

Submission  
No 277

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

**Name:** Name suppressed

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Partially Confidential

## Planning process in Newcastle and the broader Hunter region (Inquiry)

To Newcastle Planning Committee

24 October 2014

Thank you for the opportunity to comment on planning process in Newcastle. There are four main issues of concern, these are the truncation of the rail line, Aboriginal heritage, increased building height limits and Newcastle's historic Bogey Hole.

### **1. Truncation of Newcastle's rail line.**

The community was led to believe by former State member Tim Owen that the rail corridor would remain open green space. This was Mr Owens public mantra during his time representing the people of Newcastle. Some people were skeptical believing the real plan was to sell valuable land at the east end of the rail corridor. Many people in the community have supported cutting of rail line only on the proviso that corridor remain open space. They believed that the rail corridor would remain publicly owned. In September 2014 the community was told by Minister Pru Goward that sections of the rail corridor would be sold and developed. This is totally unacceptable and the community has been deceived. There is also confusion around the process and what will actually happen in regard to alternate transport arrangements whilst the rail is truncated. Firstly, the community was told that trains would stop at Broadmeadow Station, and then this week Minister Berejiklian announced that trains would stop at Hamilton Station where commuters will be bussed into the city. There is no need for this disruption as there is no guarantees that the light rail will ever be built.

The community has had minimal consultation in regard to the rail issue. At a public meeting to discuss Newcastle Urban Renewal Strategy NURS in 2013 person after person waited in line to ask their question about the rail issue, each were told by government representatives that their questions were not going to address, as it was not part of the renewal strategy, if this wasn't the place and time then when could questions about the rail be asked. The important decision to cut the rail was made without listening to the people of Newcastle and the region. Furthermore the state government's rationale or business case to shut the rail corridor has never been presented or made public. This begs the question, who are the real beneficiaries of this plan? It certainly isn't the public.

### **Questions**

- a) What knowledge did ministers and former ministers have in regard to the potential sale and development of the rail corridor?
- b) What meetings and consultation has already been carried out between state government authorities and prospective purchasers of this valuable public rail land in Newcastle?

### **Recommendations**

- a) The NSW Government should release all documents and reports relating to the decision to cut the Newcastle rail line.
- b) A Interim Heritage Order should be placed immediately on the historic Newcastle Railway Station and corridor to Wickham Station to enable a proper assessment of heritage impacts.

### **2. Aboriginal Heritage**

The former Palais site in Hunter Street has been a site of contention in regard to archaeological assessment and process. In 2010 significant Aboriginal and non-Aboriginal relics were located there and debate ensued as to how such a significant heritage site could then have "Australia's largest KFC" built there. The State government under the leadership of Robyn Parker Minister for Heritage vowed to improve Aboriginal heritage system in NSW to ensure that what happened at the KFC site would not happen again (Minister Parker's office put out a Media Release on the matter at the time). This included future archaeological excavation on the nearby former Empire site also highly likely to have Aboriginal relics located there. The Empire site in 2011 was owned by the Hunter Development Corporation, however in 2014 sold to private enterprise.

### **Questions**

- a) There is a strong likelihood that there are Aboriginal relics at the former Empire Hotel site in Hunter Street, Newcastle West, therefore what directives prior to sale did State Government give HDC in regard to how to ensure that potential Aboriginal heritage at the site be managed and protected?
- b) When the Empire site was sold by state government did the condition of sale include the requirement to undertake an archaeological investigation prior to any future development of the site?

### **Recommendation**

- a) There is a need to have Aboriginal mapping as part of Newcastle LEP to show potential location of Aboriginal heritage sites. This would help protect and mitigate destruction of Aboriginal relics.

### **3. Increase in building heights in historic Newcastle**

The increase in building heights in historic Newcastle is unacceptable. In August 2014 Minister Goward announced that the planning controls had been finalised changes included the height reduction of one site from 69.5 to 58.9 metres, and an increase at another site. In an interview on ABC 1233 radio Goward stated "this is what the community wants, (height) limits in line with the Cathedral parapets", after consultation with the community believed this was what they had asked for and wanted. However I do not recall the community ever asking for increased heights in this sensitive part of the city. Developers and private investors perhaps, but not the community. UrbanGrowth and the State Government of NSW have a lot to gain by the approval to increase heights, increasing profits when the site is sold. Many were opposed from the outset to increased height limits and is a significant shift from the Newcastle Local Environmental Plan (2012) where high rise development was touted for Newcastle's west, not east.

What is not acknowledged is that Newcastle is the second oldest city on mainland Australia. Cultural and environmental assessments that seriously consider the urban historic landscape of Newcastle have been lacking. Previous planning instruments have considered and protected this sensitive area of the city, this careful protection now swept away. Professional advice on planning instruments by prominent local architects and the National Trust of Australia (NSW) over many decades has protected Newcastle's heritage. This too put to one side. Instead we have an ad hoc planning assessment fixated on economic gain at all cost. Cost to the community coming last.

This decision also sets a precedent for future high rise buildings on the rail corridor near historic Newcastle station when the rail is removed. Goward says that "there is enormous opportunity to develop wonderful open space there, freed up by removal of rail line". If high rise was ever to become a reality on the rail corridor or in other parts of the historic inner city this would create a

gradual blotting out of The Hill. Large block development diminishing the fine grained historic texture of the gorgeous city landscape. Newcastle is an urban historic city of national significance urgently requiring an independent heritage impact assessment.

#### **Question**

a) What independent heritage assessment was undertaken to assess the heritage impact to significantly increase building heights in historic urban centre of Newcastle? In particular there is a need to assess the impacts that increased heights will have on Newcastle's Christ Church Cathedral which is listed on the State Heritage Register of NSW.

#### **Recommendation**

a) An independent heritage assessment be commissioned to undertake a thorough investigation of the impacts to cultural heritage on the historic urban landscape of Newcastle.

#### **4. Bogey Hole**

The Bogey Hole has been closed in July 2014 less than two years after an expensive upgrade. Many people believed that the installation of a stainless steel platform was unnecessary and a potential safety risk. The project was completely over engineered and is now in a state that is more dangerous than when Land and Management Authority first undertook development there. The Bogey Hole is the oldest baths in Australia, created by convict labour during the 1810s. The people of Newcastle deserve to be able to access this place of recreation.

#### **Question**

a) Is there a current warranty that covers maintenance and repairs of work undertaken at the Bogey Hole? What plans does the State Government have to remediate the baths for public use?

Thank you again for the opportunity to comment of issues that seriously affect cultural heritage in Newcastle.

#### **References**

Empire site

<http://www.abc.net.au/news/2014-05-28/developers-chosen-to-build-on-former-empire-hotel-site/5482632>

<http://www.realestate.com.au/property-residential+land-nsw-newcastle-200742831>

Bogey Hole

The following was a news item about the closure, however video story has been taken down  
<http://www.nbnnews.com.au/index.php/2014/07/24/crown-lands-to-investigate-future-management-of-bogey-hole/>