

**Submission  
No 371**

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

**Name:** Ms Jennifer Hamilton Langbien

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

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Reverend the Hon Fred Nile MLC

Chair

Select Committee on the Planning Process in Newcastle and the Broader Hunter Region, NSW Legislative Council

[newcastleplanning@parliament.nsw.gov.au](mailto:newcastleplanning@parliament.nsw.gov.au)

Dear Sir

I have a deep concern re the inquiry into planning decisions in Newcastle in light of revelations from the recent ICAC investigation into illegal developer donations to political representatives.

I would like to draw your attention to the spot rezoning of the King Edward Headland Reserve. The process by which this was achieved fails the basic tests of probity, transparency, accountability and public consultation and raises strong questions of developer involvement in the political, decision-making process.

The King Edward Headland Reserve is situated within the King Edward Park; dedicated to the people as parkland in the middle of the nineteenth century.

The Park is highly valued by all the people of Newcastle and has significant national and state significance.

The KEPHR was used as a bowling club. The bowling club eventually failed and was demolished around 2004. One of the rinks became an unofficial car park. Unfortunately the site has been enclosed with public exclusion wire and has fallen into a state of neglect and disrepair. Public appeals to the Trustees for community involvement to allow the area to be tidied have failed. It appears to many that anything would be better e.g. a development than the disgraceful neglect of an iconic site. Is this the state benefiting commercial interest?

- **Dedication of the land**

King Edward Headland Reserve (KEHR) is dedicated under s.87 of the Crown Land Act (CLA) to the public for the purpose of public recreation and under the act, need to satisfy two conditions. It must be accessible to the general public as of right, and it must not be used as a source for private profit.

- **Public interest a factor in rezoning decision.**

In December 2010 when a DA for a function centre was advertised, 300 objections were received. This vital evidence that was available should have informed the debate but was ignored.

- **Historical and cultural significance** of the site should have been considered.
- **Biscoe judgement in May 2012** should have informed the decision. Mr Justice Biscoe highlighted the significance of the site.
- **Non Transparent Process**

In June 2011, the Draft 2012 LEP, like the 2003 LEP, excludes function centres on RE1 Land

June 2011 Newcastle City Council rejects an application to allow a function centre as an exception on KEHR.

June 2012 LEP changed to Spot rezone KEHR to allow a function on this land as an exception to other RE1 land.

Friends of King Edward Park have been unable to define the process adopted by the Government that legitimised the rezoning. Information obtained under FOI give no reason for re-zoning.

Enquiries have failed to determine the process by which this has occurred, but it is noted that the wording is identical to the developer application for the change.

Thus an enquiry into the spot rezoning is highly pertinent. I strongly support the FoKEP submission.

Yours sincerely,

Jennifer Hamilton Langbien