



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

(Reference: Auditor-General's Report No 2 of 2005: development application and approval process)

Members:

**MR R MULCAHY (The Chair)
DR D FOSKEY (The Deputy Chair)
MS K MACDONALD**

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 14 SEPTEMBER 2005

**Secretary to the committee:
Ms A Cullen (Ph: 620 50136)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry which have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

The committee met at 2.03 pm.

MARION REILLY and

ANDREW WILSON

were called.

THE CHAIR: I formally open public hearing No 2, which is the inquiry into the Auditor-General's Report No 2 of 2005: development application and approval process. I welcome the witnesses from the Royal Australian Institute of Architects. I need to read to you, first of all, an outline of proceedings.

You should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from certain legal actions, such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

When you first respond or speak, it would be appreciated, for the assistance of Hansard, if you could state your name and the capacity in which you appear. I would also first up like to invite you to make a statement if you wish to the committee and then I will invite our committee members to ask questions.

Mr Wilson: My name is Andrew Wilson. I am a fellow of the Royal Australian Institute of Architects and the chairperson of the institute's planning committee, which is an advisory committee. I guess our appearance before this committee is of key relevance to our profession, given that the Auditor-General's Office's performance audit report into the development application and approval process is one of the central tasks of our profession and a task that I would say is professionally ill defined, to the extent that we are extraordinarily frustrated in being able to operate in a commercial environment successfully.

The reasons for the frustration are—and I have been in practice in the ACT since 1994: the planning legislation has been under constant reform and continues to be in constant reform. It is not that we want to lock planning legislation into a non-evolving process; it is that we seek clarity in how planning legislation is defined. We can accept change, but planning legislation needs to be clear in order that we know the tasks that we have to address professionally and can advise our clients professionally on what service is required from us.

I would say, at this point in time, very few of our profession could say clearly that the development approval process will follow a defined sequence, with a consequent requirement of time, of a defined number of hours, say, 100 hours, and for that service we could provide you with a guaranteed figure that we could address the planning approval process under. In the commercial environment in which we operate we get, from a sole practitioner to a large corporation, many varied ways clients ask us to propose our services. Obviously, in a development approval application process we

would attempt to be reimbursed on an hourly rate charge, but in a commercial environment there are many players who will not accept that open-ended engagement. So I guess the definition of the planning approval process, to make it simpler and quantifiable in terms of time commitment, is a key objective of the institute of architects.

A second related matter to that is the cost to the community of the planning approval process. A lot of these costs cannot be identified, from our professional point of view. There are many circumstances where architects are attending to the approval process without reimbursement. It is a cost that we need to quantify; it is a cost that we can't continue to wear in the community.

At issue specifically in the DA approval process is the extent of public consultation. Consultation for which we can't define the time commitment required is central to our problem. It is not that the institute of architects do not want to consult; in fact, it is part of our code of professional conduct and ethics that we address design solutions that respond to the whole-of-community needs and not just the needs of the client who may be issuing our brief. The consultation process is a process that we need to have managed clearly and that we look towards government to manage clearly.

That point brings me to the third and final comment that I would make and then open for questions. We really look towards ACTPLA and government to represent the interests of the public in the community consultation process. We have experienced the reference of tasks in resolving various objectors' views to development applications being devolved to us to attend to, which becomes problematic.

I think, without wanting to refer to specific cases, we have had objectors' letters passed on to us that reveal the objectors' contact details and so on, which is a practice which I do not think should exist. I think there is an essence of public consultation where a private individual's objection should be received and attended to by the government and not referred out to other bodies.

In summary, the detailed content of the institute of architects' position is contained in a number of separate documents. The first of those would be a document that we have titled *Development assessment survey report 2005*, prepared by Archicentre. I think that is a publicly available document. That gives detailed responses by institute members to planning reform processes across Australia.

THE CHAIR: Mr Wilson, are you wishing to submit that to the committee?

DR FOSKEY: He has submitted it.

THE CHAIR: Have you? That is the one that was appended to earlier—

DR FOSKEY: Yes.

Mr Wilson: Yes. The second document that has been submitted in the planning reform process is the institute of architects' response to the planning reform proposals. In summary, that document acknowledges the extraordinary difficulty the government and, in particular ACTPLA, has in resourcing their duties with sufficient trained planning staff. Also our submission is critical of the planning reform process in that it seems to us,

on a broad level, that, in order to address the lack of staff or resources, the planning authority is seeking to refer the approval of development applications for buildings in greenfields sites to an external consultant through a private certification system.

The position of the institute of architects on that paper and that response was that, of all the urban and suburban environments in our country, the area that needs the highest attention in the quality of its design is our suburban environment. We observed that, since one of our former colleagues, Robin Boyd, wrote a book called *The Australian ugliness*, nothing has changed in the character and quality of our suburban environment; therefore, ACTPLA should not remove their role from the design review and encouragement of high-quality, sustainable design outcomes in suburban development but should maintain that role and, therefore, seek other measures to address staff shortages and qualification shortages.

We also pointed out in our submission that we are participating, along with the University of Canberra, in undertaking a feasibility study into mounting a course in planning, commencing, at the earliest, in the second semester of 2006. We take this opportunity to encourage the Assembly to encourage the development of that course and to become one of the main users of its services.

Thank you very much for the opportunity to speak.

THE CHAIR: Thank you, Mr Wilson. Ms Reilly, did you have anything you wished to add?

Ms Reilly: I want to add a couple of other points to underline some of the things that Mr Wilson said. I am Marion Reilly, the manager of the ACT chapter of the Royal Australian Institute of Architects.

In relation to the planning reform project, which is one of the things that are concentrating a lot of minds at the moment: one of the concerns that we raised in our submission to you on the report from the Auditor-General's Office was the fact that this process is going to take a number of years to fully implement, to get the legislation done, to get the regulations there and to bed it down. And our concern is that the planning process, particularly in the development applications area, is extremely difficult now and continues to be quite murky and quite difficult to work in.

To put off making some of those changes two to three years down the track will continue to cause concern to our members, cause cost to our members in delayed development application processes. And we do not want to see everything being measured or judged on something that is two or three years down the track or possibly even further. We want to raise that issue.

We also recognise the fact that ACTPLA works under fairly difficult circumstances because of the lack of planners, because of the lack of staff and lack of resources. We would like this committee to look at some of the resourcing of ACTPLA because of the delays that are there, the problems they have with keeping staff, the problems they have with being able to educate their staff, educate the public and in providing timely advice to architects and other professionals in the construction and building industry.

One of the side issues of the continuous reform process in ACTPLA is that a number of staff of course are off line, looking after the reform processes of various sorts and not concentrating on the main game, which is providing a service to both the community and the professional community within the ACT.

I suppose there is a further point about the Archicentre/RAIA report that we also provided to you. It was to show you the fact that, even though planning looks quite difficult in the ACT, it is an issue across Australia in how you get decent development applications. So I suppose there is some heart we can draw from the fact that planning is an issue in every jurisdiction in Australia. Further, we need to point out that it looks like a worsening situation in the ACT where there were even further time delays in the delivery of development applications in the ACT in the last two years.

THE CHAIR: Thank you for that. I am sure we have quite a few questions in the limited time we have available. I might just kick off with asking a question of either of you. You have both made reference to the issues of staff shortages, turnover and the real problem of resourcing with ACTPLA. You talked of the course in planning that you are supporting at UC, but I guess the impact of that is going to be some years down the track also. Are there other factors that you alluded to—I think Ms Reilly did too—in the difficulties that the agency is facing in the terms of staffing and turnover in departments?

Mr Wilson: I think Marion has mentioned one, in that staff are required to be removed from the process of development assessment to undertake subsidiary studies. I think it is probably true that those staff who are taken off line from development assessment are not replaced; so that leaves the development assessment team underresourced.

A further frustration for the planning staff that we haven't outlined in detail yet is the lack of integration of timeframes for other statutory authorities to respond in the DA approval process. This point has been clearly made in the Auditor-General's report that it is necessary. I can give some real substance to the nature of that problem by talking about one of the ACT government's own projects for which I was the project architect. I am sure the case is pretty well known.

The project was Amaroo school, the last of the new schools built by the government, which has achieved extraordinary outcomes in sustainable design. But when we looked at the DA approval process, where the statutory period for approval should have either been 30 or 45 days, probably 45 days for a major institution, the actual time taken for approval was some factor of four or five or more times the statutory period. And it is not that there was a huge amount of work going on during that period to advance the approval; it was simply that there was, through Environment ACT, a requirement to preserve certain significant tress; and, through the department of education's brief to us as architects that there should be no trees within 25 metres of the building, the two could not co-exist on the site.

There was no timeframe in which Environment ACT had to respond, and they did not wish to respond because up to four significant trees had to be lost. But that delayed the whole project and put enormous pressure on the design and construction team.

So, in summary, the point is that the interaction of statutory time periods or response of all government agencies to the DA process is a key outcome that the institute of

architects would look for.

THE CHAIR: You said at the very beginning of your evidence, Mr Wilson, that one of your frustrations was in relation to the difficulty in getting certainty; it was a constant process of reform. It sounds to me as though you really want the situation to settle so that your clients and others in your profession can proceed with some measure of confidence about the process. Is that the message you are leaving us?

Mr Wilson: That is the message but it has a qualification on it: settle with a simplicity and clarity to it. I think that is known to be an objective of the planning authority, and I think that is what they are working towards. But what we have before us in the public record, through the Auditor-General's report, are a number of statements that say that this matter will be addressed in the planning reform process. That doesn't give us a great amount of comfort, because we want a particularly definitive view of how we are to respond. The response is still put sometime out in the future.

THE CHAIR: Before I move on to one of my colleagues: in relation to the matter of pre-application and the development application stage, have you experienced some instances where applicants have had conflicting advice between the pre-application stage and the development application stage? And have you any evidence of where people may have been disadvantaged or, dare I say it, discriminated against if they put in a DA without going through the pre-application process?

Mr Wilson: In this jurisdiction I have personally not had that experience. But what we do wrestle with is the intense conflict that comes about when, in a pre-application process or in the assessment of the DA, issues surrounding something of an aesthetic nature are raised, probably by an objector, and that may delay the process. When we head into the area of talking about architecture as an art, I think we are on very difficult ground to manage because it is subjective. The ACTPLA officers know that it is not their role to assess on the basis of aesthetics. But that is a very difficult undertaking for them to take on. Obviously, we are dealing with a profession that is a science and a technology, but it is also an art.

THE CHAIR: One other thing: Ms Reilly, you talked about some of the other jurisdictions. I have no doubt you talk to your colleagues in the other states and territory. How do you rate Canberra's performance in terms of national position, in terms of our timeliness of development applications and the simplicity of process, compared to interstate?

Ms Reilly: When you look at the report, which I am basing some of that on, and the previous report that was done, we don't rate terribly well. But I think the comfort we can get is the fact that there is an awful lot of other very messy jurisdictions. And some of the time delays, particularly in the more complex projects, are of grave concern. I think some of the councils, because in some of the other states it is handled by the local government areas, are probably slightly worse than we are. The major complaint from jurisdiction to jurisdiction varies. Whether it was just time delays or information availability, it can vary from place to place. I must admit that I did not look at it in terms of giving us a score, but I think that this time, with the delays in timing, with the number of days to get an answer, which went out, which extended, in the most recent survey, it was of concern.

THE CHAIR: So a worsening situation, you are saying, in that sense, are you?

Ms Reilly: It looks like a worsening situation. There are some improvements in single-dwelling occupation, and some of that could be some of the concentration on those types of dwellings following the bushfires. ACTPLA did a fantastic job to try to make sure that process was handled well at that time.

But going back to looking at delays and people being disadvantaged between the pre-application stage and the DA stage: anecdotally, we have heard from members that they get different information. It is down to sometimes different information if you get a different desk officer. And this is where some of the problems are.

As we have said, we are not suggesting the whole process should stop and everybody find their chairs and then we go on again. It is really about ACTPLA changing some of the culture about service deliveries, looking at improving their internal education processes, getting some continuity in terms of some of the information they have available and looking at the ways that they actually present that information, particularly to the design profession, which of course is our interest. We find out things sometimes when there are changes by default rather than a concentrated effort to ensure that we are informed.

THE CHAIR: There is not a formalised consultation process?

Ms Reilly: There are in some instances, but in other instances there are not. Some of their timing on their consultations is very short. When I recently had annual leave—I was away for a month—in that time there were two short consultations on some issues in relation to planning matters where they were looking for answers straight away.

This is the constraint that they are working under as well. I am not suggesting this as a total criticism. I want it to be seen as part of the constraints under which they are working as well. But of course it impacts back onto the way that my members can operate as well, as professional designers.

THE CHAIR: Dr Foskey has some questions.

DR FOSKEY: I have got quite a few and I am trying to prioritise them. I might start off with a question that comes out of your presentation, Andrew. You indicated, first of all, the point—and for me to fully understand, I would like you to expand—that ACTPLA or the government should represent the community in the development approval process. You gave examples of where objectors' contact details, et cetera, were passed on to you. What I want to know is why those objections were passed on to you anyway. You were indicating that you got the written thing as produced by the objector, rather than a summary document. How do you think that the government should deal with objections? What would be a better method as far as facilitating your work is concerned?

Marion reiterated something that is in your submission. You do not feel that ACTPLA gives you enough time when it consults with you. Yet I felt you were saying that the community consultations slowed your work down. I might be hearing you wrong. So what is the difference there? Your advice is more useful, if it is taken?

I have got about three questions there, I think. The first one is about the consultation and the way that objections are handled, because objections are not really consultation as such, are they? How do you think the government should go about all this?

Mr Wilson: I may address this slightly obliquely, and please come back with supplementary questions.

DR FOSKEY: Are you aware of the government's response to that recommendation by the Auditor-General?

Mr Wilson: On page?

THE CHAIR: Recommendation 6.

DR FOSKEY: No 6, yes, and whether that satisfies you.

Mr Wilson: Yes, that does satisfy me, but the objective details should not come through to me. I will illustrate the experience I have had. I have been designing and documenting a building for the Canberra Sikh community who have been in that process for up to 10 years, having previously been—

DR FOSKEY: Is that the one on Debenham Street, the one in Mawson?

Mr Wilson: It was originally proposed for Mawson and, as a consequence of local resident objection, the Sikh community were offered a site adjacent to the Orana school in Weston, which is the site for which there is a current development application being considered. It is in that process that single-objective, detailed comments were forwarded to me as the applicant. While in this case it is of no particular consequence because I didn't see anything in the content that could be defamatory, racist or anything, there is the potential for that to be the case. Therefore, I think the authority needs to retain those submissions under the umbrella of government privilege.

DR FOSKEY: I did ask you how you felt that ACTPLA could better deal with that. I misunderstood. Your issue was just about passing on details there?

Mr Wilson: Yes. I could go on to make a further statement, though, that, as a younger architect in the New South Wales environment, the developmental approval process was, it seemed to me, a more clearly structured process in that an application was made and then investigations into all the issues pertaining to that application were conducted during the statutory period the council had for consideration of the application.

What has happened in the years since—and that is through the 1980s and 1990s—is that, because of the concern of the community for the quality of product that they are going to get in the field, the development application processes have required architects and all their subconsultants to advance their documentation to a much more advanced stage of detail; so that, from the point of view of the authority, the representation of what will be built will be more clearly representative of what will end up being constructed on site.

We understand that context. But what that does for us, as a profession, means that we have to go much further through the design process and, for our clients, spend much

more of their money exploring that development process before they notionally get approval to develop on site.

It used to be much more clearly that the development application was an application for permission to use a site for a particular purpose, and the building approval process was a process of assessment of what is proposed against the building code. Now we are finding we have to address issues that are contained in the building code in the DA process. For example, equity of access for a disability is something that is a documented requirement in the building code and Australian standards, not under planning legislation, but it must be addressed currently under the DA process.

THE CHAIR: If I can take this opportunity to formally welcome the parliamentary delegation from Ghana. Welcome to the ACT Legislative Assembly. We hope your time here is informative and we hope you enjoy your visit to Canberra.

DR FOSKEY: Hello again. Now you get to see us in action.

MS MacDONALD: Before you go on, can I ask a question in relation to something that Mr Wilson just said? Is that all right, Deb?

DR FOSKEY: Yes.

MS MacDONALD: You were saying that the architects now need to get more involved with the building code, which they would not have previously done. The example that you gave was of wheelchair access. That is not necessarily a bad thing; it is just a change—would you not agree?—and one which your members need to come to terms with?

Mr Wilson: I agree with that. The point I was trying to make wasn't that addressing equity of access isn't a good thing, but it is an aspect that we now have to address early in the process and has a consequent effect on the amount of work we have to prepare and, conversely, the amount of work the assessment officers within ACTPLA have to attend to, which exacerbates their resources problem.

Ms Reilly: But you wouldn't get the building approval without access issues being met. They do not have to be met at the DA. In some senses they do not have to be all drawn into the DA process, and I think that is the point. It is the lack of detail.

MS MacDONALD: So what the authority is now looking for is some indication that this has been taken into account at a planning stage rather than waiting to get it to the building stage so that it is done properly. I suppose my point is that, while that is a change and no doubt adds to the workload, it is probably a change for the better.

Mr Wilson: Yes. It is probably the wrong example to put forward.

MS MacDONALD: Yes.

Mr Wilson: That is a scope of work that we would accept putting forward. If I chose another scope of work, maybe my point was less debatable.

MS MacDONALD: No, that is okay. I accept that there are probably things. I guess what you are saying is that you need to know what the parameters are before you sit down to draft the plans so that you can draft them properly and take that into account when you are doing your costings and pass that onto the client so the client is fully aware of what the costings will be and the timeframe.

Mr Wilson: Yes.

DR FOSKEY: I want to ask two more questions. One relates back to the consultation. When you indicate that you are often contacted and asked for comments with far too short a timeframe, sometimes before you even receive the document that you are commenting on, do you feel that this is because the consultation is tokenistic or do you feel that your contributions are appreciated and this is more an indication of some fault at ACTPLA's end in terms of time management?

Ms Reilly: I think it is an indication that ACTPLA has got a lot of work on; its resources are not sufficient to undertake the amount of work that it has to do; some of the pressure, whether it is from government, community or whatever, to get a whole lot of things done is putting too much pressure on ACTPLA and they are trying to meet a number of fronts without the resources to do that. Consequently, that is why you quite often receive very late timing on indications that they are looking for answers on particular issues.

At the same time, they have also done things extremely well. I could point to the development of the apartment guidelines, which was done over a period of time, with a number of consultations, that I think gave a reasonable result. Of course we are still obviously evaluating those guidelines.

But I think some of it is just an indication of how much work ACTPLA has got on, with not sufficient resources to carry out all of that work, and that leads to a sort of state of constant change for both ACTPLA and for the people that are dealing with them, both as professionals and the community, and leaves a high level of uncertainty at times, which I don't think always leads to the best results.

DR FOSKEY: Do you feel that your comments are taken into account?

Ms Reilly: They don't do everything we want; so not always. In a perfect world, of course, architects could be listened to.

DR FOSKEY: But that is because they do not have the resources, Marion.

Ms Reilly: In a perfect world, of course, they would only listen to architects. Yes, I think they are listened to. It is obviously variable and in some cases there are certain proposals we have put up that have not been listened to. There are various reasons for that. It is not because they are saying, "We are only going through this in a tokenistic way."

I am not suggesting it is all of the time. With the late things, my best one was when I got it on the day. They wanted the comments back on a substantial piece of work, which we renegotiated at another time. But I think it is pressure; I don't think it is the tokenism element of it.

DR FOSKEY: My last question—I do have a number of others but we are going to run out of time—is: you mentioned a feasibility study that RAIA, your organisation, are doing with the University of Canberra. You said that you would like our support there. How do we support this? It clearly seems to me to be a good idea. But also could you comment on the fact there appear to be a number of planners in this town that aren't working for ACTPLA; they are consultants and otherwise engaged? Is there something that ACTPLA could be doing or should be doing to get them working for ACTPLA?

Ms Reilly: I could think of a number of answers to that.

Mr Wilson: Can I address that? I will clarify what I was trying to express. There is being run by the University of Canberra a study into the feasibility of delivering a course in planning, commencing in the second semester 2006. Professor Brian Roberts from the Centre for Developing Cities is the proponent of that feasibility study, and the institute of architects is contributing by being a member of a working party contributing to the study.

The notion that I expressed was in response to an observation on the resourcing of ACTPLA that some years ago the role of an assessment officer within the authority was devolved to people who had qualifications other than qualifications in planning; they may have come from a clerical background and become a development assessment officer. I am not sure that that is the case any more. The notion that we wanted addressed as a profession was that the development applications that we were submitting, prepared by professionals, should be addressed by professionals—whether they were planners in economic planning, strategic planning or any field like that, architectural landscape, architecture. As long as they were somehow qualified in urban, regional and architectural training, we would appreciate ACTPLA having those sorts of resources.

The University of Canberra feasibility study is investigating a course structure where they may deliver courses at a certificate, a diploma, a bachelor or a masters degree level in various scenarios. Whether they are delivered by coursework one day a week or by studio workshops run over a sequence of a number of weekends, that method of delivery is still to be determined by the feasibility study. But what the University of Canberra will also be looking for and surveying is potential client organisations for that course from within ACT government. A key client organisation could be ACTPLA, along with many other bodies. I guess this is in very preliminary stages, but the institute of architects would encourage ACTPLA in particular to try to improve their training and resources by utilising that course and supporting that course.

THE CHAIR: Is one of the problems—and we have had with this with the Auditor-General's Office—that you get someone trained up and they are prize pickings for the private sector, particularly in planning where you can earn, I believe, a substantially higher income at a young age working in the private sector? It is hard to be competitive in the ACT.

Ms Reilly: One of the needs, still within the private sector, when somebody puts in a development application, is to provide expert report and advice. Obviously that requires planners as well and obviously sometimes there is a differential in rates of pay and salary and so on. That, I think, is going to be an ongoing issue.

But the other element of it is that I think, with ACTPLA and its environments being in

continuous churn, it makes a very difficult working environment. I think that must be one of the things to be considered as well. Even so, ACTPLA has made some really great appointments in recent times. Some of the people that are looking at the planning reform project are a real—

THE CHAIR: Do you have a solution for that problem? We are looking at recommendations. I am not saying there necessarily is an easy answer, but have you come to any thoughts?

Ms Reilly: One of the issues we raised earlier is to get a better working environment. Some of that is respecting people who work in ACTPLA; providing good in-service education so that they are informed; when they give advice to somebody over the counter, no matter who that is, it is correct advice and is not countermanded in some way, so they don't look like dills; there is internal respect for everybody who works in ACTPLA, at whatever level. That is one of the issues. It is providing decent-quality handouts and some of those types of things, looking at public education in the broader sense, working with the professional and other associations in the building sector.

I am not saying they should take all the advice; I think there are differences in that. But ensure that there is less tension in those relationships, get more respectful relationships between the various groups. That means that the advice given and received from both sides can always be accurate and up-to-date.

THE CHAIR: You had a comment, Mr Wilson, I think, did you?

Mr Wilson: Yes. The comment I would like to add is: I think one of the strategies that could help the involvement of ACTPLA officers in development assessment would be the coordination of responses from other statutory authorities into their timeframe.

THE CHAIR: Yes, you mentioned statutory timeframes.

Mr Wilson: It must be extraordinarily frustrating for the project officer assessing an application to not be able to manage the contribution of another authority.

THE CHAIR: We are over time. I was wondering—

Ms Reilly: But recognising also that even just a smoothing out of the time required for responses would make a huge change there.

THE CHAIR: We have got that, I think. Before we conclude, I wondered if I could get a comment. The Auditor-General found the performance against statutory timeframes in some cases may be inappropriately enhanced by procedures such as asking the applicant close to the statutory due date to apply for an extension of time. Are you aware of cases where this has occurred? Is there any pressure to accommodate this demand, in your experience?

Mr Wilson: Yes. I experienced that on the Amaroo school development application process. Rather than focus on an individual project, though, the request from the planning office is seen as a conundrum by us, as a profession, because we have no requirement to request an extension of time. We believe there is a statutory period there

for the action to be taken and expect it to be taken in that period.

We have been frustrated over the years when receiving a request from an ACTPLA officer asking us to stop the clock on this application and requesting further information to support the application two or three days out from the expiry of the period. Our options in that circumstance, as I understand them, currently are: we could refuse the request to stop the clock; let the application go beyond the statutory period; therefore, under the legislation, it is deemed to refuse—and I was very tempted in the Amaroo school project to observe the ACT government deeming to refuse their own application. We didn't of course do that but it is relying on goodwill.

THE CHAIR: This is not an isolated case, from the tone of your comments; it is quite prevalent.

Mr Wilson: No, not isolated. I would say the membership of the profession from sole practitioners through to people in large corporate groups, all, have a common experience.

THE CHAIR: We are over time. We do thank you for the information provided to the committee. It will be a very important part of our final deliberations. Thank you for joining us today.

Mr Wilson: Thank you.

Ms Reilly: Thank you for the opportunity as well.

THE CHAIR: It was a pleasure.

CATHERINE CARTER,

ALASTAIR MacCALLUM and

JOANNE METCALFE

were called.

THE CHAIR: Continuing the inquiry into the Auditor-General's report No 2 of 2005, concerning the development application and approval process, I welcome the representatives of the Property Council of Australia, ACT division. Before we proceed with the matter before the committee, I need to advise you formally that you should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege.

That gives you certain protections, but also certain responsibilities. It means that you are protected from certain legal actions, such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

Ms Carter, before we discuss the matters before the committee, would you like to make a statement to the committee? I would ask of you and your colleagues to assist Hansard by saying your name and the capacity in which you appear when you first speak.

Ms Carter: Thank you for inviting the Property Council here today. I am Catherine Carter, executive director of the ACT division of the Property Council. I am here with Joanne Metcalfe, who is a division council member and, of course, a member of the Property Council of Australia, and Alastair MacCallum, who is also a member of the Property Council of Australia and is on our planning committee. Joanne and Alastair will speak separately.

Thank you for giving me the opportunity to make an opening statement. As members of the committee may be aware, the Property Council of Australia has been calling for planning reform in Canberra for over a decade. Consequently, we welcome the ACT government's current desire to revisit and restructure its approach to managing land use, and we particularly welcome the planning reform initiative which is being managed by ACTPLA.

Earlier this year, as we all know, and it is the reason we are here today, the Auditor-General issued a fairly damning performance audit report on the development application and approval process. That report revealed that Canberra's current planning system is beset by embedded and chronic inefficiencies, confusion, red tape and frustrating delays. The audit found that development approval processes, to quote from the report, "are not efficient primarily due to complexity of legislation guidelines, lack of consistent documentation and document management, inadequate compliance activities and shortcomings in the referral and consultation processes".

I think we all acknowledge and we know that the ACT is one of the worst jurisdictions

for time delays for new home approvals. We also know that the ACT is the worst jurisdiction in Australia for medium density, small commercial and large commercial development approvals. This has recently been independently confirmed in a report released by Archicentre, the Royal Australian Institute of Architects home advisory body, which undertook a survey taking into account the views and experiences of architects, other building designers and consultants, building developers and contractors, and building owners, operators and users.

The current planning system in the ACT is hopelessly inefficient and costly. It goes without saying that commercial development and expansion are crucial to the vibrant city that Canberra aspires to be. The planning system in Canberra affects everyone, crossing all boundaries of income and social status, from the smallest Canberra home renovation to the multimillion dollar skyline projects that help give the city its commercial character and economic vigour.

The Property Council and its members want an integrated approval system with all regulations and processes in a single document. We want a planning body that has the resources to deliver these efficiencies—and this is an important point—not an organisation that is strangled for funds and resources and forced to adopt crisis management measures to deliver its vital services across the spectrum of land and planning approvals. We are after timeliness and certainty, and this is not just for our members but for everyone. These things should be self-evident.

Consequently, we support ACTPLA's current planning reform process. We are also strongly supportive of Chief Planning Executive Neil Savery, who is heading up this project, in his efforts to reform the system. ACTPLA have demonstrated a willingness to engage with the Property Council on this very important issue, and we have held a number of discussions with them in recent weeks as a follow-on to the submission we made in July. I believe members of this committee should have a copy of the Property Council's submission.

One thing, however, that needs to be mentioned is that difficulties in achieving an efficient planning system are not currently entirely within ACTPLA's control. In particular, development applications are currently subjected to scrutiny from several unconnected agencies with power of veto over projects. Consequently, one of the major reasons that ACTPLA has such a difficult time in administering the system is that planning, land, heritage and environment legislation that affects development assessment and approval is scattered and not harmonised. This is definitely something which we would like to see addressed and which requires a whole-of-government commitment.

In summary, we have suffered from having an unworkable planning regime for a long time. This is now being addressed, and we are reasonably confident we will be able to work with ACTPLA to achieve good outcomes going forward. That concludes my opening statement.

THE CHAIR: Thank you very much for that. You spoke about what you would like to achieve. Do you see a single identifiable issue as a major feature of the problems in the planning system or is it that you have broader concerns about integration of the whole processes? I would like to get your views on whether you concur with the recommendations of the Auditor-General, or if you take issue with any of those or feel

they have not gone far enough. I am trying to get to the key issues that you would certainly like us to tackle.

Ms Carter: In the broad, we do agree with the recommendations of the Auditor-General's report. It is clear to everyone—I am certain that other submissions you have received for this inquiry will support our position—that the planning system we have had in the ACT over the last 10 or a dozen years simply does not work. It is inefficient, it is costly, it is time consuming and there is a great deal of frustration at every level. I suspect there is probably frustration within ACTPLA itself, which is why it has embarked on this planning reform process.

In terms of specifics, we made in our submission a number of detailed comments about a lot of different aspects to do with the planning reform process. I think we would be happy to elaborate on those if that is the sort of thing you would like to hear from us about. Perhaps Jo can talk about that.

Ms Metcalfe: My name is Jo Metcalfe. I am a councillor with the Property Council and I also run the architectural and planning division of GHD, which is a company.

The scope of the audit was, in fact, a lot narrower than our issues with the planning system. The audit was exactly that. It had its own limiting scope of the development assessment processes and how they are being delivered administratively by ACTPLA. Our submission to ACTPLA in response to their reform covered a much broader spectrum of reform issues. I think it is probably best to couch anything we say today in that broader idea. However, we are happy to dive into those particular DA issues because they are very pertinent to our members' business.

Basically, working with ACTPLA I think is a real economic and investment impediment in the ACT. We know of a number of members, including my own business, that have an across-border preference. We would prefer to work with Queanbeyan. We would prefer to work with the department of finance on national land—the National Capital Authority, of course. Even the councils in New South Wales are a fair bit easier, in terms of time frame particularly, to deal with. So, again, it is that economic and investment type of impediment that is a real issue for Canberra.

THE CHAIR: Would you go as far as to say that people that you are dealing with or members of the council are looking to do business elsewhere, outside of Canberra, because of this sort of frustration with the process?

Ms Carter: Yes, we would.

Ms Metcalfe: I can speak from my own company's and indeed my previous company's modus operandi. We try not to do as much ACT government work if there is enough commonwealth government work out there to sustain us, for that very reason.

THE CHAIR: And it relates to the planning process, not payment terms or anything like that; it is a matter primarily of planning frustrations.

Ms Metcalfe: Yes.

MS MacDONALD: On that, Ms Carter has made the comment that she thinks things will improve with the review that is going on at the moment. Do you think that will change?

Ms Metcalfe: Yes. It has to change, really.

Ms Carter: One of the reasons that we do have this reasonable confidence that things can change is that ACTPLA have laboured under legislation that has been put together over many years and is just piecemeal and very difficult to administer. I think the purpose of this planning reform project is to get one single piece of legislation going forward. Clearly, that has got to be a better result. The reasonable confidence that we express is because of that. But we do, of course, have a number of concerns about some of the proposed reforms that potentially will continue to create the sort of uncertainty and complexity that we are talking about. But, as indicated, ACTPLA have been very open to ongoing and close dialogue with us, so these are issues that we are working through right now. Is it worth mentioning some of the specifics? It probably is.

THE CHAIR: We would be pleased to hear those; it would be beneficial for our report.

Ms Carter: Alastair, do you want to talk about it?

Mr MacCallum: Alistair MacCallum is my name. I am an architect and I am also on the planning committee of the Property Council. It is a very broad subject matter to hit on at a particular point. In terms of the reform agenda, a thing that we feel is positive is the clear direction to change the culture of ACTPLA. That is already being implemented, with some new appointments. I think there has been a culture that for too long has been afraid to make decisions and has got used to a system that is very cumbersome and is happy to hide behind unnecessary process. I think that the evidence of that is that the AAT record is very good, but the AAT record is very good because it takes so long to get a decision. By the time something finally gets to the AAT, everything has been dealt with, but that is not necessarily a particularly good result in terms of planning outcomes and expediency of the process.

I do think a new culture in ACTPLA is starting to occur at a senior level. Catherine made the point that we were very supportive of Neil Savery and we see that starting to come through in other appointments, so we are optimistic that there will be some changes there. I guess we have also, with that same sort of focus, been trying to push for a better allocation of funding and better quality resources in ACTPLA to make decisions effectively. I think we are supportive of that. I think we are supportive of the consolidation that is going on in terms of legislation and the review of legislation to try once again to improve approval time frames. That is a very big task to take on and we see that taking some years to work its way through. I guess we are keen that things don't just go on hold while that takes place and we see a number of other things can take place concurrently with the review of, say, leasing structures. That seems to be occurring as well. There are some changes that can be made immediately whilst the bigger picture issues are looked at. So we are probably quite supportive of that.

Again, we would qualify that by saying that we still have agencies like Environment ACT and heritage which are separate to ACTPLA and their processes. So ACTPLA ultimately still cannot take a leadership position, even though they are an

authority, because those other two components of the approvals process are separate. We are pleased to see what is being reviewed but we would like to see those other elements of the approvals process also linked in ultimately, with one decision maker finally.

Ms Carter: That is actually an important point, because one of the greatest difficulties that people have in dealing with ACTPLA currently is that there is no guarantee of any sort of timeliness. Put simply, things can take a really long time. One of the things that everyone is looking to ACTPLA to do is to set time frames for things, but these other departments don't report to ACTPLA, of course, because they are separate agencies and they don't have those same time constraints on them. This is where things blow out again, and there is frustration and poor results for people going forward.

THE CHAIR: So you would be keen to see strict timetables or time frames observed and for them to apply to those other agencies too.

Ms Carter: Correct, yes.

THE CHAIR: You have made projections or, I suppose, have expectations that we might achieve a 500,000 population target by 2030. It is one I share and hope for, but I think there are going to be some real challenges before we ever get there. Also, I have seen in a media report today from the Australian construction industry forum projections of growth in construction expenditure between now and particularly 2012. Are those assumptions you are making based on radical improvements in the planning system, or are they qualified or contingent upon changes?

Ms Carter: We regard population growth for Canberra as an imperative, absolutely essential, and the reasons for that are pretty self-evident. Currently, we have a static and stagnating population. I have heard different figures, but we are told that in the next seven years between 20,000 and 26,000 commonwealth public servants are due to leave the public sector. We know that our young people are not staying in Canberra. We know that we are losing our graduates. We know that we are not attracting people to Canberra. We have the infrastructure fundamentals in place to support an increased population and we need to attract that population in order to support our existing lifestyle.

The fundamentals are there but, in order to achieve population growth and in order to achieve economic prosperity and a good quality of life for the citizens of Canberra, it is dependent on a number of factors, and one of those at the top of the list would be an excellent planning regime. Currently, we have a planning regime that is the worst in Australia and, as we have heard and as we know, that means business goes elsewhere. When business goes elsewhere, that is not the way forward economically. It is the way backwards.

THE CHAIR: We have had a view expressed to the committee, not necessarily one that is contradicted by ACTPLA, about significant issues with resourcing there in terms of the retention of personnel. Have you had experience, observations or views on that topic?

Mr MacCallum: Continuously. Invariably, the officer that one speaks to up front is not the officer that you are dealing with midway through the process or, indeed, part of the final decision-making process. We expect that there is a hierarchy of decision making but, firstly, we feel we are not getting the best input up front when a proposal is

presented and a direction for a process is charted. Certainly, we feel that staff retention has been such a problem that you lose continuity with the process.

THE CHAIR: And you find contradictions therefore in the advice because you are dealing with different people who interpret things differently.

Mr MacCallum: Absolutely. In a recent example, we had clear correspondence from ACTPLA supporting a scheme, and it will now not be approved. How does one reconcile support and seven months worth of work and consultation only to be stopped at the final hurdle?

THE CHAIR: How do your clients react to that? If I were a client who had asked for a project and you had taken advice and said, “Mr Mulcahy, we believe that if you do X, Y and Z you will go through,” and then you came back to me seven months later and said I had just expended a vast amount of money for nothing I would not be pleased. It must create endless tensions if you are doing this.

Mr MacCallum: Yes. I think people get very cynical, and I think what it means is that to get a development through, with the costs involved and the risks associated with that, firstly it affects the quality of the design ultimately, and there is a constant push to improve the quality of design whilst eroding it at the same time. I think it also affects the cost of development ultimately, and issues such as affordability, which is pretty topical, are compromised by the process.

THE CHAIR: Have you had much experience of dealing with planning in other jurisdictions?

Mr MacCallum: A reasonable amount of experience.

THE CHAIR: Do any models impress you particularly?

Mr MacCallum: They all seem to be getting harder, because planning is such a political issue, so it is problematic, and it also hard to find planners generally. Sydney, Newcastle and Victoria are places we have worked with, and the South Coast. Similar issues tend to exist. It is hard to find good planners, and the political side of it means the decision making is getting harder. The requirement for public consultation, too, which is in many ways a good thing. There is also a pretty well educated population base now who can use consultation to frustrate the processes. I think the pendulum swing has gone too far and the leadership that we expect from planners and the support then from politicians has gone, so the job satisfaction goes down as a result of that.

Ms Carter: We are in Canberra, though, one jurisdiction. We are not a Sydney, a Melbourne or a Queensland with multiple government authorities, and this is the nation’s capital. We should have, not just a good planning system, but an excellent planning system, and I think it is quite an indictment, again, that we currently have the worst planning system.

MS MacDONALD: You have mentioned that we have one planning system. That is certainly true, but we also have the NCA.

Ms Carter: That is correct as well.

Mr MacCallum: Which would be seen as one of the better systems.

MS MacDONALD: It might be from the point of view of providing certainty because it is a much more streamlined process. I suppose your experience would be that things go through much faster, but you are only having to deal with one organisation, whereas here you may have to deal with ACTPLA, heritage, environment and all those things, as you have said. I understand that there is quite a level of frustration. On the other hand, those areas still need to be protected in some way. I take on board what you are saying about the need for having one decision-making organisation as opposed to having things bouncing backwards and forwards.

Mr MacCallum: I guess that is why we assumed that the name change from PALM to ACTPLA was about ACTPLA being in authority. Ultimately, somebody needs to make a decision when there are competing interests, but my concern is that there has been a culture of fear about decision making, that it is easier for the AAT to make the decision sometimes, and I do not think that that is a particularly strategic way to run a planning system.

This is not isolated to Canberra. Other jurisdictions also operate the land and environment court as quickly as they can, particularly with the threat of costs being awarded. That suddenly can take a lot of objectors away. I am not suggesting that it should be run on fear, but I do think that at the moment there is fear about making decisions on planning grounds, and I think that that is slowing the city down and it is slowing better quality outcomes.

MS MacDONALD: Why do you think that fear is there?

Ms Metcalfe: It is an empowerment issue. To dive right into the system, if I may, there are a number of hurdles or levels of advice that the authority will go through. The proponent will first go to a case officer and you will be led down a certain path with them, and then you will go to the Planning and Land Council. They may have a completely different view from that of the original case officer, so that case officer's decision making or the direction in which they have led you is then undermined. The same happens with the design review panel, which has just been rebadged, I am led to believe. The empowerment of that really important person, that up-front case officer that you are dealing with on a day-to-day basis, is completely eroded by—

THE CHAIR: There is so much loss of face if you make a decision and it is overturned.

Ms Metcalfe: That is it. Correct.

THE CHAIR: So, of course, they do not make a decision. Ms Metcalfe, you spoke about a preference to do business with the commonwealth and Queanbeyan. Obviously, as Ms MacDonald has just raised, there is the issue of having one authority to deal with there as opposed to, in reality, multiple agencies at the territory level. Is that basically what it is down to, in your view, or are there other attitudinal issues that make it a lot more satisfactory to deal with, say, the NCA or the Queanbeyan council?

Ms Metcalfe: There are a number of prongs to that. The National Capital Authority is indeed that authority. You still have issues of heritage and environment to satisfy them that you are doing the right thing with a piece of land or with a building. It is really a time thing; they must be able to free up their resources in some way that they come at an answer much quicker than ACTPLA. You are still dealing with similar things in terms of environment and heritage, similar setbacks. It is the national capital plan that you are dealing with. It is not too dissimilar from the territory plan in terms of its detail. But at the end of the day, to use the example that I was talking about before, the National Capital Authority's case officers or the equivalent thereof have a lot more empowerment. They can lead you down a path and that path will be backed up.

THE CHAIR: Interesting. Dr Foskey, I think you said you had some questions.

DR FOSKEY: Yes, I certainly do. Thanks for coming. There is quite an array of logos down the side of your letter to us. Could you clarify the role of those groups and corporations?

Ms Metcalfe: The people down the side of our letter are our corporate partners.

DR FOSKEY: ActewAGL, the Land Development Agency—

Ms Metcalfe: The Property Council, like most industry associations, is a member-based organisation and the way we fund ourselves is through member subscription fees and the support of some of our members who choose to partner with us and provide us with sponsorship in return for various benefits. One benefit is to have their branding on our letterhead.

THE CHAIR: It does not necessarily lock in those sponsors to the position of the association and vice versa.

Ms Metcalfe: No, it does not mean that we necessarily—at all, in fact—represent their views above those of any other member. They are just people who choose to have higher profile support for their industry association.

DR FOSKEY: Quite a number of issues have been raised in your submission on the planning reform process. I do not think it is appropriate for us to deal with those here, except that obviously you are looking forward to that process. But on the first page of your letter to us you say, and you have said it today, that the Property Council of Australia does not accept any authority response that cites lack of funding or resources as the reason for non-performance. We have just heard from the RAIA and they constantly referred to poverty in resourcing to explain a lot of their frustrations with ACTPLA. You go on to say that such funding and resources should be sought and supported by the ACT government, remembering that the authority is separate from government. Would you like to expand on that statement?

Ms Metcalfe: In our planning reform submission we did state that we would like to see a higher level of funding, if that is what it takes for the authority to better its service.

DR FOSKEY: Are you convinced that it will improve their service?

Ms Metcalfe: Hopefully the efficiencies that will arise out of these reforms will mean that there is a two-layered effect so that you get a more efficient system, therefore need less dollars to prop up the same amount of administrative process, but at the same time, as Alastair said before, the calibre of staff and the amount of money that you need to attract that level of staff could be improved, we think.

THE CHAIR: I sense in your observations that you are not overly optimistic that all the changes in the world are going to solve the problems, that there are real issues with personnel that may not be addressed adequately in this process. Am I reading too much into your scepticism?

Ms Metcalfe: Possibly, but you are not that far wrong in that Alastair also mentioned before the cultural issues, that Neil Savery has adopted an authority that has endemic cultural issues in terms of the spirit in which it administers this legislation; so to break through that embedded culture will take time and it is going to take some serious will as well.

Mr MacCallum: I think we are optimistic that that might be starting and that that cultural change could actually start to happen at a top level. Attracting the best recruits that you can to be good planners of the future is going to take money, but I think that it is also about having a good organisation to work in, a place that is fun to work in where people are motivated, and I think that that starts at a political level where people feel they can make decisions and those decisions are ultimately supported. I think there has been a culture of fear about a decision being made and it is wrong.

As Jo mentioned, there is the design review panel, there is the Planning and Land Council and there is a decision-making panel. There are various bodies above a decision maker that can end up embarrassing you, and planning decisions are complex decisions. If it can start to filter from the top down that there is that level of support. Something that we have suggested to ACTPLA is that there are lots of good stories that don't ever come out about good planning outcomes. We have a very educated population base in Canberra. People are very aware of the process of objecting.

I think somehow we need to be telling stories of good planning outcomes so that even the community starts to feel more positive about the sorts of decisions that ACTPLA are making. I don't think it relies purely on money. There are a number of things that will improve the quality of staff. I think it is at a political level, at a financial level, and I think it is also about ACTPLA themselves believing that they can be good decision makers and sticking up for their decisions. I guess that is what I saw the name "authority" to mean as opposed to PALM.

DR FOSKEY: I suppose you are referring to political interference. I am just trying to work out where the problem is. Is it inside ACTPLA or is it outside ACTPLA?

Ms Carter: The problem with ACTPLA is the unwieldy, impossible legislation they have to work with at the moment. It has been around for such a long time that it has created this culture of impotence and indecisiveness. There are a couple of things that can be done: firstly, get the legislation right; secondly, change the culture. That is a top down thing that comes from Neil Savery and we understand that is happening already. The third thing is to resource the organisation so it can effectively carry out its job. It

may be that there are efficiencies to be gained after this review, but the comment that you referred to in our correspondence is simply a statement that ACTPLA needs to be resourced properly to properly conduct its operations. That is it, I think.

DR FOSKEY: I have just one more question and I am actually going to your submission on planning reform. The Auditor-General's report does refer to sustainability and says that ACTPLA is at the leading edge of implementing sustainability in the ACT. Under the heading "Environment" you say that sustainable development is essential if Canberra is to grow and prosper, though some people do say that, if we want sustainable development, Canberra cannot afford to grow.

Ms Carter: You know that that is not our view.

DR FOSKEY: Yes. In the second sentence you say, "We therefore support a framework that delivers sustainability whilst still recognising the role and interests of the property sector, its clients and the wider community." Could you tell me how we could possibly do that? There are so many different interests there. How do you suggest we reconcile them and still deliver sustainability as an outcome?

Ms Metcalfe: Mr Peter Ottesen has his work cut out for him; that is for sure. Interestingly, we are aware of the sustainability legislation, which could, in fact, add an additional layer to what we already have, in addition to the trees, the environmental legislation, the heritage and the land act. We would probably like to see some more integration of that sustainability legislation. We have not yet been consulted, but we are seeking consultation with Peter Ottesen's group. It is an interesting question and not an easy one to answer. The particular point that you are referring to is a national policy platform of the Property Council.

Mr MacCallum: I guess I would say that a key opportunity for sustainability is about urban consolidation, about increasing density and about minimising urban sprawl. That would be my personal comment. I think the Property Council is very much for development of Civic and for focusing attention on Civic and indeed, through the A10 zone, in focusing development around local centres and group centres. It is a challenge because the territory to some degree relies on land sales and there is a challenge there to try to deal with, but I believe a fundamental premise of sustainability is consolidation and not urban disbursement.

DR FOSKEY: Do you agree then with the Auditor-General's officers' approval and, in fact, commendation of ACTPLA's involvement in sustainability? I will find that somewhere so that I can read it to you.

Mr MacCallum: Is this page 6?

DR FOSKEY: What do you feel about, for instance, the role of the guidelines in helping deliver sustainability?

Mr MacCallum: The energy rating system was one of the first to be developed in Australia for residential design and achieving a mandatory four-star energy rating is, I think, a good example of leadership in terms of sustainability with residential design. There is a constant push to try to up the ante on that, but I would certainly believe that

that in itself has improved them. The HQSD agenda had its problems but the input up front by, if you like, external professionals to challenge master plan solutions or concept designs, to achieve more sustainable outcomes, whether that be as simple as orientation or the way that a scheme was coming together, and even to encourage higher density in certain areas, I think those things have been pushed and it has been my experience as an architect that we are challenged to push for more sustainable solutions. I guess the challenge ACTPLA have, though, is where they might, if you like, compensate by higher density, for example, for a more sustainable solution, that won't necessarily be borne out ultimately through the AAT. I think there is a push for it but it is hard necessarily to guarantee a proponent a result. But it has been my experience that it has been over the last five years since HQSD came in a fairly constant theme of discussion.

THE CHAIR: Are there particular areas with sustainability where you are encountering delays or unreasonable costs that you think ought to be looked at?

Mr MacCallum: No, I wouldn't say so, not at this stage, but I am concerned about another tier of legislation about mandating more sustainable design. I think ACTPLA, particularly under Neil Savery, are trying to offer some leadership about this issue. It is a complicated issue. It costs developers money and they need to see a return on that. At the moment there are a number of other things that seem to be pulling against those returns. I think it needs to be looked at in a broader context.

DR FOSKEY: Is sacrificing the environment a worthwhile price to pay?

Mr MacCallum: I am all for consolidation, which I think is the opposite. I think that is not sacrificing the environment. That would be my position and a strong Property Council position, I think.

THE CHAIR: There being no more questions from members, I thank you for your time today and for the quality of your evidence and the submission. We appreciate that. It has been an important part of our deliberations. The public hearing is now concluded.

The committee adjourned at 3.29 pm.