

**Submission
No 355**

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

Name: Ms Kerry Fagan

Date received: 21/10/2014

Date 5 November 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 especially concerning given their proximity 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.

While I support urban renewal in Newcastle I am alarmed at the proposal submitted by joint developers GPT Group / UrbanGrowth NSW, for high rise apartment towers in the low rise heritage precinct of inner city Newcastle. 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 investigated.

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.

I am concerned about the lack of transparency, and the role of local and state government agencies and officers in changing planning controls.

My specific concerns that I hope the inquiry will investigate include:

- how can State Environmental Planning Policies on height restrictions in the historic precinct of Newcastle East be so readily overturned ??
- what arguments or inducements were offered to the Planning Department for alteration of building height restrictions in east Newcastle ?
- why were major alterations of Newcastle Local Environment Plan (LEP-2012), undertaken without community consultation ?
- were any of the ICAC discredited officers involved in decisions to alter building height restrictions in Newcastle East?
- why was the decision to cut the rail line into Newcastle influenced by the GPT property developer??
- I am concerned that the heritage value of the East End will be destroyed with high rises; these could be located further west of the city.
- How can Newcastle achieve it's new potential with inadequate train facilities??
- Hunter Street is already clogged with cars and buses and will deteriorate further when the train line is cut.
- How can large new infrastructures be approved for Newcastle city (e.g. Court House and University buildings) without planning sufficient car park spaces??
- Without car parking and without rail line, how are people expected to travel to and from the city??
- The traffic gridlock due to cars and trains intersecting at Stewart Avenue will become worse once light rail commences

I am concerned that some critical decisions have not been based on factual evidence, including:

- Many points in the document ***Proposed changes to planning controls for Newcastle City Centre*** are incorrect:
 - o P81/103 states there is compliance with 'Public views and sight lines to key public spaces, the waterfront, prominent heritage items and landmarks are protected. ***This is INCORRECT as***

shadows will affect buildings behind the proposed towers and views to Christ Church Cathedral will be blocked by the high rise buildings.

- Table 15 c) (p77/103) states that ‘the historic fine grain character [of the East End] is maintained and enhanced’ by the proposed high rises; ***this is patently INCORRECT.***
- Table 15 d) p77/103) states the proposed high rises comply with ‘Significant views to and from Christ Church Cathedral are protected, including views from Market Street and Morgan Street. Views to Hunter River are protected and framed along Market Street, Watt Street and Newcomen Street’ ; ***this is patently INCORRECT.***

I am concerned that there may have been inappropriate influence by developers on decision makers, and / or conflicts of interest that need to be investigated, specifically:

- I am concerned that changes to the Local Environmental Plan (LEP) and Development Control Plan (DCP) were made by persons appointed by and showing allegiance to those State and Local Government members who have been discredited by ICAC.
- I am concerned that developers can influence state and Local Government decisions involving property developments.

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.
4. Have the decision to cut the rail line reversed and an inquiry into more efficient and cost effective train or light rail into Newcastle station.

In conclusion, I trust this information may assist the Parliamentary Inquiry into *Planning Process in Newcastle and the Broader Hunter Region* and hope the Inquiry 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 Inquiry to better understand how poor planning decisions, that will burden Newcastle's future, were made.

Thank you.

Yours sincerely,

Name ...Kerry Fagan.....