

**Submission
No 357**

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

Name: Ms Joan Browning

Date received: 24/10/2014

Joan Browning

24th October 2014

PLANNING PROCESS IN NEWCASTLE AND THE BROADER HUNTER
REGION (INQUIRY)

Legislative Council
NSW Parliament
6 Macquarie Street
SYDNEY NSW 2000

**RE: BIASED PLANNING PROCESS FAVOURING GPT/URBANGROWTH
NSW HIGH RISE DEVELOPMENT FOR NEWCASTLE'S HERITAGE CITY
CENTRE – DA2014/323**

To Whom it May Concern,

I wish to raise concerns with the NSW Legislative Council (or Upper House) Inquiry into *Planning Process in Newcastle and the Broader Hunter Region*. Specifically with reference to probity, a lack of transparency, inadequate community consultation, perceived conflict of interests and excessive developer influence on planning decisions surrounding the spot rezoning of Newcastle's Mall and East End heritage area to facilitate the development application **Newcastle East End DA2014/323**.

These matters are possibly closely related to those recently investigated by the Independent Commission Against Corruption (ICAC) during 'Operation Spicer', regarding illegal developer donations at the state government level, specifically relating to Newcastle.

High rise apartment towers in the low rise heritage precinct of inner city Newcastle are incompatible. This development triples height limits to 20 storeys and significantly increases floor space ratios. The development site is bounded by Hunter, Perkins, King and Newcomen Streets, Newcastle.

The proposed development runs contrary to the guiding principles of the adopted Newcastle Urban Renewal Strategy (NURS-2012) in which high-rise towers were to be located at Wickham, or Newcastle West End, not in the heritage East End. How this excessive and inappropriate development plan came to be produced and submitted when the existing strategic planning documents specifically ruled out high rise in Newcastle's East End heritage precinct requires investigation.

The GPT/UrbanGrowth NSW high rise plan could only proceed with changes made to the Newcastle Local Environment Plan (LEP-2012), through significant amendments to the State Environmental Planning Policy (SEPP-

2014) that specifically favoured two developers – GPT/UrbanGrowth NSW. Those amendments were recently approved through ministerial spot rezoning, on 25 July 2014. The reasons for the SEPP amendments being approved have not been adequately explained and should be investigated.

The lack of transparency, and the role of local and state government agencies and officers in changing planning controls requires examination.

Why the need for high rise in the East End when the West End, with ample developable land, has been designated a high rise area.

Why cut the rail - who owns the land made free/desirable by the truncation ?

What inappropriate influence did developers have on decision makers, and / or conflicts of interest exist.

Areas of concern include the following:

1. Failure and/or refusal to provide essential or important information and/or documents during public exhibition/consultation periods or when otherwise requested or needed.
2. Failure of FOI (or GIPA) system to provide important information and documents.
3. Stonewalling, including the misuse of FOI and GIPA by government agencies to prevent the release of information on pretexts such as commercial-in-confidence, and the (mis)use of authority or administrative processes to frustrate or prevent the flow of information, or to prevent a matter being raised during decision-making.
4. Obfuscation, including inadequately responding to legitimate questions.
5. Use (or abuse) of secret and/or confidential meetings.
6. Influence of stacked decision-making or advisory bodies
7. Evidence of actual or potential conflicts of interests
8. Evidence of non-disclosure of required probity information (e.g., pecuniary interests)
9. Evidence of actual or possible improper political interference in the decision-making process
10. Evidence of processes or outcomes that appear to privilege or favour vested interests over the public interest.
11. Refusal or failure to properly investigate reasonable alternative options.
12. Non-compliance with Codes of Conduct or other relevant formally recognised standards of performance or behaviour.
13. Significant deficiencies (including errors, missing or misleading

information, etc) in important documents.

14. Use of flawed documents and information as ground or sources for subsequent reports/documents or action.
15. Inadequate consultation periods
16. Inadequate consultation methods
17. Inadequate response to consultation feedback, especially in relation to serious concerns, significant factual errors, and/or the failure of due process
18. Significant departures from established practices by a government agency or institution.
19. Incompetence on the part of a government agency or official
20. Sub-standard performance by a government agency or official
21. Failure to follow through on commitments
22. Questionable and/or unexplained suspicious circumstances
23. Clear corruption
24. Production of overly flawed reports by consultants
25. The acceptance of those reports in the first instance by a government agency or official
26. Failure to make any corrections to those critically flawed documents
27. The re-referencing of those same documents in future 'reports', without any investigation into the validity of the information contained within.

I respectfully urge the Upper House Committee to please consider making the following recommendations:

1. Revoke the SEPP amendment by providing a revised SEPP amendment overriding the 2014 approval.
2. With respect to building heights, restore the NURS (2012) that includes:
 - acceptable height limits (maximum 24 metres or roughly 8 storeys)
 - appropriate floor-space density provisions
 - maintains iconic public vistas to and from the city, and
 - facilitates high rise development in the West End rather than the heritage precinct.
3. Place an immediate moratorium on all development associated with the amended parts of the Newcastle LEP.

In conclusion, I trust this information may assist the Parliamentary Inquiry into *Planning Process in Newcastle and the Broader Hunter Region* and hope the Committee will consider my concerns regarding the controversial GPT/UrbanGrowth NSW development proposal - DA2014/323 - for high rise towers in Newcastle's heritage city centre.

I hope the information provided will assist the Committee to better understand how poor planning decisions, that will burden Newcastle's future, were made.

This information is confidential and intended for the *Planning Process In Newcastle and the Broader Hunter Region* (Upper House Inquiry).

Thank you.

Yours sincerely,

Joan Browning