

**Submission
No 69**

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

Organisation: Folly Park Residents Group Inc

Date received: 16/10/2014

The Director

Select Committee on the Planning Process in Newcastle and the Broader Hunter Region

I write on behalf of the Newcastle-based Folly Park Residents Group and earnestly request that a development at Mayfield also be added to the list of Newcastle developments to be reviewed by the committee.

Please find a brief outline below about the development; which by the way has already started.

The local community first became aware of the development when a Notice of Proposed Development was issued on 18 September 2013. The community was only given two weeks for submissions however the Council was so inundated with calls the submission period was extended to four weeks.

An Amended Notice was issued on 2 April 2014 however very little had changed and the community generally felt its concerns had been ignored. We subsequently developed a second round of submissions and applied for a Public Voice session at Council.

The concerns we tabled at the Public Voice session on (20 May 2014) included permissibility, density, traffic, noise, lack of setbacks, lack of amenity and green space and on-going contamination management. This session was followed up with discussions with individual councillors. The overarching message from these discussions was that Council's main aim was to avoid being taken to court by the developer. On (20 June 2014) Council voted to approve the DA.

The community was deeply shocked by this decision and firmly believes Council did not understand the complex considerations that underpin the zoning and was additionally concerned that just a single additional condition (a paved footpath) was required of the developer and none of the communities concerns were addressed in any way.

Our group was advised by legal counsel that it had three months to lodge an appeal. However, the developer began work within two months, which resulted in our group being forced into a reactive position. We organised donations from our members and decided to go to the Land and Environment Court, a decision that we had to review because of threats by the developer in relation to damages. Being average working homeowners we decided that we couldn't risk losing our homes to fight this in court.

The zoning of the site is RE2 Private Recreation and the developer has exploited a planning loophole in SEPP 36 which allows with consent manufactured home estates on certain land on which caravan parks are permitted, caravan parks being permitted in the RE2 zone. We believe this development is out of character for the suburb of Mayfield and that, rather than a genuine recreation facility we will have a medium density estate sitting within a low density residential area on land zoned for recreation.

Council has said that the zoning issue was dealt with by way of the provisions in SEPP 36 and that the SEPP is of a higher order than the LEP. Although in an assessment of the proposed development that was commissioned by the Folly Park Residents Group a town planning consultant identified the site as excluded land within the meaning of Schedule 2, Clause 7 of SEPP 36. Being that it is not zoned for urban use within the Newcastle LEP and confirmed that the urban use issue was an impediment to approval. A copy of this assessment is attached.

This development is a major concern to the local community and we believe it will genuinely impact the character and amenity of our area and of the possible future residents. We have written to other ministers including Paul Tool the Minister for Local Government and Pru Goward the Planning Minister, to review this issue with no other result than being advised to go to the Land and Environment Court which isn't an option we can take.

In view of the apparent lack of appropriate controls by the Council we feel that we need to take a stand as there is simply no one else but don't know of any other avenues that we can approach; we hope you can help by adding this development to the list for the inquiry.

Please don't hesitate to contact me if you require any further information.

Yours sincerely

Folly Park Residents Group Inc.