

**Submission  
No 97**

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

**Name:** Ms Elizabeth Thwaites

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

---

20<sup>th</sup> October 2014

Reverend the Hon Fred Nile MLC

Chairman

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

Dear Sir

It is greatly appreciated by the people of Newcastle that an inquiry is being held in the light of revelations from the recent ICAC investigation into illegal developer donations to political representatives.

The attention of the enquiry is respectfully directed 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.

I would like to bring the following points to your attention

- \* 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 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.
- \* 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 Biscoe judgement in May 2012 should have informed the decision. Mr Justice Biscoe highlighted the significance of the site.

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

All references are present in the main submission from the committee of FKEP.

Yours sincerely,

Elizabeth Thwaites