

## **Select Committee on the Planning Process in Newcastle and the Broader Hunter Region**

### **Question on Notice**

#### **Honeysuckle Residents Association Transcript 7<sup>th</sup> November 2014.**

Question on notice page 70: **Mr David Shoebridge:** You say for lot 3202, lot 1 DP5522, lot 100, DP107 and lot 3193 were the three of them acquired for the Foreshore Park?

#### **LAND ACQUISITION FOR THE FORESHORE PARK (LYNCHS SITE)**

The following information is provided to the Select Committee in response to a question on notice requesting evidentiary information that Lot 3202 DP72660, Lot 1 DP 552290 and Lot 3193 DP 704495 was acquired for The Foreshore.

**Honeysuckle Residents Association Inc. Response submitted 5th December 2014.**

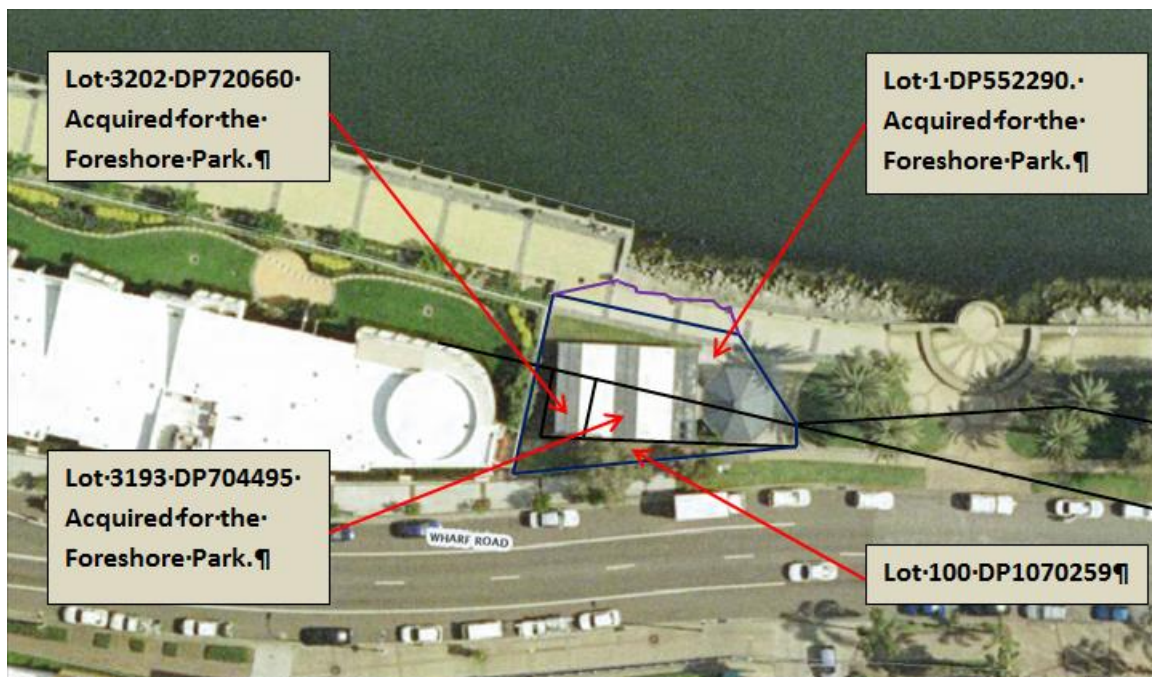
## 1. INTRODUCTION

This report provides evidence that Lot 3202 DP72660, Lot 1 DP 552290 and Lot 3193 DP 704495 that are part of the consolidated Lynchs site were acquired by Newcastle City Council (NCC) for the Foreshore as parkland. The evidence is given by numerous Council and State Government documents. It refutes Council's assertions that the land was never intended to be part of The Foreshore. Council incorrectly classified these lots as operational land in 1994 and excluded them from the Foreshore Plan of Management when they were part of The Foreshore Park at that time. There was never a resolution of council to assert that this land would be excised from The Foreshore.

### Description of Site

The Lynch's site was formerly part of the vehicular ferry ramp area and Wharf Rd reserve. The ferry was operated by the Department of Public Works and the service was discontinued in the late 1970's following the opening of the Stockton Bridge.

The site comprises of 4 parcels of land: Lot 1 DP 552290 acquired in 1983, Lot 3193 DP 704495 acquired in 1983, Lot 3202 DP 72660 acquired in 1985 and Lot 100 DP 1070259 acquired in 2004. The land was consolidated in 2005 (Figure 1).



**Figure 1: Consolidated Lots for Lynchs Site forming Lot 1000 DP1087291 (2005)**

Under Council LEP 1987 the land was zoned as 5(a) Special Uses- Port Related Uses. The objective of the 5(a) zone was:—provision of community and public facilities and services. The zoning remained until it was rezoned as 3(c) City Centre under LEP 2003 and rezoned B4 Mixed Uses under LEP 2008. It is currently zoned B4 Mixed Uses under LEP 2012.

Lots 1, 3193 and 3202 were acquired by Newcastle City Council and included in the Bicentennial Foreshore Development project initially called the Harbourside Park and later became known as The Foreshore. The land was shown in the Foreshore Development Master Plan as parkland.

## **2. Newcastle Foreshore Development Brief History**

Council's report of February 1984 "*Newcastle Bicentennial Harbourside Park*" provides a summary and history of the Foreshore Development Project to 1984<sup>1</sup>. A series of four progress reports entitled "Newcastle Bicentennial Harbourside Park" prepared by Council Project Engineer R G Heather, between 1984 and 1987, also detail the early history and progress of the project till its completion in 1987. Progress reports were required under the Australian Bicentennial Authority Act 1980.

Salient aspects of the Foreshore Development are detailed below based on the above reports, council documents and a report prepared by Honeysuckle Residents Association entitled Lynch's Prawn Site 292 Wharf Road Newcastle *Incorrect and Improper Land Classification, Zoning and Exclusion from the Foreshore Plan of Management* June 2009. A copy of this report was provided to the Inquiry in our submission.

### **Agreement with the Maritime Services Board 1975**

The Foreshore Development Project had its origin with the signing of an agreement in 1975 between the Maritime Services Board (MSB) and Newcastle City Council for the reclamation of foreshore land extending from the former Fishermens Co-Operative (located on Merewether Street Wharf opposite Argyle Street) to Watt Street. Under the terms of the signed agreement any reclaimed land would be *vested* in Council by the MSB on the basis that it would be *dedicated* for park and recreational uses<sup>2</sup>.

### **National Competition & Foreshore Landscape Design**

In 1979 NCC resolved to hold a national competition for an appropriate landscape design for Stage 1 of the Harbour Foreshore and recreation land extending from the Fishermens Co operative on Merewether Wharf to Watt St. The area included the vehicular ferry ramp area and Wharf Road reserve leading to the ramp.

The competition was awarded to Tract Consultants in 1981 for their landscape design (Fig 2). The winning Plan included the ferry ramp area and was shown as parkland. Tract was subsequently commissioned in 1983 to prepare a detailed Master Plan for the Stage 1 area. The Plan for the western part of Stage 1 up to but not including the Queens Wharf Area was completed in October 1984.

Council formed a Harbour Foreshore Committee to oversee the project. Its inaugural meeting was held in January 1983.

### **A Bicentennial Project**

The Foreshore Development was approved by the NSW State Government as a Bicentennial Project in June 1983 to be funded by the NSW State Government, the Commonwealth Government and Council. The project was formally endorsed by the Australian Bicentennial Authority in May 1984.

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<sup>1</sup> Honeysuckle Residents Association June 2009 Report. *Incorrect and Improper Land Classification, Zoning and Exclusion from the Foreshore Plan of Management*. Appendix A#1.

<sup>2</sup> Honeysuckle Residents Association June 2009 Report. *Incorrect and Improper Land Classification, Zoning and Exclusion from the Foreshore Plan of Management*. Appendix A#2.

## Newcastle Bicentennial Harbourside Park

In August 1983 the Lord Mayor, Joy Cummings recommended a resolution that Council seek approval from the Geographical Names Board (GNB) which is part of Department of Lands to have the Newcastle Harbour Foreshore Development area named “*Newcastle Bicentennial Harbourside Park*”. This was followed by a formal letter to the GNB in 1984 together with a plan namely Fig “A” which showed the area to be included in the Harbourside Park (Evidence Document 1). It included the land comprising the Lynchs site. The letter stated that “*It should be noted that the whole area will be made available as open space with council as trustees ...*”

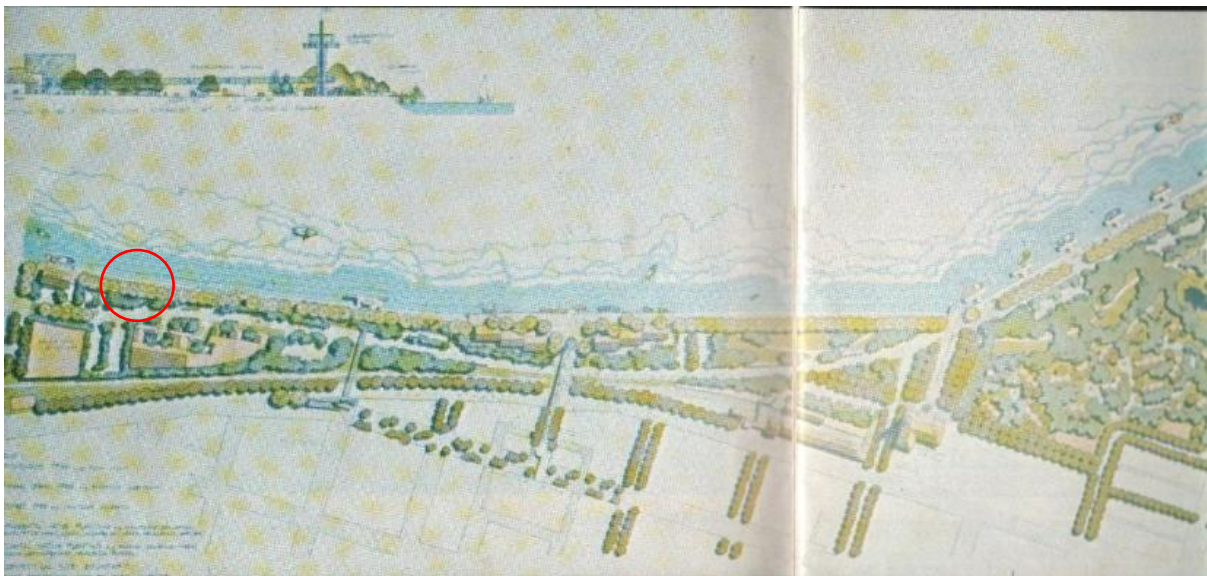
This unambiguously confirms council’s intention that the area defined in Fig “A” which included Lynchs, was to be parkland. Fig “A” shows that the western boundary of the site did not extend to the Fishermens Co-operative but inexplicably extended only to approximately the western boundary of the Lynchs site. The location of the western boundary of the Harbourside Park is discussed in detail in Section 3.

The GNB rejected the name in July 1984 seeking that Council reconsider the name and suggested a more concise historic name be chosen.

## TRACT Master Plan

Tract was commissioned in 1985 as advisors, to assist council to ensure that implementation of the Foreshore Plan was in accordance with the Master Plan.

Fig 2 shows the winning design and shows the Foreshore development extending east of the Fishermens Co operative to Watt Street. It shows the Lynch’s site within this area as parkland (circled below).



**Figure 2 Tract Consultants Winning Design 1981**

## The Foreshore Park 1988 previously referred to as Bicentennial Harbourside Park

Work on the Foreshore Development was completed in 1987 and the park was officially opened by the Queen in 1988. Council resolved to write to the Geographical Names Board (GNB) in 1988 to name the Bicentennial Harbourside Park as “The Foreshore” (Evidence Document 2). It was gazetted as The Foreshore on 15 September 1989<sup>3</sup>. The Geographical Names Board describes the Foreshore as “A reserve along the shores of Newcastle Harbour, bound in the east by Nobbys Road, in the west by Newcastle Fishermens Co-op and bounded by State Rail Authority boundary” and that it was an “endorsed Bicentennial project to develop the Newcastle Foreshore”<sup>4</sup>. It is also registered with the Commonwealth Geographic Names Register as “The Foreshore” Reserve.

In all Council correspondence with the GNB, Lynch’s site which at that time comprised Lot 3202 DP72660, Lot 1 DP 552290 and Lot 3193 DP 704495 was included in “The Foreshore” and there were no changes to the boundaries of the area and its intended purpose.

### 3. EVIDENCE THAT Lot 3202 DP72660, Lot 1 DP 552290 and Lot 3193 DP 704495 WAS ACQUIRED FOR THE FORESHORE PARK

#### Acquisition of Lot 1 DP55290

The 1978 cadastral map of Wharf Rd indicates that the only registered land portions that existed at the time at the western end of the Foreshore Development area were Lots 1 & 2 DP552290 and Lot 54 & 53 DP79037 (Fig 3). Lots 1 and 2 were owned by the Department of Public Works. Lot 53 and 54 were Crown Lands. These lots were required by council as they were part of the Stage 1 Foreshore Development Area extending from the Fishermens Co-operative to Watt St.

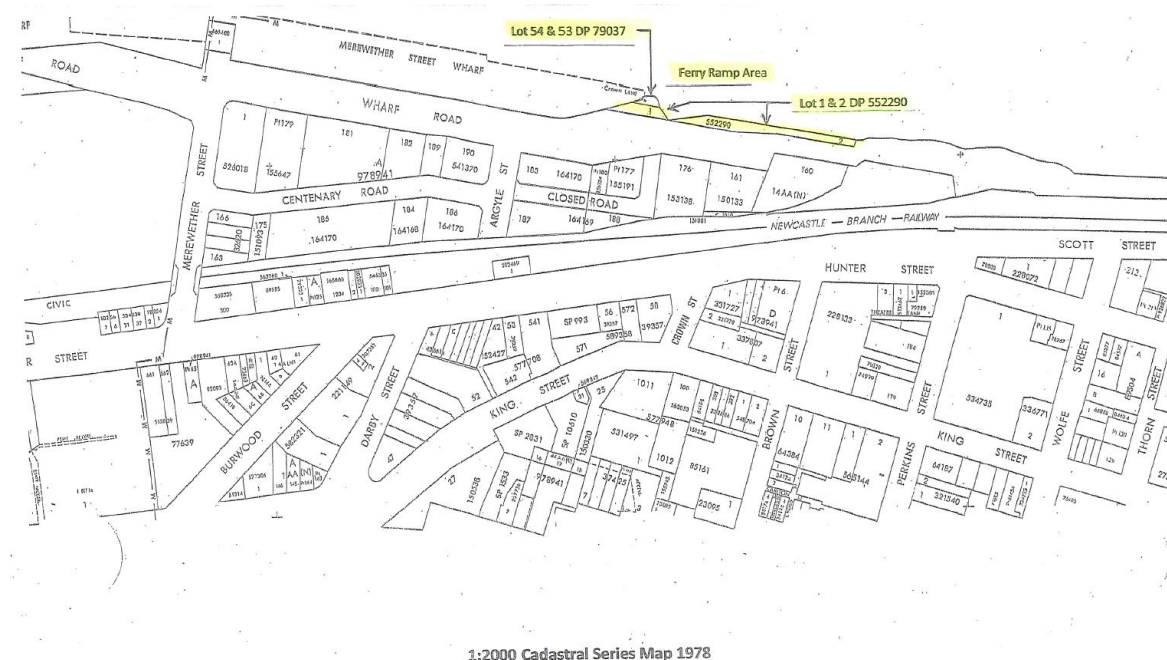


Figure 3, 1978 Cadastral Map of Wharf Road and Merewether Wharf Area

<sup>3</sup> Honeysuckle Residents Association June 2009 Report. Incorrect and Improper Land Classification, Zoning and Exclusion from the Foreshore Plan of Management. Appendix A#12.

<sup>4</sup> Honeysuckle Residents Association June 2009 Report. Incorrect and Improper Land Classification, Zoning and Exclusion from the Foreshore Plan of Management. Appendix A#13.

### **Council's report WPTSC N9357-Report of City Engineer of 8 July 1980**

Council's report of 8 July 1980 (Evidence Document 3) recommended and gave authority for the Town Clerk to negotiate acquisition of Lots 1 & 2 DP552290 and a small parcel of Crown land (believed to be Lot 54) in order to consolidate the area between Wharf Rd and the line of reclamation of the harbour foreshore approved by the Maritime Services Board.

The report stated that: *" these portions were required as they were between two areas under council's control and had been included in council's proposal for the development of the foreshore along Wharf Rd and the portion of Crown Land as shown in plan No L.314/10, it would be desirable for these areas to be acquired by council in order to consolidate the area between Wharf Rd and the line of reclamation of the harbour foreshore approved by the Maritime services Board.*

*It is recommended that:*

*(3) Council authorise the Lord Mayor and Town Clerk to negotiate for the portion of Crown Land and also Lots 1 and 2 DP552290 from the Minister for Public Works , and complete all documents necessary for the acquisition of the land above".*

### **Item 127 Report of Town Clerk 26 April 1983**

Item 127 - Report of Town Clerk 26 April 1983<sup>5</sup> noted that on 8 July 1980 council authorized the Town Clerk to negotiate the acquisition of Lots 1 & 2 DP 552290 from the Department of Public Works and a smaller parcel of land (Lot 54) DP 791037 from the Department of Lands for the inclusion of this land in the proposal for the development of the foreshore land. (Lot 1 and 54 were part of the former ferry ramp area). The lots were required in order to consolidate the area between Wharf Road and the line of reclamation of the harbour foreshore approved by the MSB. (Evidence Document 4)

The report indicates that Council recommended the acquisition of Lots 1 & 2 following confirmation that the Department of Public Works had approved the sale of this land to council for \$19,000 and \$45,000 respectively or a total cost of \$64,000 and that Lands Department also approved the sale of Lot 54 for a token amount of \$100. Lot 1 & 2 were transferred to Council in May 1983.

The report indicates that the Public Works recommended in their letter to Council that Mr Lynch now apply to Council to resite his business to this land (old ferry landing).

The report also indicates that Council gave consideration to a ministerial representation made on behalf of Mr Lynch in January 1983 to assist in finding another site for his prawn and bait shop on Wharf Road. This issue dates back to June 1982, when council received a letter from Mr & Mrs Lynch's solicitor seeking assistance to find a suitable site to relocate the shop. The report recommended that the Council negotiate a long term lease with Mr and Mrs Lynch of an appropriate parcel of land in the vicinity of the former vehicular ferry ramp. Council, however, eventually opted for a short term lease without options.

Part of Lot 1 was later acquired (in 1997) by HDC and now forms part of The Becton Development.

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<sup>5</sup> Honeysuckle Residents Association June 2009 Report. Incorrect and Improper Land Classification, Zoning and Exclusion from the Foreshore Plan of Management. Appendix A#5.

It is indisputable that negotiations for the acquisition of Lots 1 and 2 commenced in 1980 well and truly before the relocation of Lynch's to this area became an issue and the land was acquired for the foreshore development for parkland.

### **Extract From Report to Council from the Newcastle Harbour Foreshore Committee**

An extract from an undated report to Council from the Newcastle Harbour Foreshore Committee references that Lot 1& 2 DP 552290 and another small parcel of land owned by the Department of Lands were approved for acquisition by council for the Harbour Foreshore Development (Evidence Document 5). It also states that the area extending from the Fishermens Co-operative to Queens Wharf "*includes the site of the relocation of Lynch's Bait Shop*" indicating that Lynch's would be within the boundaries of the foreshore park.

### **Acquisition of Lot 3193 DP 704495**

Lot 3193 was created following gazettal of road closure of Wharf Rd and the lot was registered in 1983. The Land was Crown Land and granted to council at no cost.

On 6<sup>th</sup> January 1984 K.W.Swan Deputy Town Clerk wrote to the Executive Officer of the Land Board Office, East Maitland with an "Application for the closure and purchase of an unnecessary part of Wharf Road, Newcastle" (Evidence Document 6)

The application fee was paid \$86.00. The land was not purchased but was granted to Newcastle City Council.

The letter from Mr K.W.Swan stated (Evidence Document 6) "*I advise that the land is not being acquired for the purpose of a trading undertaking and accordingly, exemption from the payment of stamp duty is claimed*".

The application form for the closing and purchase of an unnecessary road under the public roads Act 1902 was signed by the then Lord Mayor Joy Cummings (Evidence Document 7). The road closure application had been considered by Council on 15<sup>th</sup> November 1983. The application states:

*"No objection be raised to the closing of the public road involved having in mind, in particular, present and future requirements of the public, including general public recreation needs, the environment generally and access by fishermen to actual or potential fishing grounds."*

The land is shown in the Master Plan as parkland and is also included in the Fig "A" of Council's letter of 1984 to the GNB.

### **Acquisition of Lot 3202 DP 720660**

In the Report of the City Engineer of 27<sup>th</sup> May 1985 it was recommended that an application to close and purchase under the public roads Act 1902 an unnecessary part of Wharf Road, Newcastle containing an area of 30.79 sq m. This was done for the erection of a proposed new shop premise for the retail sale of prawns at 292 Wharf Road. This was Lot 3202. However, Lot 3202 was already shown in Fig "A" as being in the Harbourside Park as parkland at that time.

On 25<sup>th</sup> June 1985 W.B Lewis Town Clerk wrote to the Executive Officer of the land Board Office, East Maitland with an "Application for the closure and purchase of an unnecessary part of Wharf Road, Newcastle"

The application fee was paid \$86.00. The land was not purchased but was granted to Newcastle City Council.

The letter from Mr W.B.Lewis stated (Evidence Document 8) *“I advise that the land is not being acquired for the purpose of a trading undertaking and accordingly, exemption from the payment of stamp duty is claimed”*.

The application form for the closing and purchase of an unnecessary road under the public roads Act 1902 was signed by W.B Lewis Town Clerk. The road closure application had been considered by Council on 4<sup>th</sup> June 1985. The application states: (Evidence Document 9)

*“No objection be raised to the closing of the public road involved having in mind, in particular, present and future requirements of the public, including general public recreation needs, the environment generally and access by fishermen to actual or potential fishing grounds.”*

This Lot 3202 was within the Master Plan as parkland and is also included in the Fig “A” of Council’s letter of the 1984. The land was transferred from the Department of lands to Council at no cost in 1985.

The following S700000 Covenant also applied to Lot 3202 and had been lodged by the Register General on 16/9/1981.

*“(b) All such parts and so much of the land as may thereafter be required for public ways in over and through the same by the Crown with full power for the Crown and such person or persons as shall be duly authorised in that behalf to make and conduct all such public and the right of full ingress egress and regress into out of and upon the land for the purpose aforesaid.”*

Regardless of this covenant Council nevertheless placed the Lynchs building over this Lot.

### **Acquisition of Lot 100 DP 1070259 Crown Land Granted 15 May 2003**

The 100 lot was acquired by NCC in 2003 following the gazettal of road closure of this part of Wharf Rd. Lot 100 in 2003.

### **Letter from TRACT Consultants to Council – 22 March 1984**

The letter from Chris Dance (TRACT Consultants) to Bob Heather (Project Engineer Newcastle Harbourside Park) (Evidence Document 10) states in regard to the design and documentation of “Lynchs” bait shop that the Lynchs site is an integral component of the west entry area to the park: *“Since this is an integral component of the west entry area, it is very important that this design be resolved so that it can be properly incorporated into the landscape”*.

It also states that Lynchs building could serve as a suitable end point to the proposed promenade at the western end of the Foreshore Development area.

### **Council’s Letter to the Geographical Names Board 1984- Bicentennial Harbourside Park**

In August 1983 the Lord Mayor, Joy Cummings recommended a resolution that Council seek approval from the Geographical Names Board (GNB) which is part of Department of Lands to have the Newcastle Harbour Foreshore Development area named *“Newcastle Bicentennial Harbourside Park”*. This was followed up by a formal letter to the GNB dated 10 January 1984 (Evidence Document 1) together with a plan Fig “A” showing the proposed boundaries of the Harbourside Park.

The letter also stated that *“It should be noted that the whole area will be made available as open space with council as trustees”*.

Honeysuckle Residents Association was able to plot with reasonable accuracy the western boundary of the Harbourside Park as shown in Fig “A” of Council’s letter to the GNB on an aerial photograph flown in 1986. The photograph shows the newly erected Lynch’s bait and prawn building, Wharf Rd and other adjacent development, including development along Hunter Street.

Both Fig “A” and the aerial photo were reproduced to the same scale and orientated to existing features that were common to both plans enabling the western boundary to be accurately shown on the aerial photography in relation to the Lynchs building (refer to Fig 4a and Fig 4b. Fig 4b shows that the western boundary of the Harbourside Park located west of the building and follows the alignment of Wharf Rd. It shows that the Lynchs site within the western boundary area of the Park. The building itself is located over Lot 1 Lot 3193 and Lot 3202 as shown in Fig 1. The western boundary line was projected to the southern side of Wharf Rd to assist in determining the location of the boundary in relation to the Car Park and present development along Wharf Rd.

Using the same technique, the location of the western boundary line was determined on the 1978 cadastral plan of this area See Fig 4a & c. The Cadastral plan shows the location of the Lot 1 DP 552290 (Lynchs site) and indicates that the western boundary is approximately the current western boundary of Lynchs site as shown in Fig 1. The western boundary when projected to the southern side of Wharf Rd bisects Part Lot 177155191 shown on the cadastral plan.

These Figures show that the Lynchs site is within the area shown in Fig “A” as being within the Harbourside Park which Council intended to be wholly available as open space vested in council as the trustees.

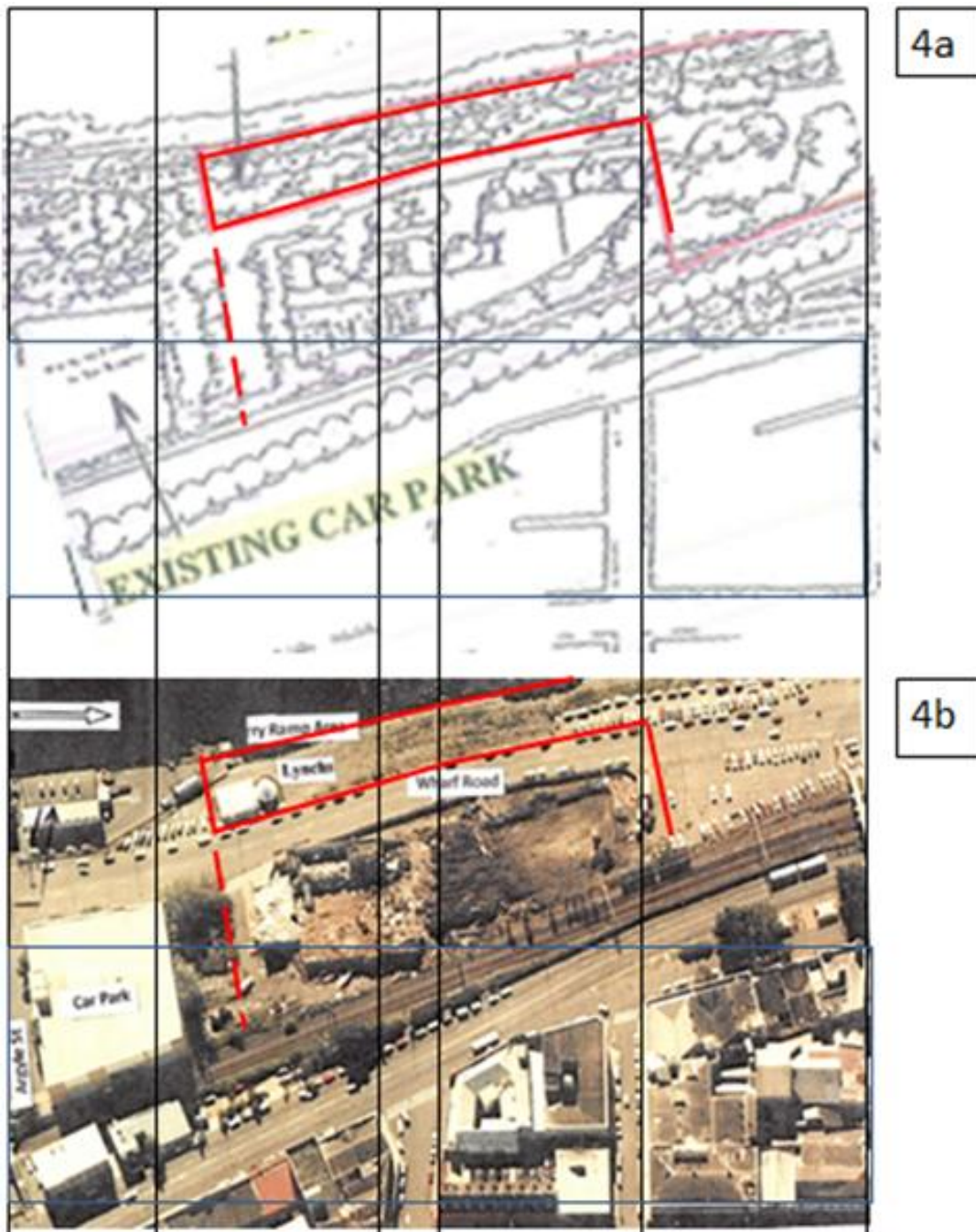


Figure 4 a,b

4a. Extract from Fig “A” 1984 letter to Geographical Names Board showing “Harbourside Park” western boundary.

4b. 1986 Aerial Photo showing “Harbourside Park” western boundary and Lynchs within the Harbourside Park boundary. Note that the western boundary of “Harbourside Park” aligns with the western boundary of the Lynchs site.



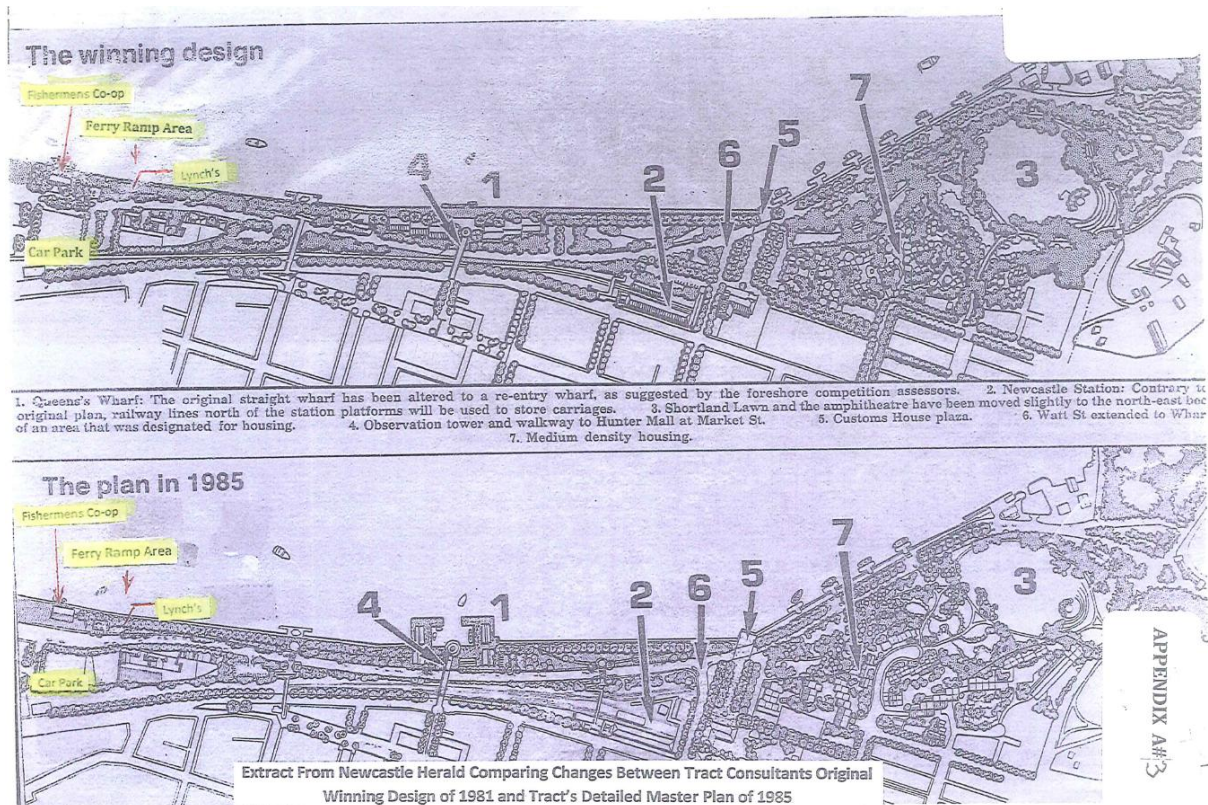
Figure 4 a,c

4a. Extract from Fig “A” 1984 letter to Geographical Names Board showing “Harbourside Park” western boundary.

4c. 1978 Cadastral map showing projection of western boundary into Part 177 DP155191 and in relation to the adjacent Dorman car park lot. Note that the western boundary of “Harbourside Park” aligns with the western boundary of the Lynchs site as shown in Figure 1.

## Master Plan for the Foreshore Development

The Master Plan for the Foreshore Development was completed by Tract in 1985. Fig 5 which appeared in the Herald shows both the original winning design submitted by Tract in 1981 and the Final Master Plan completed in 1985. A comparison below Fig 5 shows the Lynchs site as being within the Foreshore Development area. The 1985 Plan shows that the southern boundary of the Park in front of Lynchs follows the existing Wharf Rd Alignment. Both the Master Plan and original winning design Plan shows the Lynchs area as parkland.



**Figure 5, The Winning Design Plan and the 1985 Plan**

## Council's Letter to the Geographical Names Board 1988 – The Foreshore Park

Council's letter of the 13 December 1988 (Evidence Document 2) entitled "Naming of Area- Newcastle Foreshore Development" referred to its previous application letter of 1984, concerning naming the Newcastle Foreshore Development as the Bicentennial Harbourside Park. It sought approval to name the Park more appropriately as *The Foreshore* as it has been used as the working name for the project.

### **Sun Newspaper on the 9-May1983 - 40 Years of Prawns and Bait Carry On**

An article appearing in the Sun Newspaper on the 9-May1983<sup>6</sup>, concerning the proposed relocation of Lynch's prawn and bait shop from the adjacent Darks Ice Works indicates that (Lots 1 & 2) DP 552290 were purchased for the foreshore reclamation scheme. The article states that the likely reprieve of Lynch's from closure *"follows Newcastle Council's purchase of harbour land for the foreshore reclamation scheme" ..... Town Clerk, Mr Lewis said today there could be some problems providing a site of suitable size for the new shop and facilities. "But we are doing everything we can to try to fit with the proposed landscape design for the harbour foreshore"*.

### **Newcastle Herald on the 6 August 1983 Historic Service to be Retained**

An article in Newcastle Herald on the 6 August 1983<sup>7</sup>, states: *"Lynch's historic Wharf Road prawn shop is set to continue as an integral part of the Newcastle harbour foreshore redevelopment.....The new shop has been specially designed to complement the Foreshore Development Plan... In fact it will be located at the start of the plan"*

### **Comments Made by Council's Director of Planning Brent Knowles**

The Director of Planning and Strategic Development, Brent Knowles, in commenting on the Becton Development Application DA162 in September 2000 stated that: *"it is noted that Lynch's Prawns currently occupies the adjacent Foreshore open space area"*<sup>8</sup>.

### **Honeysuckle Development Corporation Correspondence**

There has been clear correspondence between Honeysuckle Development Corporation and Newcastle City Council in relation to the Lynchs site. One such example of that correspondence clearly refers to the Lynchs site being part of The Foreshore reserve. (Evidence Document 11)

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<sup>6</sup> Honeysuckle Residents Association June 2009 Report. Incorrect and Improper Land Classification, Zoning and Exclusion from the Foreshore Plan of Management. Appendix A#6.

<sup>7</sup> Honeysuckle Residents Association June 2009 Report. Incorrect and Improper Land Classification, Zoning and Exclusion from the Foreshore Plan of Management. Appendix A#7.

<sup>8</sup> Honeysuckle Residents Association June 2009 Report. Incorrect and Improper Land Classification, Zoning and Exclusion from the Foreshore Plan of Management. Appendix A#20.

### Council Tourist Maps and Tourist & Street Signage

All tourist brochures, maps and signs, of inner Newcastle produced by Newcastle City Council following gazettal show the Foreshore Park extending east of the former Fishermens Co-operative and includes the Lynch's site as the example from a tourist notice board below:



Figure 6 The Foreshore Tourist Site Map

## **Classification to Operational Land & Exclusion From The Foreshore Plan of Management**

Under LEP 1987 the Lynch's site was zoned 5(a) Special Uses- Port Related Uses and the foreshore to the east of the site was zoned 6(a) Open Space. The site should have been rezoned to 6(a) when The Foreshore was officially opened. However, Lynch's bait and prawn shop was not a permitted land use under the 6(a) zoning and the site was not rezoned despite council's stated intention that The Foreshore (Harbourside Park) would be "*made available as open space with council as trustees*".

Under the Local Government Act of 1993 all councils were required to classify council owned land as either operational or community land. Land that was zoned open space or dedicated open space was automatically deemed as community land.

As Lynch's was *not* zoned 6(a) the land was inappropriately classified as operational land despite:

- the land being acquired for The Foreshore.
- the land shown as being parkland in the Master Plan and original winning design undertakings by council that Lot 3202 and 3193 would consider present and future requirements of the public, including general public recreational needs and access and that the land is not being acquired for the purposes of a trading undertaking.
- council's stated intentions that the land would be made available as open space with council as trustees
- the objectives of the 5(a) zone which was for provision of community and public facilities and services.

As Lynch's was not community land, it was not required to be included in a plan of management under the local government Act and was excluded from Council's Foreshore Plan of Management 2003. In contrast Queens Wharf area and adjacent car parks which at the time were also zoned 5(a) were included in the Foreshore Management Plan.

## **4. Conclusions**

The documentary evidence that Honeysuckle Residents Association has presented shows conclusively that Lots 1, 3193 and 3202 were acquired by Council for inclusion within The Foreshore Park as parkland. It refutes council's assertions that the site was never intended to be part of The Foreshore.

The land is within the area shown in 1978 National competition for the Foreshore Development, lying on the immediate foreshore between the Fishermen's Co-operative in the west and Watt St. It is shown in winning design plan submitted by Tract P/L in 1981 and the final Master Plan 1984/5 as parkland.

Council acquired Lot 1 through the purchase of this allotment from the Public Works Department in 1983 specifically for inclusion in the Foreshore Development as parkland.

Lots 3193 and 3202 were acquired in 1983 and 1985 respectively for inclusion in the Foreshore development following gazettal of road closures of these parcels of land which were parts of Wharf Rd. In acquiring these lots from Lands Department, Council stated that the "*present and future requirements of the public, including general public recreational needs would be considered.*" The Land was granted to Council at no cost.

Council's letter of 1984 to the Geographical Names Board sought approval to name the Foreshore Development extending east from the Fishermens Cooperative to Nobby as the Bicentennial

Harbourside Park. Council stated that the whole area shown in Fig “A” which was based on the 1981 Master Plan would be made open space with council as trustees. HSRA has shown that this area included Lot 1, 3193 and 3202.

Council’s letter of 1988 to the Geographic Names Board following the official opening of the park sought approval to name the area previously shown in Fig “A” as Harbourside Park by its working name as The Foreshore.

The land was inappropriately made operation land in 1994 when it was already part of The Foreshore and council had stated its intentions to make this land open space. It was then excluded from Council’s Foreshore Usage Policy (1996) and its current Foreshore Plan of Management (2003).

We note that there has never been a council resolution to exclude the Lynchs site from The Foreshore.

In light of this conclusive evidence we seek the following:

1. Council reinstates the Lynches site into the Plan of Management (POM) for the Park.
2. Council publishes an updated plan for the POM of The Foreshore.
3. Council correct the zoning of the Lynchs site to RE1 as it is part of The Foreshore Reserve.
4. Council reclassify the land as community land.
5. Council use the site to improve the public domain promenade and park at this gateway location.

This will protect the beautiful foreshore at the Lynchs site from future inappropriate development or future sale of the land by Newcastle City Council which has already been attempted on two recent occasions.

Yours Sincerely Alistair Christie

Honeysuckle Residents Association Inc.