

**Submission
No 373**

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

Name: Mr David Horkan

Date received: 24/10/2014

David Horkan,

Reverend the Hon Fred Nile MLC

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

Dear Reverend Nile,

as a Novocastrian I am grateful to you and your Parliamentary colleagues for convening the Select Committee.

I wish to bring to your attention the mysterious process by which the spot rezoning of the King Edward Headland Reserve was effected. I understand that the Friends of King Edward Park Inc have made a detailed submission on the subject but I would like to reiterated the following points:

- King Edward Headland Reserve (KEHR) is dedicated under s.87of 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 should have been a factor in the 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.
- 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.

FoKEP 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.

- The historical significance of the site should have been considered
- The Biscoe judgement in May 2012 should have informed the decision. Mr Justice Biscoe highlighted the significance of the site.

I respectfully request that the Upper House Inquiry examine this matter because of the issues of probity, transparency, accountability, fairness, lack of community consultation and developer influence in the light of ICAC investigations.

David Horkan.