do you mean lunchtime or other times?

**Dr CORISH:** For Wattle, Jones and Fig, yes. Again, we have only had preliminary discussions but we talked about whether we could have another footbridge, whether we could move the footbridge that is currently at Ultimo—not actually move it but get rid of the Ultimo one and have another footbridge coming across so that

it would be more convenient to get across to the park from the Wattle, Jones and Fig site. But those were the very preliminary discussions. There is already a light rail bridge there so we had thought about whether it would be possible to negotiate another access point for the school.

**The Hon. COURTNEY HOUSSOS:** Mr Perrau, perhaps you might be best to talk to about this: the difference between an 800 capacity school versus a 1,000 capacity school. Obviously it is significant because the promise of a 1,000 capacity school was made prior to an election and the admission that it would be 800 was made after the election. I realise that is perhaps not quite so crucial for public servants but it is definitely important for elected representatives. You said that it is a combination of enrolment and the site capacity. Can you explain that a little more for me?

**Mr PERRAU:** As to why there is only 800 on the site?

**The Hon. COURTNEY HOUSSOS:** That is right—or how the decision was made to go from 1,000 to 800.

**Mr PERRAU:** Yes. As I mentioned earlier, the department looks at the group of schools in the inner city area and how that group of schools as, if you like, assets that we have can meet the enrolment demand. With a different approach, which is an approach that we have been putting for some time now, we intend to do more work in some of these other schools to better distribute that enrolment demand. To line those things up for you, because of its size, the site does have some constraints. When you line that up with what we are going to do in other areas of the City of Sydney, 800 is going to be okay.

**The Hon. COURTNEY HOUSSOS:** Sorry, but that does not really answer my question. I am looking for a scientific approach. Surely it is as simple as looking at birth rates plus demography and saying, "We are therefore going to need this many places across the inner city."

**Mr PERRAU:** Yes. So we have done that across the whole of the inner city using all seven schools. We have done that to a great degree of detail so we know what the demand will be and we now know how we can deal with that demand. And 800 at Ultimo is a key component of that, but 800 will be fine.

**Mr DAVID SHOEBRIDGE:** But there is the random element of the Bays Precinct.

**Mr PERRAU:** There is the random element of the Bays Precinct which you continually remind me of, but you are right.

**The Hon. COURTNEY HOUSSOS:** There seem to be severe discrepancies between the figures we are receiving from the local government and what we are receiving from you. I should correct my earlier point—there will be only 115 students, apparently, coming from 10,000 people to a government school as opposed to the expectation that it will be much more than that from the local government level.

**Mr PERRAU:** All I can say is that because I have had them reviewed many times I am quite comfortable with our projections at the moment.

**The Hon. COURTNEY HOUSSOS:** Are you saying the expansion of Fort Street is therefore going to accommodate the 200 students that would have been accommodated at Ultimo?

**Mr PERRAU:** As you know, it was announced that we will do significant work at Fort Street to significantly increase the capacity of that school. That design work has commenced. As I keep coming back to, if you look at that group of schools—which I think we have to do in Sydney—and what we can do across that group of schools, I think the outcome will be better, more sustainable and will meet the demand to 2036.

**The Hon. COURTNEY HOUSSOS:** In light of that, are you looking at redrawing enrolment boundaries or catchment areas?

**Mr PERRAU:** I might just hand to one of my colleagues, Mr Dizdar or Dr Corish, to answer that.

**Mr DIZDAR:** What I would indicate to the Committee is that we constantly look at our public education provision in a group of schools. It is quite common for us, particularly in built up areas, to make boundary adjustments. I indicate to the Committee that we do that in full consultation with all of the school communities—not just one—where those boundary adjustments may impact. It is a constant in our line of work whereby we would look at making modifications and changes. There have been cases in which we have brought boundaries in and restricted the intake area for a particular school and then gone back and expanded what that looks like. So we work with our assets, our personnel and our demographers to constantly analyse the data. We work with our principal who has the site information and make boundary adjustments where necessary.

**The Hon. COURTNEY HOUSSOS:** I appreciate that that explains the general circumstance but what we are looking at is the enrolment capacity in inner city primary schools. We have heard already from evidence

this morning that it is a once in a generation explosion but that you are very confident across those schools that you are going to be able to accommodate that. So is there provision for a once-off redrawing of the boundaries or is it simply that it is going to follow the normal process?

**Mr DIZDAR:** Naturally when we are looking at the projects—Ultimo up to 800, which is more than a doubling of the current population; and Fort Street somewhere between 600 and 650, potentially, which is more than a doubling—you would look at the boundary adjustments that you might make around the surrounding schools. So I would say to the Committee that we would certainly take that on board and we would be looking at that as the projects evolve and develop.

**The Hon. JOHN GRAHAM:** I thank the department for its submissions and ask a couple of questions about the specifics. I was particularly interested in the Douglas Partners remediation action plan for the Fig and Wattle Street site and the peer review. I was not clear about when the peer review was received. Is that something you are able to tell us?

**Mr PERRAU:** As I understand it the peer review was early 2015, from memory.

**The Hon. JOHN GRAHAM:** Could we get the date that that was received, as that would be helpful?

**Mr PERRAU:** I will take that on notice.

**The Hon. JOHN GRAHAM:** How was the process for the peer review initiated?

**Mr PERRAU:** It was initiated by the department because, as we moved closer to considering to purchase, we thought it was wise to go back and have another look at the data and get it double-checked.

**The Hon. JOHN GRAHAM:** When the department initiated that process, was there discussion with the Minister or the Minister's office?

**Mr PERRAU:** It may have been in a briefing. Can I take that on notice?

**The Hon. JOHN GRAHAM:** Yes. Was the Minister aware of these two documents at the time?

**Mr PERRAU:** The third party reviewers—

**The Hon. JOHN GRAHAM:** That is, the Douglas Partners' remediation action plan and the peer review?

**Mr PERRAU:** Once again I would have to go back and check what we attached to the briefing, sorry.

**The Hon. JOHN GRAHAM:** If you could take that on notice it would be helpful?

**Mr PERRAU:** Yes. It was a while ago now.

**The Hon. JOHN GRAHAM:** I now turn to the briefing note that relates to the key decision to move away from the agreement that had been reached with the City. The agency signed it off on 24 May 2015. We do not have a record of it but I take it that the Minister signed on that day as well?

**Mr PERRAU:** Once again I believe so but I will take that on notice.

**The Hon. JOHN GRAHAM:** I was particularly interested in the delay between 24 May and 12 June when the City of Sydney has put to us they first heard about this. What was the reason for that delay?

**Mr PERRAU:** Once again I do not have a strong recollection of that time, I am sorry. In the way that things have moved it seems reasonably quick to me, but I would have to go back and look at why. I am sorry I cannot answer that question for you.

**The Hon. JOHN GRAHAM:** When you do go back and look at why, I am particularly interested in the direction from the Minister's office that this was to be dealt with sooner rather than later. That really makes more acute the question of where the delay came from, if that was the direction from the Minister's office?

**Mr PERRAU:** Once again I would have to go back and relook at that period of time and see whether there is a way I can answer that question for you.

**The Hon. JOHN GRAHAM:** I appreciate the offer to reply in detail on notice on those questions.

**Mr PERRAU:** Yes.

**The Hon. SARAH MITCHELL:** Mr Riordan, when the Hon. Courtney Houssos was asking questions earlier about the catchment and boundaries you looked as though you wanted to add something but ran out of time. I thought I would give you the opportunity to add something if you wanted to.

**Mr RIORDAN:** Thank you for the opportunity. I was up in Gunnedah a couple of months ago.

**The Hon. SARAH MITCHELL:** Excellent. I am pleased I asked the question.

**Mr RIORDAN:** I called into Gunnedah Public School and I went down to Curlewis Public School as well for a ceremony. They are both very nice schools but they are facing very different challenges to those we are facing in the inner city areas. I was just going to say that when we redo the capacity of a school to increase it, we do, of course, look at the boundaries at that point in time. I think what the member was trying to get at was: "When you have done this work, will you redraw the boundaries?" I think what Mr Dizdar was trying to convey was that we will do that but that does not mean that they will be looked in forever because things change. If the Department of Planning and local governments change what development can occur in a particular place—for example, from commercial to residential—then we need to go back and look at those boundaries to make sure that they are still appropriate for the particular schools serving those local communities.

**The Hon. SARAH MITCHELL:** I also want to ask about the process of the pop-up or temporary school. In the introductory remarks of your submission you talk about how the department uses a range of strategies. The process of having a pop-up/temporary school is something that the department has obviously done before. We have talked about the children being in that position for a couple of years. What have been the educational outcomes for the children in other experiences where the department has used a temporary school? Has there been a noticeable difference when they have been in that environment?

**Mr PERRAU:** Thank you for the question. We have done it in the past and there is a recent example, if I could?

**The Hon. SARAH MITCHELL:** Yes.

**Mr PERRAU:** While we redeveloped Walgett Community College we had to put the kids into a temporary school, just at the rear of the site. I can take it on notice if you like but my view is, and the information given to me was, that that virtually changed a lot of things for that school. The quality of the demountable we put in for a pop-up school is pretty good. If I showed you the school it looks like just a normal school.

**The Hon. SARAH MITCHELL:** The Hon. Natasha Maclaren-Jones and I have been to the school.

**Mr PERRAU:** They had air-conditioned classrooms for the first time, everything was new and fitted out. They had future-focused—if I could put it that way—furniture. They were able to do a lot. My advice is that that school allowed them to recalibrate those kids. The kids loved the school—they probably love the new school better—but it was particularly successful. I do know that the outcome for kids in that case—and as you know some of these kids are fairly troubled kids—was very positive. I am not for a minute suggesting that every time we do this you get some major educational advancement, but the quality of this stuff now is not your usual imagine of a demountable. If you can picture it, the technology has come a long way to produce pretty good stuff.

**The Hon. SARAH MITCHELL:** Is there a way for the Committee to get a visual understanding—whether by photographs or something put on notice—as to what a current demountable looks like and what the proposed demountables for the Wentworth Park site will look like? That would give the Committee a better idea of what you are talking about?

**Mr PERRAU:** Yes, I am happy to take that on notice and provide that for the Committee.

**Reverend the Hon. FRED NILE:** Why do you use the term "pop-up school" rather than "demountable"? It sounds like a cardboard school to me.

**Mr DAVID SHOEBRIDGE:** "Demountable" has a huge amount of baggage.

**Mr PERRAU:** It does, but we are trying to stay modern and we are trying to use the modern lexicon. It is kind of a cool thing for kids at the moment—there are pop-up restaurants, pop-up shops. There is pop-up everything at the moment so a pop-up school in the way I have seen the drawings is going to look pretty cool. So it is just a way of making it a little bit more interesting for everybody; that is about it.

**Dr CORISH:** Can I make a comment as well?

**The CHAIR:** Yes.

**Dr CORISH:** It is also to give a very clear message that it is not there forever—it is a pop-up. So we are using it while we need it to for Ultimo Public School and then it will go. I think there was discussion that sometimes people were concerned that when you put a demountable school somewhere that is a lot of expense so aren't we going to leave it there forever?

**Reverend the Hon. FRED NILE:** Sometimes they are there forever?

**Dr CORISH:** Sometimes they are.

**Mr DAVID SHOEBRIDGE:** The Transient Building at the University of Sydney.

**Dr CORISH:** Yes. We thought by calling it pop-up was sending a very clear message: It is here for purpose like a pop-up restaurant, pop-up car yard or whatever, and it will be moved once we have our new facility.

**The Hon. NATASHA MACLAREN-JONES:** What happens to it once it is no longer needed?

**The CHAIR:** It pops up somewhere else.

**The Hon. NATASHA MACLAREN-JONES:** Do you effectively recycle?

**Mr PERRAU:** As I have said, for Sydney this is a reality. We will be doing this quite a bit to make sure that we can redevelop some of these schools and bring them into the twenty-first century.

**The CHAIR:** I need to declare an interest: I am the product of a pop-up school. I went to one at Shalvey High. We were at Mount Druitt High—it is no longer called Mount Druitt High, I think it is called Chifley now—and quite some years ago Shalvey High was a pop-up school at Mount Druitt High.

**The Hon. NATASHA MACLAREN-JONES:** No air conditioning.

**The CHAIR:** No, we had windows—we were lucky—and it was not too bad.

**Mr DAVID SHOEBRIDGE:** There is a note of warning for the people of New South Wales, if ever I heard one. Look at the outcome? The 15 May 2015 letter from McLachlan Lister talked about there being a comfort zone or a sensitivity that said remediation works between \$9 million to \$25 million were part of the business case, is that correct?

**Mr PERRAU:** The very original business case back in 2013 I think, yes.

**Mr DAVID SHOEBRIDGE:** Then McLachlan Lister that did the remediation, and you relied upon that, recommended option two: the three metre removal and clean fill.

**Mr PERRAU:** Yes.

**Mr DAVID SHOEBRIDGE:** They say, "This solution is recommended on the basis that it achieves the best balance of cost of treatment and likelihood of acceptance by EPA and the community given the intended use of the site." They say further, "We have estimated the cost of this solution at \$30 million." Did we really make this entire decision on \$5 million?

**Mr PERRAU:** Five million dollars?

**Mr DAVID SHOEBRIDGE:** They said, "The business case said \$9 million to \$25 million is good, sensitivity tests shows at the upper end the overall cost-benefit assessment remains positive."

**Mr PERRAU:** Yes.

**Mr DAVID SHOEBRIDGE:** They come in and say their recommended remediation has an estimated cost of \$30 million, so you are \$5 million outside the sensitivity. Has this all been made over \$5 million?

**Mr PERRAU:** It was made because we wanted to remove the contaminants completely.

**Mr DAVID SHOEBRIDGE:** But that is not what they recommended.

**Mr PERRAU:** They made a recommendation that, as I said to you, would require venting.

**Mr DAVID SHOEBRIDGE:** You rejected your own expert's recommendation to scuttle the project.

**The CHAIR:** There is time for a quick question from the Opposition.

**The Hon. COURTNEY HOUSSOS:** I have two quick final questions. The Committee has received a submission from the City of Sydney saying that an independent study completed by SGS Economics and Planning says that, even with the expansion of Alexandria Park, at least one new primary school will still need to be provided in Green Square by 2031. I appreciate that you have only a brief time to answer.

**Mr PERRAU:** The department is working very closely with the council at the moment, looking at options for Green Square.

**The Hon. COURTNEY HOUSSOS:** Okay. When do you anticipate that the redevelopment will go to tender?

**Mr PERRAU:** It will probably be—

**Mr McCABE:** It will be next year, I imagine.

**Mr PERRAU:** It will probably go to tender towards the end of next year.

**Mr RIORDAN:** We will take that on notice and provide you with a more definitive time line.

**The Hon. COURTNEY HOUSSOS:** That would be great. Thanks.

**The CHAIR:** Thank you for attending this morning. The Committee has resolved that answers to questions taken on notice should be returned within 21 days. The secretariat will be in contact with you about the questions you have taken on notice, as well as the commercial-in-confidence matters that were raised and the ways in which you will seek to provide that information.

**Mr DAVID SHOEBRIDGE:** I have one question on notice. What are the lessons to be learned here for the engagement between a local government authority—in this case, the City of Sydney—and the Department of Education to get the best outcome from public land? If you could give me a short summary now or on notice, I would really appreciate it.

**The CHAIR:** If you could provide that on notice it would be great.

**The Hon. JOHN GRAHAM:** It would certainly be helpful.

**Mr PERRAU:** Yes.

**The CHAIR:** Thank you very much to all of you.

**Mr RIORDAN:** Thank you, Chair, and thank you to the Committee.

**(The witnesses withdrew)**



**MARY CASEY**, Project consultant, McLachlan Lister, affirmed and examined

**The CHAIR:** Welcome. Do you have anything to add about the capacity in which you appear?

**Ms CASEY:** I am the director for project delivery, social infrastructure projects, with McLachlan Lister, a Hill International company.

**The CHAIR:** Ms Casey, would you like to make a brief opening statement?

**Ms CASEY:** I would, thank you. It is very short. I am a project manager with an architectural background. I am employed by McLachlan Lister, Hill International. We are a professional project advisory company engaged by the Department of Education to provide project management and stakeholder engagement services for the Ultimo Public School project. I am currently leading the team that is running the project. I am happy to be here today to answer the Committee's questions.

**The CHAIR:** Good. We will start with questions from the crossbench for a period of 10 minutes.

**Reverend the Hon. FRED NILE:** You mentioned the Ultimo project specifically. Is your company handling any other projects for the department?

**Ms CASEY:** No.

**Reverend the Hon. FRED NILE:** Is it unusual to have only one project?

**Ms CASEY:** Our company has many other projects, but the only project that we are currently working on for the Department of Education is the Ultimo Public School.

**Reverend the Hon. FRED NILE:** Did the department seek your advice?

**Ms CASEY:** Yes. We were engaged for this project through a competitive tender process. The Government put out a request for tender and we responded, as did many other project management firms. We secured the project.

**Reverend the Hon. FRED NILE:** We have a copy of your letter to the department about the remediation options. Do you believe remediation is a serious option that the department could have taken or is the contamination so serious that the site could never be used for a school?

**Ms CASEY:** It is important to say that that letter was preliminary advice. I have a copy of the letter to hand.

**Reverend the Hon. FRED NILE:** I could not see the date on it.

**Mr DAVID SHOEBRIDGE:** It is 15 May.

**Ms CASEY:** Yes, 15 May. We had been working to obtain additional data about contamination on the site and had been unable to do so. Because we wanted to provide the department with our best recommendation, based on the information to hand, we held a workshop with the Government Architect's Office; Douglas Partners, which was the environmental consultant; Environ, which was our site auditor; CETEC, which was our peer reviewer; and Mitchell Brandtman, our quantity surveyor. We had everyone in the room to try to work with the data that we had and come up with options. One of the options we looked at was council's proposed option, but that was dismissed early in the discussion as not being appropriate for a school, as stated in the site auditor's report, the Sinclair Knight Merz [SKM] report. It was Dr Ian Swane's estimation that that capping solution would work for a residential or commercial site, as has been discussed already this morning. We were looking at what else would be possible. The attachment to this letter, which members have a copy of, showed that there were three options. They were not equivalent in terms of risk. The two capping solutions, as we discussed, had venting and ongoing maintenance requirements and the only option that removed that requirement was complete remediation. This letter was basically saying that the preliminary consensus, based on the information we had, was that the \$30 million solution might work, but it was subject to verification once access to the site was provided and a more robust geotechnical and contaminant survey performed.

**Reverend the Hon. FRED NILE:** One of the matters that concerns me, as I suffer from asthma, is that a percentage of children suffer from respiratory problems that could make it a no-go to have venting with some gas coming off the site that could cause children to go into a respiratory attack. You think the risks outweigh the use of venting on the site?

**Ms CASEY:** It is not my area of expertise. We were relying on the advice of Douglas Partners, CETEC and Environ in preparing this letter. I understand Douglas Partners are coming later today. I think it is best to refer those questions to them.

**Mr DAVID SHOEBRIDGE:** It was your job as project manager to pull together the strands of expert advice.

**Ms CASEY:** Yes.

**Mr DAVID SHOEBRIDGE:** You were not ambiguous in your advice. You said, "This solution is recommended on the basis it achieves the best balance of costs of treatment and likelihood of acceptance by the Environment Protection Authority [EPA] and community ". It was referred to as "option two"?"

**Ms CASEY:** Yes.

**Mr DAVID SHOEBRIDGE:** The three metre clean fill and the compacting of the clean fill.

**Ms CASEY:** Yes, but in the paragraph prior to that—

**Reverend the Hon. FRED NILE:** And the venting.

**Ms CASEY:** It was described in that solution that venting was a requirement. We were not aware at that time, we did not have enough information to say definitively what could work. We said in that last paragraph in the letter that it is based on historic site investigation data and we needed to verify it. The reason for the letter at the time we sent it is because we could see the trending of the costs. The business case had called for a cost range between \$9 million and \$25 million and we were concerned that the solutions that our team were looking at that seemed to be viable were going to be in excess of that number. As the project manager I felt it was incumbent upon me to inform the department as soon as possible that was the direction the numbers were taking.

**Mr DAVID SHOEBRIDGE:** This school project has a budget in the order of what kind of figures are we playing around with as the overall cost? What is the envelope? I am not asking you to put the tender price out.

**Ms CASEY:** I am aware of Mr Perrau's comments earlier that he wanted to take that on notice.

**Mr DAVID SHOEBRIDGE:** Five million dollars is not a make or break figure for this kind of key development. You clearly said that remediation costs of up to \$25 million will still, on a sensitivity test, remain positive in terms of the business case. Your advice here was that your preferred option is \$30 million, we are still in the ball park, are we not?

**Ms CASEY:** As I said, that was our best advice with the information to hand. If we had a more robust analysis we would have had more confidence in giving a definitive recommendation.

**Mr DAVID SHOEBRIDGE:** You knew it was a highly contaminated site. I can read down the list of contaminants you have on page 5 of your substantive report. You were not under any illusions that it was anything other than a highly contaminated site?

**Ms CASEY:** That is correct.

**Mr DAVID SHOEBRIDGE:** That basic information remains the same. The list of contaminants on page 5 of your report are the contaminants you are aware of on the site?

**Ms CASEY:** Yes.

**Mr DAVID SHOEBRIDGE:** If your best advice, bringing all the experts together, was that option two was the best solution in the middle of May what changed?

**Ms CASEY:** In the timeline of my report of 23 June we made that recommendation and then we were asked three days later to hold on any further work while the department considered the remediation options.

**Mr DAVID SHOEBRIDGE:** What changed? Sitting here now is that still your view, that option two is the best solution? You are guided by your experts.

**Ms CASEY:** Yes.

**Mr DAVID SHOEBRIDGE:** And that is what your experts tell you?

**Ms CASEY:** Yes.

**Mr DAVID SHOEBRIDGE:** What has changed?

**Ms CASEY:** The circumstances of the site are still the same, that is correct. The department needed to consider our recommendation and they had other criteria that were of a priority.

**Mr DAVID SHOEBRIDGE:** Somehow or other, having engaged you as a project consultant, you engaged the best qualified remediation experts you could find, the Government rejected your recommendation? On what basis did they reject your recommendation?

**Ms CASEY:** You have heard their evidence prior to mine, it was their decision. We made our recommendation but ultimately it is still their decision.

**Mr DAVID SHOEBRIDGE:** They would have to explain it to you. I want to hear what they said to you about why they rejected your considered opinion based upon the best expert evidence?

**Ms CASEY:** My recollection is that we discussed that the costs of purchase of the site and cost of the contamination were significant. I would agree. If we redeveloped the Quarry Street site the project would not be burdened with those costs. We would have to look for an alternative site for a temporary school but on balance that would be a more commercially viable solution.

**Mr DAVID SHOEBRIDGE:** What you are telling me is that it ultimately came down to the money at that point? That is what you said.

**Ms CASEY:** There was the factor of the safety of the children. As the project manager I am more focused on making sure that we get a commercial outcome but the department is more focused on the safety of children.

**Mr DAVID SHOEBRIDGE:** What you told me in your first answer was that it was about the cost.

**Ms CASEY:** It was partially about that.

**Mr DAVID SHOEBRIDGE:** Was it about the cost or the safety? Do you want to change your evidence?

**The Hon. SARAH MITCHELL:** Point of order: I do not think this is particularly fair on the witness, in terms of the questioning. The witness has answered. She does not work for the department and has made clear her view on what happened. We just had the department give evidence. It is a bit unfair to pressure the witness.

**Mr DAVID SHOEBRIDGE:** I am trying to get an answer and clarify it. The earlier answer was that it was all about cost.

**The Hon. SARAH MITCHELL:** You are putting words in her mouth.

**Mr DAVID SHOEBRIDGE:** I have given her an opportunity to answer. Ms Casey?

**Ms CASEY:** I have answered, it was a combination of factors.

**Mr DAVID SHOEBRIDGE:** Did they bring any expert evidence to the table to disprove the very considered expert position that you put as the project manager? Did they bring any expert evidence to the table?

**Ms CASEY:** Not that I recall. As I said their considerations also involve the safety and security of the children and I would defer to their expertise in making decisions on that matter.

**Reverend the Hon. FRED NILE:** Which is a priority for the education department?

**Ms CASEY:** And should be, yes.

**The Hon. JOHN GRAHAM:** I want to return to the issues on remediation. The community view is that the remediation standards were being applied differently at the pop-up school as applied to the site?

**Ms CASEY:** Yes.

**The Hon. JOHN GRAHAM:** You heard the department's reassurance that the same standard was applied to both sites?

**Ms CASEY:** Yes.

**The Hon. JOHN GRAHAM:** Are you happy to give that assurance in your professional view that the same standards are being applied to the remediation issues at both sites?

**Ms CASEY:** Yes, I am happy to give that assurance.

**The Hon. JOHN GRAHAM:** Given the evidence from the department, what is that standard? I am clear that there are Environment Protection Authority standards for remediation, the department's evidence is

that they are applying a higher standard for school students. I understand why they do that? What is that standard?

**Ms CASEY:** This is not my area of expertise. I do not want to quote a standard and get it wrong. We have reports that we have made publicly available on the consultation website for the school for the remediation assessment at Wentworth Park and for Fig and Wattle and as part of the assessment for the Wentworth Park site we had a human health risk assessment prepared. I do remember a presentation given by that expert to our project reference group and she referenced a residential standard, I believe, that was modified and made more conservative for an education setting. I refer you to the En Risk report.

**The Hon. JOHN GRAHAM:** You are confident that that has been applied in both these instances?

**Ms CASEY:** Yes.

**The Hon. JOHN GRAHAM:** That does form an objective standard for assessing these risks in your view?

**Ms CASEY:** It would do. Douglas Partners are coming this afternoon, so if I am incorrect in the particular standard that is being used they will be able to clarify that.

**The Hon. COURTNEY HOUSSOS:** My question starts with your company's background. You said you do not currently have any other projects with the Department of Education. Have you previously had projects with the Department of Education?

**Ms CASEY:** No, we have not.

**The Hon. COURTNEY HOUSSOS:** So it was through a competitive tender process. What are the usual projects that you would work on?

**Ms CASEY:** We work on a number of projects for State Government. We have experience in transport projects, commercial, residential, aged care and affordable housing projects, and we have done quite a bit of tertiary education work. I think it was on the basis of our experience overall.

**Mr DAVID SHOEBRIDGE:** You build stuff.

**Ms CASEY:** We do stuff, yes.

**Reverend the Hon. FRED NILE:** Does that include contaminated sites?

**Ms CASEY:** It has done in the past, yes.

**The Hon. COURTNEY HOUSSOS:** For tertiary education or across other areas?

**Ms CASEY:** In my personal experience, I worked on an aged care site that was contaminated.

**The Hon. COURTNEY HOUSSOS:** Do you have certain standards that you would apply? We have heard that you modified the residential standards to be more conservative for a school site. Are they similar for an aged care facility?

**Ms CASEY:** Let me be very clear: The people who have determined the standards to use for these sites are the environmental experts we have engaged to provide us advice. EnRisk is the company I was referring to earlier. My professional education and background is in architecture and project management, so I do not provide advice on environmental assessment or any of that. It is not my field of expertise.

**The Hon. COURTNEY HOUSSOS:** Your role is not to provide advice on the environment or on the remediation, yet your report recommends remediation as the way forward.

**Ms CASEY:** The letter says that it was the preliminary consensus of the environmental expertise that we had engaged that that option was potentially viable.

**The Hon. COURTNEY HOUSSOS:** So you just pass along the advice that you receive from the environmental expert; you do not form a view about it yourself to provide advice to Government.

**Mr DAVID SHOEBRIDGE:** You brought everyone together.

**Ms CASEY:** Yes, we consider we get the advice of everyone and then we provide the recommendation of the group, but it is based on the team that we put together to provide the advice in its particular areas of expertise.

**The Hon. COURTNEY HOUSSOS:** How do you put together the team of experts?

**Ms CASEY:** That team, again, was competitively tendered. The Government Architect's Office engaged the environmental consultants in that instance. That is the contractual structure.

**The Hon. COURTNEY HOUSSOS:** So the Government Architect's Office engages you and then separately engages—

**Ms CASEY:** No. We are separately engaged by the Department of Education. The Department of Education engages a head design consultant which, at the beginning of this project, was the Government Architect's Office, and the Government Architect's Office engages and manages the consultant team on behalf of the Department of Education. We manage the head design consultant, the builder and the quantity surveyor.

**Mr DAVID SHOEBRIDGE:** Is that clear, the Hon. Courtney Houssos?

**The Hon. SARAH MITCHELL:** Crystal!

**The Hon. COURTNEY HOUSSOS:** I think it is as clear as it is going to be. You said you specifically have responsibility for stakeholder engagement.

**Ms CASEY:** Yes.

**The Hon. COURTNEY HOUSSOS:** How do you manage that?

**Ms CASEY:** We prepared at the start of the project a consultation and communication plan, and that outlined a number of methods we would use to engage with the community and understand the views of the community. As Dr Corish mentioned in her testimony earlier, we have provided a consultation website specific to this project and about the redevelopment of this site so that there is an easy source of information that can be accessed at all times. We have done a number of information booths at publicly accessible places—community centres, Broadway shopping mall. We do those at weekends and once a month. We also have held workshops at various times, and we do that with specific user groups so that the concerns of those particular groups can be examined in detail. We talk to students, staff, parents and community groups. We have also done a couple of projects involving the students. We gather all that information together into consultation reports, and that information is provided to the design team so it is aware of the user groups' input.

**The Hon. COURTNEY HOUSSOS:** Do you weight the expectations of the broader community at the same level as the existing parents?

**Ms CASEY:** Yes. We have held the same number of workshops with community groups as we have with the parents and the staff of the school. We do a series every time.

**The Hon. COURTNEY HOUSSOS:** How many of those have you held?

**Ms CASEY:** We have had 23 project reference group meetings to date. We have had four parent workshops, five teacher workshops, six community group workshops, one student presentation, two student projects and three appearances at P and C meetings. We have held two field trips for anyone interested in looking at similar schools. We have had 23 information booths, four letter drops, 41 blog posts and 17 fact sheets, and that is as of last month.

**The Hon. COURTNEY HOUSSOS:** Could you table that for us?

**Ms CASEY:** Absolutely.

**The Hon. COURTNEY HOUSSOS:** Were the letterbox drops for the entire catchment area?

**Ms CASEY:** It probably would not be fair to say it was the entire catchment, and I would have to take on notice what the actual radius was, but we walked the whole neighbourhood and dropped letters to every door.

**The Hon. COURTNEY HOUSSOS:** Yes. I would be interested to see how far and wide that went.

**Ms CASEY:** Okay.

**The Hon. COURTNEY HOUSSOS:** What did the student projects involve?

**Ms CASEY:** At the start of the project, we went to each classroom at Ultimo school and asked them to finish the sentence "My school would be an awesome place to learn if" and invited them to do a drawing, write a poem, make a video or answer in whatever form they would like to convey that information to us. Many of them did drawings and we got lots of really terrific ideas from the students, some of which are probably less feasible than others. One wanted a school made out of ice cream.

**The Hon. SARAH MITCHELL:** That would be pretty awesome.

**Mr DAVID SHOEBRIDGE:** Slippery dips. I reckon there were heaps of slippery dips.

**Ms CASEY:** Lots of kids wanted slides. Lots of kids wanted a planetarium. Lots of kids wanted an aquarium. We were getting some pretty clear messages about the things they are interested in and the ways they would like to engage in being educated about them and learning those things. That was a really terrific exercise. The second one we have done is more recent and was in relation to the temporary school. We are designing a graphic wrap to go around the outside of the demountables and thought it would be a good idea to let the kids have some input into what that would look like. The graphic designer who was engaged to prepare those designs did a workshop with a selected group of kids from the school and they came up with I think four different design options that were based on the kids' ideas for the concepts. When the concepts were presented back to them, the kids voted on which one they wanted. The one that won was Pets on Holiday. The kids liked the idea of a temporary school because it is like a holiday from their current school, so they thought it would be fun to bring their pets with them. So they wanted photos of gerbils snapping selfies in front of the pyramids. It is going to be great.

**Mr DAVID SHOEBRIDGE:** The Hon. Sarah Mitchell, they are inner-city pets.

**Ms CASEY:** Yes, exactly.

**The Hon. SARAH MITCHELL:** Thank you, Mr Shoebridge.

**The Hon. COURTNEY HOUSSOS:** I have one final question: Which were the similar schools that you offered field trips to for the parents?

**Ms CASEY:** We went to Chatswood and—I would need to go back and look at my notes because it was a while ago.

**The Hon. COURTNEY HOUSSOS:** I am happy for you to take that on notice.

**The Hon. NATASHA MACLAREN-JONES:** Following on from my colleague's questions in relation to the consultation process, I am interested to know the number of respondents and the breakdown of current parents and people who were not involved in the school community.

**Ms CASEY:** I have reports where we have kept track of the number of attendees at our workshops, but I can tell you from recollection that we generally get between 10 and 20 people attending any particular session. I would say it is probably about the same in terms of parents and community groups attending workshops.

**The Hon. NATASHA MACLAREN-JONES:** Although you have not worked on a school before, would you say that the number of people that participated in this is about the same as in other projects you have worked on? Could you do a comparison?

**Ms CASEY:** I could actually, yes. On the aged care project I mentioned before we had a similarly interested and active community around the development. I would say the numbers we got in terms of participation for that were a little bit less than what we are seeing for this.

**The Hon. NATASHA MACLAREN-JONES:** A lot of the consultation was done prior to the decision being made. Once the decision was made how many consultations did you have post—or have you had any?

**Ms CASEY:** Prior to the decision to change sites, in this summary, which I will table for you guys, we had two parent workshops and the total since then is we have had three. This breaks it down from the start of the project to probably mid 2015 and then from September 2015 to the start of this year and then from February 2016 to date. You will see from this that it has been generally consistent. We have not stopped consulting with the community and, in particular, when the decision was made to change sites we had a particular emphasis on communicating that to the community—there were blog posts and letter drops and newsletter communications to the community to make them aware that that had happened but that the commitment to a high-quality, state-of-the-art development remained unchanged. We feel that the consultation that we have undertaken since then is of the same level of interaction as we had done prior to that decision.

**The Hon. NATASHA MACLAREN-JONES:** And was the attendance about the same or was there a vast difference?

**Ms CASEY:** It has been about the same.

**The Hon. NATASHA MACLAREN-JONES:** What about the response? What is the feedback you have got from the participants?

**Ms CASEY:** We have had a lot of people express interest in having a significant play area for the children. I have it in front of me. Consultation themes around the new school: community integration and use,

large outdoor space and greenery, play equipment and playground, food facilities. They are consistent themes that seem to arise. So we prepare these maps based on input that we are receiving from all the different groups and try and correlate what the messages are that are common to all the groups.

**The Hon. NATASHA MACLAREN-JONES:** Is it fair to say that there was not a high level of complaints lodged?

**Ms CASEY:** There are a number of people who are very concerned about changing sites and we have been working to respond to their questions as best we can. I think when we are able to show people the concept design for the new site a lot of those concerns will be alleviated, I hope, because they are mostly focused around will the children have enough space and what will the quality of the facilities be?

**The Hon. SARAH MITCHELL:** I think you said you had 10 to 20 people per session, is that right, for the consultation? I am just trying to get an idea of the number of parents that you have seen in the time. You said you had two, plus three workshops. Is it 50 or 60 parents of current students that you would have engaged with? Do you have a rough idea that you can give us, even if you need to take it on notice?

**Ms CASEY:** I think I probably should take that on notice, but I would say that yes, we have engaged with a large number of parents at the school over the course of the two years that we have been working on this.

**The Hon. SARAH MITCHELL:** I know that people in the P and C and in the community—you do not have to be a parent of a current student to have an interest in the school and the outcomes, but I guess if you are a parent of an existing student you would have a particular vested interest just to make sure that they are all aware of the consultation process and had the ability to consult with you as much as they wanted to. Has that been pretty evident?

**Ms CASEY:** Yes, absolutely. On the website my email address is there, in the fact sheets that we distribute that go into the newsletter my contact details are also available. I generally go out to the site for an information booth myself two or three times a year so that if people want to ask me questions directly they can do that. And again, we have been working with the representatives of the P and C and the community on our PRG for quite a long time now. I have encouraged all of them that if there are any parents that speak to them that want to get in touch with me to do that.

**The Hon. SARAH MITCHELL:** I just want to go back quickly to the issue of the contamination of the site and the letter of 15 May that I think Mr Shoebridge was referring to in his initial questioning. I just wanted a little bit more clarity. In this letter you talk about how you have made the preferred remediation solution as option number two, but am I correct in saying that at that point in time the department had made it pretty clear in their submission and in their earlier evidence that there were six, seven, eight—if you include the Powerhouse Museum in their submission—options that they were looking at, and the remediation of this site was absolutely one that they had actioned? So when you had written this letter on 15 May and made your recommendation about option two as the preferred remediation, that was on the basis that at the time the department was actively considering this as an option. Is that correct?

**Ms CASEY:** They were actively considering the Fig and Wattle Street site, yes.

**The Hon. SARAH MITCHELL:** So when you wrote this letter and put in your submission, at that point that was what the department was actively considering? You made a recommendation of option number two, not in saying definitively that that was the best site of all of the six or seven that they could have been considering and that the working party had looked at or rejected, it was at the direction of the department, who were saying, "We are actively looking at this site. If we are to go ahead with it, what would be the best option of remediation, in your professional opinion?" Is that right?

**Ms CASEY:** That is exactly right, yes.

**The Hon. SARAH MITCHELL:** You also say that the advice, and I will quote directly from the letter, "is based on an assessment of historic site investigation data and is subject to verification once access to the site is provided and a more robust geotechnical and contaminant survey performed". Did you have site access and did you do that? Did that form the basis of the report in June, or did it not get to that stage?"

**Ms CASEY:** We were not allowed to do additional drilling on the site.

**The Hon. SARAH MITCHELL:** By whom?

**Ms CASEY:** We had been applying to the City of Sydney to get a licence to do invasive works on the site and they were happy to provide us with a licence for non-invasive works, but, obviously, drilling boreholes is invasive; so the particular investigations we needed to do we could not do.

**The Hon. SARAH MITCHELL:** Because the City of Sydney did not give you permission to do that?

**Ms CASEY:** I should say that the main discussions between the City of Sydney and the Department of Education, that was the main correspondence. We were providing advice to the department on comments on the draft licences that were being offered and basically saying if the licence is not for invasive works it does not really help us.

**The Hon. SARAH MITCHELL:** So you had made it clear in this letter to the department that you needed the opportunity to go onsite to get further verification; that permission was not granted to you—for lack of a better term—by the City of Sydney, despite your intention to do so, and the department were aware of that.

**Ms CASEY:** Yes.

**The Hon. SARAH MITCHELL:** That is interesting. We might have some questions coming up about that for further witnesses. Thank you.

**The CHAIR:** Back to the crossbenches.

**Mr DAVID SHOEBRIDGE:** There is a detailed timetable that the City of Sydney has given us about their negotiations with the department and how the draft licence agreement sat at different times for weeks and weeks and weeks waiting for a response from the department and they have detailed the repeated efforts they had with the department to get the licence agreement signed. Why was there such a delay in the department signing the licence agreement if you needed it to get on and do the remediation?

**Ms CASEY:** I cannot comment on that.

**Mr DAVID SHOEBRIDGE:** But you must have been frustrated yourself because you wanted it signed off to do the test. Whose chains did you rattle in the department to get the licence signed off?

**Reverend the Hon. FRED NILE:** Was it not the City of Sydney Council itself?

**Ms CASEY:** We were in consultation with people within the Department of Education trying to get the details of the licence sorted, yes. But they were working with the City of Sydney and, as I said, I was not party to the conversations between them and the City; I was just reiterating that we needed access to the site.

**Mr DAVID SHOEBRIDGE:** But ultimately nothing has changed in terms of the expert evidence you got, that the best expert evidence that you have, to date, says that the option you put in your May 2015 is the best option?

**Ms CASEY:** As I said, the option that we put forward in the letter was based on the information we had, but it was caveated with the need for additional information to confirm it.

**Reverend the Hon. FRED NILE:** Because you wanted to get more information by boring tests on the site and you could not do that?

**Ms CASEY:** Yes.

**Mr DAVID SHOEBRIDGE:** Because the department had not signed the licence agreement.

**Ms CASEY:** In the correspondence that we have—let me review my time line here—"As late as 6 May, emails between McLachlan Lister and the Department of Education commenting on the latest draft licence from council, which again notes drilling has been excluded and the criticality of unfettered access to progress the program to meet the February 2018 date to open the school". So we were concerned at the delay in being provided access, and communicated that to the department.

**Reverend the Hon. FRED NILE:** I think the council said it wanted to make sure it was vacant possession. If you were drilling on the site then it would have to be vacant.

**Ms CASEY:** Yes, I do recall they had tenants on the site and they were concerned that we did not disrupt them. We were very clear that we would be happy to liaise with those tenants and make sure that we timed our activities so that we did not interfere with what they were doing because at the time, as I recall, they were mainly focused on building the flour mill, the apartment building that is up on the corner there. It was mostly the contractor's movements.

**Mr DAVID SHOEBRIDGE:** We will probably explore this with the City of Sydney. What is the minimum open space requirement that you are working from for students at this new school?

**Ms CASEY:** I would have to take that question on notice and refer it to our architects.

**Mr DAVID SHOEBRIDGE:** How big is the site?



**Ms CASEY:** I think it is half a hectare.

**Mr DAVID SHOEBRIDGE:** Do you propose about 800 children?

**Ms CASEY:** Yes.

**Ms CASEY:** Yes, the department is.

**Mr DAVID SHOEBRIDGE:** The standard that most people are concerned about for the welfare of free-range chickens is no more than 1,500 chickens per hectare but you are putting 1,600 children per hectare on this site. Do you see the discrepancy? It is less than most people would want for free-range chickens.

**The CHAIR:** I do not think the witness is putting any chickens in paddocks there.

**Mr DAVID SHOEBRIDGE:** Do you see the discrepancy? You are giving less space to students than most people think chickens require.

**The CHAIR:** I do not think that is an appropriate question for this witness.

**Mr DAVID SHOEBRIDGE:** The witness can answer it. She is the project manager.

**Ms CASEY:** Yes, I am the project manager and I do not make determinations on the space allocations. As I said, that is not my area of expertise.

**Mr DAVID SHOEBRIDGE:** What is the minimum open space requirement? The open space will be even less than that, I assume.

**The Hon. SARAH MITCHELL:** Point of order: The witness has said she will take it on notice.

**The CHAIR:** Yes, she will take that on notice.

**Mr DAVID SHOEBRIDGE:** Perhaps you will also take on notice what kind of input, standards or considerations are informing you when you are determining open space?

**Ms CASEY:** We are referred to the department's educational facilities standards and guidelines.

**The Hon. JOHN GRAHAM:** Some good information has been put in front of the Committee on remediation particularly on the Wattle site. Thank you for your part in that. On the rebuild of the existing school, I am less clear. Presumably there are remediation costs for that site as well as that might become part of a rebuild. Do you anticipate that?

**Ms CASEY:** For the Quarry Street site?

**The Hon. JOHN GRAHAM:** Yes.

**Ms CASEY:** We have a series of drillings that have been done on that site because the department has owned it for quite some time. I am happy to take it on notice and provide those reports and summaries to the panel. But so far there is nothing particularly concerning to us on that site.

**The Hon. JOHN GRAHAM:** At the moment you do not anticipate there will be significant remediation issues with that site or associated costs?

**Ms CASEY:** No, we do not anticipate that at the moment.

**Reverend the Hon. FRED NILE:** I know you were asked earlier about how many parents were consulted, which you will provide to the Committee. Do you have a general idea whether it was 10, 50, 100 or 500? How many parents?

**Ms CASEY:** I am trying to think about how many faces. I would say I have had regular and direct contact with probably 20 to 30 parents. We have had more incidentally than attend other events.

**Mr DAVID SHOEBRIDGE:** As the project manager, the key starting input is how many students will be attending the school, I would have thought. Is that one of your key starting inputs?

**Ms CASEY:** Will you repeat the question?

**Mr DAVID SHOEBRIDGE:** When trying to work out how big to build the school the first thing you need to know is how many students will attend, I assume?

**Ms CASEY:** That is part of the brief for us, yes.

**Mr DAVID SHOEBRIDGE:** Is the primary thing how many students will go to the school? What is the demand? What will be the demand for this catchment area, given the Bays Precinct and other developments?

**Ms CASEY:** Again, that is not my area of expertise. I would refer you to the demographics that the Department of Education has prepared. That is information it provides to us; that is not information we prepare for it.

**Mr DAVID SHOEBRIDGE:** You must know that the department has said it does not know how many kids will be generated from the Bays Precinct development?

**The CHAIR:** Mr Shoebridge, I think your point earlier was that Ms Casey brings people together as a facilitator. I am not sure whether your questioning is right.

**Mr DAVID SHOEBRIDGE:** That is what I am asking her about. When you bring people together around the table—you have the departments, environmental experts and everybody—what do they tell you will be the demand for the school? How many students will attend the school?

**Ms CASEY:** We have been told to accommodate 800 on the Quarry Street site.

**Mr DAVID SHOEBRIDGE:** Is that because you have been told that is how many children will be in the catchment area? How did the figure of 800 pop up, so to speak?

**Ms CASEY:** As the department said earlier, it has done its calculations of what is needed in the area up until 2036 and it has arrived at the determination that 800 is appropriate for this site. So it is a combination of balancing what is happening in the catchment with what we can do realistically at this particular location.

**Mr DAVID SHOEBRIDGE:** Is it the maximum carrying capacity for this site realistically? Is that where 800 comes from or does it come from the expected demand? Do you understand the difference?

**Ms CASEY:** I do and I would defer to the Department of Education to answer that question. I think it has this morning.

**Mr DAVID SHOEBRIDGE:** I refer to your May letter in which you talk about "preliminary consent to consult our environmental engineer". Who is that?

**Ms CASEY:** That was Douglas Partners.

**Mr DAVID SHOEBRIDGE:** The peer reviewer?

**Ms CASEY:** CETEC.

**Mr DAVID SHOEBRIDGE:** And environmental auditor?

**Ms CASEY:** Environ.

**The CHAIR:** The Committee has resolved that answers to questions taken on notice will be provided within 21 days. The Committee secretariat will contact you to finalise those.

**(The witness withdrew)**

**(Short adjournment)**

**CLOVER MOORE**, Lord Mayor, City of Sydney, affirmed and examined

**MONICA BARONE**, Chief Executive Officer, City of Sydney, affirmed and examined

**KIM WOODBURY**, Chief Operating Officer, City of Sydney, affirmed and examined

**NICHOLAS MALE-PERKINS**, Property Development Manager, City of Sydney, affirmed and examined

**GREG DASEY**, Principal Hydrogeologist, JBS&G Australia Pty Limited, sworn and examined

**The CHAIR:** I welcome witnesses from the City of Sydney, particularly the Lord Mayor, Clover Moore. Thank you all for coming along this morning. Lord Mayor, I will defer to you: Would you like to make an opening statement?

**Ms MOORE:** Yes, I would.

**The CHAIR:** I ask you to keep it reasonably brief as we are on a fairly tight time schedule.

**Ms MOORE:** I will, Mr Chair. I have kept it as brief as I can.

**The CHAIR:** Thank you.

**Ms MOORE:** I welcome the focus this inquiry puts on the critical shortage of student places in the inner city. The city strongly supports public education. We have been advocating that a new primary school and a new secondary school are urgently needed and we have consistently offered to partner with the State Government to deliver them. Over the past decade the city's local government area experienced the fastest growth of any area in New South Wales. Between 2005 and 2015 the city's population increased by 46,500 people or nearly 30 per cent. Our residential population is now more than 205,000 people.

We have worked to create a liveable and sustainable city where parents choose to bring up their families in the inner city—a major reversal of the past. Ultimo-Pyrmont has overtaken Kings Cross-Potts Point to become the most densely populated area in Australia. The 1986 census recorded 2,631 people living in Ultimo-Pyrmont. With urban renewal, particularly the Building Better Cities program of the 1990s, the number of residents in Ultimo-Pyrmont has increased to 22,540 in 2015. To recap on that, from 1986 when there were approximately 2,500 people to 2015 when there were 22,540, the population increased, as you can see, by 20,000.

In coming years Australia's most densely populated area will be the larger renewal area of Green Square. Initially designated by the State Government for redevelopment in 1996, since 1999 the population has grown by more than 18,000 people and the area will be home to 61,000 residents when complete around 2031. To put this in context, the population of Wagga Wagga is 63,428. It has three public high schools and five public primary schools. The city's research identified that Green Square needed one new primary school and one new high school in 2016, with an additional four new primary schools by 2031.

In the 1990s the former Labor Government closed and sold local schools in the city. As a result our inner city schools are now full or close to full, with current options for expanding or opening new schools limited and expensive in the densely developed inner city environment. Since 2012, school enrolments in the city have skyrocketed by more than 13 per cent, nearly 3.5 times the State average. Over the next 10 years—2015-2025—the number of primary school-aged children is forecast to increase by more than 50 per cent and secondary school students by one third. The Draft Central District Plan released this week by the Greater Sydney Commission identifies on page 79 that by 2036:

... there will be 41% growth in school-aged children that will create demand for school places ...

... with the largest increases expected in the Bayside, Sydney, Randwick and the Inner West local government areas.

While the city is working with the Department of Education investigating options for Green Square—and we welcome the expansion of Alexandria Park Community School—the State Government does not have a clear or public strategy for new schools in the area. It has been the city's experience that the Department of Education does not share its enrolment demand management methodology or the enrolment data and forecasts used to plan for future school provision. As a consequence the city did its own research on likely school needs for Green Square based on forecast population growth and demographic profile analysis.

Stamp duty from the development boom in the city has delivered the New South Wales Government windfall contributions that should be applied to meet the education demand created by urban renewal. Between 1996 and 2016 across the City of Sydney area the total stamp duty collected is estimated at \$8 billion of which \$0.7 billion has come from Ultimo-Pyrmont and \$0.5 billion so far from Green Square. Major physical and social infrastructure has been delivered by the city and developers—we are delivering our responsibility—but investment by the New South Wales Government has not kept up. There is a lack of urgency to tackle the shortfall of school places and provide for rapid growth, especially in our major urban renewal areas.

The Education Act explicitly makes the Minister for Education responsible for establishing public schools. It is not the function of local government to pay for State infrastructure. There have been suggestions that the city should give ratepayers' assets to the Department of Education for free but the New South Wales Treasury requires market value for the sale or lease of government assets. Proceeds from our Fig and Wattle streets site have been budgeted for community facilities for which the council is responsible, including childcare open space and recreational facilities for a rapidly growing community.

I want to point out that we operate under a 10-year financial plan and we are obliged to operate under a 10-year financial plan under the integrated planning and reporting requirements of local government. So all our moneys are allocated in our 10-year financial plan. Any substantial reduction in the value of that asset will reduce our ability to deliver on these publicly adopted commitments. I am very conscious of this because at the beginning of the 1990s the city council was on the verge of bankruptcy and on the verge of being sacked. Frank Sartor had to really turn it around over a number of years. When I became mayor in 2004 one of the directions I gave to our staff was that I wanted us to have a strong and responsible financial position. I thought this was an important legacy not only for what we have done over the last 12 years but for the future of the city. So we take our financial position very, very seriously.

We are keen, however, to partner with the State Government, but not to take over its role. When you think of the contributions that we have made to light rail, for example, or for the trunk drainage system in Green Square—which is a State responsibility and that is costing more than \$100 million and we have put in \$55 million to that. Without that drainage system all the development that is happening in Green Square as the State's major urban renewal area would not be able to happen because the area was so flood prone. So our recent experience with the Department of Education has been frustrating. As outlined in our submission, the department slowed and complicated negotiations on the Ultimo site, including 12 months for the department to issue an offer, 10 months to identify potential land swap, three months to receive cost schedules for the department's preferred remediation approach and two months to receive the Department of Environment report.

The City offered discounts with the provision of additional community facilities such as child care, open space and halls that can be used by the community after-hours but we were told that the department did not have the capacity to develop a multi-use site, which resulted in significant underutilisation of the site and lost opportunities to reduce the costs of building the new school. The City agreed to sell the land to the department for \$74 million—a heavily discounted price that was well below the market value of \$100 million—and included an additional \$9.5 million discount from the remediation costs and \$8 million for a new childcare facility. On 12 December 2014 Minister Piccoli confirmed that the State Government would purchase the site for \$74 million and on 18 December the City confirmed its acceptance.

As detailed in the City's submission, the City actively progressed all work to complete the sale and, despite that, the department rescinded the offer on 12 June 2015. It's claims for reneging on the agreement are not credible and the community believes, and we believe, that we were misled by the Minister so that this important issue would be off the agenda in the lead-up to the March 2015 State election. I have a folder for the Committee. The material in the folder goes from October 2014 to February 2016. It has our submission, all the letters that I wrote to the Minister and all the Lord Mayoral minutes that I put to council that were voted on unanimously. That is the position from our point of view but we really do appreciate the fact that this Committee is meeting and talking about the need to responsibly plan and provide for education in this most rapidly growing area. Thank you.

**Mr DAVID SHOEBRIDGE:** Lord Mayor, thank you for your submission. The best advice that the department had from its environmental engineer, the peer reviewer and the environmental auditor, was that the remediation on the site should be option two—three metre removal and replace with clean fill—which they assessed at an estimated cost of \$30 million. Did you have any response to that? Did you have any expert review of that?

**Ms MOORE:** Mr Chair, I might ask the chief executive officer to respond to that detail?

**Mr DAVID SHOEBRIDGE:** I am happy for Ms Barone to do so.

**Ms BARONE:** The first thing I would like to say is that most inner city sites are contaminated, so anyone developing in the inner city needs to factor contamination costs in.

**Ms MOORE:** We do that on all our development sites.

**Ms BARONE:** That is just a given because of the history of the way land was used around the harbour and those things over the years.

**Mr DAVID SHOEBRIDGE:** The infill with fly ash and the like.

**Ms BARONE:** That is right. That is just part of development cost for anybody, whether it is the Department of Education or a developer. The second thing is that the process for how you need to remediate a site is obviously established through State legislation and there are many different ways of remediating a site but one thing is for sure—you would not be allowed to continue your development unless you had made sure the site was safe. The most expensive option is the one that you outlined.

**Mr DAVID SHOEBRIDGE:** Not it is not.

**Ms BARONE:** Well one of the most expensive options is where you remove a lot of the fill and you take it off site. You can go even further and remove the whole thing, and that becomes very expensive.

**Mr DAVID SHOEBRIDGE:** I do not mean to interrupt you but did you know that the department had rejected its own expert advice and even rejected that option? It said that it was not willing to adopt what is called option two because it was not willing to have any venting at all? Are you aware that the department rejected its own expert advice?

**Ms BARONE:** I am not sure that I am. Perhaps Mr Woodbury can answer that question.

**Ms MOORE:** We also have—

**Mr DAVID SHOEBRIDGE:** Lord Mayor, I am happy for whoever is best positioned to answer the question.

**Mr WOODBURY:** Perhaps I can give a bit of an overview and Mr Dasey can give some of the detail.

**Ms MOORE:** Mr Woodbury is our chief operating officer.

**Mr WOODBURY:** Prior to the offer from the City and the acceptance by the Minister there were two independent environmental consultants working on a collaborative process to actually value the remediation costs. We went down a path and got two-thirds of the way down that path and Education pulled out. The point we had come to was to remediate that site to meet SEPP 55, which is government legislation for remediating sites, was of the order of \$7.5 million. The City's offer included initially \$9.5 million for a bit of an extra contingency and in addition to that the council actually gave an additional discount at the council meeting when this matter went to council. We believe two independent consultants tracked down a path and that is what it is.

**Mr DAVID SHOEBRIDGE:** That was the capping?

**Mr WOODBURY:** That was the capping component.

**Mr DAVID SHOEBRIDGE:** But its own experts—and we have the McLachlan Lister assessment of it—said that capping was not the best solution and that they wanted to remove three metres of contaminated soil only and then operate on that basis. Did you know that option was also rejected by the department?

**Mr WOODBURY:** That is really a matter for the department, we are not privy to that.

**Mr DAVID SHOEBRIDGE:** I am wondering if you understood the decision-making and why the department rejected that option?

**Ms MOORE:** No, we are not. We can only go on the information that we have got.

**Ms BARONE:** We simply came to the conclusion that there was a method that would achieve the objectives that would cost about the \$8 million or \$9 million.

**Mr DAVID SHOEBRIDGE:** I show you this correspondence from McLachlan Lister—that is their May 2015 correspondence where the project manager said that their experts had said that the preliminary costing for the second tier option for remediation was \$30 million and their business case had a contingency of up to \$25 million for remediation. Were you aware of the business case having a contingency of up to \$25 million for remediation?

**Mr WOODBURY:** Not aware, but certainly there were discussions with the department. They are saying it is substantially above the offers, I believe it to be substantially above. Initially their position was that

cap and contain, they would not be prepared to do that. That is prior to us going down the path of getting two independent environmental consultants to see if we could bridge the difference.

**Mr DAVID SHOEBRIDGE:** But what I am putting to you is even on the more thorough version that they put forward, which is not the Rolls Royce complete removal, it was still only \$5 million outside of their budgeted cost and the City of Sydney had already offered them a \$9 million discount?

**Mr WOODBURY:** That is correct.

**Mr DAVID SHOEBRIDGE:** Which was then expanded—

**Mr WOODBURY:** On the \$9 million remediation that is right, over and above, another \$9.5 million reduction.

**Mr DAVID SHOEBRIDGE:** Did they every come back and talk to you about funding after this?

**Ms MOORE:** No.

**Reverend the Hon. FRED NILE:** The department estimated the cost of preparing the site for a school would be \$53 million and you quote that figure in your submission as well.

**Mr WOODBURY:** I believe that is around about the figure that they mentioned initially.

**Mr DAVID SHOEBRIDGE:** Which is the main reason why they decided not to go ahead with the site.

**Mr WOODBURY:** I do not believe that is correct. The \$53 million I think revolves back to kind of mid 2015. Since then we had the two auditors going down to that \$7.5 million, the Minister accepted the council's offer knowing full well that, and I do not know what information in addition to that the department sought to then come back and say the remediation was too much and it was pulling out of the deal.

**Reverend the Hon. FRED NILE:** In your submission you have said that the figure of \$53 million was a wild overstatement. That is pretty strong, is it not?

**Ms MOORE:** It is pretty accurate.

**Mr WOODBURY:** We were not shown any evidence to back that up.

**Mr DAVID SHOEBRIDGE:** We now know that their estimate was \$30 million—I have just given you the letter.

**Mr WOODBURY:** It is the first I have seen it.

**Ms MOORE:** You also need to keep in mind that the site they are currently camping on is also contaminated—Wentworth Park. As the chief executive officer said, all sites in the city are contaminated and we have to deal with that on all of our sites. I have just opened three childcare centres and I will be opening another one next February. Dealing with contamination, and that south Sydney former industrial area is even more contaminated than Pymont-Ultimo, is just part of what you do. But you do go ahead and provide, in our case, childcare facilities because that is what we are responsible for.

**Reverend the Hon. FRED NILE:** That site, though, was the former city depot site.

**Ms MOORE:** Yes.

**Reverend the Hon. FRED NILE:** I mean the Fig and Wattle streets site. It is not just a normal site that would contain some contamination; it would contain industrial waste.

**Ms MOORE:** That is the work that we were doing.

**Reverend the Hon. FRED NILE:** It could have oil and other chemicals that were used on the industrial site.

**Mr DAVID SHOEBRIDGE:** That is all of Ultimo.

**Reverend the Hon. FRED NILE:** No, this particular site was a depot for trucks and other vehicles.

**Mr WOODBURY:** That is correct, and that is why it was discounted by \$9 million, based on our independent environmental auditor's estimate.

**Reverend the Hon. FRED NILE:** It looks as though theirs is an overestimate and yours is an underestimate.

**Mr WOODBURY:** I beg to differ on that.

**Ms BARONE:** Nevertheless, we agreed to take it off the price. There might be some variation, but we said, "Okay. It is contaminated. We will not charge you for that. We will absorb that cost."

**Mr DAVID SHOEBRIDGE:** What was the ultimate discount? There was a motion in that council meeting to offer an additional discount.

**Ms BARONE:** There was that, then there was \$8 million towards a childcare centre. At the council meeting—

**Mr WOODBURY:** It went from \$83 million to \$74 million, so it was a \$9 million discount.

**Ms BARONE:** At the council meeting.

**Ms MOORE:** It was initially valued at \$100 million and we offered it for \$74 million.

**Reverend the Hon. FRED NILE:** So the council's point of view was that, after valuing the site, it wanted to receive \$74 million from the Government.

**Ms MOORE:** That is right. We asked for \$74 million, even though it was valued at \$100 million.

**Reverend the Hon. FRED NILE:** What did that site cost the council originally?

**Ms BARONE:** We do not have that information.

**Mr WOODBURY:** The council has held that site for a long time.

**Ms BARONE:** The original cost would have been in pounds.

**Reverend the Hon. FRED NILE:** It must have had an initial cost.

**Mr WOODBURY:** It would have been in pounds, shillings and pence.

**Ms MOORE:** I think you will find that most sites in the city have a very different price now from the price they would have had a hundred years ago.

**Reverend the Hon. FRED NILE:** I am asking what the estimate would be.

**Ms MOORE:** We can take that on notice and provide that information, but I do not think it is relevant.

**Reverend the Hon. FRED NILE:** I am interested to know what the council spent to purchase the site. It may have been \$5 million, and you wanted the Government to pay \$74 million.

**Mr WOODBURY:** I think you need to look at the opportunity cost and the discount that council offered.

**Ms MOORE:** You need to look at the cost of development sites in the city currently.

**Ms BARONE:** To summarise, both parties agreed that the land at that time was valued at about \$100 million.

**Reverend the Hon. FRED NILE:** I am not questioning that. That is the commercial value of those sites.

**Ms BARONE:** I do not think the State Government is selling its land at the price it originally paid for it or claimed it. The land was valued at about \$100 million. We came to an understanding that we would discount by about \$9 million for the contamination. We agreed that we would discount by \$8 million if they could provide a childcare centre on the site. In the course of the council meeting it was discounted by an additional \$9 million. They could have put that \$9 million towards the additional contamination costs if they had needed to.

**Mr DAVID SHOEBRIDGE:** Or if they had budgeted for it.

**Reverend the Hon. FRED NILE:** I know you gave a discount. My point is that you did not take into consideration the fact that the Government was not going to put on that site something that made money; it was going to be a school to meet the needs of children in your council area.

**Ms MOORE:** That is right, and that is the role of government, having collected from that area \$0.7 billion worth of stamp duty over the past two decades. Some of that money needs to go towards education because that is what the State does: The State provides schools.

**Ms BARONE:** In the course of the conversations with the department over that long period of time the council put forward many other ideas. We said, "The community needs a lot of childcare facilities. We think you could fit two childcare centres on the site, so we would give you a \$16 million discount." We said, "We

need sports fields and shared community facilities. If we could come to shared agreement on those we could provide a discount." As the Lord Mayor says, our long-term financial plan includes all the community infrastructure we need to provide. If it could be provided on the site, we would then use the funds that we would have allocated to build those facilities somewhere else. We would allocate them to the site by discounting the cost of the land. Members who came to look at the site will recall that we also offered a subdivision. Is that right?

**Mr WOODBURY:** Yes.

**Ms BARONE:** We said, "You do not need the whole site. Why not just buy the piece you need for a school, then we can sell the other site for residential development or you could buy the whole site, subdivide it and put a residential development on it that could then help you to pay for the school." I had so many meetings where I said, "Find things that we both need and then I will be able to suggest to the council that it reduce the cost of the land because we are getting more than a school." We could have got a hall, or basketball courts on the roof that people could use at night. With the provision of those sorts of things, we were prepared to discount to achieve a better financial model for the Government and to obtain many more facilities for the community.

**The Hon. JOHN GRAHAM:** I thank the council for inviting the Committee to the site. It made a difference to the Committee to look at the Fig and Wattle streets site. In her opening statement the Lord Mayor referred to the first time that council was aware of the new decision of the Government, on 12 June 2015. The evidence to the Committee shows that the recommendation was made by the department almost three weeks earlier, on 24 May 2015. Was there no indication to the council between those two dates? It was an extensive delay. Was there no indication to the council?

**Ms MOORE:** During that three-week period?

**The Hon. JOHN GRAHAM:** Yes.

**Ms BARONE:** No.

**Ms MOORE:** I can double-check that, but, from recollection, no. It was a real shock to us because the commitment had been given. I went to lengths to show in my introduction how the population of the area has gone from 2,000 to 22,000. All that development paid stamp duty to the Government. There is a desperate need for an increased number of education facilities to be provided in that area. We have worked really hard to try to make it happen. We were devastated, frankly, when we found out that the Government was going to pull out. We were devastated and so were the community. We were really upset about it. It is so unjust, given that all of that stamp duty has been paid to the Government and the Government has not bothered to provide education facilities in the area.

**The Hon. JOHN GRAHAM:** Thank you for those comments. One of the questions that the Committee put to the department was about the community view that a different standard was applied to the decision about the remediation of the Fig and Wattle streets site from that applied to the Wentworth Park site. The sorts of contamination are different. The question is about the standard that was applied. The department has assured the Committee that it applied the same standard to both those decisions. Does the council have a view on that?

**Ms MOORE:** I do not have a view. As the chief executive officer said earlier, all our city sites are contaminated. That is what we have had to deal with. The removal of asbestos from many sites is a fact. Even in Hyde Park, where spoil was put back into the park, it has affected some of the trees.

**The Hon. JOHN GRAHAM:** That is clearly the case. The question is not about contamination. It is about the contamination standards that were applied in those decisions. Is the City of Sydney comfortable with the assurance that the same standard was applied in both those decisions?

**Mr WOODBURY:** We are not aware of all the information on what has been proposed. All we have heard is that the method is a cap and contain method, which seems contrary to the discussions between the department and the City of Sydney on the views of costs for the city site.

**The Hon. JOHN GRAHAM:** Thank you for that. This is a more general question. The agency has been clear that its view is that the reason this did not proceed, even though it had been announced, was the remediation issue. One of the terms of reference of this Committee is to examine the reasons why the decision changed. Lord Mayor, would you expand on your view about why the decision was reversed?

**Ms MOORE:** I have outlined that. I am very happy to provide the Committee with a copy of my notes from my introductory statement. As an elected representative, it seemed to me to be a political decision, frankly. The election was over, it was not something that could help the Government after the election and so the



proposal was to withdraw. The Fig and Wattle streets site was a much better long-term decision for the community, given, as I said, how much the population in that area has increased and given that facilities have not been provided. Yes, you can rebuild a school on the site of the current primary school, but it is a short-term solution. Fig and Wattle was a long-term, responsible decision for that community, given the very high population density there.

**Ms BARONE:** They could have come back and asked us. The good news is that we are having a good conversation with the department around doing exactly the same in Green Square where we share facilities. We have made progress. The council has been cooperative and found a number of solutions for the Department of Education that we are putting to them for Green Square. We are happy to be cooperative. They could have come and back asked us and said, "We have looked a lot further now and it is a bit more, could we reconsider?" They never did. We gave them a discount. We gave them the money for a childcare centre. We gave them another discount in the council meeting just to try and get the project over the line. They could have picked up the phone and said, "We thought it was this, we can prove to you that it is going to be more, could we another conversation about the price?" We would have had the conversation.

**Mr WOODBURY:** A week after we received the letter we met with the senior officers of the department and asked them exactly that, "Can we negotiate or is that it?" And they told us in no uncertain terms, "That is it, it is not going to happen."

**Ms BARONE:** The council through various notices of motion asked us to keep the conversation open to try and solve this problem.

**Reverend the Hon. FRED NILE:** Did you have any meetings with the Minister for Education?

**Ms MOORE:** In the documents I have offered you I have copies of the letters I have written, but no. I had an early meeting with the Minister where he allowed his officers to do all the talking. He did not say very much at all. After that, no, he refused to meet.

**Mr DAVID SHOEBRIDGE:** It turns out that the department's best evidence, the advice from the environmental consultants and experts who have looked at the site, did not come up with a \$53 million figure but a \$30 million figure. Did the department give you a report that justified the \$53 million figure?

**Ms MOORE:** Not to my knowledge.

**Ms BARONE:** If it was \$30 million we had already given them \$18 million.

**Mr DAVID SHOEBRIDGE:** There was room to talk?

**Ms BARONE:** Yes.

**Mr DAVID SHOEBRIDGE:** There is still room to talk?

**Ms BARONE:** Yes.

**Ms MOORE:** There still is room to talk, but as I said we have a 10-year plan and have budgeted for all the community needs over the next 10 years.

**Mr DAVID SHOEBRIDGE:** Ms Barone has made it clear if they give access to basketball courts and the library—

**Ms MOORE:** We are still prepared to talk, but we cannot wait forever.

**Mr DAVID SHOEBRIDGE:** You have to make decisions?

**Ms MOORE:** We will have to generate some income from the site to provide for the things we have committed to in our 10-year plan. For all of this time we have been ready to talk.

**The Hon. COURTNEY HOUSSOS:** You recently opened three childcare centres?

**Ms MOORE:** Yes.

**The Hon. COURTNEY HOUSSOS:** You spoke of the contamination issues that apply across the city. I am happy for you to take this on notice: What kind of remediation work was done in order to satisfy yourselves as the approval body that appropriate remediation had been done at those locations?

**Mr DAVID SHOEBRIDGE:** State environmental planning policy [SEPP] 55?

**Ms MOORE:** Especially the one in Alexandria which is right in the heart of the former industrial area.

**Mr WOODBURY:** The process is that we commission environmental consultants to put together a remediation action plan [RAP] for the site for the proposed use. That goes to an independent environmental auditor who basically agrees with the process. That is checked again at development application stage. It has to have an auditor signing off that it can be used for that purpose. It goes through that process regardless of the use, but the use determines the level of contamination and what type of contamination. They have to all go through the same process by law.

**The Hon. COURTNEY HOUSSOS:** The department's testimony this morning is that it would not feel comfortable putting primary schoolchildren on a site this contaminated, given that it would be venting on the site. Clearly there is a safe financially viable way for childcare centres and children who are smaller than primary school age to operate on these sites. Is it a similar capping system or a removal system?

**Mr DAVID SHOEBRIDGE:** What did you do on the site?

**Mr WOODBURY:** Most of the southern part of the city, where a number of those childcare centres are built, are all old industrial uses. There is no land south of Gardeners Road down to Botany that does not have contamination. They go through the process. The environmental auditor and geotechnical testing comes up with a plan that could be cap and contain. It is rare it is full removal because it is often very deep.

**The Hon. COURTNEY HOUSSOS:** Can you take that on notice?

**Ms MOORE:** We can give you that detail in writing.

**The Hon. COURTNEY HOUSSOS:** It does not need to be the geotechnical details but a comparison for us: Is there a system that is currently used in the city to remediate sites to an appropriate level for children?

**Ms MOORE:** Dr Dasey is the specialist consultant on contamination.

**Dr DASEY:** Assessment of contamination and remediation is based on risk. You need to collect enough data to assess what the risk will be in the future and if you think there is a risk you implement a remediation program to minimise the risk to a point that is acceptable. All the sites are different. The site at Fig and Wattle is contaminated and clearly some remediation needs to be done. Just capping and venting is not appropriate. There is source material there that requires remediation and that was part of the remediation costing that was done. That is the process.

**The Hon. NATASHA MACLAREN-JONES:** To follow on, when you provide that detailed information can you do a comparison? Are there child care centres that are sitting on sites of the same high contaminated level that evidence indicates is on this site?

**Dr DASEY:** I do not know. The plan is to remediate the site to a point that is acceptable to a child care centre. The worst of the contamination on the site would be remediated. It is not going to stay there. The current condition is not what would be in place when the child care centre is built. It would be a cleaner version of the site at the moment but not a version of the site where all the contamination or fill is excavated to rock, because that is not an appropriate approach.

**The Hon. NATASHA MACLAREN-JONES:** Why do you say that?

**Dr DASEY:** Large amounts of material would be removed that are completely acceptable to remain on the site.

**The Hon. NATASHA MACLAREN-JONES:** The department's point is that it does not want to put a child at risk for a number of years. They said that the standard has always been higher when it comes to removing contamination for children.

**Dr DASEY:** Sure. They are proposing to remove all of the fill on the site and not all the fill is contaminated.

**Mr DAVID SHOEBRIDGE:** They have no expert opinion, evidence or standard that they can identify.

**Reverend the Hon. FRED NILE:** Let him answer the question.

**Ms BARONE:** They have to adhere to the State Government's legislation on that.

**Ms MOORE:** We do too.

**Ms BARONE:** It is the State Government that signs off. To say they have a different standard they have to demonstrate what that is.

**The Hon. NATASHA MACLAREN-JONES:** It is a higher standard because it is children.

**Ms BARONE:** Who determines that? Are they experts in this? It is the department whose experts determine that, it is their job to do it. They want to give it the standard that our government and society expect as reflected in that legislation. That is what they have to do.

**Ms MOORE:** It is an EPA decision as a State agency. They set the standard and they make the decision. I assure you that all our childcare centres, parks and facilities for children, we have many of them, are in accordance with the standards of the EPA. As would Fig and Wattle have been.

**Mr DAVID SHOEBRIDGE:** And SEPP 55 under the planning legislation?

**Ms MOORE:** Yes.

**Reverend the Hon. FRED NILE:** You said that capping and venting is not suitable?

**Dr DASEY:** Alone. Some remediation of the soils is required.

**Ms MOORE:** Some of it would need to be removed and that is the case on other sites as well. The EPA would determine that.

**The Hon. SARAH MITCHELL:** I want to ask a couple of questions about the submission. Ms Barone made a point in relation to the discussions you had with the department about buying the site and potentially subdividing and looking at other options. The evidence we received from the department was that was not something the community was in favour of. Have you had similar discussions with community members about that option?

**Ms BARONE:** My understanding is that originally, when the department was looking at redeveloping the current site, there was a suggestion that it could put some other development on that site. It had been looking at all sorts of different ideas. I am pretty certain, but you can check with the community, that it was not keen to have this current site, which is smaller, have residential development as well as a school and that sort of thing.

**Ms MOORE:** That is the current school site.

**Ms BARONE:** I think in an ideal world everyone would like every bit of land to have parks, open space and this and that, but people are realistic and they understand you have to be able to fund these things. I am confident that the community would have understood or do understand that in constrained inner-city areas you have to be creative and find different ways not just to raise the money for things but also to provide multipurpose facilities. We often said to the Department of Education people, "Why don't you have your State Property people here to help you—or UrbanGrowth or the people whose job it is?", because they were not experts in doing a multipurpose development. They are experts at delivering schools and education. We kept saying, "This site's too big for just a school. If you want to buy the whole site, you have all sorts of choices here. You really ought to have people who are expert at property development to look at that. You could design this in so many different ways that meet community needs, education needs and some additional recreation needs. You need to get some advice. You need some help round the table."

**The Hon. SARAH MITCHELL:** If the department were to buy that site—and you talk about subdividing and only needing a part of the site for the school—there is an existing school with land that the department already owns a few hundred metres of the road. As a resident, a taxpayer or whatever, that would be spending tens of millions of dollars on another site, only part of which would be used by your recommendation of subdividing for other community uses, when another existing site that could be redeveloped is already owned. Surely there is some justification for redeveloping on a site where the department already owns the land and not having that extra cost.

**Ms BARONE:** The only issue was that the existing site is not futureproofing in terms of growth. The new site would give them a chance to build a school that met today's needs and future needs because, remember, we do not know yet what is going to happen in the Bays Precinct. We have just heard about the fish market moving. That whole site is possibly going to be redeveloped. This is a State Government project with residential units. We only know what the current projections are based on what is currently happening in the city's own LEP. We do not know what is going to happen around that whole area with the UrbanGrowth sites. The idea of going to a larger site was that it was going to futureproof for the existing and future population. Our understanding is the current site will go some way but not as far as we will need to go.

**The Hon. SARAH MITCHELL:** I think the current site has about double the number of students. Regarding page 2 of your submission, we had some conversations with earlier witnesses, particularly Ms Casey, about the contamination of the site. I am unclear regarding the process of subsurface testing. The Lord Mayor's submission talks about the time frame between July 2014 when on-site access was granted and then it became non-invasive works. Can you talk us through what that process was from the City of Sydney's perspective from

July 2014, when you say you granted subsurface testing to that not occurring? I know you mentioned tenants and worries about the commercial occupants, but did that change over that time? We need clarity around that process.

**Ms BARONE:** We have the documentation on that if you would like it. My understanding is the 2014 testing occurred—

**Mr MALE-PERKINS:** Yes.

**The Hon. SARAH MITCHELL:** I am happy for anyone to answer.

**Ms BARONE:** —and then they wanted to do further testing which was going to be more invasive. We said, "We've got current tenants. That can cause a risk for them. We need to move those tenants on." We brought forward the determination of those leases so that those tenants could leave so that the department could get on to do the extra testing. We have now lost those tenants. We are losing \$150,000 a year as a consequence of losing those tenants. That is the overview.

**Mr MALE-PERKINS:** We gave notice to our tenants because one of the requirements of the agreement was that we had to give vacant possession on the site by the exchange date, which was July. To have the testing being carried out during that period could have given rise to a breach by us, and the tenants could have said we would have to issue new notices. That would have extended the period. There would have been a further notice to vacate and that means we would not have met the deadline set.

**The Hon. SARAH MITCHELL:** You said the tenants could have had concerns. Did you have discussions with the tenants about that? Surely if the site was not thoroughly examined for contamination, that would also be a concern for it going ahead. It was made very clear that evidence that came from Ms Casey in the letter of 15 May that they wanted to do that subsurface drilling.

**Mr MALE-PERKINS:** They had already done the subsurface drilling.

**The Hon. SARAH MITCHELL:** They said they did not get access to the site.

**Mr MALE-PERKINS:** They had done subsurface drilling back in 2014.

**The Hon. SARAH MITCHELL:** But in 2015—

**Ms MOORE:** We will throw to Dr Dasey.

**The Hon. SARAH MITCHELL:** I am genuinely unclear as to what level of access was given.

**Ms MOORE:** We will try to clarify for you.

**Dr DASEY:** They had previous access in 2014—

**The Hon. SARAH MITCHELL:** Who is "they"?

**Dr DASEY:** Douglas Partners, who are the department's consultant. They had access to the site previously and undertook an investigation of the site. From that investigation, they concluded that they needed additional information to better define the remediation options. That was the subsequent investigation that did not happen.

**The Hon. NATASHA MACLAREN-JONES:** Sorry to interrupt, but when you say the word "investigation", there is drilling and subsurface testing.

**Dr DASEY:** They are all the same thing.

**The Hon. NATASHA MACLAREN-JONES:** Is there another deeper level of testing that needs to be done?

**Dr DASEY:** It is data collection. It is collecting environmental data, so whether it is drilling, vapour sampling or air sampling, that was the investigation.

**The Hon. NATASHA MACLAREN-JONES:** If they wanted to do a new investigation, what would the second investigation have entailed? How would it have been different?

**Dr DASEY:** They were going to do additional soil vapour assessment, because the first time around the results were low and they had expected them to be higher. They wanted to do some additional groundwater investigation, so drilling, installing the wells and sampling of water.

**The Hon. NATASHA MACLAREN-JONES:** So more intensive.

**Dr DASEY:** Yes.

**The Hon. SARAH MITCHELL:** But they did not get to do that in 2015.

**Dr DASEY:** No.

**Ms MOORE:** They chose not to do it.

**The Hon. NATASHA MACLAREN-JONES:** I thought it was not that they chose not to do it in 2015 but it was more invasive regarding the tenants. That is very different.

**Mr MALE-PERKINS:** We actually brought forward the exchange date. Their problem with the exchange was that they said Treasury would not have the funds until July. We said, "Look, that's fine. We will bring forward the exchange on a no-balance exchange." They were happy with that. There is documentation from the solicitors that they were happy to bring that forward and to actually start that testing in June.

**The Hon. SARAH MITCHELL:** Can you table any information you can about that for the Committee's benefit? I know Ms Barone mentioned it earlier.

**Ms MOORE:** Yes.

**The CHAIR:** The crossbench may have another two minutes each.

**Reverend the Hon. FRED NILE:** I want to clarify something the Lord Mayor said or implied earlier, that there was more of a political reason behind the announcement of the project of the Ultimo Pyrmont school prior to the election to influence voters in that area and to later cancel the whole project. Are you implying that there is some—?

**Ms MOORE:** You asked me what I thought was behind it, and I said as an elected representative that that is all I could see, really, because there was no substance. Given all the negotiation and all the work, given the fact that so much money had been collected from the area in stamp duty and given the need was so great, I could not deduce anything else. No convincing reasons were put forward to me.

**Reverend the Hon. FRED NILE:** Also, you are personally involved with your own vote as Lord Mayor.

**Ms MOORE:** It was a State election and, as you know, Parliament passed legislation to say I could not be mayor and member, so I did not run again for State election. I had to retire. It was not my election; it was a State election.

**Reverend the Hon. FRED NILE:** It would not affect you, yes.

**Ms MOORE:** No, it did not affect me.

**Mr DAVID SHOEBRIDGE:** When I put to the department the proposition that the City of Sydney was willing to negotiate a broader commercial agreement, its response was to the effect that it did not think you were serious and this was not seriously addressed. What is your response to that?

**Ms MOORE:** There was genuine unanimous support at council. Our staff, under Ms Barone's leadership, did absolutely everything they could to try to come to a successful outcome here so that the Fig and Wattle site would be developed for a need for that community. We were absolutely committed to that.

**Mr DAVID SHOEBRIDGE:** What about articulating in some detail potential commercial options—subdivision?

**Ms BARONE:** I am just trying to remember how many of those things we might have in writing. I do not normally get involved at all these kinds of meetings, but I actually went to most of these meetings with the department because it was so important to the council and to the community for us to resolve it. So I personally went to all those meetings. I sought time and time again to meet with the secretary of the department and was never granted a meeting until right at the end. I have asked my office to keep the records—I hope they have—of every time we rang and said, "Could I have a meeting? Could I please meet?" because I wanted to continue to put forward that there were lots of ways to solve this. That is why I wanted to mention that we are now having much more constructive discussions around Green Square.

The discussion around Green Square is the sort of one we should have had here—"What about you do this and we do that? What if we shared that bit? What if we put our centre here and you put your school there?" I have been having discussions about Green Square—the Lord Mayor is probably sick of hearing this story—for about 14 years. For 14 years I have been talking to the Department of Education about needing to plan for a school in Green Square. We have provided a number of sites. Another option was we said to them, "What about a land swap? We need open space and sports fields, you need a site for school. What about we swap land?" There are so many different ways for us to work collaboratively.

**Mr DAVID SHOEBRIDGE:** Could you, on notice, provide some of the granular detail and respond? Maybe look at the response we got from the department and respond to that as well.

**The Hon. COURTNEY HOUSSOS:** In the very brief time we have left I just wanted to bring you back to some of the planning issues that you outlined in your opening statement, Lord Mayor. Thank you for providing the report from SGS Economics and Planning, but it is a very, very different picture that you are painting compared to what we heard from the department this morning. According to their submission, the department says that on their projections for The Bays Precinct—and I realise that we are still unclear about exactly how many people will go into there—they suggest that there would be 200 students, 115 of which would need to be accommodated in Ultimo Public School. Your submission suggests that there would be 10,000 people, which would suggest—particularly given the demographic changes that are occurring within the city—that would be a much higher number. You talked about future-proofing that would only occur from the Fig and Wattle site. How confident are you on your projections versus what the department is projecting?

**Ms MOORE:** We have found it very frustrating that we have not got those projections from the department and we have had to deduce our own from populations. I remember Minister Aquilina saying towards the end of the nineties that people in this area would not be having children. People in the area have had children and those children need to go to school and we are having to provide 3,000 childcare places for the city. That is our current commitment and it is what we are working on—what we provide and what developers provide through negotiation. When those children hit five they need to go to primary school too. So we know from the demographics, and the work we are doing is meeting the target set by the State in terms of residential development and in terms of the Green Square development, which has been something that has been in the pipeline since the mid nineties, and, of course Pymont-Ultimo was the result of Federal Government policy back in the eighties.

The numbers we are dealing with and the projections we have had—we are approving those DAs; people have moved into Pymont-Ultimo, they are moving into the Green Square area, and they are having children and they are really worried about the schooling. So the figures that we have put together—and I am very happy to give you a copy of my introductory notes today—are really based on the best figures that our excellent planning staff and our excellent consultants can put together in the absence of getting figures from the department.

**The Hon. COURTNEY HOUSSOS:** Your submission says that "inner city schools are full or close to full and options for expanding or opening new schools are limited and expensive", and the department said to us this morning they are incredibly confident that across the City of Sydney local government area to 2036—which is quite a significant period in the future—they are confident that they will be able to accommodate those children.

**Ms MOORE:** That is why I like to talk about Wagga. We have an advisory panel with outside experts on it and they are very impressed with what we are doing at Green Square and they are very alarmed about the fact the State has not been active in that area. We know by 2030 the projection is there will be over 60,000 people living in Green Square. That will be the size of Wagga. I just met the member for Wagga in Canberra last week with the Minister and he told me that there are five primary schools and three public high schools—and there are none in Green Square.

We have had submissions from education officials and we are very alarmed about the inaction. We think things are improving because we are having more constructive conversations now about Green Square because they might have come to realise that there are issues here. But I think they have been missing in action, frankly, and the reason has always been given that they have not got money from Treasury. That is why I wanted an assessment of the stamp duty that has been paid in the area over the last couple of decades. It is \$8 billion. Twenty-four per cent of the State's economy is generated in our local government area.

**The Hon. COURTNEY HOUSSOS:** And, more importantly, people are moving in and they need to be providing the schools.

**Ms MOORE:** Housing is very expensive. Rent and mortgages are very expensive, and people need to be able to send their children to public schools because that is what they can afford—and we support public education.

**Ms BARONE:** Can I also add, they need to send their children to public schools where they live. You might be able to increase the capacity of some of the existing schools, but children should be able to walk or ride to their school. Schools create a sense of community; it is where people gather, it is where parents do things, where sport happens and all the rest of it.

**Mr DAVID SHOEBRIDGE:** Where you find your neighbours.

**Ms BARONE:** Where you meet your neighbours. Most people meet and make their lifelong friends through the parent groups in their local communities. You do not want people travelling from Green Square, children having to travel from Green Square outside of that town centre, because it is not good for them, it is not good for community, it puts more cars on the road. Schools are centres of communities, so you also need to disperse them and put them where people are.

**The Hon. SARAH MITCHELL:** You mentioned in your earlier evidence that most inner city sites are contaminated and any development has to cover those remediation costs as part of their planning. You also, Lord Mayor, talked about the childcare centres in your LGA. I was wondering whether there is a protocol or any process that the City follows in terms of onsite access for subsurface testing for proponents who would apply to that. Is there a norm that you follow or does it depend on the different projects? Is there something else we could compare this example with—for example, the previous project on a contaminated site for something like a childcare centre?

**Ms MOORE:** I think Mr Woodbury has already answered that, that every site has to go through a process.

**Mr WOODBURY:** It goes through a site, but if you are saying somebody who wants to purchase a site—

**The Hon. SARAH MITCHELL:** Yes.

**Mr WOODBURY:** This happens with any development site, not just childcare or schools. So there is due diligence done by the purchaser, there is usually some form of geotechnical testing that is available that is disclosed during the sale process and often there is a due diligence process to do some more testing if required. Often it is not the case.

**The Hon. SARAH MITCHELL:** So due diligence can and does involve subsurface testing?

**Mr WOODBURY:** It can, yes.

**Mr DAVID SHOEBRIDGE:** And do you normally have the access problems in so far as you would want to have vacant possession before you would allow subsurface testing because you are worried about OH and S?

**Dr DASEY:** No.

**Mr DAVID SHOEBRIDGE:** I suppose the question is why did you have this delay and why get vacant possession before you would allow the subsurface testing?

**Ms MOORE:** That was because of the tenants, was it not?

**Ms BARONE:** It would depend on the landowner, what the landowner wanted to do. It would depend on who was on the land that you wanted to test on; each landowner would make their own decision.

**The Hon. SARAH MITCHELL:** In this example was there consultation with the tenant about access for subsurface drilling? I know you said in the written submission that you had concerns it might interfere with the current occupants, but did that conversation ever take place?

**Ms MOORE:** We can check that; that is a matter of fact.

**Reverend the Hon. FRED NILE:** The council approved the testing to go ahead. It did not stop the testing.

**Mr MALE-PERKINS:** No.

**Mr DAVID SHOEBRIDGE:** Perhaps when you are doing your response have a look at what the department said on that and the delay and if you could respond to that? It would be very useful.

**The CHAIR:** We have one minute left.

**The Hon. JOHN GRAHAM:** Perhaps in some ways this is a question on notice, and there was a similar view put to the Department of Education. Given what has happened and given we have been to see the site—it is a remarkable site, the Fig and Wattle; it is so close to an area that is going to be very important for Sydney—it would be a real shame to not see the sort of creative solution that has been outlined by the City, harnessed in some way by the City and the State working together. It looks like this opportunity has passed us by, given the attitude of the agency on this particular question. What are the lessons that can be learned from that lack of coordination in this instance? My feeling, from having visited the place, is that we have to do it better in general and we have to do it better on this site.

**Ms MOORE:** The lesson is that it has been a missed opportunity for that community. It is an excellent site and it is on public transport, on light rail. It is opposite parkland. It is close to all that dense residential development that has happened and that is why we work so hard to try to make it work.

**Mr DAVID SHOEBRIDGE:** That is the cost. On notice, would you have a think about what are the lessons? Who else needs to be at the table? Should there be a memorandum between the City of Sydney and the New South Wales Government?

**Ms MOORE:** We are happy to do that.

**The CHAIR:** The Committee has resolved that answers to questions taken on notice will be supplied within 21 days. The secretariat will contact you about them. We are looking forward to how you work out the exchange rate on the pounds, shillings and pence answer.

**(The witnesses withdrew)**



**CHRISTOPHER KLINE**, Principal, Douglas Partners, affirmed and examined

**NERILEE EDWARDS**, Associate, Douglas Partners, affirmed and examined

**The CHAIR:** Do you want to make an opening statement?

**Mr KLINE:** We are happy to attend today. We were the consultants at the Fig and Wattle site. We have not been involved in that project for 18 months so we will be working on our recollections. We are not here representing anyone else; we are just here on your request.

**Reverend the Hon. FRED NILE:** Were you involved before McLachlan Lister?

**Mr KLINE:** We were. So we have been involved with the site since sometime in 2002-03, originally for the City of Sydney and then we were engaged by the Government Architect's Office in 2013 or 2014.

**Reverend the Hon. FRED NILE:** You were representing both sides of the equation?

**Mr KLINE:** Initially, yes.

**Reverend the Hon. FRED NILE:** Have you followed the whole issue up to the current time?

**Mr KLINE:** Not really. Our involvement ceased, like I say, about 18 months ago when there was a decision taken not to proceed with additional testing. We got to the point where we produced an overview remediation action plan. That required a series of further investigations and that was what you were referring to earlier about gaining access to the site. Then there was a decision taken not to proceed with those works. That is pretty much the conclusion of our involvement.

**Reverend the Hon. FRED NILE:** You recommended there should be further drilling?

**Mr KLINE:** Certainly.

**Reverend the Hon. FRED NILE:** What would further drilling show?

**Mr KLINE:** At this stage we have only an overview remediation action plan so we have a limited dataset—enough to determine a number of remediation options, but we do not have all the detail that would ordinarily go into a remediation plan that says: These are the depths and these are the extents of contamination that require remediation.

**Reverend the Hon. FRED NILE:** That would show the different chemicals, products, oil and petrol?

**Mr KLINE:** That is right. We have an idea of the contaminants of concern but at this stage the need for what you are referring to as venting, that has not been proven. The adequacy of the proposed groundwater remediation approach has not been proven. So these were all contingencies built into the remediation options but they have not been proven. Additional work needs to be done to say that, yes, this remediation option is appropriate or, yes, venting is required or possibly not required.

**Reverend the Hon. FRED NILE:** To what depths would you drill to get samples?

**Mr KLINE:** It depends on any given site. On this particular site there is fill material to depths of nine metres in some parts. So depending on the part of the site that you were targeting and what you were looking for, and the contaminant. This site has a wide variety of contaminants from what is called a light nonaqueous phase liquid, so they are typical petroleum hydrocarbons that float on the groundwater table. There are also dense nonaqueous phase liquids which will sink to the bottom and they will generally pool around the bedrock so that is at that nine-metre depth. There is also potential for asbestos as a contaminant of concern so that is infilling material. Depending on what the contaminant of concern is, that will predicate the depth of investigation.

**Reverend the Hon. FRED NILE:** When you say nine metres that is down to the rock level?

**Mr KLINE:** Correct. More typically you would be looking at, say, three metres.

**Reverend the Hon. FRED NILE:** It will also depend on the quality of the soil whether it is porous, et cetera, as to how far chemicals, petrol, oil—

**Mr KLINE:** Yes, much of the site has been filled which generally means that the potential for it to have a higher permeability is more likely.

**Reverend the Hon. FRED NILE:** You are probably aware there is a lot of controversy about the Williamstown Royal Australian Air Force base and the use of retardants in spraying to stop fires, and how much it has penetrated into the water levels and so on.

**Mr KLINE:** Yes, so this site has a high groundwater table. There are parts of the site that have a water table only half a metre below the surface. So the potential for contaminants to get into the groundwater is quite high and then whether they have a tendency to float on that groundwater table or sink through it depends on the type of contaminant.

**Mr DAVID SHOEBRIDGE:** You did some drilling in 2014?

**Mr KLINE:** Correct.

**Mr DAVID SHOEBRIDGE:** How did you negotiate access to the site?

**Mr KLINE:** Provision of access to the site is always through our client which is the Government Architect's Office.

**Mr DAVID SHOEBRIDGE:** They just said you can go on a particular day and you went then?

**Mr KLINE:** And that is the ordinary arrangement. With that we would be provided an access date. We do not enter into negotiations regarding that.

**Mr DAVID SHOEBRIDGE:** As a result of that initial investigation you pulled together your preliminary advice plus the information you had from 2001, I assume. Is that right?

**Mr KLINE:** Yes, and a multitude of other reports that had been prepared prior to that. Our advice formed what is called the overview remediation action plan.

**Mr DAVID SHOEBRIDGE:** Or the ORAP.

**Mr KLINE:** That is right. You have probably seen it. That is 167 and some pages. That contains our advice including four options for remediation, all of which are technically appropriate for this site.

**Reverend the Hon. FRED NILE:** Were you surprised at the \$53 million figure that has been mentioned from the Government point of view?

**Mr KLINE:** We did not undertake any costing. That costing was done by McLachlan Lister and their quantity surveyor. We were involved in providing further information to their quantity surveyor and I am not sure if we were ever provided with those costs.

**Mr DAVID SHOEBRIDGE:** There is a document with the three options—does that come out of your ORAP?

**Mr KLINE:** It does not come out of it but it is based on it.

**Mr DAVID SHOEBRIDGE:** And the first option is called ORAP option 2, which is the three-metre removal of contamination and replace with clean compacted fill. That was ultimately the consensus recommendation for the site from that.

**Mr KLINE:** Our ORAP made no recommendation for a preferred remediation technique. There were subsequent work groups and they were attended by the Office of the Government Architect, McLachlan Lister, the environmental auditor and the peer reviewer.

**Mr DAVID SHOEBRIDGE:** But basically option 2, 3 or 4 could all have done the job on the basis of the information you had to hand from a contamination and environmental perspective.

**Mr KLINE:** From a technical point of view—that is correct.

**Mr DAVID SHOEBRIDGE:** And then you were part of a group pulled together by McLachlan Lister to look at costs, risks and the like—is that right? You sat down with the peer reviewer and the environmental auditor.

**Mr KLINE:** Yes. At this stage we understood that they were going to be costing these options so we were there to provide information to assist their quantity surveyor in preparing those costs.

**Mr DAVID SHOEBRIDGE:** And when you were doing this, did you know that the final proposed use for the site was as a school?

**Mr KLINE:** We had to because that informed all of our decisions through the process.

**Mr DAVID SHOEBRIDGE:** On the basis of the information you had to hand there was no question in your mind that option 2 was an adequate response and would have made for a safe response to allow a school to be built.

**Mr KLINE:** Yes. All three options were considered to be suitable.

**Mr DAVID SHOEBRIDGE:** We have since found out today that the department rejected that position because it had an unspecified standard that it was applying. Are you aware of any higher standard for schools than the ones you applied?

**Mr KLINE:** No. The standard that we have used is the standard set by the NSW Environment Protection Authority [EPA]. It is nationally endorsed so it is the standard that you would use for any childcare centre or primary school. That is a higher standard than you would use for, say, secondary schools, but that is the mandated approach.

**Mr DAVID SHOEBRIDGE:** On the basis of all the information you had from the work you have been doing since 2002 on the site you thought option 2—the three-metre removal—comfortably met that standard.

**Mr KLINE:** Correct.

**Mr DAVID SHOEBRIDGE:** But of course you wanted to go on and do some further drilling. What was that further drilling going to do?

**Mr KLINE:** There were a large number of unknowns for all of the options that would have needed to have been further understood to prepare a final remediation action plan that an auditor could review and eventually sign off.

**Mr DAVID SHOEBRIDGE:** Was that a discussion you had with the auditor in that meeting that was pulled together?

**Mr KLINE:** It is in our ORAP. It details the uncertainties. The further investigations required are all listed.

**Mr DAVID SHOEBRIDGE:** And were you aware at any time that McLachlan Lister had roughly costed this option to \$30 million? Do you remember that figure?

**Mr KLINE:** I do not recall.

**Ms EDWARDS:** I cannot remember.

**Mr DAVID SHOEBRIDGE:** There is a letter of 15 May which I will show you. Does the second page of it look at all familiar?

**Ms EDWARDS:** I have looked at that in the run-up to this, looking at what was on the website.

**Mr DAVID SHOEBRIDGE:** But you are not sure you saw it at the time.

**Ms EDWARDS:** But I am not sure I saw it at the time.

**Mr DAVID SHOEBRIDGE:** Is that the same position for you, Mr Kline?

**Mr KLINE:** Yes.

**The Hon. JOHN GRAHAM:** The Committee has been provided with a copy of your remediation action plan—thanks for that—and also the peer review. The remediation action plan was dated 12 March. Is the peer review prepared roughly simultaneously?

**Mr KLINE:** In this case there was the slightly unusual arrangement that we had a peer review as well as a site auditor. Ordinarily a consultant would prepare a report and then a contaminated land site auditor who is accredited by the NSW EPA would review that report. In this situation a third party—a peer reviewer, CETEC—was brought on to also undertake the review.

**The Hon. JOHN GRAHAM:** What was the reason for that?

**Mr KLINE:** I believe it was because it was understood to be a sensitive site with complex problems.

**The Hon. JOHN GRAHAM:** Who initiated that decision?

**Ms EDWARDS:** I believe the Office of the Government Architect and the Department of Education decided to do that to increase transparency given the complexity.

**The Hon. JOHN GRAHAM:** But the decision to use this particular process would have been made some time previously.

**Mr KLINE:** I think it happened after our engagement. We would have commenced work but not produced our report.

**The Hon. JOHN GRAHAM:** Were they submitted to the agency at about the same time? Both the peer review and the—

**Ms EDWARDS:** We issued a draft mediation action plan before the overview one. That was provided to the auditor and the peer reviewer, so they reviewed all the previous documentation as well as that draft plan and provided comments based on that before it was finalised into the overview of the remediation action plan.

**Mr DAVID SHOEBRIDGE:** They signed off on your final document—that was part of that process.

**Ms EDWARDS:** Yes. They were providing comments to give the Department of Education some level of comfort that the advice we were providing was going to stand up through the whole process.

**The Hon. JOHN GRAHAM:** Have you had any feedback in the course of your work as to whether this information has gone from the agency to the Government or to the Minister?

**Mr KLINE:** No.

**Ms EDWARDS:** We were not involved at that level.

**The Hon. JOHN GRAHAM:** Thank you. The agency is going to provide some information on that question. Turning to the question about the standards you have applied, the agency has indicated that it is applying a higher standard for schools. As has been indicated by the Committee, we are not quite certain of the standard and we are interested in what that standard is. There is clearly an objective EPA standard that applies to a site in this situation. Can you give us any more information about what other standard might be applied here?

**Mr KLINE:** No. I am not aware of any other standard that would be applicable to a site like this. Whether it is a subjective standard that parents would not want to have their children on a school that had capped contamination, I am not sure. But from an objective point of view, no, there is only one EPA endorsed standard.

**Mr DAVID SHOEBRIDGE:** And that is a robust standard that protects the safety of children.

**Mr KLINE:** Of course.

**Ms EDWARDS:** Can I make a comment on that as well?

**The Hon. JOHN GRAHAM:** Certainly.

**Ms EDWARDS:** We provide advice on the technical and regulatory aspects of the development but there are also issues with ongoing maintenance and liability. In any development, it is the developer or the proponent that needs to decide what is acceptable to them in the future—for instance, whether contained soil is going to become an issue in 10 years time when they want to do another building on the school and so on. There are also issues around community concern. Although we provide advice saying, "These need to be considered," that is not part of the EPA standard as such in terms of us looking at the numbers.

**The Hon. JOHN GRAHAM:** As a parent I am certainly happy with the highest possible safety standard. I guess what we are grappling with here is a clear, objective standard to make these decisions and some other decision-making process. In any of your discussions with the agency or through this process were you given any information about what standard the agency was applying to make this decision?

**Ms EDWARDS:** From the beginning I was always told that the Department of Education was concerned about leaving residual contamination, there being a potential ongoing liability and concern to the school community. It was not our role to say if that was acceptable or not. It was our role to say whether it met the EPA standards. The other considerations, as you said, are not a hard, defined standard. They are part of a risk assessment that any developer will do in developing a site with contamination.

**Mr KLINE:** It is almost more a community consultation aspect. We are there to provide the technical detail on the risks as they present themselves and then the consultative process around the emotional aspects of it are beyond our involvement.

**The Hon. NATASHA MACLAREN-JONES:** In 2014 you conducted the first assessment of the site. In your report, which is included in the department's submission, it states that 82 per cent of the bore holes

yielded test results exceeding human health-based thresholds. Is that a usual result for a site like this or did that cause alarm bells to ring?

**Mr KLINE:** As has been discussed, it is not completely unusual for a site within inner Sydney, especially one with the site history that this one has. We first undertake a site history assessment and knowing the uses of that site it did not particularly surprise us.

**The Hon. NATASHA MACLAREN-JONES:** My next question relates to the second assessment you wanted to undertake. It has been indicated previously that that type of assessment is effectively more aggressive in testing and that tenants may have had concerns about it. In your experience what type of testing is that? Would a tenant normally raise concerns? Are there issues that would impact on their use?

**Mr KLINE:** It depends on the activity being undertaken on site and the need to access the site. We undertake tests on occupied sites regularly. In some instances controls are required—whether it is a shutdown or an exclusion zone—but it is really a site-by-site basis and it depends on the tenant.

**The Hon. NATASHA MACLAREN-JONES:** Would it be fair to say that had you been able to get access it is unlikely that it would have caused any disruption or risk to any tenant?

**Mr KLINE:** We may have caused disruption to a tenant. We have to bring on a drill rig and we need access to specific parts of the site. So if they had activities in that part of the site they may have been disrupted.

**The Hon. NATASHA MACLAREN-JONES:** What is the process for engaging with a tenant? Do you get involved in discussing any of those things?

**Mr KLINE:** No, in nearly all cases our client would arrange access and tell us, "This is the date that we have arranged access." Our involvement might be limited to indicating what processes we are going to undertake on site so that they can relay those to the tenant.

**The Hon. SARAH MITCHELL:** The City of Sydney submission referred to 15 drill holes for subsurface testing. Did your company drill those holes?

**Mr KLINE:** Yes.

**The Hon. SARAH MITCHELL:** How big is the rig you are talking about?

**Mr KLINE:** It is a truck-mounted drill rig so it would take up half of this building. It is a large drill rig but it is also a large site. It will come on, raise the mast and drill down to the specified depth. The bore hole is only a 140 millimetre bore hole, which is then backfilled and sealed. So once we have left the site there is really no impact to continue with operations.

**The Hon. SARAH MITCHELL:** Ms Edwards, you talked about the risk assessment that a proponent looking at a development site would undertake. I do not intend to put words into your mouth, but you have basically said that you provide the EPA level and if the proponent decides that they want to have their risk assessment based on other factors, including the welfare or potential future concern for children as in this case, that is not unusual? They would take your advice but if they wanted to consider other factors in their risk assessment that does happen from time to time?

**Ms EDWARDS:** It does happen from time to time. The majority of our work is for developers for whom generally the dollar is the bottom line. However, I have definitely had sites where—say residential developments—we say that a half a metre cap will be acceptable and they say, "We are not sure future purchasers will be comfortable; we want to put a two metre cap in." In that way they can plant a tree. That is definitely considered by some developers on a case-by-case basis.

**The Hon. SARAH MITCHELL:** Just because a certain remediation might meet EPA standards, it is not unusual for a particular developer to go beyond that to provide some certainty?

**Mr DAVID SHOEBRIDGE:** It was not her evidence that it is not unusual; I think the evidence was that it is unusual but it does happen on occasion.

**The Hon. SARAH MITCHELL:** As a parent I would not think that would be unreasonable if they wanted to go above and beyond for a school site, but that is only my view.

**Ms EDWARDS:** I think all developers need to consider what is important to the development so in terms of unusual—when a developer's sole aim is to make money, it is probably unusual. We hope that is not the Department of Education's sole aim.

**Mr KLINE:** It is not purely a welfare issue because our assessment has covered that; it is more about practicalities—a building needs to be built, is a half a metre cap going to accommodate footing services? So

there are additional costs depending on what remediation option you select. That is something that has to occur outside of our report because we say, "These are the remediation options that will be protective of human health" but there maybe other practicalities about the construction technique that mandate, "Okay, it is not practical for us to retain this."

**Mr DAVID SHOEBRIDGE:** Ultimately when you sat down in that meeting with CETEC and the auditor—I cannot remember the auditor's name?

**Mr KLINE:** Enviro.

**Mr DAVID SHOEBRIDGE:** You worked through the options and you did not come up with the lowest cost option, did you? You came up with option two: a \$31.3 million option. I assume you were looking at some of those constraint issues?

**Mr KLINE:** That is right but if you look at the agenda for that meeting—the agenda was not about selecting a preferred remediation option; it was about discussing all the options, the pros and cons. All of the options that we presented are suitable technical solutions to this site. Our involvement in selecting a preferred option was more based on our considerations and the practicalities.

**Mr DAVID SHOEBRIDGE:** Every option protected the welfare of the children and you were very comfortable about that?

**Mr KLINE:** Correct.

**Mr DAVID SHOEBRIDGE:** But option two that you proposed, which ultimately came out of that meeting—the three metre removal and replace with clean fill—not only protected the welfare of children but also gave flexibility for development on the site and those sorts of issues, is that not correct?

**Mr KLINE:** That is right. A three metre cap means that services can be installed without excavating into contaminated material, footings can most likely be constructed, you can have ordinary plantings and things like that.

**Mr DAVID SHOEBRIDGE:** And you can do a new development on the site without having to go back and revisit it all, depending on the scope and the nature of that development?

**Mr KLINE:** Depending on what that development will be.

**Mr DAVID SHOEBRIDGE:** Well you could not do an underground car park?

**Mr KLINE:** With a debasement you would be required to excavate and that would be further complicated by the fact that you know have a building on half the site. That could be a consideration.

**Mr DAVID SHOEBRIDGE:** But ultimately on balance you said, "This option two, the \$30 million one, is the one that we are putting forward as the preferred solution."

**Mr KLINE:** No, that is not the case. If you look at our ORAP, which is really our output, we have presented four options—

**Mr DAVID SHOEBRIDGE:** I am not talking about your ORAP; I am talking about what came out of that meeting.

**Mr KLINE:** Like I say, on the agenda part of that meeting was not to select an option; we discussed the pros and cons of all of those. Like I say, the outcome of the meeting was not necessarily to decide on a preferred option.

**Mr DAVID SHOEBRIDGE:** So when this letter says, "This letter seeks to advise you that the preliminary consensus of our environmental engineer, peer reviewer and environmental auditor is that the preferred remediation solution involves the removal of approximately three millimetre depth of existing fill material across a substantial part of the site replacing the clean fill as a cap, surrounding with a barrier wall ...." Is that a fair summary?

**Mr KLINE:** Yes. As the letter said, it is preliminary.

**Mr DAVID SHOEBRIDGE:** It is preliminary consensus.

**Mr KLINE:** It is based on what we know about the site, which is not exhaustive. There are stakeholders we have not engaged with. At that stage detailed design was not available, so it was considered reasonable based on the information at hand.

**Mr DAVID SHOEBRIDGE:** Do you know why the considered consensus of all the relevant experts was rejected by the department?

**Mr KLINE:** No. We had no discussions with the department, as far as I am aware.

**Ms EDWARDS:** Not about that, no.

**Mr DAVID SHOEBRIDGE:** Did the department ever come back to you and say that it had another standard, some amorphous higher standard that it was applying? Have you ever seen that applied in other childcare or school environments?

**Ms EDWARDS:** They never said that there was another standard, but from the beginning they did raise concerns about residual contamination being present on the site. They did not say, "This is the standard we need to meet," but that was something they mentioned they had concerns about. We said it was not part of our role. We provide technical advice on what meets the Environment Protection Authority [EPA] guidelines.

**Mr DAVID SHOEBRIDGE:** Your option was to resolve the residual contamination, which is why you put three metres of clean fill as a cap.

**Mr KLINE:** We did not completely resolve it.

**Mr DAVID SHOEBRIDGE:** You put it at three metres, which was safe.

**Ms EDWARDS:** There is contamination down to nine metres, presumably, but there is very limited data for the site below three metres. That is part of the reason we want to go back and test. There would still be a significant quantity of contamination left after the three metres, which is why there is a substantial difference between option two and option four. That is the extra contaminated soil that is there. Option two adequately provides coverage, from a risk point of view, but it means that there will still be contamination.

**Mr DAVID SHOEBRIDGE:** The department said it was very concerned about any venting on the site, from an occupational health and safety and environmental perspective. What are the welfare concerns for children from venting, using, say, your option two model?

**Mr KLINE:** As we said, all the options we provided adequately assessed the technical aspects to be protective of human health, irrespective of whether we are talking about children or childcare centres.

**Mr DAVID SHOEBRIDGE:** So there would be no risk to the health of children and no asthma concerns.

**The Hon. NATASHA MACLAREN-JONES:** I do not think the witnesses are experts on health.

**Mr DAVID SHOEBRIDGE:** I am asking if they have applied the standard.

**Mr KLINE:** They meet the requirements.

**The Hon. SARAH MITCHELL:** They are adequate.

**Mr KLINE:** They meet the requirements of the risk-based assessment, which says: Is this the level at which we have an acceptable increase in risk? The answer is, yes, it is protective of that.

**Mr DAVID SHOEBRIDGE:** One of the key elements of the standards is protecting human health and, in this case, protecting the health of growing children.

**Mr KLINE:** Correct.

**Mr DAVID SHOEBRIDGE:** And it met those standards?

**Mr KLINE:** It met those standards. This is where we get to the emotional side of those particular sites.

**Mr DAVID SHOEBRIDGE:** If the Department of Education is going to take a position of zero contamination on future inner-city school sites, that will potentially make remediation vastly more expensive. Is that right?

**Mr KLINE:** Yes. That would be a fact.

**Mr DAVID SHOEBRIDGE:** In your experience, if you are talking about a site in Ultimo, Pyrmont or Green Square, pretty much all those inner-city sites are likely to have significant contamination.

**Mr KLINE:** I could not comment, but it is possible, yes.

**Mr DAVID SHOEBRIDGE:** If we are talking about the application of scarce public funds, from your professional point of view, is the Australian standard, the standard that has been set by the EPA, the appropriate standard to apply?

**Mr KLINE:** Our involvement, as consultants, is to apply the regulations and guidelines set by the New South Wales EPA.

**Mr DAVID SHOEBRIDGE:** Are you comfortable that those guidelines and standards protect the welfare of children in this case?

**Mr KLINE:** We are. That is right.

**Mr DAVID SHOEBRIDGE:** You have no ambiguity about that?

**Mr KLINE:** No.

**The CHAIR:** Thank you for your participation. I do not believe you took any questions on notice. Thank you for your attendance.

**Mr KLINE:** Thanks very much.

**(The witnesses withdrew)**

**(Luncheon adjournment)**



**KEVIN LANGDON**, President, Ultimo Public School Parents and Citizens Association, affirmed and examined

**JANINE BARRETT**, Former President, Ultimo Public School Parents and Citizens Association, affirmed and examined

**WILLIAM D'ANTHES**, Former President, Ultimo Public School Parents and Citizens Association, sworn and examined

**The CHAIR:** Good afternoon, I welcome our next witnesses from the Ultimo Public School Parents and Citizens Association. I ask that if any of you wish to make an opening statement to keep in mind we are on a tight schedule. I know you have been here during the proceedings. Could we keep it short to leave more opportunity for questions?

**Mr D'ANTHES:** We would like to make opening statements before giving evidence. I have been associated with Ultimo Public School planning groups since 1998. I am a former president and now a lifetime member of the P and C. At the outset, I wish to commend the other members and community supporters of the Inner City Schools Working Party and the project reference group who have been working to deliver this project for the past four years. Most, if not all, would rather be building on a larger site. As a former employee of NSW Department of Education, the Ministry of Education and University of Technology Sydney, I appreciate the difficulties in projecting student population growth.

I recently raised this matter with Premier Mike Baird, who expressed concern with the demographic projections for the provision of schools throughout the State. Departmental demography has too regularly miscalculated the rate of growth in many school populations. The result, a woeful lack of accurate planning in the inner city that has led to the crisis we are currently facing. This is most apparent at Ultimo Public School. It was threatened with closure 16 years ago and subsequently subject to an inadequate redevelopment in 2002. The imaginative high-rise school concept on the existing half-hectare site will simply not provide enough space to address the incredible pace of development in this area. In the past two months alone, plans have been announced to build 1,250 residential units in four new developments in our area. These plans do not take into account any future plans for Wentworth Park or the Bays Precinct.

The previously unanimously selected council depot site will meet both long-term educational and community requirements. Importantly, in this age of childhood obesity and physical inactivity, this larger site will provide acceptable open outdoor sport and play space for our largely apartment-dwelling children. This is the last available site large enough to build a 1,000 pupil school in our area. Due to the double backflip of the Minister, all the other suitable sites in Ultimo and Pyrmont originally investigated by our committees have since been sold. A school on the Fig and Wattle Street site is unquestionably our last opportunity to future-proof the educational needs of our community's children.

**Mr LANGDON:** I appreciate the opportunity the Committee has afforded me to provide insight into this matter. I am current President of the Ultimo Public School P and C since June 2016. I would like to highlight from my submission that based on the department's own figures of \$74 million agreed upon purchase prices for land, inclusive of agreed remediation costs, less the \$49 million out-dated sale price of the current Quarry Street site, the total cost of land is approximately \$25 million. The department's budget approved \$42 million for the school build, bringing the total of this project to \$67 million.

As you will note, this is some \$110 million less than the department used in their campaign to defend their renegeing on the deal. Even using the department's grossly inflated and unwarranted worst-case remediation scenario of \$53 million, the cost of the project only increases to roughly \$90 million. This of course does not take into account the fact the City of Sydney expressed a willingness on many occasions to further negotiate a reduced sale price. I believe this is a clear campaign of misinformation to the public by the department for which they should be held accountable. Their purposeful misinformation campaign has caused a significant fracture in our community.

**Ms BARRETT:** I would like to thank the Committee for the opportunity to address it this afternoon. I was president of the P and C at Ultimo Public School from June 2013 to May 2016. I was also a member of the Inner City Schools Working Party and project reference group for this project. You have had the benefit of reading my written submissions, if you take anything from this submission it should be that it is my strongly held belief that the Government never intended to build a new Ultimo Public School on the council owned Fig

and Wattle Street site. And further, that the announcement to build the school was a deliberate political strategy to neutralise the issue prior to the last State election.

The citing of the full decontamination benchmark set by the Department of Education, which was not supported by the experts, and the prohibitive cost of this at \$53 million plus, became a convenient excuse for the Minister and his department to extract themselves from an agreement they had no intention of honouring. I also strongly believe, despite the pretext of consulting with the community, the department never deviated from its original plan to build a high-rise school on the current site. I felt I was subjected to pressure from the Executive Director, Asset Management, to accept a high-rise redevelopment on the current site, during the planning phase for the Fig and Wattle streets school and just prior to the announcement made by the Minister on 15 December 2014. These opinions are well supported by the available documents and I welcome your questions with regard to these statements and any related matters. I would also appreciate the opportunity to talk about my son's experience of attending Tamworth Public School which sits on a four-hectare site, and the difference this has made to his overall wellbeing.

**The CHAIR:** The first 10 minute allotment of question time is with the crossbench members. If Mr Shoebridge does not arrive Reverend the Hon. Fred Nile will have the entire 10 minutes in that first allocation.

**Reverend the Hon. FRED NILE:** Thank you very much for coming in and for all the hard work you have been involved in in trying to meet the needs of the children in your area. In your submission you talk about the temporary arrangement for Wentworth Park. You said the children have only two to three 40 minute sessions per week on the park now. What is the reason for that small amount of time?

**Mr LANGDON:** Basically the park is shared with other schools. Ultimo is not the only participating school to use that land. Because of the size of Ultimo and the number of children per guardian or teacher who needs to watch over them, they have to separate and pass out the children as they go over for each play experience.

**Mr D'ANTHES:** It is worth noting at this point that it would be more difficult to have our students go over there when we have the sort of population we are talking about on the current site, which is 800. We are only running 320 at the moment. It would mean probably a lesser amount of time.

**Reverend the Hon. FRED NILE:** The Government in its earlier submission talked about rostering the children at different times with three other private schools. Is that correct?

**Mr D'ANTHES:** That is correct. That is the International Grammar School, St Andrews and us.

**Reverend the Hon. FRED NILE:** That restricts the amount of time that the children have to play in their morning break and lunch break.

**Mr D'ANTHES:** That is right.

**Mr LANGDON:** It is only for their lunch break.

**Reverend the Hon. FRED NILE:** The Government gave the impression we could roster them, so the private schools could have their lunch between 11.00 a.m. and 12.00 p.m. and Ultimo could have theirs between 12.00 p.m. and 1.00 p.m. and so on. Is that what has been suggested?

**Mr D'ANTHES:** What normally happens is that lunches are eaten either on the way or before, then they go and play for as long as they can and then get back. As I say, more students, less time.

**Reverend the Hon. FRED NILE:** The other controversial issue is the cost of the remediation of the site because of the contamination. What is your figure? Lots of figures have been floated all the way up to \$53 million, I think.

**Mr D'ANTHES:** Yes, \$53 million. That is ridiculous.

**Ms BARRETT:** When Mr d'Anthes and I attended a meeting with the department, including Assets, they showed us a document—I think it is the document Mr Shoebridge has there—and said the level of remediation it believed to be necessary would be \$53 million. In fact, I believe that Mr Anthony Perrau from Assets said that it would probably be upwards of \$60 million.

**Mr D'ANTHES:** Every time they speak, it gets higher.

**Reverend the Hon. FRED NILE:** What do you believe is a realistic figure?

**Ms BARRETT:** I believe that, according to the testimony given by Douglas Partners, they are the experts. If they say it can be done for \$30 million—I would say that they are the experts; I am not a remediation expert—then I am sure it can be done for that.

**Reverend the Hon. FRED NILE:** Would you suggest the Government is creating that higher figure to justify its pulling out of the whole project?

**Ms BARRETT:** Yes, that is my belief. As I said in my opening statement, that was the convenient excuse that it used to pull out of a promise that it never intended to honour.

**Reverend the Hon. FRED NILE:** Why do you think that it made the promise in the first place?

**Ms BARRETT:** To neutralise the situation prior to the last State election. This is a very, very hot topic in our area. As you know, this is the most densely populated area in the whole of New South Wales—in fact, Australia, I believe—and education is a key area. In terms of politics, everybody was talking about this and the Minister would certainly have been aware of that. I believe he made the promise just to make it go away.

**Reverend the Hon. FRED NILE:** Did that have an effect on the community?

**Ms BARRETT:** Of course.

**Reverend the Hon. FRED NILE:** It just accepted that there would be nothing to worry about—

**Mr D'ANTHES:** Not yet. They have not accepted it yet.

**Mr DAVID SHOEBRIDGE:** The question is: Did you at the time think, "Good. Problem solved"?

**Ms BARRETT:** Yes.

**Reverend the Hon. FRED NILE:** I meant the community in general. You know what is going on, but the wider community would have accepted it on face value.

**Mr LANGDON:** Absolutely.

**Ms BARRETT:** I think the community accepted it on face value but I think that Mr d'Anthes and I certainly had some reservations. During the planning phase we had been pulled aside by Assets at very short notice, and Assets tried to steer us in the direction of accepting redevelopment of the current site. In fact, the last time this happened was only seven days before the Minister made his announcement. Mr d'Anthes and I were pulled up to the education department at very short notice under the guise of it being an Inner City Schools Working Group meeting. City of Sydney was not invited to that meeting. We were told it was to review the findings of the Inner City Schools Working Group, but I believe the purpose of that meeting was to try to get Mr d'Anthes and I to accept redevelopment at the current site.

**Mr DAVID SHOEBRIDGE:** Do you remember how you heard that the Government had said that the remediation costs were \$53 million?

**Ms BARRETT:** Yes. Mr d'Anthes and I were called to a meeting, again at very short notice, at the education department. We were shown that document that you have.

**Mr DAVID SHOEBRIDGE:** Is that the large document I have here with the three different—?

**Ms BARRETT:** Yes. We were shown that document. Anthony Perrau from Assets said that the other two options were not viable and that only the highest level of remediation would be acceptable for the department.

**Mr DAVID SHOEBRIDGE:** Did they tell you at the time that that was their advice from their experts, or did they just assert it?

**Ms BARRETT:** They did not say that it was advice from their experts. They just said it was a benchmark set by the department that only the highest level of remediation would be necessary due to the level and nature of the contamination of the site.

**Mr DAVID SHOEBRIDGE:** Did they tell you that the preliminary consensus of their environmental engineer, their peer reviewer and the environmental auditor actually said that it did not require a \$53 million remediation but only a \$30 million remediation?

**Ms BARRETT:** No, they did not tell us that.

**Mr D'ANTHES:** We only found that out when we saw the letter that has come to you now, which was some time after the decision was made to go back to the original site. Apparently the letter was sent twice and there were two reminders. I thought that perhaps the project manager was trying to make a point that it is not quite as was directed by the media.

**Mr DAVID SHOEBRIDGE:** As members of the community and the parent body, do you think it would be crucial, if you are having good faith negotiations and discussions with the Government, that it actually tells you what its experts recommended?

**Ms BARRETT:** Absolutely. It would be.

**Mr LANGDON:** Absolutely.

**Mr DAVID SHOEBRIDGE:** How do you feel about the process now, where a position was given by the department but you finally find out that its position is not supported by its experts and it has not told you what its experts say?

**Ms BARRETT:** I think that the department conveniently did not tell us that information because, as I have already said, it never intended to go ahead with this project so it had to cite the greatest level of contamination remediation necessary to make this totally unviable financially.

**Mr LANGDON:** To share my experience, the first time I saw that was reading through some documents we received through our GIPA request. In all honesty, when I read that I was very angry to see in two specific instances that its consultants counselled it on option two yet we were never told of that. It specifically stated to us that its only viable opportunity was to go with option three.

**Mr DAVID SHOEBRIDGE:** As members of the community and part of the parent body, having heard the testimony from the relevant expert earlier today, would you be satisfied with option two as a remediation option?

**Ms BARRETT:** I think if Douglas Partners is the expert and says it can be done and is safe, then why not?

**Mr LANGDON:** In two of those instances I was talking about documented communication that option two would suffice to make that a safe environment for children of a school, so I see no reason I should not believe the advice of the consultants.

**Mr DAVID SHOEBRIDGE:** You are listening to the opinion of the best qualified experts. They have been on the site since 2002.

**Ms BARRETT:** Yes, I think that is when the original—was it drilling?—was done.

**Mr D'ANTHES:** That is right. You will be hearing from another witness later who will perhaps even make that figure slightly smaller.

**Mr DAVID SHOEBRIDGE:** If you have got a message to the Department of Education—they have not yet built their pop-up school, they have not yet shut down Ultimo Public School—given this information, what is your message from the school community to the department?

**Mr D'ANTHES:** Go back.

**Mr LANGDON:** I was listening to the other testimony today through the web and it concerned me to hear that there are comments bandied about that this is a missed opportunity and we should be looking at this as lessons learned. I believe this is not a missed opportunity. The City of Sydney still has the land and is still willing to negotiate—so even further it will come down in price; there has not been a single movement in building either the pop-up school or the tearing down of the existing school. We are still within the window to make this a viable project, so it would really concern me to see us not move forward trying to get the department to come to the table.

**Mr DAVID SHOEBRIDGE:** So your message is to both the department and the council: Put your heads together and fix this before Christmas?

**Mr LANGDON:** Absolutely.

**The Hon. COURTNEY HOUSSOS:** Thank you for your time and particularly for being here to hear the other testimony earlier on today; it is really useful for us so we can hear both sides of the story. I have a few questions. I want to start with page eight of your submission where you say, "The Department having dismissed the plans for Fig and Wattle, issued a plan to cope with the shortage of student placements. This was to increase the number of classrooms by 40 between Ultimo Public School and Glebe Public School". But you then go on to say, "However, no extra classrooms are planned for Glebe Public School and only 27 for Ultimo Public School. They do not follow their own suggestions". Where is that from?

**Mr LANGDON:** If I recall, it was from the documents that I talked about earlier that we received through our GIPA request. I am going to have to recall them from the colour; they were pink in nature, so they

stood out for me, and I also put that in my own submission. But they are in the documents that I provided to the Committee outside of my submission, in support of my submission.

**The Hon. COURTNEY HOUSSOS:** Mr Langdon, I am not sure if you were here this morning but the department was quite firm in saying that they were very confident that across the City of Sydney they would be able to accommodate the future enrolment requirements. You guys obviously take a very different view to that.

**Mr D'ANTHES:** Could I just say that the demography of the department has been woeful—I would use other words too but not here; it has not been correct ever, in my experience, and certainly not with this school. As I say, I have been around since 1998 when they were talking about closing the school and sending all our children over to Glebe because there were going to be no children in our area because it was high rise. That sort of mentality has continued, even when we were talking about the demographic possibilities for the school in Wattle Street, and the point was made—and I made it myself—"Have you taken into account such large developments", upcoming at that time, "at Darling Harbour and also Central Park? Have you looked at those? And what about areas across the city generally?" The answer from the demographer was "No". I found that unbelievable and I continue to find it unbelievable.

But the figures I gave you about an extra 1,200 units on four different sites, this is since all of the information was made available to you by everyone, these are additional developments now that were not there last time we looked. Look at the number of students who were there originally—1,000 on the proper site; it was originally 600 when they decided they would rebuild on the current site and it went to 700, 750, and now it is 800. How accurate could that information be and will it be any more accurate when we get the other large areas about to be developed? Even so, if you use that cluster format, the schools are not in the right place to increase the numbers and they will not answer the needs that we see coming up, that almost anyone can see coming up, apparently, except for the demographers from the Department of Education.

**The Hon. COURTNEY HOUSSOS:** The other point you make is that Ultimo Public School was outside its own proposed catchment area. Can you explain that one for us?

**Mr D'ANTHES:** Just before we came back to the school we were talking about, what are we going to do? They have reduced the catchment one street away from Pymont. The next movement would have to be moving it. The only people that could attend Ultimo Public School would be Pymont children. What a silly idea. For years we have had parents who can actually almost see the school and have to send their kids elsewhere. We have not taken into account any of the public transport needs of moving these kids around, and I know my own child when she left Ultimo had to go across to Balmain and she would very often be late because the bus service was just crammed.

**Mr DAVID SHOEBRIDGE:** And that is because it is a catchment on a peninsula. You cannot send them north of the peninsula anywhere, can you?

**Mr D'ANTHES:** Exactly. The Bays Precinct, all those areas, they would have to come in somewhere and unless you have a 1,000-pupil school somewhere you are not going to be able to cope with it.

**The Hon. COURTNEY HOUSSOS:** Just more generally, and then I will hand over to my colleague for some questioning, as parent representatives, as community representatives, do you have any more general concerns about the style of school that is being proposed on the redeveloped site as opposed to what would have been proposed on Fig and Wattle?

**Ms BARRETT:** I think the issue that I would like to identify as the most problematic is the fact that there is not sufficient space for the children to play. As I said in my opening statement, my son attended Ultimo Public School from kindergarten to halfway through year 6 and has just gone to Tamworth Public School. Tamworth Public School sits on four hectares; there are 900 students there. The difference in his wellbeing, his behaviour, everything about him being excited to go to school, is all centred around the fact that he is allowed to run. At Ultimo Public School you cannot run in the playground; at Ultimo Public School you cannot kick a ball in the playground. He is excited to get to school in the morning because he can run around with his friends. He can run, he can kick a ball.

The issue I think that a lot of people do not even consider is with children there are very often social disagreements in the playground. If you have very, very limited play area, recreational area, how do children escape those situations when they happen? On a four hectare site—we know there are not four hectares in the inner city, but on a 1.2 hectare site there is opportunity for children to go and have a bit of time out, go and play with different friends, escape an environment that often makes them feel stressful. I think this is something that I would identify as a problem with the current site, particularly with the topography of the site, which you would

have seen; it is a very difficult site to work with and play space would be minimal, even with the most imaginative of designs.

**Mr D'ANTHES:** And it is a very imaginative design; it is a good design for the site. Given the strictures, they have done as well as they possibly can. These are brilliant people as far as organising space, but it is just not going to be big enough. Look at what the education department is doing elsewhere; look at Forest High School—the land around it is so valuable that they want to tear down the existing school and take over their school grounds and their oval and develop that as apartment buildings. It just does not make any sense. This is a trend all over the State.

**The Hon. COURTNEY HOUSSOS:** Were those concerns alleviated? Did you participate in the field trips to the other schools?

**Ms BARRETT:** I did not, no.

**Mr D'ANTHES:** I did.

**The Hon. COURTNEY HOUSSOS:** Were those concerns alleviated?

**Mr D'ANTHES:** I think there are some great schools that the department has developed, most of them before we have gotten into this binge of doing high rise. Certainly, you can see some excellent schools around the State, numerous schools around the State. This is smaller—we are talking about an area that is going to blow-out population-wise; it is just not going to work, not in the long term.

**The Hon. JOHN GRAHAM:** I also want to thank you for your submission. I found your submission really helpful just identifying some of the issues. So thank you for the work you have put into it. I think you heard the department's answer to some of the questions about the remediation standard they are applying between the two sites and their suggestion that they are comfortable that they are applying the same standard to both sites. I am interested in your views on that question.

**Mr LANGDON:** I would disagree wholeheartedly with that statement by the department. I know for a fact that they are not applying the same standards. For instance, on the Fig and Wattle streets site they were citing that they need to go beyond the EPA regulations. As a member of the project reference group [PRG] that is focusing on the rebuild of the existing site as well as the pop-up school site, I had concerns when I learned that there were contaminants on the pop-up school site and I specifically asked a question in the PRG meeting as to the standards being applied to the pop-up school site. Again I was told directly that they are complying with the EPA standards. So it caused me to question why is it okay to apply only EPA level standards to a contaminated site for a pop-up school when you said that it is the department's standard to go well beyond that for the safety of the children.

**The Hon. JOHN GRAHAM:** There are obviously different sites with different contaminants so that is understood. But that is a reason to have one standard that you are applying across the board. You are confident that is not the case in the meetings you were in on these two sites.

**Mr LANGDON:** I can just speak to the fact that the department has said that it must go beyond the levels of the EPA for the Fig and Wattle streets site and that is its standard—that is not the standard it is applying to the temporary pop-up school site.

**The Hon. JOHN GRAHAM:** Were you told what was the standard for the Fig and Wattle streets site? There is an objective EPA standard and this is another standard above and beyond that. Were you given any detail about this unspecified standard?

**Mr LANGDON:** I was not told anything specifically.

**Ms BARRETT:** I do not think the department has put in writing anything to do with what is its benchmark. I can tell you that at an extraordinary P and C meeting held at Ultimo Public School in 2015, Murat Dizdar, Executive Director, Public Schools NSW said:

The department fully decontaminates sites. They do not cap sites where they build schools. Full decontamination is a benchmark set by the DEC and they will not deviate from this.

But they have never explained what that benchmark is and what full decontamination actually is.

**The Hon. JOHN GRAHAM:** And it is being deviated to Wentworth Park.

**Ms BARRETT:** Yes, it is.

**Mr D'ANTHES:** Yes. They are not fully decontaminating it; they are literally putting it on stilts or stopping the students from touching the turf.

**Mr DAVID SHOEBRIDGE:** Mr Langdon, you were in the middle of explaining what they said to you or how you heard about the higher standard. Do you want to finish that?

**Mr LANGDON:** I had read it in the documents that we received so I was reading the communications between the City of Sydney and the department itself.

**Mr D'ANTHES:** The other thing to keep in mind is if they were to apply that standard to all these other schools that they are going to make as part of the cluster, I think you will find that that they will go broke after the first or second school. They would go beyond budget.

**The Hon. SARAH MITCHELL:** In relation to mediation, the evidence the Committee received earlier from Douglas Partners was that they feel it is sufficient to make it a safe environment and that as parents you have no reason not to be happy with that as their judgement. The Committee was told about access to the site for further subsurface drilling. Does it concern you as parents that that was not able to take place for whatever reason and whoever was at fault for that not happening? Does it concern you that there had not been extra examination of the contaminants of the site that the department wanted to take place?

**Mr D'ANTHES:** There have been at least two investigations of this site by the City since the community started looking at it in 2004. We knew there were contaminants there. We admit that the contaminants were probably heavier there than anywhere else but we really do not even have the report on the current site when we redevelop another. We know there is something there but we do not know how much or where. We have not done a complete site study there. We have always asked that the study be completed ahead of time. We would often find if we did so that perhaps the information previously provided was not extensive enough. But it could well be even less so because they may not even have to go down that far. You cannot assume that the excavation would have to go down like this. It might be a bit heavier in one area and it might be much less elsewhere. We have read somewhere, of course, that the second reading on some of the contaminants had gone down. So yes, let us have a complete look at the site that we have in mind and see what happens.

**Mr LANGDON:** As to sending my children there, I would certainly be concerned about contamination and contamination levels. We have seen the initial reports and the consultants recommending option two to be sufficient. That was fine for me but I would certainly want them to do as thorough an investigation as possible. If it were determined that those initial two consultations or those two recommendations were wrong I would certainly not want to pursue that. But what bothers me is that from the time the department agreed to the deal to the time the department reneged on the deal there was no new evidence of additional contamination. So they went into it with their eyes wide open—that there were elements of contamination and they were given recommendations that it was okay to build a school there. From that point on to the point they reneged they did not get new information that there was elevated contamination that they would not be able to deal with.

**Ms BARRETT:** I would add to that. How can the department possibly put a figure of \$53 million or \$60 million or more to remediation when it has never gauged the level of remediation necessary?

**The Hon. SARAH MITCHELL:** I refer to the Fig and Wattle streets site and the potential capacity for it to have a multiuse purpose—something that the City of Sydney talked about and that was briefly mentioned by the department. As the P and C, what is your view on the option of the site being subdivided with the school on one part, and potentially commercial or residential or other community uses on the other part?

**Mr D'ANTHES:** As the City has suggested, we would like as much of it as possible. But in order to save money, or perhaps even to make money, the prospect of putting underground parking there next to the light rail available to the Fish Markets and Wentworth Park seems to be a good and viable way to do it, and then to build the school on top of it. But there are many possible plans, most of which have to be better than what we are about to be offered.

**The Hon. SARAH MITCHELL:** How is underground parking put there if it is contaminated?

**Ms BARRETT:** If you remove all of the fill, you have taken everything away and you can put the car park in there. And you could perhaps use that as a park and ride because the light rail stop is right next to it. That could be an opportunity to subsidise the cost of the school on an ongoing basis by creating revenue from a car park where people pay to park and then go to the city on the light rail.

**Mr D'ANTHES:** You will have a witness giving evidence later who has a great deal of expertise in this matter who will be speaking to that.

**The Hon. SARAH MITCHELL:** In relation to the footprint and the size of school, and in relation to some of the comments Ms Barrett made about physical activities and wellbeing to have that space, I think all the witnesses who have appeared before us today have talked about using Wentworth Park as another recreational

space, as they currently do. If they did the rebuild on the existing Ultimo site or if the Fig and Wattle streets site were to be redeveloped there would still be the use of Wentworth Park which happens now anyway. If you were to subdivide the Wattle site the footprint of the school would still be relatively small, even though that is a big space. I do not see a scenario in this equation where Wentworth Park is not going to be needed for outdoor space no matter what site was chosen. Is that your understanding?

**Mr D'ANTHES:** Wentworth Park is broken into two parts—north and south with a dog track in between. The idea of using the new larger site would be to use Wentworth Park north.

**The Hon. SARAH MITCHELL:** You would still need to use part of Wentworth Park to have the physical activity that you talked about?

**Ms BARRETT:** Yes. I think using Wentworth Park is still an option. Ultimo Public School also uses Wentworth Park for its sports days and things like that.

**The Hon. SARAH MITCHELL:** That would still have to be the case even if they develop the Fig and Wattle streets site. That has been pretty clear from other witnesses today.

**Ms BARRETT:** I do not think that is the case. I think that on the 1.2 hectare site, which is Fig and Wattle streets, there would be sufficient space for the kids to play but with the option of using Wentworth Park for other activities such as sports days, cross country, et cetera.

**Mr DAVID SHOEBRIDGE:** It is always good to have Wentworth Park across the road?

**Ms BARRETT:** Yes, of course.

**The Hon. SARAH MITCHELL:** Earlier Ms Casey from McLachlan Lister talked about the interaction with parents and the number of parents with whom she had dealt. How has the P and C felt that process has been handled in that it was able to be part of the consultation process for this project?

**Mr D'ANTHES:** Certainly they have offered a number of workshops and in that sense it is quite good. The number of people attending, particularly after the announcement of changing the park use and also using the existing site, there have been very few people attending. What has not been said is that most of the people attending most of these do not favour this current scheme. They are looking to return to the Wentworth Park north site which is on what we call the Wattle Street site—the depot site. They are unhappy with this.

**The Hon. SARAH MITCHELL:** But fewer parents have attended since the new decision.

**Mr D'ANTHES:** More community people, I think.

**Mr LANGDON:** I can speak to that.

**The Hon. SARAH MITCHELL:** I would be interested in that.

**Mr LANGDON:** The community members and the parents that I engage with feel let down by the department. They feel that it is a futile effort to go and engage after the department has promised them a school on which they took great efforts to consult with the P and C and the inner city working party and then without any reason—or with the reason that they have given which has not really been bought into by the community—have turned tail on that and said they are not going to do that. So they feel, firstly: "Why is there a need to go and consult on a site that we do not want or agree to?" and, secondly, "The department has already shown that they do not listen to us. Why should I be spending my time to go give them my opinions when they have already demonstrated that it does not count to them?" I do not want to speak for the entire community—I can just tell you that that is a sentiment that I have gotten from my engagement with the community.

**Ms BARRETT:** I think that there is a distinct lack of trust between the community and the department now, particularly after all of the flip-flopping that has been going on with Ultimo Public School. As Mr Langdon rightly says, people do not want to sit down with the department. Why would we trust them? Why would we believe anything they say they are going to deliver? They have not yet.

**The Hon. NATASHA MACLAREN-JONES:** How many parents do you engage with?

**Ms BARRETT:** As the P and C? Mr Langdon, you know current numbers.

**Mr LANGDON:** Currently we have about 100 to 110 within our communication circle but we are obviously speaking to those that are not members of the P and C on a daily basis.

**The Hon. SARAH MITCHELL:** On average how many parents are there in the school community?

**Mr DAVID SHOEBRIDGE:** How many children is, I suppose, the question.



**The Hon. SARAH MITCHELL:** No, but if you have 110 families or parents that you are engaged with, is that out of 600 sets of parents or some other number? I am trying to get an idea of the percentage of school families that interact through P and C.

**Mr D'ANTHES:** Keep in mind that we have actually lost quite a few students on the basis of the uncertainty that is happening so that we are now down to about 290 or something like that.

**Ms BARRETT:** I think it is 280. If you were looking for numbers of parents, you would say roughly double that.

**The Hon. SARAH MITCHELL:** Okay.

**The Hon. NATASHA MACLAREN-JONES:** And you engage with about 110 of those.

**Mr LANGDON:** There are 110 that are current members of the P and C, but our P and C meetings do not come close to having 110 participants.

**The Hon. SARAH MITCHELL:** I would be surprised if they did. You would get a gold star.

**The Hon. NATASHA MACLAREN-JONES:** Can you outline how you engage with those parents and what your consultation through this process has been with them?

**Mr LANGDON:** I am a working parent so I do not get to attend the school during the day where I could engage with parents during drop-off and pick-up, unfortunately. So primarily the way that I can engage with the community is through emails—I try to send email updates after project reference group meetings to talk about the school, which I am able to through confidentiality conflicts—and at social events. For instance, we had a trivia night just recently or it could be a school fun run or a sports day that I can sneak out of the office and get to. Other than that, it is difficult for me personally but I do have some very strong, supportive executive peers as well that do attend, so they are constantly engaging with them. They work on the garden with certain parents. The P and C executive committee is quite active in engaging with the community.

**Mr DAVID SHOEBRIDGE:** First of all I thank you all for the work you do on the P and C. Our public schools would not work without active P and Cs. You are like an accountability measure and a support, so thank you for that. In terms of the school site at just over half a hectare and with the prospect of 800 kids going onto half a hectare, how do you feel about that?

**Mr LANGDON:** If I were to look at it in black and white or binary terms, it is very concerning, but again due to my participation in the project reference group it is a very dynamic design that they have brought to the table. That is not a final design. There obviously need to be tweaks based on conversations with that group. But what I cannot stop thinking about is how exciting that design is and what we could be doing on something that is three times the size. Yes, you are maximising the space, but we are also losing space now because on the new build we are putting in some childcare facilities. We already have limited space. Now it is not being dedicated 100 per cent to the school. If you can be this imaginative and creative on 0.54 hectares, I can only imagine the space the children could have on something three times the size.

**Mr DAVID SHOEBRIDGE:** We had the benefit of going on a site visit to Anzac Park Public School. That was in part a high-rise school but then it had a large playground that wrapped around the side of it. I have to say it was terrific.

**Mr D'ANTHES:** And on top.

**Mr DAVID SHOEBRIDGE:** And on top. That is the kind of thing you would have liked to have seen delivered at Ultimo, I assume.

**Ms BARRETT:** Absolutely. Yes. We did see initial concept designs in, I think, April 2015 for the school on the Fig and Wattle streets site. That was very interesting. They looked to link both suburbs, Ultimo and Pyrmont, finally.

**Mr DAVID SHOEBRIDGE:** So build from the top down, almost.

**Ms BARRETT:** Yes—from the top down. The initial concept designs that we saw were very exciting.

**Mr DAVID SHOEBRIDGE:** I put this fairly rudimentary calculation to the department: Most free-range chicken advocates say no more than 1,500 chickens per hectare, but at the Ultimo site we are talking about 1,600 kids per hectare. I am a Greens MP. I believe in free-range chooks, but I also believe in free-range kids. What is your observation about that?

**Mr LANGDON:** It is absolutely true. With the new design it is exciting how they are opening up the space but that new design is also taking into account three if not four times as many children so what look to be

open spaces now with 280 children become considerably less when there are 600 or 700 children. It just does not suit the population growth or what they are projecting population growth to be on a 0.54 hectare site.

**Mr DAVID SHOEBRIDGE:** There is nowhere to flap your wings.

**The Hon. SARAH MITCHELL:** I think you are taking it too far, David.

**Reverend the Hon. FRED NILE:** I want you to confirm your policy position. The Inner City Schools Working Party is the one that has been pushing for the Wattle Street depot site.

**Ms BARRETT:** It was a unanimous finding of the Inner City Schools Working Party that the Fig and Wattle streets site was the most suitable. There was a weighting system used that took into consideration lots of different things. The Fig and Wattle streets site was the first choice. The second choice was 100 Harris Street which was sold to a developer, I think. Then the third choice, interestingly, was not the redevelopment of Ultimo Public School; it was the redevelopment or expansion of Glebe Public School. If the redevelopment of Ultimo Public School was the fourth choice, I am curious as to why we are redeveloping Ultimo Public School. Why are they not redeveloping Glebe Public School and why was there no explanation of their decision when this decision was made?

**Reverend the Hon. FRED NILE:** Just to check again, that working group in your submission states that there were representatives from the Department of Education.

**Mr D'ANTHES:** Yes.

**Ms BARRETT:** Yes.

**Reverend the Hon. FRED NILE:** And that was with the principal, the P and C, the community and the City of Sydney. So you have not changed your position as the first choice in spite of the Government cancelling the arrangement.

**Ms BARRETT:** No.

**Mr D'ANTHES:** No. It is just that that committee was cancelled when they made the second choice even though they said they would bring it on if they had to make a change. Everyone on that committee, including all government people, were in favour of the depot site.

**Reverend the Hon. FRED NILE:** Would you support our Committee if it recommended that the Wattle Street depot site be renegotiated by the State Government?

**Ms BARRETT:** Absolutely.

**Mr LANGDON:** Absolutely—100 per cent.

**Reverend the Hon. FRED NILE:** In spite of the contamination and the other problems.

**Ms BARRETT:** As Douglas Partners told us earlier, it can be remediated very close to the budget of the department. As Mr Langdon pointed out to me at lunchtime, they actually put a 20 per cent buffer on top of the level of remediation that has been gauged in terms of cost. So if it can be done for 30 and there is a 20 per cent buffer on top, it can be done for 25.

**Mr LANGDON:** Each one of those on that document that you have there, the large document, the footnote says that it includes a 20 per cent buffer for over costs. So they came in directly at their budget. They said they can do \$25 million and option two, which was what was recommended to them, comes in at \$25 million if you strip out that 20 per cent buffer.

**Reverend the Hon. FRED NILE:** In your submission you are really turning the contaminated material into an advantage by excavating it to provide an underground garage for Wattle Street?

**Ms BARRETT:** It could be, absolutely. It would certainly make it more cost effective to do that, yes.

**Reverend the Hon. FRED NILE:** So there would be a purpose in excavating the contaminated soil and replacing it with an underground garage?

**Mr LANGDON:** That is one option.

**Mr D'ANTHES:** You would not have to refill it.

**The Hon. JOHN GRAHAM:** In your evidence you talked about a meeting on 8 December 2014, which was just shortly before the Minister's announcement.

**Ms BARRETT:** Seven days before the Minister's announcement.

**The Hon. JOHN GRAHAM:** At that point the department was strongly putting to you the view that you felt—that it should be a rebuilt on the original site?

**Ms BARRETT:** Yes, and I would like to point out that that was actually the second meeting we had. Mr D'Anthes and I were called to a meeting during the planning phase of the Fig and Wattle Street site. The executive director of Assets did actually try and steer us then into redevelopment of the current site. We both said, "Absolutely no way." Due to the history of Ultimo Public School and the short-sighted redevelopment of that in 2002 we would not accept redevelopment of the current site. Of course, we were very suspicious when we went to that meeting about what the intentions of Assets were. Again, to have called us in seven days before the Minister made the announcement to again steer us in the direction of accepting redevelopment of the current site is extremely fishy, would you not say?

**The Hon. JOHN GRAHAM:** I think it is a very short time. The Minister is almost in his car heading down to make the announcement and this is still the discussion that is going on.

**Ms BARRETT:** Absolutely. It is my opinion that Assets wanted to do this all along, this was something they were determined to do. I think that certainly the feeling I got from being in the project reference group with Dr Sylvia Corish and Murat Dizdar, in the meetings he attended, was that they fully believed they were planning for a school on the Fig and Wattle Street site, but the feeling I got from Assets was that they had no intention of doing it.

**The Hon. JOHN GRAHAM:** Then seven days later, for whatever reason, the Minister makes the announcement that it will be on the Fig and Wattle Street site. The Committee has been asked to examine why that announcement was made and then backed down from. Essentially, you are telling the Committee that it was a political stunt before the election?

**Ms BARRETT:** Yes, I believe so.

**The Hon. JOHN GRAHAM:** If that is true, it was a very expensive way.

**Ms BARRETT:** Extremely expensive.

**The Hon. JOHN GRAHAM:** If that is true, it was quite irresponsible?

**Ms BARRETT:** Extremely irresponsible, yes.

**The Hon. JOHN GRAHAM:** On the remediation issue, remediation in inner city areas is clearly a serious issue. We should be clear that it is a serious hurdle at any of these sites but you feel that the high cost that was attributed to the remediation in the end by the agency was not about the agency—

**Ms BARRETT:** Not at all.

**The Hon. JOHN GRAHAM:** —it was really a smokescreen.

**Ms BARRETT:** It was the convenient excuse they needed to be able to back out of the promise that they had made and they never intended to honour.

**Mr DAVID SHOEBRIDGE:** You have been guided by the expert evidence and you think the Government should be too?

**Ms BARRETT:** Yes.

**Mr LANGDON:** Absolutely.

**The Hon. COURTNEY HOUSSOS:** I want to touch on some of the issues with pop-up schools and, to paraphrase what a representative of the Department of Education said this morning, that all pop-up things are cool, which is perhaps a little bit disingenuous. I note that you did raise some concerns in your submission but I would be interested to hear your views as to noise, heavy traffic—

**Ms BARRETT:** Security.

**Mr LANGDON:** For me security is an issue and I raised that at one of the meetings. There is a fairly significant homeless contingent in Wentworth Park, at the Wentworth Park north site, that has taken up residency under the light rail station. I asked at the meeting if they would be doing anything to remove that population and they asked why. I did not think it needed to be determined why; it is a homeless community that will be on the same site as a children's primary school. I find that to be concerning, absolutely. What have they done to create a school in a safe environment? Again, they have been very creative and it looks interesting but it is not the same as having a permanent school. There is absolutely no need to be introducing a temporary school when there is a much more viable option. Again, I do not want to look at it as binary: Is a public school good or

bad? Are you concerned about this? It is absolutely unneeded, it is a waste of money and it feeds into a short-sighted view of what is needed for this community.

**Mr D'ANTHES:** We have been told that the demountables—despite what the Committee heard this morning—are not necessarily new, but they are certainly refurbished. Once again, the design is excellent for what it is but it is not the right thing to do.

**Mr LANGDON:** And it is a loss of about three-quarters or more—maybe 27 per cent I think is the actual term of classroom space per child. My son is in fourth grade, that is okay for a fourth grader but when you get to fifth and sixth graders—I do not know if you have been in a classroom with a whole bunch of them—it is pretty tight and probably not the best smelling place in the world. Having 27 per cent less space is not optimal for a learning environment.

**Mr D'ANTHES:** By the way, the whole problem with schools as we know is not just one government; it is a number of governments. Certainly since we started this exercise with the existing school we have had problems getting the figures right and getting the numbers right.

**Reverend the Hon. FRED NILE:** Was a final costing done on the Ultimo Public School site or the so-called high rise site?

**Mr D'ANTHES:** A final what?

**Reverend the Hon. FRED NILE:** A final price on what it would cost?

**Mr LANGDON:** We have not seen that. I believe we have been told that that is commercial in confidence to date.

**Ms BARRETT:** I think the department actually said that this morning, did they not?

**Mr D'ANTHES:** You have actually had more information than a lot of the committees have had.

**Mr LANGDON:** But that has been asked many times.

**Reverend the Hon. FRED NILE:** You have not had an estimate of what it would cost? I suppose a builder could give you an estimate as to what it would cost to put lifts and things in?

**Mr LANGDON:** All I know is that the budget is \$42 million, so they have to come in under \$42 million.

**Ms BARRETT:** If that is the budget then they have to pull down the new school in the city as well. They have to remediate, they have to plan—

**Mr LANGDON:** And the pop-up school.

**Ms BARRETT:** Plus the pop-up school and then they have to put up a new school on a site that does not need it really.

**Mr D'ANTHES:** Keep in mind how short-sighted this organisation is when you think about how it sold its own head office. They have sent senior people to squat in Bondi Public School and the TAFE.

**Mr DAVID SHOEBRIDGE:** They are finally being kicked out of the Bondi Public School.

**Mr D'ANTHES:** Not yet, but they are being kicked out. Where are they going to squat next time? They might be under the bridge—

**Reverend the Hon. FRED NILE:** Your committee has not done an estimate as to what you think it would cost?

**Mr LANGDON:** No, not that I have been party to. I am a figures man and I would love to do that. I have not done that yet but if you are tasking me too?

**Mr DAVID SHOEBRIDGE:** How do you feel about key decisions, as part of a government decision-making process, being made about a once in a generation school at Ultimo before we actually know what the projected population will be from the Bays precinct?

**Ms BARRETT:** Irresponsible.

**Mr LANGDON:** I have only been in this country for four years and I do not want to be painting broad brushes but I am a little surprised that we find ourselves living in the most densely populated area in all of Australia, and it just continues to grow, and we are being told that a 0.54 hectare site is optimal for your community.

**Ms BARRETT:** I point out that, on paper, it looks as though a school for 800 is a massive improvement on what is there now. The school was built to accommodate 300 children. It was said that the site could never accommodate more than 300 children. Perhaps the Committee is not aware that there is a very strict policy of taking no international students at Ultimo Public School. The children of non-permanent residents are not taken as students at Ultimo Public School. The catchment is very small. I spoke to the principal of Ultimo Public School a year ago to ask him how many children he believed would be enrolled in the school if there was the space, if the school took all the people who said, "Can we send our children to Ultimo Public School?" He was of a mind that, right now, it would be 500 or even 600 children. Enrolment at Ultimo has dropped significantly since the announcement that the Fig and Wattle streets school would not go ahead and the pop-up school would be happening. That plays into the hands of the department. The department says, "There are only 280 children at that school." If you were looking at the need right now—

**Mr DAVID SHOEBRIDGE:** The natural demand.

**Ms BARRETT:** Yes. The natural demand is something that people have not really taken into consideration. They are planning to have an 800-student school. If that school were there now, there would probably be 600 children in it already. Given the development of the Bays Precinct and all the other developments in the area, how long would it take for that school to be full?

**The Hon. COURTNEY HOUSSOS:** It is all right. There are only 115 children coming from the Bays Precinct.

**Mr D'ANTHES:** That is a good one.

**Ms BARRETT:** There are only 115; it would take forever to fill it up.

**Mr LANGDON:** It is important to note that when they redeveloped the school previously they had already determined that it was not sustainable for 800 children. Now they have backflipped. Why can they not backflip on this decision and say that they were wrong again and they need to go to a bigger site?

**Mr DAVID SHOEBRIDGE:** You would not treat it as a backflip. You would treat it as a positive step forward. I think you would celebrate it.

**Mr LANGDON:** I want them to backflip on the obtuse way in which they are dealing with the community.

**Mr D'ANTHES:** They would be facing in the right direction with a backflip anyway.

**The CHAIR:** Thank you very much for your attendance and your very strong participation in today's hearing. You have taken no questions on notice. On behalf of the members here and no doubt on behalf of your community, thank you for your time and the presentation that you have given today. Well done.

**Mr D'ANTHES:** Thank you.

**(The witnesses withdrew)**

**ELIZABETH ELENIUS**, Convenor, Pymont Action Incorporated, affirmed and examined

**MARY MORTIMER**, Convenor, Ultimo Pymont Education Campaign Committee, affirmed and examined

**The CHAIR:** Welcome. Would either or both of you like to make a brief opening statement?

**Ms ELENIUS:** Yes, I would like to make an opening statement.

**The CHAIR:** Please go ahead.

**Ms ELENIUS:** Pymont Action and other local groups have been pressing since 2004 for the development of the depot site at Fig and Wattle streets for community benefit. We have always supported—and especially after two big workshops that we held in the community—both public and private use of the site. The statement made this morning by the department that the community would not accept shared use of the space is incorrect. As we have heard, the history of Ultimo Public School over the past 25 years has been one of battles, all associated with the failure to predict school population growth. The school and general communities of Pymont and Ultimo do not support the department's current plans. The depot site is the last vacant, publicly owned site suitable for a school and public facilities in Pymont and Ultimo. A new school with community facilities could be designed in association with private and commercial development to mitigate the costs of acquisition, decontamination and construction.

As has been pointed out, substantial new development has occurred since the departmental figures were released in 2013. They are currently the only figures available for the Bays Precinct. That new development includes Darling Walk. Development is proposed on the harbourside site, a 50-storey residential tower. The Star casino is now contemplating a combined hotel and residential development, including 160 new apartments. There are currently other big developments going or being given consideration in Pymont and Ultimo. We are not finished in Pymont and Ultimo. We are growing fast. Then of course there is the Bays Precinct. We know that, before they were told to shut up, Treasury forecast that there were 16,000 new residences—not residents—planned for the Bays Precinct.

We must plan for the future. There is little space now at the Ultimo school to enable children to run and play. This will continue and probably be exacerbated at the new high-rise school. All those children do not have the backyards of the leafy North Shore suburbs. We heard this morning that the council is ready to renegotiate the price. There are options for private development. We heard that safety is not an issue, from the only experts who really matter—those employed by the Government. The Government must go back to the table and work with the council to deliver a school fit for the future. Our children deserve no less.

**The CHAIR:** Well done. Ms Mortimer, would you like to make a statement?

**Ms MORTIMER:** Yes. Thank you for the opportunity to appear today on behalf of our community. The Ultimo Pymont Education Campaign [UPEC] was formed out of community concern for the education future of our children. The Department of Education's predictions of population growth and the need for more public school places have a long history of underestimation, as shown in northern Sydney in recent years and in the inner city, among other places. Overcrowding is widespread. I am sure the Committee has the figures showing the number of Sydney's primary schools that are over capacity. Even a recent presentation by the Asset Management section of the Department of Education, by Anthony Perrau himself, estimated that government schools will need 10,000 additional classrooms by 2031.

In that situation, a plan to demolish Ultimo Public School, a modern primary school in an area of significant populations growth, including school-aged children, makes no sense whatsoever. The department got it wrong twice before in Pymont and Ultimo, in the early 1990s, when it proposed to close the school altogether, and 15 years ago, when it rebuilt the school. Some members of the Committee and other people who have given evidence have referred to the site on which the department plans to build a high-rise school as a development site—that it is a site that belongs to the department that can be developed.

It is not a development site. It is an ongoing existing modern, well-attended and well-loved primary school. I know that the members of the Committee were there a week or so ago and can appreciate this is a functional school that was rebuilt less than 15 years ago and any proposal by the department to build on that site begins with demolishing the existing school and all of the children that go to that school and love it will be relocated across the road where they can watch day by day their beloved school be demolished, inhale the dust and hear the noise. They will be in the pop-up school having a lovely time while they watch their beloved school being demolished. It is not a development site. It is a good school which should be kept.

The community applauds Minister Piccoli's defence of public education in New South Wales and federally. His support of the Gonski reforms and funding have made a real difference to many public schools. Yet his unwillingness to exercise control over the department in relation to providing the public school places we need is a failure of the Government's statutory responsibility. The assets section is responsible for managing buildings, but there appears to be no input into educational and health issues from any other section of the department. While the asset section talks about the health issues related to the contamination of the site, about which there has been much discussion today, nobody in the Department of Education is talking about the health issues associated with children not having enough space to run and play, the obesity and health issues associated with children not having enough exercise.

When children live in high-rise apartments that problem is exacerbated. So too are the issues in relation to psychological damage that some children will suffer by seeing their beloved school demolished and by learning that you cannot trust a Government which made a promise that excited everybody in the community and then was betrayed. That is damage to children's psychological health. Perhaps the new school on the ruins of the existing school will solve the short-term shortage for places in our area, but it cannot provide enough facilities for the planned development of Pyrmont and Ultimo. The Wattle Street depot site is the only suitable land large enough to accommodate a high quality new school, especially one providing space for children to run around, sporting facilities, child care, holiday and after school care.

The Government must acquire this land while it is still available or it could be sold too and there will be no land available. Of course land in metropolitan Sydney is more expensive than in the suburbs or the regions, so is housing. As we heard this morning from the council the Government earns much more money in stamp duty here, an estimated \$700 million in our area over the last 20 years. Since a great deal of money has been spent designing the temporary school it could be used in conjunction with the existing school. Perhaps K-2 on one site and 3 to 6 on the other, giving children more space to run around, expanded facilities to share with the community and the ability to accept all those children who at the moment are precluded from attending Ultimo school because the catchment is too small. The international students and temporary residents are not allowed to enrol in Ultimo school because it is currently too small.

Building on the Wattle Street site can be done for the same cost as the current plan, or possibly less, by negotiating the price with the City of Sydney and forming a public private partnership to include removal of all the contaminated fill. That would answer all the questions about remediation. Building a car park generates income and is a way to get people to the city without using their cars. There could be commercial and possibly residential development and all the other facilities we have been talking about. Ms Elenius has just said that it is not true, as the department asserted this morning, that the idea of mixed development is rejected by the community.

It is embraced by the community as a practical way of getting the school we need, covering some of the costs and making the building of this school on the appropriate site affordable. The Government should retain the current site as it is certain another school will be needed, perhaps a year 7 to 10 school to feed the Black Wattle campus of the senior secondary school. All the children in primary school now will need to go to a high school. Land prices will only increase in our area. If the Government wants people, including families, to live close to the city, it must make provision for all our needs.

**Reverend the Hon. FRED NILE:** You are arguing for the Wattle Street depot as a new site and to retain the Ultimo site as well?

**Ms MORTIMER:** Yes.

**Reverend the Hon. FRED NILE:** One of the things the Government seems confused about is the growth of student numbers. One realistic way of calculating the need for a larger school was the four child care centres that are all at full capacity and all with waiting lists: One has 90 families waiting; one has 300 families waiting; another has 150 children waiting; and the fourth one has a waiting list of 380 families. This is all 2016?

**Ms MORTIMER:** Yes.

**Reverend the Hon. FRED NILE:** If the Government closes its eyes and does not act it will create a drama as to how to accommodate all these children in order to have a proper education?

**Ms MORTIMER:** Yes. The point was made by the chief executive officer of the council and others, a school is part of the community. Children need a school in the community. The department talks about a cluster of seven schools across the city as if children are pawns who can be moved from here to there if there is more capacity over there than here. Children need to go to their own school and build a community in Pyrmont and Ultimo which is a highly successful, well integrated community. The community is concerned about the school

and involved with the school. The school is involved with the community. That can only happen if the school is in the community and able to take all the children of the community.

**Ms ELENIUS:** Another issue is how do the children actually get to some of those schools. Just this week I attended meetings on the Greater Sydney Commission and on a separate day Urban Growth. On the Wednesday it took me two hours to get home and in the end I had to be let off in Harris Street to walk another kilometre to my home because the bus was at a stand still. To ship the kids from here to Fort Street and back might look good as the crow flies but logistically it is impossible. Even getting to Glebe is hard from Pymont. You can draw lines on a map but the map is not reflecting the reality of the traffic.

The traffic in the Bays Precinct has not been solved. Getting to any of these places in the inner city is virtually impossible. This is a recent document issued by UrbanGrowth to form a backdrop to the Bays Precinct redevelopment and it is based on figures supplied by the Department of Education. It says, "The potential future capacity for each school is calculated by dividing the total land area of each school by the average 35 square metre land allocation per student for all schools." If you go down to "Ultimo" you find that on its 0.54 hectare site, with 312 enrolments, the current square metres per student is 17.3. That creates a deficit. The potential capacity from standard rate of land area provision is minus 157 students. This has just been released.

**Mr DAVID SHOEBRIDGE:** On those figures, there would be 150 kids at the school.

**Ms ELENIUS:** Then add 800 onto 0.54 hectares. I am not a very good mathematician, but I will leave others to work it out.

**Reverend the Hon. FRED NILE:** Can you clarify the other question I had about the public-private use of the Wattle Street depot site? What would the private use be—a childcare centre, a private school or what?

**Ms ELENIUS:** No, you would excavate the contaminated material and put a one-storey or two-storey public car park run by a private contractor. But there are other options. If that is not a goer, you could possibly have, as has been suggested by earlier evidence, an apartment building down the southern end and then two-thirds of the northern section would be for the school. There are all sorts of options and I think the council is very open to discussion with the department to make this a reality not just for education but for what we were promised before the election. That was not just a school but an innovative new way of building school facilities which would enable, say, the school hall, the school playground, the sports, all that, to be shared with community after school hours.

We in Pymont are desperately short of community facilities with none on the drawing board. We were promised an 80 place childcare centre at the smaller school. The high-rise school was going to have a 40 place childcare centre. We desperately need to be able to move the after-school care facility currently occupying a substantial space in our very limited community centre. It was going to be provided at the new school on the Wattle Street depot site. It was not just an educational facility but a really substantial community asset as well. All that was of course going to be discounted in the final purchase price. We are so disappointed, not just for the kids but for us as well.

**Mr DAVID SHOEBRIDGE:** Have you seen the proposed redesign of the Ultimo school?

**Ms ELENIUS:** I have only seen the pop-up.

**Mr DAVID SHOEBRIDGE:** So you have not seen the plans for—

**Ms ELENIUS:** No, that has not been made public.

**Ms MORTIMER:** That has not been made public yet. It has not been made available to the community.

**Mr DAVID SHOEBRIDGE:** Would you like that to be made available to the community as soon as possible?

**Ms ELENIUS:** In all of our consultations with McLachlan Lister, we have always prefaced our remarks on the pop-up school or anything else that we have been shown by saying that we do not want it.

**Reverend the Hon. FRED NILE:** You really want to keep pressing for the Wattle Street site.

**Mr DAVID SHOEBRIDGE:** I understand, and I will get there in a second, but would you like to see the plan—

**Ms ELENIUS:** Yes, of course I would be interested to see it.

**Ms MORTIMER:** Yes.



**Mr DAVID SHOEBRIDGE:** The department said that the community was against any kind of partly commercial use on the site. One of the options that the City of Sydney said it wanted to explore was a subdivision and a proportion of the site being made available for, say, commercial or residential but the bulk of the site being for the school. That is not something you would reject out of hand, is it?

**Ms ELENIUS:** Absolutely not.

**Ms MORTIMER:** No. Mr d'Anthes referred to it earlier when he said we would like as much of the site as we can have for the school and the community, but we are realists and we understand that these things have to be paid for. Although there was a budget surplus this year, we still are talking about public money. In talking about public money, it is a shocking waste to demolish a perfectly good school. That is public money just being thrown down the drain. Develop the Wattle Street depot site in a way that would be cost-effective. In fact, I was approached by a local developer who talked about buying the site and doing a residential block and some commercial on top of the school, a childcare centre on top of that and a land bridge across to Wentworth Park, all very carefully protected by secure access via a lift adjacent to the light rail—all of those benefits—but in order to proceed, and he actually has the promise of the finance lined up and some interested investors, he would have to have the department's commitment to buy or pay for the school, because the school would be a basic component of the development of that whole site.

That could be ready to go if the department would talk to the community and if the Minister would instruct the department not to be so obdurate about proceeding with its existing plan and demolishing the existing school and building a high-rise. If the department were flexible, if the Minister would instruct the department to continue discussions both with the council and with the community about all of the possibilities there are for getting a much better outcome than what we are going to get, then everything is possible.

**Mr DAVID SHOEBRIDGE:** I know you would like the whole of the site to be purely for a school and community facilities—I join with you in that—but if a negotiated outcome was, say, to have a one hectare school and the balance of the site to be used for a commercial or residential development, that would be a great deal better than a half hectare school, would it not?

**Ms ELENIUS:** Yes, absolutely.

**Ms MORTIMER:** Fabulous. We will have that, thank you!

**Reverend the Hon. FRED NILE:** As long as there are some playgrounds included.

**Mr DAVID SHOEBRIDGE:** You are going to get a lot more playgrounds if you have a footprint of one hectare rather than half a hectare, are you not?

**Ms MORTIMER:** Absolutely.

**Mr DAVID SHOEBRIDGE:** Some of the representatives of the department are sitting at the back of the room. Do you, as community representatives, have a message to them as to what you would like them to do between now and Christmas?

**Ms ELENIUS:** We would like the working party convened next week to reconsider the options for the Wattle Street depot site. We would like the department to next week to sit down with the council, work out the various discounting arrangements for what can be done and explore—

**Ms MORTIMER:** And as Ms Barone said, bring their property people to the table and work with the Government, and for the Government to work with the council to work out how to maximise the development of the site so that it gives us what the community needs, and affordably—and, in fact, more affordably than their current plan.

**Mr DAVID SHOEBRIDGE:** There is good faith in the community to recognise that there needs to be a bit of give.

**Ms MORTIMER:** Yes, absolutely.

**Ms ELENIUS:** Of course.

**Mr DAVID SHOEBRIDGE:** Everybody could win out of this if they were just willing to take a step back and reconsider their position. Is that right?

**Ms ELENIUS:** Yes.

**Ms MORTIMER:** Yes, and I am with Kevin Langdon in saying that I do not want us to think that we have missed the boat. We still have the opportunity to maximise a result from what we are engaged with. Some 1,500 members of the community signed petitions to Minister Piccoli to say "Please reinstate the Inner City

Schools Working Group and work out a way of getting the Wattle Street depot site". The community is strongly in favour of a new school on an appropriate site and will understand the compromises that may have to be made in terms of public-private ownership.

**The Hon. JOHN GRAHAM:** I have questions about the Pyrmont Action submission in particular. On the issue of remediation, the submission says:

The Government has announced that it proposes to decontaminate the temporary school site to EPA standards – the very standards they rejected for the Fig/Wattle Street depot site.

Did you hear the department's assurances earlier today that it believes it is applying the same standard to both sites?

**Ms ELENIUS:** I am still not able to reconcile that view, because we have heard from the experts and I am not aware whether anyone in the Assets department has the expertise on this. I do not know about this. The expert witness that was called said that the standard, the \$53 million estimate that is the only estimate that the department currently will accept, goes beyond the EPA standard.

**The Hon. JOHN GRAHAM:** So it is still an unanswered question from your point of view.

**Ms ELENIUS:** No, it does not. If they are happy to decontaminate to EPA standard on Wentworth Park, why are they not happy to decontaminate to EPA standard on Wattle Street? I do not understand it.

**Ms MORTIMER:** I think the answer to your question is: Yes, we heard it; no, we do not understand it or believe it.

**The Hon. JOHN GRAHAM:** Secondly, your submission refers to the fact that the Government has been in possession of the consultant's report with cost estimates when it announced the purchase from the City of Sydney at the agreed price.

**Ms ELENIUS:** That is my understanding, yes, and I think other witnesses have verified that.

**The Hon. JOHN GRAHAM:** That would certainly be a concern if that was the case. It was not clear to me whether they were in possession of that consultant's report in December, but you believe that to be the case?

**Ms ELENIUS:** That is my belief, yes.

**The Hon. JOHN GRAHAM:** One of the key questions before the Committee is what is the reason for this backflip? Essentially there have been two schools of thought that have been put to the Committee: either it is the unexpected cost of remediation or a dramatic election stunt. Which school of thought are you in on that question?

**Ms ELENIUS:** It is probably a mixture of both. I do think there is a political element, definitely.

**Ms MORTIMER:** I think there is also a third issue. It is my view that it is likely that the assets section of the department has painted itself into a corner and does not know how to get out of it, and if the Minister is not going to take action or, hopefully, if the new secretary of the Department of Education, Mark Scott, who is known as a conciliator, is to exercise some control over the assets section so that their beloved high-rise school is not the only option which is offered to us, then perhaps a resolution can be found.

**The Hon. JOHN GRAHAM:** But the Minister did take control of the situation and made a promise to the community. That has then been broken though.

**Ms MORTIMER:** That was then, yes. This is now.

**The Hon. JOHN GRAHAM:** Do you think that the City of Sydney could help here? Clearly, if they loosen the purse strings a bit, if they are prepared to be flexible, if, as David Shoebridge says, everyone takes a step back, that would help here, particularly given their substantial surpluses.

**Ms ELENIUS:** I think the Lord Mayor made it quite clear this morning that they were prepared to renegotiate the price. Certainly she made that statement in December last year at the final meeting of council when this matter was debated.

**The Hon. JOHN GRAHAM:** The Fig and Wattle streets site is a pretty remarkable site given it is so close to an area which is really going to be looked at with a fresh look from the Government and the community. This whole the Bays Precinct area really is an incredible opportunity. If this is left unattended, the worst outcome here is if the site is not looked at again at all and is just sold off for development.

**Ms MORTIMER:** With more families with more children and no school to take them to.

**Mr DAVID SHOEBRIDGE:** Instead of fixing the problem it will end up aggravating the problem and it gets covered by residences. That would be an insult, would it not?

**Ms MORTIMER:** Yes.

**The Hon. JOHN GRAHAM:** The worst outcome, but that is not impossible. Left unattended, that is where this may end.

**Ms ELENIUS:** It is the last publicly owned site in Pymont and Ultimo and it is the last chance. I was very encouraged to hear the Lord Mayor say that they are now considering that it will be preserved for some sort of community use. That was very encouraging because up until now their property section has always sort of earmarked it for sale at some extraordinary profit. So we are very encouraged that the council is now looking at it as a community asset.

**The Hon. JOHN GRAHAM:** Although she was certainly clear that they are relying on the proceeds of this area as part of their 10-year plan. So there are those real pressures on the council—that was clear.

**Mr DAVID SHOEBRIDGE:** I do not know if I heard that reserve for community asset evidence.

**The Hon. JOHN GRAHAM:** We might examine the transcript closely on that.

**Ms ELENIUS:** Maybe I am being a little bit optimistic, but my ears did prick up.

**The Hon. COURTNEY HOUSSOS:** I would just like to thank you both. I think the fact that you are both here not necessarily as parents but as community representatives shows the value of the school and the importance of why we are discussing it here today. I think that is a really strong message for us as a committee, so thank you. I just wanted to touch on one of the issues that one or both of you raised in your opening statement but that Pymont Action Incorporated put into their submission. This issue of high-rise schools, as we have colloquially started talking about, is more of an issue in the inner city because of the lack of open space and the lack of backyards that kids in the suburbs or in country New South Wales would traditionally have. If you could just explain that a little bit more. Ms Elenius, you have explained that there is a significant lack of public space in Pymont as it is but that that is exacerbated if the school does not move to the depot site.

**Ms ELENIUS:** There is a significant lack of space for sport in particular—competitive sport. We have got no full-size public courts in Pymont and Ultimo, so there are no opportunities for kids to go and join a tennis club in their local area or participate in any kind of sporting activity, after hours even. It is vital that they are able to take exercise in their local school, and to have this very severely rationed use of Wentworth Park—which will only get worse; if it is rationed now what is it going to be like if and when they get 800 students on this tiny site?—I do think there are significant long-term health impacts for these children.

**Ms MORTIMER:** Can I just add to that about sporting facilities in particular? If you think about the benefits of kids playing sport and being in sporting teams, it is exercise certainly, but it is also being part of a team; it is learning to take instructions, it is playing together, it is all kinds of social and welfare benefits to children who engage in competitive sport, and there are no opportunities for that whatsoever in Pymont or Ultimo except in the school, and if the school does not have the capacity or the space to have any sort of game playing—which it currently does not but could conceivably on the Wattle Street depot site—then our children miss out on a really important part. I do not need to state how important sport is as part of Australian culture, but these kids, because their parents choose to live close to the city where they work so that they can get home in time to see their kids before they go to bed, are missing out on that and it is not reasonable that they should and it is a government responsibility to ensure that they do not.

**The Hon. COURTNEY HOUSSOS:** That was very useful, thank you.

**The Hon. NATASHA MACLAREN-JONES:** I am just wondering about the membership of Pymont Action Incorporated. I notice that when people are joining you do not stipulate that all your members have to live in the area. Are all your members from the Pymont-Ultimo area?

**Ms ELENIUS:** They are, yes, but we do extend the membership to people who work in Pymont as well because we think it is important to not just have resident membership. Yes, we are pretty well bound by our suburban boundary.

**The Hon. NATASHA MACLAREN-JONES:** How many members do you have?

**Ms ELENIUS:** I send out currently about 40 emails on my list.

**The Hon. NATASHA MACLAREN-JONES:** And how many of those 40 members are parents of Ultimo Public School?

**Ms MORTIMER:** Some are grandparents.

**Ms ELENIUS:** Yes, there are plenty of grandparents. I am not entirely sure; I cannot say. One or two, or maybe five.

**The Hon. NATASHA MACLAREN-JONES:** I am just interested because you said the community is strongly supporting the use of the site but you have only really consulted 40 people compared to the department's consultant who, just looking at the number of workshops, had four workshops with parents, six with community groups, held over 23 information booths. So the number of people they have consulted were hundreds.

**Ms ELENIUS:** I am not just the convenor of Pymont Action, I am also involved in a lot of other community groups. So that statement was not restricted just to comments from my membership. I belong to the Council of Ultimo/Pymont Associations, I am on the P and C—I have got a much broader—

**Ms MORTIMER:** We both sing in the choir. We are both in the local Landcare group.

**Ms ELENIUS:** I am very involved.

**Ms MORTIMER:** We have a very strong community network. On Sunday when we celebrate Christmas in Pymont we expect about 7,000 people to attend. We have an extensive community network and we consult them heavily and most of the people that McLachlan Lister have consulted are people that we also talk to and they would be part of our community network. I have to say about the consultations, although I think McLachlan Lister have done an excellent job within their terms of reference, I feel very sorry for them actually, because they started off with great enthusiasm and the community started off with great enthusiasm. The local Landcare group, for example, which works adjacent to the Wattle Street depot site went to one of the consultations to say, "We can see ways in which we can involve local schoolchildren in Landcare and we can get Landcare working within the school to encourage that cross-fertilisation." All of that excitement was there when we talked about the Wattle Street depot site. All of the subsequent consultations have been, "Well, we know we have to do this because otherwise they are going to do something and we will not be consulted at all but we really would rather be doing something else."

**The Hon. COURTNEY HOUSSOS:** The Hon. Natasha Maclaren-Jones raised the question of stakeholder engagement. Have you participated in some of those processes—the field trips, for example?

**Ms ELENIUS:** Not the field trips. I have certainly participated in two workshops when we were going to get the Wattle Street depot site and certainly the enthusiasm and excitement there was amazing—the feedback that we got from their consultation with the children and all the ideas the kids came up with for that bigger new school. I think I have attended two subsequent workshops on the pop-up school.

**Ms MORTIMER:** Can I just go back to your question about numbers. I did say before that 1,500 people signed a petition to Parliament to ask the Minister to reconstitute the inner city schools working party. We have a Facebook page which has a lot of traffic, so it is a much wider consultation.

**The Hon. NATASHA MACLAREN-JONES:** Were all the 1,500 residents on the petition?

**Ms MORTIMER:** On the petition, as far as I know, yes.

**Reverend the Hon. FRED NILE:** The first step would be to reconstitute the working party and get it to meet?

**Ms MORTIMER:** Yes, I think so.

**Ms ELENIUS:** At the same time as the department is meeting with the council to sort out their differences.

**Mr DAVID SHOEBRIDGE:** Questions have been asked about the number of people with whom you have consulted, and the size of the petition and the like. Are you aware of any group of residents that has got together and that is demanding the outcome the department is pushing?

**Ms ELENIUS:** I am unaware of any.

**Mr DAVID SHOEBRIDGE:** Are you aware of any petition that has been presented that says, "We must demolish and rebuild on the Ultimo Public School site"?

**Ms ELENIUS:** I have not seen one.

**Mr DAVID SHOEBRIDGE:** Have you seen any Facebook site that says "We would love the department to knock over and redevelop the 1.5 hectare site"?

**Ms MORTIMER:** No.

**Ms ELENUS:** No.

**Mr DAVID SHOEBRIDGE:** Is there a group of residents who together say, "We must have a pop-up school in Wentworth Park"?

**The Hon. SARAH MITCHELL:** Do you want to start one?

**Mr DAVID SHOEBRIDGE:** I would but the problem is I do not think anyone would come. When we are assessing the community field on the one side we have a Facebook site, community groups and petitions all in one direction that say "Fig and Wattle" and on the other side we have the department with no friends. Do you think that is a message that the department should take back?

**Ms MORTIMER:** I am aware of one parent who works for an architectural firm who is interested in tendering for the work and that parent was in favour of both the pop-up school and demolishing the existing school and building on the site. But I am not aware of anybody else.

**Mr DAVID SHOEBRIDGE:** I will not say, "Name her", but there is a person.

**Reverend the Hon. FRED NILE:** They may want the architect to get the job.

**Mr DAVID SHOEBRIDGE:** So we have found a person who had an interest.

**(The witnesses withdrew)**

**(Short adjournment)**

**RONALD POWELL**, Director, Powell and Associates, affirmed and examined

**The CHAIR:** I welcome our last witness, Ron Powell, to the Committee as we conclude on Friday afternoon. I thank everyone, particularly those in the gallery who have been here all day. I recognise their passion and interest in these issues. Mr Powell, would you like to make an opening statement? I noticed you have been present at the hearing for most of the day. If you do have an opening statement, could you keep it relatively short? That way we are not cutting into your question time.

**Mr POWELL:** Yes. Certainly. Thank you. First, I thank the Committee for the opportunity to have you listen to me. That is a genuine, heartfelt thank you. In the part of my career when I was the principal architect, schools, I remember one presentation in particular to Minister Chadwick scheduled for 35 to 45 minutes. After an hour and a half her staff were trying to drag her away and after two hours she said, "I am sorry. We will have to reconvene. There is more I want to hear from you." So it was really gratifying to hear that.

**The CHAIR:** She was a good woman.

**Mr POWELL:** The opposite was that not one of the five gentlemen appearing for the education department this morning have deigned to respond to any of my correspondences or get me in. They did ask Ms McAllister to meet with me in the department. I think that was a ticking the box exercise. In my opening remarks I am going to amplify the letter in my submission to the Minister saying that the proposal is short-sighted and wasteful. I am going to describe what I mean by wasteful in four categories: money, bureaucrats' time, educational experience and the opportunity in the depot site. At the end of my presentation I will give you two recommendations for the way out of this morass we are in—I believe that is what it is.

Firstly, it is a waste of money. This comes from a very personal slant. We hear the likes of Obama talking about what his legacy will be. I have had a wonderful career. I have many legacies to put up on the wall. One of them I often talk about is the saving to the Government and hence to me as a taxpayer of, in today's dollars, between \$15 million and \$20 million. How so? As a junior project architect working on Cromer high school—it was a standard high school so we knew what they should cost—the preliminary estimates came in at 44 per cent premium. Why? The education department had basically bought a swamp. I proposed that we build the school on the adjoining council playing fields which were on much higher ground. The consequence of that was that the total cost saving was 100 years' of my salary at that time. At the equivalent architect level I was at then that translates to between \$15 million and \$20 million today.

In one fell swoop the department proposes to waste at least \$20 million by demolishing modern facilities that were completed, as we have heard, only 15 years ago. The home bases that were built in the 1960s were brought up to current standard and current code, completed and opening in about 2001 or 2002, as well as the library, admin and other support facilities—the wet areas, home bases and so on. So it is a school that was built to today's standards that is being proposed to be demolished. In the overall figures that the Department of Education have talked about, the total cost of a new build school is in the order of \$50 million. Something like 20 per cent of that will go to replacing the 12 home bases that they are demolishing—and the admin and the library—just to replace them with facilities to exactly the same standard. Add to that the \$6 million for the cost of the relocatable school. It is economically totally unjustifiable.

Secondly, it is a waste of bureaucrats' time. With all respect to the people in this room, those who have come and gone today and those who have prepared behind it—something in the order of 80 to 100 people—this probably should not have been necessary if a correct, commonsense decision had been made further back down the track. I was quite distressed to hear the representatives of the education department continue to justify the position that they have created and driven themselves into, and even the council to some degree, whilst I was very encouraged by their proposal and their willingness to renegotiate. I have had four meetings with council—and I will talk more about this below ground level car park situation. The chief executive officer said, "Council does not build car parks." So there was a closure to some of the aspects of the proposals that I and others have been proposing to council at the time.

Thirdly, Mary Mortimer talked about the educational experience. I have nothing against demountable schools per se. I was the design and project architect for a new primary school at Newbridge Heights. I had the job of putting the demountable school on that site, firstly. Those children and teachers had the benefit of knowing what their new school would be and being involved in the building process. It was very uplifting and

helpful to them. You can call it a pop-up school, a relocatable or a demountable. They can be quite good experiences but I very much agree with Mary Mortimer that in this instance the distress of seeing their school torn down in their face all the time would be quite negative.

The last area of potential waste is that of the opportunity for a proper use of the depot site. Again I am encouraged to hear today that that opportunity is not lost. That will be the subject of my second recommendation which I will come to later. My potential involvement with that site goes back to the 1990s when I was the public domain coordinator for City West Development Corporation. We met regularly with the city council and the Department of Urban Affairs and Planning, focusing on public domain—that was my job. The opportunities for public open space in Ultimo were quite limited. We built two pocket parks, as they were called. Fig Lane Park was one and the other one was in Mary Ann Street.

The council recognised the great opportunity of the depot site to link Fig Lane Park over and through a development on that site, across Wattle Street to Wentworth Park and the waterfront. It was such a no-brainer, to use the colloquialism, that it was something they were all excited about. Council commissioned an investigation of the contamination on that site in 1997—that has not been talked about today. Coffey and Partners International did that investigation all that time ago.

**Reverend the Hon. FRED NILE:** Could you table that then?

**Mr POWELL:** I certainly can. Part of that report includes some cross-sections through the site. We have heard that some of the fill is up to nine metres deep. Some of it is only two to three metres deep. Reverend the Hon. Fred Nile asked earlier today how much council paid for that site. I cannot answer that but what I can expand on is the history of the site. That site was one of three major yellow block sandstone quarries in Pyrmont and Ultimo—it was called the "hellhole" site. The stone was very hard and it was quite a deep hole—up to 9 metres deep. Working in it would have been really difficult, really tough, and as that quarry worked out the stonemasons worked north up the peninsula. The best stone was found up at the north—it was called "paradise"—in between another quarry there that they called "purgatory". So you can make your own analysis of how they got those nicknames. The hellhole site was worked out fairly early on and they moved forward. In a book that I have been involved in called *Paradise, Purgatory and Hellhole* there is a story about a seemingly eternal fire that was on the hellhole site. Investigations found that it was methane gas that had been lit by some kids having a bonfire there. That was known because the city council had put domestic garbage on the site. So the legacy we have today is courtesy of city council's need to dispose of garbage at that time.

As then, and today, holes in the ground are very valuable. I am aware that a lot of Sydney's garbage is trucked by train to outside Goulburn, to Woodlawn mine. There are other places that we look for holes in the ground—making a hole in the ground is very costly. I have been involved in Barangaroo and excavating for the two level car park there. Now that had a different purpose—we needed the sandstone—but we know the cost of digging that hole and it has been readily taken up as a profitable venture as a car park. When council said, "We don't build car parks", they very much benefit from the revenue of the Goulburn Street and the Domain car parks. So it is an essential part of a service in the city to have below-ground parking.

I am coming to the conclusion of my opening remarks but what are my recommendations? Firstly, stop the procedure on Quarry Street, the existing Ultimo Public School site. The education department, through its consultants, has been through a rigorous process of selecting consultants and they have achieved a design—yes, I have seen the design. I congratulated the architect, David Stevenson, from Lacoste and Stevenson, that I worked with in Darling Harbour. I said to David, "I am going to try and stop your project going ahead." He said, "We have followed the brief that we were given." They are inventive, imaginative architects. I believe the brief they should be given is: Design the additional accommodation on that site but retain the existing facilities. There are two options at least of places on the site where the additional accommodation could be built whilst retaining the existing facilities. One of which I also have a plan—it is a very rough mud map—if you are interested in that being one of the options that I believe the education department should consider as a new brief. I would like to also table that document.

**Document tabled.**

Whilst that is going around I will explain to you that this mud map has been prepared by another architect who also worked with me in the Government Architect's Office, Stuart Morgan. Stuart was the architect of the redevelopment of the school that was opened in 2001-02. His initial concept, as was mine, is that the space above the existing open ground teachers' car park could accommodate a number of additional home bases. They could be put in as permanent facilities or it could be the site for multi-level demountable accommodation. Another option on the site is between the upper and lower playground levels where there is a steep sloping embankment, no-one can use that space, it could also be a place where additional buildings could be placed. The benefit of building over the open ground car park space is that this could be assembled offsite, it

could possibly be erected from across Wentworth Park, across Wattle Street. It could be achieved, perhaps, during a major vacation with almost no disruption to the school. And I say this from the point of an exploratory experiment to a degree with the education department, the Director of Properties and I agreed to see how quickly we could build a school. We built Bilambil Public School in an entire term—in one term we built an entire school. So with the concentration of energies in planning and offsite preparation, I believe the additional accommodation could be provided on this site without disrupting the operation of the school.

The plan, as I say, is a very rudimentary conceptual analysis. You can see the existing school both in the plan and the elevation and, as Stuart has seen in his concepts here, you would build above the car park, you would have an atrium or space in between the existing classrooms and the new classrooms. A lot needs to be sorted out, of course, but this could be the basis of a brief that the education department could give to the consultants they have already selected for this project. Finally, on the Wattle Street depot site, I have mentioned that it was seen as having great potential back in the 1990s. What do I see as the future for this project? The CEO of council mentioned that perhaps UrbanGrowth or perhaps the Government's property arm should take over this, being more experienced with development than the education department. I would support that wholeheartedly on the basis that one councillor, the late Robyn Kemmis, and I had spoken a couple of times about this. Robyn believed that UrbanGrowth and David Pitchford in particular—she had spoken to David, as have I—she said to me on Christmas Eve, "We must make this happen in 2016, this year; we must get people to change their minds."

The waste of time I have seen by bureaucracies is very counterproductive. There are two major projects in Sydney that have gone against all of that convention—the Opera House and Barangaroo. Had the Opera House been subject to the normal ebb and flow of bureaucracies we would not have it. Joe Cahill made a decision and it was started before any real costing could happen. Barangaroo is such a break-the-mould process but without Paul Keating's push and inspiration—incidentally, I was the designer of the concept of how we would make this sandstone foreshore. Let's make this project another miracle; let's make it a memorial to Robyn Kemmis. Thank you.

**Reverend the Hon. FRED NILE:** Thank you for the Property Partners International diagram. Earlier today the Committee was discussing how to find out what is under the ground at this site and it has already been done.

**Mr POWELL:** Yes.

**Mr DAVID SHOEBRIDGE:** Have you got the rest of it? This is only one page.

**Mr POWELL:** Yes, I have.

**Mr DAVID SHOEBRIDGE:** Are you able to table the whole document?

**Mr POWELL:** It was given to me by a colleague at city council.

**Reverend the Hon. FRED NILE:** They are trying to work out where to put the bore holes?

**The CHAIR:** Are you saying that the council actually has this document?

**Mr POWELL:** Yes, the council has it. It was on that basis—another of my initiatives these days is trying to find more yellow block for the Minister's Stonework Program—that I have been looking at this site with Troy Stratti, the builder of Barangaroo, for a number of years. We know that there is the potential to obtain more yellow block from the former hellhole site—I will use its correct name in this instance—simply by tidying up the cranky shape of the cliff. We could cut a few more blocks of yellow block from that.

**Mr DAVID SHOEBRIDGE:** Do you have an ulterior purpose, Mr Powell, of getting some more yellow block?

**Mr POWELL:** I am on for that everywhere. It would be a bonus if that came out of it. Also, once the fill has been removed, it is possible that we could quarry some fresh yellow block supplies from the bottom of the site as well.

**The CHAIR:** The bedrock, yes.

**Mr POWELL:** It is crazy for people to say that we should remove the fill but put more fill back in there. A hole in the ground is very valuable these days. It beggars belief that people would propose to take the fill away and put in more fill.

**Reverend the Hon. FRED NILE:** Do you suggest that that site be used as an underground garage?



**Mr POWELL:** As Mary Mortimer said, having a public car park in that place, connected to the light rail to take people to Central, will mean that a number of cars do not need to drive right into the city. We have also been told that there is a demand for additional weekend car parking for the Star, again with the benefit of being connected to the light rail. We know that it is close to the fish markets. It would offer UrbanGrowth the opportunity to use it as a temporary car park while they redevelop the fish markets. There are so many potential uses. We have heard that there is also the possibility of having two childcare centres. People from the inner west could bring their children to school and hop on the tram to go into town to work.

**Reverend the Hon. FRED NILE:** Would most of the fill at the depot site be garbage or fill from old construction sites?

**Mr POWELL:** From what we know, the initial fill was garbage, but with the operations of the national asphalt batching plant on the site in later years there were hydrocarbons and so forth. There are what the experts tell me are hotspots on the site, some of which would need on-site remediation before being taken away. Some of it can be remediated off site. I mentioned Troy Stratti in one of the papers that the Committee has been given. He has presented a figure of between \$20 million and \$25 million, which has come from working with probably the State's major garbologist. I am not at liberty to mention the name of the company. They take away fill. They have a number of sites in various places, both in the outer part of Sydney and in the country, where the fill could be taken. Those estimates have come from this Coffey paper looking at the level of the bedrock that is there and the quantum of fill.

**Reverend the Hon. FRED NILE:** You argue in your submission that there is sufficient space for multilevel buildings to accommodate education facilities, a childcare centre, community facilities, commercial and retail ventures and even communication and high-tech industries.

**Mr POWELL:** I am arguing that as a potential use for the depot site. I am also saying very strongly that there is no need to demolish the existing school. It is not an either/or decision. Very importantly, it is both. There is no doubt that with the rubberiness—if I can use that technical term—of enrolment predictions we will need both education facilities in that part of the inner city.

**Reverend the Hon. FRED NILE:** Would you say that the figure that the Government is quoting of \$53 million to remediate the depot site is an exaggeration to influence the decision not to proceed with the school?

**Mr POWELL:** I can only reinforce what I have heard several people say here today, from the experts down. I am not that expert, but it is fairly obvious that those figures were created for a particular purpose.

**Mr DAVID SHOEBRIDGE:** Mr Powell, have you spoken with anyone in the community about whether they would have a level of comfort with UrbanGrowth taking over the site?

**Mr POWELL:** I am not sure whether I am a member of or just a consultant to the Ultimo Pymont Education Campaign [UPEC] but I have been to a number of meetings with them. I have tabled my ideas and I believe there is unanimous agreement with and support for what I have proposed.

**Mr DAVID SHOEBRIDGE:** Perhaps there has been support for the outcome but not for the project to be managed by UrbanGrowth. There has not been a resolution of the meeting to support that.

**Mr POWELL:** No. I am sorry; I slightly misunderstood that aspect of the question. As Mary Mortimer said, we have been talking to at least one developer. As the chief executive of the council said, there are perhaps other people better placed to manage the process. UrbanGrowth would be just one such organisation. I have not been aware of any basic objection from anyone in the UPEC committee to that.

**Mr DAVID SHOEBRIDGE:** There are not many communities that are actively calling for UrbanGrowth to become involved in their neighbourhood, I can tell you.

**Mr POWELL:** Yes, true.

**Mr DAVID SHOEBRIDGE:** Have you spoken to people in the community about your proposal to connect the Fig Street reserve, which is just behind Jones Street, to Wentworth Park?

**Mr POWELL:** When I was the public domain coordinator for City West Development Corporation we consulted widely with the community. We had workshops. The Committee may be aware of the design of that park. On the north-east corner of that site, pointing to the water, there are two large sandstone domes that were taken off the old Pymont Bridge, and a staircase. That points across to the Wattle Street site. It was always intended in the design that people would walk across that site, over the roof of this development, down through it, across Wattle Street into Wentworth Park. In the 1990s that part of the community was consulted and that was the outcome. That is why the design is in that particular configuration.

**Mr DAVID SHOEBRIDGE:** In terms of a public domain outcome, when you have your City West public domain architect's hat on, what are the benefits of connecting the Fig Street reserve to Wentworth Park?

**Mr POWELL:** A lot of people live at the top of the peninsula. Their way down to the water has been enhanced recently by the lift at the end of Jones Street. It was previously almost inaccessible. People had to come back to Quarry Street, across the road and down past the traffic. This would be a very direct route, particularly by including a bridge over Wattle Street. It provides direct access, both visually and physically.

**Mr DAVID SHOEBRIDGE:** Not only would you get the positive outcomes of the school but you would link that community up the top with all the beautiful green open space and the harbourfront.

**Mr POWELL:** That is right.

**Mr DAVID SHOEBRIDGE:** When you had your meeting with the department and you spoke about these things, what was the reception like?

**Mr POWELL:** Ms McAllister said she would take my comments to the department. After a couple of weeks I summarised the questions I had asked and wrote a letter directly to Anthony Perrau containing those questions that Ms McAllister said she would take to them. Not only did I not hear back from her but I heard nothing from Anthony Perrau. Hence my comment about the silence from the five department bureaucrats.

**Reverend the Hon. FRED NILE:** Was there a reply when you wrote a letter to the Minister?

**Mr POWELL:** I got a reply from Mr Perrau saying that my proposals had been noted.

**Reverend the Hon. FRED NILE:** That is a favourite phrase: "have been noted".

**Mr POWELL:** As a consequence I was invited to the department, but that meeting was conducted by Ms McAllister.

**Mr DAVID SHOEBRIDGE:** Do you think this is an example of what goes wrong when there are siloed decisions in government? All the decisions in this instance are being made by the Department of Education. There is no involvement by other agencies in government that would inform a total community outcome. Do you think that is part of the problem here?

**Mr POWELL:** I am observing it in other places where I am working as well. I very much agree that the silo mentality is part of the problem. When I was a junior architect in the Government Architect's Office and when I was principal architect of schools, both directors of properties had been senior teachers and were very well aware of the education requirements. We seem to have moved to a position where you do not really need to know about education and you can be a manager or an administrator. What we are seeing now is an outcome of the shortcomings of that. We are also seeing an outcome of the shortcomings of the dismantling of the public works department and the Government Architect's Office. This is another hobbyhorse of mine. We have been told that, as we heard today, the experience in the so-called private sector does have its limitations. The Government Architect's Office and the management section of public works was in the order of 200, 250 people and it is now 20.

**Mr DAVID SHOEBRIDGE:** There is no-one there to dream big about a project, instead we have external consultants brought in with specific briefs, is that the problem?

**Mr POWELL:** It is not only that, it is having this collective intellectual journey we have been on with all the information we have. We are asked how big a school site should be. It was drummed into us that a high school site should be 20 acres or nine hectares, a primary school should be eight acres or three hectares. We are talking about a 0.5 hectare site versus a 1.3 hectare site. Even the Wattle Street site is much smaller than the so-called standard primary school site. I acknowledge in inner city areas that might be a luxury we cannot afford.

**The Hon. COURTNEY HOUSSOS:** You answered most of my questions with your extensive opening statement. It has been useful. You have given us a slightly different perspective to some of the other groups and talked about the total removal of the contaminated fill and the benefits of that. Do you have any further views on remediation? You have been here all day and heard what we have been asking.

**Mr POWELL:** I have been involved in two major projects which have had massive remediation requirements. I was the project manager for Bicentennial Park at Homebush and that was built on a Concord council garbage dump. I worked for three or four years as part of the Olympic Park Authority working on the Homebush site, other parts of which were massively contaminated. There were different strategies for those instances. From the Coffey report and my experience there are two aspects that are a problem with the strategy to totally remove the fill: the ingress of groundwater and the contamination already existing in Wentworth Park.

That has been talked about as an issue with the demountable school. The Douglas Partners expert told us about the high groundwater-table level. That causes the contaminants to be picked up and brought into the site to exacerbate those on the site caused by the previous use. The requirements in building a below-ground car park level require an external wall to support the building. That process would combat any ingress of groundwater. If you totally remove the fill there and you are blocking the means for other contaminants to come into the site the issue goes away.

**Mr DAVID SHOEBRIDGE:** That can be very expensive. The real costs for the excavation on Barangaroo were building that impermeable barrier.

**Mr POWELL:** They can be. You look at what you are going to gain, which could be at least two or three levels of parking on the site which would be income producing in perpetuity.

**The Hon. COURTNEY HOUSSOS:** The question of retaining the existing school rather than demolishing it: Was your plan that would be a later development?

**Mr POWELL:** No. The proposal that I have worked on with Stuart Morgan is that the current open space on the site, the teachers' car park, could be the site for the additional accommodation. If it is elevated you could have the car park underneath the building. You retain the classroom block, the admin and the library in the present positions and you build the additional classrooms in air space above the teachers' car park.

**The Hon. COURTNEY HOUSSOS:** You would purchase the depot site for the future?

**Mr POWELL:** Whether the education department purchases that, whether council retains it or whether it goes to another government organisation, I believe it is absolutely necessary that be retained for community benefit such as community facilities, education and the public domain.

**Mr DAVID SHOEBRIDGE:** If we showed the community these options for the redevelopment of the Wattle site and compared it to the draft proposals that the Government is proposing I cannot help but think, from what I saw of the draft proposal from the Government, that most people in the community would rather the Government's proposal than this option of additional classrooms over the car park. It will probably produce a better outcome for the kids in terms of open space and classrooms. What do you say to that?

**Mr POWELL:** If I can ask a question to clarify your question. You mean the design they received as a result of the design competition?

**Mr DAVID SHOEBRIDGE:** Yes, the design consulted in the last few weeks.

**Mr POWELL:** I congratulated David Stevenson, I think it is a very good design. To achieve that you are totally demolishing the existing facilities and rebuilding elsewhere on the site, which is a \$20 million waste of money. This is a diagram of a direction that could be explored. It is not a solution. As I mentioned earlier there is another place on site where you might also put additional accommodation. My proposal is that the present design be put aside and that the consultants that have been engaged be given another brief, which is to retain the existing facilities and come up with a means for putting the additional accommodation to complement what is there rather than replace it.

**The Hon. COURTNEY HOUSSOS:** You are not proposing that the school should move to the Fig and Wattle site?

**Mr POWELL:** I am proposing that Ultimo Public School stay on the existing site. I believe there will be a need in the future for additional educational facilities, be they primary or secondary. We do not know what the total future educational requirements are going to be. All the predictions illustrate that we cannot predict that with adequate certainty.

**The Hon. COURTNEY HOUSSOS:** I do not disagree with you there. You said you had a couple of recommendations for us?

**Mr POWELL:** One is you retain the existing Ultimo Public School, you do not demolish. And number two is that you explore the best use of the Fig and Wattle site for both community and future educational needs.

**Mr DAVID SHOEBRIDGE:** They are not in the alternative, you are talking about them being cumulative?

**Mr POWELL:** It is not either/or, it is both.

**Reverend the Hon. FRED NILE:** Who would do that? It is beyond the education department. The Government would have to take over the site.

**Mr POWELL:** I think from what we heard today council is keen to do that.

**The Hon. COURTNEY HOUSSOS:** Council is looking to off-load the site to put the money into their other 10-year priorities?

**Mr POWELL:** There is no doubt about that. In the meetings I had with the council's chief executive officer he said, "We have \$100 million in our budget for this. We need that money. We have discounted it X, but we are banking on that money." It is in their plan.

**Mr DAVID SHOEBRIDGE:** Can I be frank about the proposals to redevelop the Ultimo Public School site. All the parents and committee members I have had communication with say there is not enough open space or play room for the existing school community on Ultimo. Your proposal does not create any more play area or space for the kids at all but puts another 300 or 400 kids in it. How do you confront that ultimate problem with your design?

**Mr POWELL:** It may be that the extra classrooms could be considered as the short-term use while a proper solution is found on the Wattle Street site. At the moment it is above the car park where the kids do not go.

**Mr DAVID SHOEBRIDGE:** There will be more kids piling onto the basketball court and the small space in the middle of the school. I said something previously about free range kids. You are going to be crunching the space, are you not?

**Mr POWELL:** I agree with that. One of my jobs as public domain coordinator was to get the bridge over Wattle Street. That was before the school's existing accommodation.

**Mr DAVID SHOEBRIDGE:** Based on your proposal you will need to make it a four lane bridge.

**Mr POWELL:** It was envisaged in 1996 or 1997 that Ultimo Public School needed additional play space which was Wentworth Park. We have heard today that other schools now need that. There is no easy solution to finding the extra open space. I have a feeling that there should not be 800 on this site. Many people have said this today and I support that view. The 35 square metres per student equates to 150—already double the capacity of UrbanGrowth's recommended size.

**Mr DAVID SHOEBRIDGE:** I return to challenging the wisdom of your proposal to put extra classrooms in with a minimum of fundamental redesign. I challenge that wisdom, but it seems you are now challenging it yourself.

**Mr POWELL:** I am sorry if I have muddied the waters myself without meaning to do so. It is a better option than demolishing the school in the short term. I see it very much as the short term. Even the diagrammatic form there would probably indicate that these might be demountable classrooms in an elevated framework.

**The Hon. NATASHA MACLAREN-JONES:** Can I check on the timeline of when you met with the department with your plan? Do you remember roughly what year or month?

**Mr POWELL:** It was August 2015, approximately. I do have a record of the meeting.

**The Hon. NATASHA MACLAREN-JONES:** We have heard today that back in 2004 the department had the first investigation of the site, and the report from that effectively recommended that further investigation was required to get to the detail to make a proper costing for removal of the contamination. Did you mention to the department when you met in 2015 that you had a copy of the City of Sydney's assessment of that site? Even though it is 20 years old, it is obviously still quite detailed.

**Mr POWELL:** I cannot be sure of that. I think it came to light after that, when I was working with the Pyrmont community.

**The Hon. NATASHA MACLAREN-JONES:** That is fine. It would have been good, because I know it took over 12 months for council to let the department back on-site.

**The Hon. SARAH MITCHELL:** I have no questions.

**The CHAIR:** Mr Powell, thank you for your attendance today and for the very detailed opening comments you made. Putting your views on the record in this way has assisted the Committee and saved a lot of questions. Am I right in assuming that your red folder contains just the Coffey report, or is there other material in there?

**Mr POWELL:** No, there is various other material.

**The CHAIR:** I will discuss it with the Committee, but it may be worth letting the secretariat have a quick look at it. Now that we have your coversheet with some references on it, we might be able to get the council to dig down to the bedrock to find what is there without having to go through your folder and without the difficulties that may exist from not having seen the document beforehand.

**Mr POWELL:** I do not believe it is confidential in any way. It was provided to me by the officers from council when we were looking at the yellow block exercise.

**The CHAIR:** Now that we are aware of it, the Committee and the secretariat will immediately get back to council. Perhaps it will be easier to go through it with council and get that report and whatever supplementary material it has as well. Thank you very much for your participation here today. The Committee appreciates it.

**(The witness withdrew)**

**(The Committee adjourned at 16:28.)**