

**Supplementary  
Submission  
No 31a**

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

**Organisation:** Parks and Playgrounds Movement Inc

**Date received:** 20/10/2014

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<http://parksandplaygroundsmovement.blogspot.com/>

**President : Doug Lithgow**

The Parks and Playgrounds Movement is a community organisation established in the early 1930s. Its secretary was C E W Bean, the historian, lawyer and journalist. It was brought to Newcastle in 1952 by R.E. (Tom) Farrell, and continues the work to safeguard our Natural and Cultural Heritage. The Movement's early work included the protection of the openspace provisions of the 1952 Northumberland County District Town and Country Planning Scheme.

The Reverend Fred Nile MLC, Chairman  
Select Committee on Planning Process in Newcastle & Hunter Region  
Legislative Council, Parliament House,  
Macquarie Street Sydney,  
NSW 2000.

Dear Reverend Nile,

**Submission No.2 Parks & Playgrounds Movement/ planning history/ background to the  
Planning Problem & why passenger rail services should be retained to Newcastle  
Station**

In my interim submission I outlined the Parks and Playgrounds Movement's interest in Town Planning and the 1981 International Urban Design Competition for the Newcastle Harbour Foreshore and the detail of the winning entry. I explained how the winning design complied with the transport spine which was a central feature of Newcastle's official Central Area Structure Plan and how this plan was corrupted following the Newcastle Earthquake by the Honeysuckle Development Corporation at Central Honeysuckle. In conclusion I pointed out how the passenger rail connection to Newcastle Station should be improved and continue to play a vital part in the revitalisation of Newcastle.

I vividly remember coming to Newcastle in the early fifties and living in Watt Street in the heart of the city. The rail entrance to Newcastle Station was a interesting experience. As the train slowed down from Civic to Newcastle Station I was amazed to see the Harbour and the ships on one side and on the other the bustling town with the Cathedral on the hill. On alighting at the platform I found myself in a handsome railway station with the town centre, and ocean beaches close by. A very special experience with a sense of place that all can enjoy.

In considering the planning history of Newcastle it is hard to understand why the City Council allowed the Planning process to become corrupted and why the City has never

positively promoted itself. There have been considerable physical improvement to the City with the Harbour foreshore and parks and I am proud of the part the Parks and Playgrounds Movement has played in supporting and promoting the foreshore parks and the historic setting.

The Transport Spine comprising Wharf Rd, the Railway and Hunter & Scott Streets, was an important feature of Newcastle's 1977 Central Area Structure Plan and still prevails with the rail connection to the City from the Hunter Valley, Sydney and the Central Coast. This is despite the harm done to the Wharf Rd connection of the Transport Spine by the Honeysuckle Development Corporation at Merewether Street and Civic. It is interesting to note that Planners, when exhibiting and considering the 1997 Regional Environmental Plan Amendment No3 for Central Honeysuckle relied on the continuation of the rail connection. They envisaged that any future change of passenger rail services to light rail would still use the rail corridor.

The failure of the Honeysuckle Development Corporation to revise their "Approved Scheme" and Masterplan for Central Honeysuckle has done much to corrupt the Planning Process for the central area of Newcastle. In persisting with an out-of-date scheme it has failed to bring the revitalisation to Newcastle which was the principal aim of the Honeysuckle development and the Commonwealth Building Better Cities project. It incongruously allowed the demise of the old commercial area whilst promoting the development of its own areas.

Previous Planning Ministers by not demanding that the Honeysuckle Development Corporation vary its Approved Scheme allowed the Corporation free reign without public accountability or clear goals. This has frustrated the transparent orderly planning and promotion of the City. A clear example is when the Minister for Urban Affairs and Planning made the Hunter Regional Plan (Amendment 3) – Central Honeysuckle in December 1997 but failed to ensure that his Development Corporation varied their Approved Scheme to comply with his REP. The Hunter Development Corporation was blatantly negligent in not advising the Minister that their "Approved Scheme" and Masterplan did not comply with the newly gazetted REP (Amendment No3) and should be varied. The Corporation could have lawfully initiated the revision as obligated by their incorporation under the Growth Centres (Development Corporations) Act 1974.

Following a Community Cabinet Forum held in Maitland 10<sup>th</sup> February 2014 I asked the Premier if the Minister for Planning was aware that the 'Approved Scheme' (Section 15 of the Growth Centres [Development Corporations] Act 1974) for the 45 ha Honeysuckle Growth Centre has not been varied since the Growth Centre was established in 1993?

Minister Hazzard replied by letter dated 7 March by Ref: 14/04014 blandly stating, that a revised scheme had been approved in May 2012. This had been done despite the fact that the Corporation had been operating without a lawfully Approved Scheme and Masterplan for its Growth Centre Area certainly since the REP (Amendment No3) in 1997. Furthermore the Hunter Development Corporation as it is now named never published this revision in its Annual Report or in the Government Gazette nor has any detail of their new Scheme which covers every Local Government Area in the Hunter Region ever been discussed in the media or community in any way whatsoever.

The Parks Movement has been a longstanding critic of the HDC for not preparing a Varying Scheme for any of the changes to the boundaries Growth Centre from the original 45 ha. The 1993 Scheme could not on any account be regarded as relevant to the widened Hunter Growth Centre for the Hunter Region when it was gazetted in Jan 2008.

The Planning Minister Kristina Keneally had previously written to the Movement on the 3<sup>rd</sup> July 2009 (Ref: DO9/284) in reply to our criticism that the Corporation has drafted a revised scheme and that it was under consideration. It was obviously wrong for the new minister to secretly make the new scheme in May 2012 without any discussion of the new wide ranging role of the HDC or of the fact that it had been clearly operating unlawfully without any scheme for four years.

In reviewing the actions of the HDC with regard to the planning of Central Honeysuckle I would like to list the following issues which are relevant to the current inquiry.

- The original 1993 Approved Scheme & Masterplan was approved without sufficient planning research or without the necessary geotechnical investigations needed for the Central Honeysuckle site. There was no effort to ensure integration of the Scheme with the Inner Newcastle Structure Plan or the 1981 winning design for the Foreshore which had been opened in 1988 by her majesty Queen Elizabeth II.

- In 1997 a debacle developed between the Honeysuckle Development Corporation and the Newcastle City Council because the Development Corporation had wrongly advertised for expressions of interest to develop the first major development at Central Honeysuckle on the Merewether Street Wharf. The HDC advertisement was published calling for expressions of interest and incorrectly stating that zoning and development controls were in place but they were not. The City Council was wrongly blamed at the time for not approving the development which it could not do because there was no Development Application (Just an expression of interest) and the land zoning was still for the former wharf uses. The Minister ultimately proposed and exhibited a Regional Environmental Plan (Amendment No.3) which he made on 10/12/97. He also made himself the Consent Authority for the Central Honeysuckle Area. The REP mandated certain parklands and incorporated the Civic Design proposals at Civic including rail stations and rail corridor to Newcastle. It also promised the waterfront Cove to be named Flinders Cove. The Wharf Rd had to be rerouted between Heritage Railway Buildings for the Cove. The Cove was later abandoned and the area was alienated with buildings instead of consideration of reinstating the Wharf Rd alignment. Further wrong action by HDC alienated the Merewether Street view corridor through to the harbour.
- The cadastral property boundary of the Corporation's Central Honeysuckle site on the Harbour side is the original wharf fender line. HDC acquired the old longshore wharves from the Newcastle Port Authority for about \$11 Million dollars and completely demolished them leaving much of the planned foreshore and openspace promenade over water. This caused problems with Council regarding ownership and maintenance of the harbour sea wall and the rebuilding of the wharf structures and Harbour promenade .
- The sensible wharf road alignment was ripped up by the HDC and the current contorted road layout between the Heritage Buildings was constructed and reconstructed at great expense. The contorted new road becomes blocked even with a small increase in traffic.
- HDC funded the Watt Street Bus layover and the damaging changes to Newcastle Station that impacted on the heritage values and efficiency of the Station and required the closing of the main entrance and of the active Scott St Frontage.

- HDC allowed the removal of two railway crossings and three pedestrian over bridges spanning the railway and still claimed that they were working to gain better connection across the railway. HDC failed to construct the Stewart Ave overpass proposed in the 1993 masterplan which should have been done prior to closing the Hannell Street level crossing.
- The proposal to close the railway to Newcastle and the alienation of the harbour foreshore in the 1993 HDC Scheme was not comprehensively considered and is not supported by the people of Newcastle. The current proposal to truncate the rail line has not been transparently exhibited or assessed within the planning legislation. It was just a reckless announcement of Minister Hazzard with no opportunity for review and there is still no proper plan, only confusion.

The above were some of the perplexing actions affecting the public perception of the HDC's delivery of the Public Domain improvements at Central Honeysuckle that were promised by the \$100 Million Building Better Cities funding. Had the HDC reviewed its Scheme and Masterplan these matters could have been transparently resolved.

Before considering the perceived conflict of interest in the management of the Honeysuckle - Hunter Development Corporation we should understand the Newcastle Council's development of planning.

The Newcastle Council became the planning authority for its Local Government area after the abandonment of the Northumberland Council in 1964. However it was not until 1971 that the first Newcastle Town Planner Mr Bob James (1971-1983) was appointed and this was only after considerable lobbying by the Parks and Playgrounds Movement and others.

Newcastle city demonstrated its town planning leadership under the new Environmental Planning and Development Act 1979. Council prepared professional Planning Studies for its inner area on which to base the zoning in the new Local Environmental Plans. Coastal Studies were prepared and the International Foreshore Urban Design Competition held and Newcastle revitalisation initiated. At the regional level Newcastle contributed to the Regional Environmental plan being formulated.

However as mentioned earlier it was the earthquake and the Honeysuckle Development Corporation caused the planning process to become distorted. This happened because planning functions that really needed to comply with the statutory planning process were dealt with outside the process which caused lots of discussion but with no statutory means of resolution in a clear way. Planning first began to be confused in 1988 when Council established the CityCentre Committee. It was a Committee of businessmen funded by a special Benefit Rate levied against all CBD properties to guide the revitalisation. This committee seemed to often operate independently of Council and came to the fore after the Earthquake. It had been established as part of the 1988 Hurst CBD Business Plan. I believe that there was insufficient oversight by the elected Councillors of this committee and of its successor in 2000 called the Newcastle Alliance. They aimed at encouraging and facilitating development but lacked a breadth in their representation and ultimately became too closely associated with property developers as revealed in recent ICAC hearings. We were particularly concerned with their involvement in politics and use of the official Council Logo.

The current planning problems stem from the too close interrelationship between the Newcastle Council Administration, the Hunter Development Corporation and the CityCentre Committee and the Newcastle Alliance. The Alliance website shows their affiliates: The Hunter Business Chamber, Fix our City, The Property Council of Australia, Newcastle Herald, Renew Newcastle and before the last State Election it included the Newcastle City Council.

**Below:**

Affiliates of the Newcastle Alliance 18<sup>th</sup> May 14. (Website was taken down 19 May 2014)



There has also been a perceived conflict of interest in the relationship of the Hunter Development Corporation and the Hunter Business Chamber and the Property Council of Australia. Mr Hawes the current HDC General Manager was Operations Manager for the Honeysuckle Development Corporation from 1999 to 2007. He then was development partner at a Buildev Company and from 2011 he has been General Manager of the Hunter Development Corporation. Mr Hawes is also currently a Director of the Hunter Business Chamber and Chairman of the Business Chamber's Regional Infrastructure Committee. He is also on the Board of the Government's Hunter Infrastructure Development Fund. Mr Hawes has been the spokesperson for the Property Council of Australia for over a decade and has often published articles in the Newcastle Herald as their spokesman.

In summary I have shown why there has been a confusion in the planning process in Newcastle caused by the general failure to work through the statutory planning process in an open and transparent way. I have also shown that the promotion on behalf of property development interests of matters like the removal of passenger rail services from Newcastle has been outside normal planning processes. This general malaise has distorted the planning process and locked out effective public consultation until this Legislative Council inquiry.



Doug Lithgow President of the Parks and Playgrounds Movement Inc.

**20 October 2014**