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THE PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS MET IN COMMITTEE ROOM 2, PARLIAMEMNT HOUSE, HOBART ON THURSDAY 12 DECEMBER 2013.

GEORGE TOWN HUB

Ms JUSTINE BROOKS-BEDELPH, TOWN PLANNER, GEORGE TOWN COUNCIL,
WAS CONTACTED BY TELEPHONE, MADE THE STATUTORY DECLARATION
AND WAS EXAMINED.

CHAIR (Mr Harriss) - Welcome, Justine. We are aware of a range of circumstances around the council's consideration of the project and all the planning matters associated with this. You are the council's planning officer so the committee resolved at an earlier time that it would be appropriate to hear from you in our consideration of the project.

Ms BROOKS-BEDELPH - I have to confess that I am somewhat confused because I understand that the scope of your job is to determine whether the money being spent is wise. I have not been given any indication as to what I am going to be asked about. There have been some allegations of council involvement in the process, and I assume that is what you are going to ask me about. Is that correct?

CHAIR - I guess that's open to members. We have not discussed this at a previous time as members of the committee to formulate any particular line of questioning, so it is open to Beck, Kim or myself to walk that path. As you would be aware, we have had plenty of evidence from people who have been concerned as to how they see the planning process applied, considered and determined by the council and then subsequently by the Planning Commission. There has been a range of community concerns about that. The remit of the committee is to consider the stated purpose of any project and to further consider the necessity or advisability of carrying out the proposed project.

Mr BOOTH - Justine, I have some concerns, given reports made to me about interference in the planning process in this matter and that you were the planner. There are a number of matters that have been raised that I would like to get answers to with regard to your role in the submissions that went to the TPC and the assessment of this project. I understand that, in regard to the application, Stephen Brown reworded part of the applicant's application, JMG planning consultants, as to their recommended specified departure clauses to be inserted in the revised planning scheme.

Ms BROOKS-BEDELPH - That is correct.

Mr BOOTH - So they weren't done by you?

Ms BROOKS-BEDELPH - No.

Mr BOOTH - What were the circumstances around that? Why would the general manager do that?

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Ms BROOKS-BEDELPH - I believe it was because he wanted to make sure there was no grey area left for interpretation issues, so he added in the specific uses proposed by the hub.

Mr BOOTH - And the applicant's consultant provided that, not a recommendation that came through a proper planning process of the council?

Ms BROOKS-BEDELPH - Not to my knowledge.

Mr BOOTH - You are the planner, are you not?

Ms BROOKS-BEDELPH - Correct.

Mr BOOTH - So ordinarily those recommendations would have been made by you, as professional advice?

Ms BROOKS-BEDELPH - Yes. I did raise my concern and Mr Brown contacted the applicant and made sure they were happy with it, and they agreed, so he did have their approval.

Mr BOOTH - But not your approval?

Ms BROOKS-BEDELPH - I didn't have a thought one way or the other; I just asked whether it was our position to do that.

Mr BOOTH - Is it correct that you received the application at 10 a.m. on Friday, 12 October and you were to have the planner's report complete for insertion on the council meeting agenda for a 12 p.m. deadline, which is only two hours, on that same day?

Ms BROOKS-BEDELPH - Almost correct. I got them at 10 a.m., or early in the morning, and the deadline was 3 p.m. The deadline to have the agenda available for the public was 3 p.m.

Mr BOOTH - Did that allow you to properly assess? That would give you less than five hours to assess the application. As a planning professional was that adequate for you to properly consider the application?

Ms BROOKS-BEDELPH - No.

Mr BOOTH - Were you instructed to copy and paste the applicant's application?

Ms BROOKS-BEDELPH - Yes.

Mr BOOTH - The submission that actually went to council was the applicant's application dressed up with your signature and letterhead on the top of their application?

Ms BROOKS-BEDELPH - Yes.

Mr BOOTH - Were you instructed to do that?

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Ms BROOKS-BEDELPH - Yes.

Mr BOOTH - Would you normally do that as a planning professional? That seems to put you in a fairly difficult position.

Ms BROOKS-BEDELPH - No, not normally; I have never been asked to do that before.

Mr BOOTH - Why did they not get it assessed professionally by a planner?

Ms BROOKS-BEDELPH - I can't answer that. I do not know.

CHAIR - I am just going to raise with Kim and the committee the matter of our jurisdiction. As I said at the public hearings in George Town on a number of occasions it is not the role of this committee to audit any other processes which have taken place. I have allowed Kim to open up that line of questioning to determine just where Kim's concern may be and to assess the relevance of that. Whilst this may provide historical context to the consideration by the council and subsequently the planning commission as to the proposed development, it is really not within the remit of this committee in any way to second-guess or even audit - and I use that term advisedly or loosely - the processes which the council has undertaken. If they have been improper or illegal or inadequate that is for others to consider and take action against the council. Indeed, Justine, if you have felt along the way that there had been a usurping of your role as the planning officer - they are my words, not yours - then clearly it is open to you to pursue those matters in whatever arena you see fit, whether that be with the councillors or your line managers in the organisation.

I am reluctant, Kim, for the committee to continue that line of determining just what happened with the council's planning process because we often on this committee have proposals before us which have not yet gained planning approval. We have had one earlier today, which has not yet gained planning approval. That is for others to determine as to the legitimacy of that planning process. Kim, I think it is outside the bounds of the committee's jurisdiction to somehow determine the legitimacy of the planning process which has been undertaken.

We have at the public hearings in George Town been very lenient in terms of allowing people to address their mind to what they saw as the council not proceeding properly. We even heard language used to the fact that the council had doctored-up documents, but whether that is the case or not my judgment is that it is not within the purview of this committee to determine the legitimacy or otherwise of that planning process. So, Kim, that is my position as far as the committee's jurisdiction goes. As I said, I allowed that line of questioning to proceed so that I could determine whether there was relevance to our jurisdiction.

Mr BOOTH - Chair, the relevance of this is that we are considering an application for planning and we have to determine whether it is fit for purpose and a prudent use of public money. Within the powers of this committee, when determining whether something is fit for purpose I need to be able to rely on the submissions that were made through all the processes we have to a building that is now proposed. Part of that is I am relying on Justine's submission to the TPC and other considerations, so it is important, therefore, that I understand and not make a judgment as to whether the planning

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application was improperly made, but I need to know who made it. I think Justine has confirmed that the submission was a cut-and-paste from the applicant and the other matters that I have referred to.

The other matter that is extremely important is that I had it brought to my attention that Justine may have been threatened or intimidated during questioning before the TPC. I think it is important that if that took place that this committee understands it because we are making a judgment whether it is a proper use of public money. If there has been interference in the process and, in other words, we were assessing a fraudulent application - I guess you could call it that - then we need to know before we pass judgment.

CHAIR - But again, Kim, I can only go to what I have already said. It is not for this committee to audit those processes which are the purview of other organisations to undertake, whether it be the council or the TPC. You have indicated that you have had it brought to your attention that Justine was intimidated before the TPC consideration. Again, that is not the jurisdiction of this committee.

We are well aware of section 15 of our act which requires us, as you have encapsulated, to determine the stated purpose and the necessity or advisability of carrying out the project. Again, I reflect on our leniency in terms of giving people in George Town the opportunity to state their case. We could have short-circuited that at any stage but we made the judgment that it was courteous, as we indicated to people at the time, for those matters to have been ventilated. We are now at this stage where you, Kim, have drawn to the committee's attention matters which have been brought to your attention, but I restate that, whether Justine was intimidated or not in terms of her presentation to the TPC, it is not a matter within the jurisdiction of this committee. They are matters which Justine or anybody else can bring to the attention of relevant authorities in terms of how the TPC made its deliberations. If they made their deliberations in a vacuum because of certain information not being brought to their attention, then it is for others to take that matter up. We simply have the reference given to us by His Excellency and we understand our remit under section 15 of the act.

Mr BOOTH - Thanks, Chair. I accept your ruling in that matter, however I would like to be sure that Justine is able to give evidence. I have raised the matter of whether she felt threatened or intimidated before the TPC. Similarly, I understand there has been pressure applied to her with regard to today's hearing before our committee, and that is very relevant to our powers as a committee.

Perhaps I could ask Justine whether there was any discussion or if she could detail the circumstances in which other people approached her with regard to today's hearing, particularly with regard to the council, and whether you felt there was pressure applied or you may have recriminations as a result of talking to our committee today.

Ms BROOKS-BEDELPH - No, I don't believe that there was any pressure placed on me not to attend today.

Mr BOOTH - With regard to the evidence you have given, is there any pressure or schooling with regard to that? Can we rely that your evidence today is yours and you are speaking freely and under no threat?

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Ms BROOKS-BEDELPH - No threat whatsoever.

CHAIR - Justine, you are very clear that you have already sworn an oath to tell the whole truth and nothing but the truth?

Ms BROOKS-BEDELPH - Yes.

Mr BOOTH - Justine, is it effectively that your involvement in this as a professional planner did not afford you the ability to come to a professional opinion in the normal way that you would assess a project?

Ms BROOKS-BEDELPH - I gave evidence in the TPC hearing, and I stand by it now, that I actually do agree with the recommendation put forward, but I guess I did not go through the whole process myself to reach that recommendation under normal circumstances, but I do actually support it.

Mr BOOTH - On what basis do you support that, Justine, if you just cut-and-pasted the applicant's submission?

Ms BROOKS-BEDELPH - Prior to learning that we were getting it, just one week before I was told that it was coming, I had spent a considerable amount of time reading the previous application that was overturned by the Tasmanian Planning Appeals Tribunal. Effectively the outcome was that they supported it also, aside from the fact that some of the uses were prohibited on the site and had the site been a different zoning or an application [inaudible] placed forward that it actually would have been approved. They thought it was a particularly good idea, that it would benefit the municipality socially and economically and they even agreed with it on the site. So I had already spent sufficient time reading that previous report, and given that the application was identical pretty much to the previous one, except under a different format, the material was not completely strange to me.

Ms WHITE - Can I take it from that, then, that your conclusion, irrespective of the process, is that building the hub for the Regent Square site is appropriate?

Ms BROOKS-BEDELPH - Yes, absolutely.

CHAIR - Justine, we do not have any further questions. Thanks very much for your time.

Ms BROOKS-BEDELPH - Okay, thank you.

THE WITNESS WITHDREW.