

**Submission  
No 345**

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

**Name:** Name suppressed  
**Date received:** 24/10/2014

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*Partially Confidential*

24 October 2014

**Legislative Council**  
NSW Parliament  
6 Macquarie Street  
SYDNEY NSW 2000

**Re: Submission to NSW Legislative Council (Upper House) Inquiry into *Planning Process in Newcastle and the Broader Hunter Region***

I wish to raise concerns with the Upper House inquiry into *Planning Process in Newcastle and the Broader Hunter Region* and specifically I wish to raise 2 items with the inquiry:

- 1) Development Application 14/0309 - Footpath Dining Area
- 2) Design Newcastle – Community Consultation Event by Urban Growth NSW July 26-27, 2014

**1) Lucky for some?**

By now the inquiry may be aware of Development Application 14/0309 for an outdoor / footpath dining area to the McCloy Group owned refurbished former Lucky Country Hotel in Hunter Street. Development Application 14/0309 consists of:

Footpath Dining Area - Outdoor Dining Area 'The Lucky Hotel'  
237 Hunter Street, Newcastle  
Applicant: Nuove Castelli Pty Ltd

Construction of a timber deck structure, containing:

- 7 fixed bar tables
- 25 fixed bar stools
- 9 fixed low tables
- 22 fixed low stools & sections of built-in timber bench seating.

Other details:

- No trees are to be removed
- Removal of 3 existing park bench seats
- Facilitate outdoor entertainment (live music)
- Hours of operation as approved hours for the Lucky Country Hotel
- Management of The Lucky Country Hotel intends to secure an extension of the existing liquor licence to include the proposed outdoor dining area

Zoning is B4 - Mixed Use zone under LEP 2012

Approximate cost: \$80,000

I was incensed by this development application and forwarded the above details to ABC 1233 local radio and was please to be interviewed on air on this proposal. To my surprise the General Manager 'lept' to the defense of the then Lord Mayor Jeff McCloy and attended the ABC 1233 studio specifically to defend this development application, the interview can be heard here:

This development proposal essentially privatises a public space ... Why is the McCloy group being given such preferential treatment? This is nothing short of a shameless and unscrupulous gifting of Council owned land to the control of The McCloy group and the now disgraced former Lord Mayor.

I am sure Council will argue, that this site will remain council owned. How exactly? When the DA is for permanently installed structures?

I strongly objected to this development proposal for the following reasons:

- The proposal is disrespectful to the community—who right-fully consider this area to be a public space. Should this development proceed this site will no longer be accessible to the public and will become `defacto` private property under control of the McCloy Group.
- This area was recently landscaped and new park bench seating installed. This work was undertaken at rate payers expense, will these costs be reimbursed to the City of Newcastle by the McCloy group?
- Will Council provide an iron-clad guarantee that the 3 car spaces in Crown Street, adjoining this area are not appropriated into this proposal?

Would any other developer be given this level of preferential treatment in order to facilitate a similar proposal? This area is not community land even though Council provided landscaping and park benches to encourage the public perception of it as a public space.

The approval of this development application will represent a significant windfall to a company controlled by the now former Lord Mayor. The unprincipled and unethical behavior demonstrated through this development proposal of the now disgraced former Lord Mayor is typical of his reign as leader of this city. Under the McCloy administration Newcastle was treated in various ways as an extension of the McCloy Group of companies.

## **2) The Myth of Community Consultation**

I attended the Design Newcastle, Urban Growth NSW Community Consultation Event on July 27, 2014 as a community group representative. This public relations event and could only be considered faux community consultation for several reasons

Serious debate around the rail truncation was quickly stifled. One attendee raised the issue early in the day and was quickly put in their place with “There will be ample opportunity for discussion on this issue later in the day”—that opportunity never eventuated, leaving some participants feeling extremely cynical about the real motives for this `public relations` event orchestrated by Pru Goward MP.

We were also given seemingly childish exercises to complete such as placing photographs onto a large `Google Maps` poster of the city. The whole event was overly managed – without the opportunity for real debate on the major planning issues proposed by Urban Growth NSW.

Yours sincerely,