

Rev the Hon Fred Nile MLC
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Rev Nile,

Thank you for your letter of 21 November, 2014 apprising me of further submissions published by the Select Committee managing the Inquiry into the Planning Process in Newcastle and the Broader Hunter Region.

I apologise for my late reply as I have just returned from a remote location and didn't have access to some materials. Again, I voice my deep concern the Committee deemed to publish defamatory unsubstantiated speculation and opinion about me, particularly Submission No 276, with its anonymous author. I have chosen not to respond regarding Submission No 276.

There are no new revelations about my conduct in these additional submissions, so the points in my previous correspondence to the Committee apply equally to these new submissions, and I direct you to reread and take into account my previous letter.

I note that, in that letter, I requested you provide a list of submissions that contained positive comments about the renewal of Newcastle. To date, I haven't received a response from you and I await that response eagerly.

A recurring claim in multiple submissions is that I improperly controlled the Council during my time as Lord Mayor. For example, Submission. 261, Mr Brian Haverhand (P.6) states: *With the support of four Liberal councillors and two independent councillors he had control of Council on the floor.*

Last time I checked a cornerstone of our democratic process is each elected representative decides their vote. If I influenced individual Councillors to vote in a certain way on any given issue, it was because the Councillor agreed with facts I may have presented. If sharing of facts and opinions among politicians of different or similar persuasions is improper, then Liberal, Labor and Greens politicians would be inappropriate at three levels of government every day.

Mr Haverhand also claims P.7 *Mr McCloy was happy to pay to get the decisions he wanted.* This statement is incorrect and impugns my reputation without evidence.

Mr Haverhand P.7 *During his time on Council he has been ably assisted by the CEO, Mr Gouldthorp, whom he appointed.* This is also incorrect. Newcastle City Council resolved to appoint a General Manager Selection Panel. I was a member of this panel, and the panel selected Mr Gouldthorp following an exhaustive Australia-wide search for a new CEO - a process overseen by Council's legal department and using the services of an independent external head hunter. The appointment of Mr Gouldthorp was then determined by the full elected Council.

I am chiefly disappointed and dismayed with Cr Crakanthorp Submission 268 as he is a long-standing Newcastle Councillor and was, therefore, privy to the same information and processes as myself and all other Councillors at Newcastle City Council.

If Cr Crakanthorp had any genuine concerns with the approvals process, based on evidence; instead of merely trying to create political mileage at my expense, as he has done in this submission; he would have taken up his concern through the proper channels of redress available, with either the NSW Government or Newcastle City Council.

My points:

- The Newcastle community and Newcastle City Council debated the renewal of the City and the truncation of the rail line for a number of years without any action from government prior to 2011/12. At a meeting of the Strategic Policy Committee of Council on 2 December 2008, the Council unanimously voted in support of a resolution moved by current Newcastle Lord Mayor Cr Nuatali Nelmes that Newcastle City Council * affirm commitment to revitalisation of the city centre, * support in-principle GPT's proposal to redevelop the Hunter Street Mall and acknowledges the body of work associated with the proposal * acknowledges the decision regarding the inner-city rail line are ultimately a matter for the NSW Government, who own and operate the infrastructure and land in question. (See full resolution attached.)
- In 2012, I was resoundingly elected Lord Mayor based on a platform to renew Newcastle CBD. As part of this, I publically advocated the truncation of the rail line and held to this position during my time as Lord Mayor.
- Given this approach, not long after I was elected, I put forward a Lord Mayoral Minute (see attached) on 25 February, 2014. This motion was debated and resolved as part of a normal and conforming Council process, and thereby became the resolved position of the full Council. The public meeting was attended not only by the General Manager but also by Newcastle's Council lawyer, Ms Tammy Cootes, who provided independent legal advice to myself as Chair of this meeting, as she did for most Ordinary Council meetings. If anything was untoward in the process, Ms Cootes who specialises in Local Government probity and process, would have picked it up.
- At the subsequent Ordinary Council meeting of 25 March 2014, Councillors Doyle and Osborne put up a motion for Council to hold an Extraordinary meeting to discuss the draft SEPP (Newcastle City Centre) 2014 and DCP 2012 Amendment (Newcastle City Council). After deliberation of the matter, the full Council, by majority, reaffirmed its decision of 25 February 2014. This clearly demonstrates that Cr Doyle's assertions that Council did not get an opportunity to debate the matter have no substance. The majority of the Council elected to support the Newcastle Urban Renewal Strategy and get on with it. Cr Doyle simply refused to accept the democratic majority decision that was different to her own view.

- So I watch with interest as Councillor Doyle and Councillor Crakanthorp ask for further investigation into the process without anything but their opinion that it wasn't right. Both had a minority view on the Council of the day and failed to accept a view that was different to their own, even though it was the voted-on majority view of the Council at the time.
- Councillor Doyle's vociferous pursuit of her personal views and the vexatious manner in which she has attacked individuals and Council officers, without evidence, is a problem for her; not a failure of the political process nor council administrative actions.

Again, I call on the Committee to publically repudiate the adverse statements made about me and then published by the Committee for what they are – patently false claims, based on erroneous suppositions and an unwillingness to accept an opposing view, determined by a democratic majority.

It is also behoven on the Committee to come out with a public statement clearly enunciating that none of the submissions contained any evidence that I had made inappropriate or corrupt decisions or tried to unduly influence the planning process in my time as Lord Mayor.

Yours Sincerely,



Jeff McCloy