

**Submission  
No 148**

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

**Name:** Ms Nicole Thomas

**Date received:** 23/10/2014

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Rvd the Hon Fred Nile MLC  
Select Committee on the Planning Process in Newcastle and the Broader Hunter Region  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Sir,

Thank you for chairing an inquiry into the Planning Process in Newcastle and the Broader Hunter Region and for inviting submissions in relation to same. I am a current Maitland resident (and user of the rail line) and also own a unit in Newcomen St, Newcastle, in which my husband and I intend to reside within the next few years. The unit was purchased at considerable expense in late 2012, based on the planning guidelines in existence at that time, *after undertaking extensive due diligence as to the likely content of the "Newcastle Urban Renewal Strategy" that was released in December 2012.* The unit's views back to Christ Church Cathedral and proximity to the rail line were key factors in our decision to purchase the unit. In this submission, the project to truncate the rail line west of Wickham, construct a new Wickham station and install light rail up Hunter Street (not on the site of the existing heavy rail infrastructure) is called "the Truncation Project".

I will keep my points brief.

A. Items 2(a), (b) and (d) (SEPP, Newcastle Urban Renewal Strategy and DA2014/323)

The Newcastle Urban Renewal Strategy (December 2012 version) (NURS2012) was released for consultation after years of dialogue with Newcastle stakeholders. The NURS2012 recognised that the height and sight lines were crucial to the Newcastle CBD retaining its character and charm. There was broad support for the strategy embedded in the NURS2012 for the CBD/business hub to be located in/around Wickham (where taller buildings could be accommodated due to less under-mining) and for the current CBD/East End to retain its current low-rise, heritage character. One of the few detractors of the strategy was GPT/UrbanGrowth NSW, who (in their joint submission) advocated that a number of extremely tall buildings should be permitted. Such buildings were entirely out of character with the current CBD/East End's aesthetics and appeal. More importantly, the height and sight lines (which previously had been sacrosanct in any planning regime) were ignored. Of course, at such time, this was only a submission.

Subsequently, the suggestions of GPT/UrbanGrowth were incorporated into the updated version of the NURS. This was in spite of:

- No (or extremely little) consultation being conducted by Department of Planning & Environment ("**the Department**") (in response to this drastic change; and
- The extensive submissions made in response to the NURS2012 which supported the retention of existing height/sight lines.

The content of the updated NURS remains unexplained. The only explanation (given the significant change from the NURS2012 to the updated version) is that the Department was pressured to change the NURS to favour the GPT/UrbanGrowth NSW submission. Due process has NOT been followed in relation to the content of the updated NURS. The Inquiry members are respectfully requested to consider closely the contractual arrangements between GPT and UrbanGrowth NSW and to consider, in light of such contractual arrangements, how the Department (most likely being aware of such arrangements) could possibly have made a decision as to the

content of the NURS in a genuinely independent, impartial manner and with "clean hands".

## **B. Truncation Project**

While the current NSW government claims that extensive consultation was conducted in connection with options available for the Newcastle rail line (which has always been a contentious issue), no consultation at all was conducted in relation to the Truncation Project. That is, in relation to the combination of solutions that were announced by the government in late 2012/early 2013 which comprised the "Truncation Project", there was no consultation in relation to this very significant project.

It is noted that consultation was conducted in respect of what route the light rail should take. The government's subsequent decision in relation to this issue (to route the light rail up Hunter Street) was not supported by such consultation. It is understood that this route is more expensive and disruptive, giving rise to significant questions as to why the government would select this route. The Inquiry is respectfully requested to closely examine the true reason for the government selecting the Hunter Street route for light rail. If the true reason is because it is the government's intention to free-up and develop or sell the existing rail corridor, then it can only be said that the government, in its dealings with stakeholders and during the 'sham' consultation process, has been completely disingenuous and has entirely failed to comply with basic administration law. Further, if the Inquiry finds that it is the government's intention to free-up and develop or sell the existing rail corridor, then this creates a serious question as to whether the Truncation Project was approved for the same reasons and, if so, then it must be concluded by the Inquiry that the Truncation Project must be "paused" until a decision is made with respect to the rail line that is genuinely "best for Newcastle". Until the Inquiry submits its final report, if it fundamentally wrong for any work to be done that goes towards removing the infrastructure for the current rail line.

## **C. General Points**

### **a) Consistent public policy**

Newcastle CBD's identity needs to be supported by efficient and consistent public policy initiatives, including an efficient public transport system and ease of access. Due to the numerous and varied reports that have been done over the last decade in connection with the revitalisation of the CBD, it appears that ad-hoc initiatives have been implemented from each report, but without an overall vision as to how the implemented initiatives would work in unison. For example, the recent significant increase in CBD parking costs prejudices the ability of the CBD to compete with the retail malls (where parking is typically free for the first 3 hours). The Truncation Project makes getting to the new Newcastle University campus, the beautiful East End and one of Newcastle's main cultural attractions (its beaches) more difficult. This is supported by the government's own analysis, which admits that patronage will be lost from the rail line when buses replace rail for (at this stage) more than 2 years. Again, it is hard to see how a rationale government with proper motivations would make such a decision.

### **b) Economic and efficient spending of scarce taxpayer money**

The government must have a duty of care to its constituents to not deliberately and negligently waste taxpayer money. Where is the business case for the Truncation Project? It has been foreshadowed that the Truncation Project will cost in the order of \$350m. It follows that the benefits of this project would need to be more than \$350m to warrant such investment. Further, if such benefits were able to be obtained with a different, lower cost solution, then assumedly the

government, as proper custodian of scarce taxpayer funds, would implement that different, lower cost solution in lieu of the Truncation Project. However, no benefit analysis for the Truncation Project appears to exist or, if it does exist, the government has refused to make it public. There are numerous, cheaper solutions to the problem of connectivity to the harbour that do not require the exorbitant spend required for the Truncation Project. For example:

- Build and operate 2 light rail trains on the existing heavy rail infrastructure;
- Build a number of additional pedestrian access points across the rail infrastructure; and (perhaps)
- Construct a new Wickham station west of the Stewart Avenue/rail intersection.

It is not clear why the Truncation Project has been favoured over a lower cost alternative that would achieve the same benefits, which would enable funds to be directed towards other more worthy projects. The Inquiry is respectfully asked to closely examine the business case for the Truncation Project (or lack thereof) and the true motivations of government with respect to such Project.

c) FOI applications

In early 2013, prior to preparing my submission in response to the NURS2012, I sent 4 similar "freedom of information" enquiries to Transport for NSW, the Department, Hunter Development Corporation and Hunter Infrastructure and Investment Fund. Copies of these requests can be found via this link:

[http://www.planning.nsw.gov.au/Portals/0/DevelopmentAssessments/OnExhibition/Submissions/newcastle/GeogheganN Newcastle 1.pdf](http://www.planning.nsw.gov.au/Portals/0/DevelopmentAssessments/OnExhibition/Submissions/newcastle/GeogheganN%20Newcastle%201.pdf)

No response was received from Hunter Infrastructure and Investment Fund. The (then named) Department of Planning & Infrastructure only agreed to release information if it received payment in the sum of \$375 - while such payment was ultimately made, it is disgraceful that such a significant amount was required to be paid and evidences the attempts made by the government to not be transparent (especially with respect to the Truncation Project). Transport for NSW provided an "informal release" of certain documents at no cost, but such documents fell significantly short of responding to the information request that I had submitted. Hunter Development Corporation issued the attached letter dated 4 February 2013, I responded (by attached letter dated 27 May 2013) and I then received a further reply (also attached, dated 7 June 2013). Despite the terms of this 7 June 2013 reply from Hunter Development Corporation and a subsequent phone call between myself and a staff member, no documents or any information whatsoever was received. And my \$30 was retained. The Inquiry should draw its own conclusions as to why no information/documents were ever released by Hunter Development Corporation.

Thank you for the opportunity to make these submissions. I look forward to the outcome of the Inquiry.

Yours faithfully

Nicole Thomas