

**Supplementary
Submission
No 40a**

**INQUIRY INTO PLANNING PROCESS IN NEWCASTLE
AND THE BROADER HUNTER REGION**

Name: Mr Bernard Griffin

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The Director

The Select Committee on the Planning Process

In the Newcastle and the Broader Hunter Region

Legislative Council

Parliament House

Macquarie Street Sydney NSW 2000

Dear Director

Please find enclosed a submission relating to my views on the treatment of the Hunter and central Coast Joint Regional Planning Panel decisions by its parent, the NSW Department of Planning and the local council, Lake Macquarie City Council.

The comments relate to a decision made by the JRPP relating to a sub-division owned by Hammersmith Management at West Wallsend/Holmesville.

I stress that I was in a group that opposed the DA and fought against its approval for nearly three years. Indeed the bulk of the residents of West Wallsend and Holmesville were opposed to DA 113/2011. Even the council had placed before the JRPP two submissions opposing the DA. Council officers were of a different view.

In July 2012 the DA was approved by the JRPP. Opponents were allowed a period of about 3 months to mount a case against the DA, although not on merit. I was one of three people who paid for an opinion from a barrister. The barrister believed that the Land and Environment Court would not uphold an appeal. It should also be noted that the developer also had the opportunity to appeal if it did not agree with the JRPP. No appeal was lodged by the developer.

A number of provisions were placed upon the DA by the JRPP including houses being of suitable heritage design, not covering more than 50% of the block and

placement of suitable trees within the allotment. While the community was disappointed in the outcome it accepted the JRPP decision with the caveats as imposed by the decision.

Therein lies the rub!

In my view the decision by the JRPP to ensure that the new development fitted into the local heritage of West Wallsend was very important. Some senior council officers made sure that the JRPP became a “Cinderella” sitting amongst the ashes of that policy.

Letters to the JRPP’s parent the NSW Department of Planning that the caveats were being broken by the developer, builders and indeed the council were basically ignored. Why?

It is my belief that within Lake Macquarie City Council there is a cabal of senior officers who have deliberately subverted the wishes of the JRPP. Those senior officers’ also believed that the wishes of council in opposing the DA were wrong and have ensured that both the developer and builders’ of the houses were able to flout direct decisions of the JRPP.

This inability of the council to enforce the JRPP provisions has ensured the JRPP not only sits amongst the cinders but has been hidden by the firescreen. It has also ensured that a DA which had the capacity to deliver new, heritage designed houses into juxtaposition with existing houses has indeed been completely subverted by the actions of these senior officers on council.

I believe the committee should ask the senior officers in the council why they have ignored the strictures laid down by the JRPP. I also believe that the committee should ask the officials from the Department of Planning why they ignored requests to investigate the councils’ repeated ignoring of the JRPP guidelines.

In my opinion both the department and council have effectively sidelined the JRPP. While the general public have to obey the determinations of a body like the JRPP, it seems that once determinations are made, since they rely upon the council to enforce them, then developers can get away with “blue murder” once they persuade ,or council acquiesces to ignore JRPP recommendations or rulings.

I note the Minister for Planning has announced tougher penalties for developers who ignore the conditions imposed upon developments. However so far this same minister has in my view, ignored complaints about the Hammersmith DA which have been forwarded to her department, or the council. If nothing changes then developers who have council officers “on side” will not have anything to fear from the increased penalties.

Without oversight of implementation of planning decisions by councils then the general public will continued to be frustrated by what appears to be a deliberate policy of council offices to ignore consent conditions which they do not accept.

Yours faithfully,

Bernard Griffin CM JP