

**Submission
No 286**

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

Name: Mr Rick Banyard

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Rick Banyard

To

The Newcastle and Hunter Planning Committee

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Dear Committee,

I wish to make a submission to the Newcastle and Hunter Planning Inquiry.

I wish my submission to be private.

I note the terms of reference are:-

2. The committee is to consider the role of the Department of Planning and Infrastructure, Newcastle City Council, Urban Growth NSW, Lake Macquarie Council and the Hunter Development Corporation in the consideration and assessment of: (a) State Environmental Planning Policy (SEPP) Amendment (Newcastle City Centre) 2014, (b) the Newcastle Urban Renewal Strategy, (c) the Whitebridge development plan in Lake Macquarie, (d) DA 2014/323 Newcastle East End Development, (e) the decision to terminate the Newcastle rail line at Wickham and any proposal to construct light rail including along Hunter and Scott Streets, and (f) any related matters.

I have no vested interests other than wanting as a resident for Newcastle to progress for the good of all in an open and transparent manner.

I am a retired person who has worked tirelessly for the community over a long period of time.

This is a very complex topic that requires considerable background and long term knowledge however in recent times boils down to three core issues.

- 1 Size of Newcastle
- 2 Tim Owens claimed a mandate for city and revitalisation.
- 3 Environmental dishonesty

These core issues are manifested by :-

False and misleading statistics

Rampant corruptions that is now considered to be the norm
 The failure of the various governments and agencies to engage in two way open, honest and transparent communication.

Let me explain the core issues in some detail.

“Newcastle” is a word with huge variation of meanings that varies according to the context in which it is used.

To deliberately use the wrong meaning for gain is an act of deception and therefore corrupt.

In the contexts of planning and revitalisation of the city centre the word Newcastle only refers to a very small locality namely that part of the Peninsular that was formally known as the CBD.

The population of that locality is about 4000 and certainly cannot be referred as the second largest city in NSW. In fact Newcastle City LGA is fast struggling to retain the position of the second largest city in the Hunter with Lake Macquarie the number one. Minister Gladys Berejiklian continually claims the benefits of the governments light rail proposal, the truncation of the Intercity rail and the NURS will benefit Newcastle which she constantly refers to as the second largest city in NSW.

The word “Newcastle” has many meanings as can be seen from the table.

<u>Name</u>	<u>Unit</u>	<u>Population</u>
Newcastle	Suburb	2384
Newcastle East	Suburb	991
Newcastle West	Suburb	594
Newcastle	CBD	3979
Newcastle	City Centre	4200
Newcastle	State Electorate	54,000 (electors)
Newcastle	Federal Electorate	92,000 (electors)
Newcastle	Local Government Area	154,000
Newcastle	Metropolitan area	308308
Newcastle	Greater Newcastle	540796
Newcastle	Statistical District	540796
Newcastle	Lower Hunter (1)	540796
Newcastle	Lower Hunter (2)	604,600

Notes

Lower Hunter (1) includes the LGA of Newcastle, the LGA of Lake Macquarie and the southern portion of the Port Stephens LGA 308,308

Lower Hunter (2) includes most parts of the Newcastle, Lake Macquarie, Cessnock, Maitland and Port Stephens local government areas

All of the LGAs in the Hunter region maintain their own individual identities

I contend that the Government and a number of Ministers are being highly dishonest in misrepresenting the demographics of Newcastle,

In Context Newcastle is not the second largest City of NSW but a very small suburban area of about 4000 residents.

Key decis

Newcastle's revitalis:
Renewal Strategy.

This is an example of the dishonesty and deception in portraying Newcastle falsely

The size of "Newcastle" is frequently manipulated to create impressions that distorts the truth. For example to say that Newcastle is the second largest city in NSW is grossly false when seeking to install 2.4km of light rail in the suburb of Newcastle.

I would suggest the Committee should ask Gladys to explain and to provide proof that her plans will in fact benefit areas other than the suburbs named Newcastle. I note that in a response to Parliaments estimate briefing the Transport Minister provided details of a 23% loss of patronage with light rail.

If I am called as a witness I can explain this in gross deception in detail.

Tim Owen was the first Liberal member for the electorate of Newcastle (one of three MP's that represents the electors from the City of Newcastle). Following his election he claimed to have a mandate to install light rail and revitalise the city and proceed beat a path to all the Minister's offices spreading gross untruths, there was no evidence to support his claimed overwhelming mandate. The committee should note he only very narrowly won the seat from Jodi McKay. He claimed he conducted an extensive survey that showed that Newcastle wanted the rail line cut. He was never able to provide the evidence or methodology of his claimed survey.

The Committee should call on the ex member for Newcastle to provide the evidence to support his mandate and his survey results. The ICAC has clearly unearthed major evidence that Tim Owen was not acting truthfully and was heavily influenced by a number of very unscrupulous people many of who have also appeared in front of ICAC.

Member Owen made a number of false and misleading statements to Parliament and he was the subject of formal complaint to the Premier.

I feel the Committee should be made aware of the fact that it appears that the disgraced and corrupt Tim Owen totally cleaned out his office by removing records, deleting emails and similar. In the face of the ICAC corruption, ongoing questioning by the community, pending NSW investigations and the facts that the Member held considerable information about the Truncation, Light rail and planning matters this behaviour is totally unacceptable and should not have been permitted to happen by the Premier. The destruction of evidence is a serious offence and attracts very substantial penalties..

I believe that one of the recommendations by the committee should be to prevent departing MP's to leave their offices nude. After all they are handing over the electorate to the incoming member and not closing it down.

The environment of the Hunter Valley has been plundered by powerful operators and developers who have tried to cheat and manipulate the system to extract and export coal for their own financial benefit. The lush pastures and strong agricultural pursuits have been battered by the abuse of the planning regulations, procedures and procedures. The hope of establishing the Abermusden Irrigation Area (the MIA of the Hunter) is long gone and has been replaced with filthy voids, tainted water and a constant haze of human health harming air and emission hazards. The pristine clean air of the Valley is now replaced with a large number of air quality monitors that attempt to measure the poor state of the atmosphere in which people now have to live. In Newcastle the environment of the Lower Hunter estuary is now being taken from the community as planning laws and processes are seriously limiting the community's ability to put the case to retain the environment. The T4 project is the latest in a long line of harbour damaging activities being squeezed through a very deficient and totally unfair planning process. Whilst Sydney is returning the harbour to residential and recreational activity Newcastle is the exact opposite.

The committee should visit Newcastle and the Valley and see the degradation and consider the failed planning process that has allowed the Newcastle harbour and the Hunter Valley to be squandered

These core issues are not totally driven from vested interests within the Valley. Sydney is a key player as it is the major headquarters for finance, governance and alike.

May I now provide some very important background to the Committee.

The removal of the rail line was first mooted about thirty years ago when the last of the port cargo operations were being considered for removal from the southern banks of the Hunter River and western banks of Throsby Creek. Wool stores, old rail lines and cargo sheds were identified as items in need of change.

The area east of Newcastle Station were earmarked as recreation land and under the guidance of Mayor Joy Cummings a landscaping plan was developed and in due course completed with the help of the very active Parks and Playground Movement.

The area north west of Cowper St bridge was identified as an area for waterfront housing. The area known as Linwood was cleared of old buildings and a filthy swamp. A large number of units and apartments were built between Hannell St and the harbour boosting the area's population significantly. This redevelopment was supported by the community following strong consultation. Twenty years later most would agree the results were good.

The development of the section between Newcastle Station and Cowper St became the target area for the Honeysuckle Corporation. The corruption and gross dishonesty phase began as developers clamoured to gain control of this prime waterfront.

The following comments focus on this area however for the sake of simplicity are not necessarily in chronological order.

The marina site was a major push by influential lobby groups to acquire and develop the site a high class marina incorporating berths for pleasure boats, facilities for the fishing fleet, a home for the Fishermans Cooperative, a shipwright's facility and a Newcastle Cruising Yacht Club's licensed clubhouse. The marina precinct has basically fully occupied the site with areas for the public kept to a bare minimum. There was little if any provision made for public transport

The site between the Fishermans coop and Cowper St was a very bitter battle between Buldev and the community as Buldev manipulated Newcastle City Council and Honeysuckle Development Corporation to construct a totally inappropriate development known as the Glasshouse. The building has proved to be a real failure as tenancies have been very poor, parking woeful and public use of the space almost not existent. Much of the building is currently vacant and the building contributes very little to the city.

Apartments were constructed to the South of the marina. They have a high turnover and offer little given the quality of the waterfront site.

Under the Honeysuckle Corporations (and now renamed and expanded Hunter Development Corporation) guidance The area between the rail line and the waterfront has and is being progressively being "developed". Most works are a failure with many pulling out before construction work is started, with huge numbers of units unoccupied as originally intended if at all, with a very high failure rate of tenant businesses, massive vacancy rates and very poor attendance levels for activities like the Museum.

The photo below shows the heart of the Honeysuckle area on a fine Saturday afternoon. Photos like this can be replicated with ease.



A nice Saturday afternoon. Not one person in sight!

Planning instruments for Newcastle including the SEPP are clearly a total failure because the wishes of the people are being ignored.

The committee should note that the developers of these buildings have long since gone and have taken their development profits with them.

Newcastle has a history of generating visions, concepts and proposals and if they fail to meet the developers need then they are forgotten about only to resurface as another proposal.

The university campus was to be at Honeysuckle however that proposal was moved to Civic as a way for council to offload a burnt out Hotel. With the University campus now not financially viable, educationally unsound and environmentally unacceptable and with student numbers now being quoted as low as 2000 the developer lobby is now hard pressed to justify the campus however the white elephant will proceed as it is a corner stone of the NUR's. The Court house is another example where the community strongly opposed the building, with the PAC being a farce and again the Council gets to unload another derelict building. The existing Courthouse is set to lay dormant as another disused shell.

The Newcastle city area has no long term proper plan that shows the future of Newcastle complete with a fully integrated transport plan and planned business, tourism and recreation activities. When planning documents can be changed with the flash of a pen and a couple of beers and the odd favour thrown in that document is not worth the paper it is written on. If the Committee researches the NURs they will

find the original versions did not include the removal of the real line and it was very firm on height restrictions.

There is no doubt that the key players have manipulated the city centre by operating a practice of getting their own way by the art of neglect or mischief. Here are some examples:-

- The removal of foot bridges over the rail corridor has hindered connectivity.
- The operation of train timetables that are not advantageous to passengers is a way of diminishing patronage
- The failure to promote rail based tourism prevents the rail from functioning favourably
- Slowing the journey time reduces rail patronage potential as it reduces competitiveness
- Cutting bus services has now reduced bus patronage to about 1 person per km travelled
- The Government has been draining the Newcastle City LGA by paying people to move out of the area and by transferring Government enterprises and agencies out.
- By leaving buildings and sites empty, unoccupied and undeveloped the value of real estate is being held back and the developer opportunities in the long range maximised. The Empire Hotel site is an example.
- The use of low quality hoarding that gives the place a bad look.
- Failure to curb graffiti.
- Newcastle City Council has even failed to control bill posting on its own premises and for activities in its own venues.
- The conduct of track work on event weekends.

False and Misleading Statistics

A constant trait with planning and development proposals in the Hunter has been the lack of reasonable supporting statistics. Examples include:-

1. The massive distortion of the population statistics as detailed earlier in the letter
2. The failure of Transport for NSW to provide patronage statistics for trains despite having a total section responsible. For example The Bureau of Transport Statistics has only counted the passengers at Newcastle station about 5 times in the last 11 years. 5 counts over 4000 plus days is hardly a reasonable sample. The other counts have been extracted figures and none of the counts cover weekends.
3. There is no patronage assessment available for the light rail proposal.
4. The projected population statistics appear to be for the Hunter Valley and not the suburb of Newcastle . I doubt if any location in NSW would increase its population from 4000 by 6000 to 10,000 in 15 years.
5. The number of people to benefit from the light rail going to the beach has never to my knowledge been published. And there has certainly never been a

- comparative figure published for a Nobby's termination v's a Newcastle Beach termination. Or a comparison between either and the bus patronage.
6. There has been no estimate provided of the extra numbers of people who would cross between Hunter St and the Harbour.
 7. There are no figures provided by the government to show how removing the rail line will allow vehicles to traverse Stewart Ave faster. Figures produced by Save Our Rail show that traffic movement will be slowed when the line is removed and the gates left open. (An intercity 8 car train can facilitate 1200 people making the crossing in less than 90 seconds)
 8. There are no figures to show that a residential Newcastle will be any more viable than the area is now especially if the housing is of the social /affordable housing style.
 9. The REF for the Wickham proposal does not explain the economic loss for the Wickham business triangle and neighbouring areas.
 10. There are no figures to demonstrate how the goals and targets in the 2021 Plan will be achieved.

The assumption that cutting the rail line, installation of light rail, the NUR's, the east end Development and or the SEPP amendment will be to the betterment of Newcastle or the Hunter has never been demonstrated with cold hard and supported facts and figures. This is simply incompetent planning. And transport management.

Unfortunately for Newcastle, the Hunter and the State blatant corruption, open dishonesty and a string of porkies is now the norm. These practices cannot be considered sound tools for quality planning or transport management. Rather they are indications of gross incompetence. When these are the "demonstrated skills" of the leaders we all must be very concerned. Gladys Berejiklian condoned and was a party to the false recording of the Transport Masterplan in Newcastle. Brad Hazzard promised to attend a focus meeting in Newcastle however did not deliver on his promise. Mike Baird promised to apologise to Newcastle and promised to visit ever house in Newcastle if necessary has failed to deliver. Judy Jaeger has parted ranks with the NCC reportedly due to honesty breaches is also well worth investigation for her activities as is Bob Hawes from the HDC and David Anthill from Urban Growth.

The failure to engage in genuine two way communication is a strong however very undesirable characteristic of characteristic of modern Government. The Committee should be aware that community members rarely receive replies from Ministers and if a reply is received it is commonly simply a form letter.

The decision to revitalise Newcastle, to truncate the rail line and install light rail was and still is unsound because the facts used were inaccurate, skewed and failed to present the truth

The community was misled and rumour rife.

In conclusion I wish the committee well is addressing this very serious situation.

My 8 pages is simply the tip of the iceberg.

I look forward to being called as a witness to present further information and address the specific queries from the Committee.

I have forwarded you by mail a DVD containing a considerable volume of information, reports and correspondence.

Rick Banyard