

**Submission
No 319**

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

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Friday 24th October 2014

Reverend the Hon Fred Nile MLC
Chair

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

**Re: Inquiry into Planning process Re: Inquiry into Planning process in
Newcastle and the broader Hunter region**

Dear Reverend Nile

Please accept this submission to the Inquiry into the Planning Process in Newcastle
and the broader Hunter region.

My submission is focused on the role that Newcastle City Council (**Council**) has had
in planning decisions in the Hunter and particularly the *State Environmental Planning
Policy Amendment (Newcastle City Centre) 2014 (Newcastle SEPP)*.

Submission

As my evidence in detail will indicate, the cumulative effect of the behaviour of Newcastle City Council amounts to an abrogation of its responsibility to effectively engage in the planning process for this very significant part of the city.

It is my contention that Council has engaged in ongoing and systematic breaches of the Local Government Act 1993 to the extent that the Council cannot be considered to have acted in a way which fulfils its statutory Charter or represents the people of Newcastle as a public authority.

The elected Councillors of Newcastle did not consider any professional advice from staff or any other relevant body regarding the Newcastle SEPP and at no time did they vote to make a submission to the SEPP.

There is reason to believe Council staff have been directed not to provide advice to the elected Councillors to the extent that elected councillors are unable to carry out their duties.

In conjunction with a failure to provide any planning advice or critique of the Newcastle SEPP it is my opinion there has been systematic and unlawful refusal of Newcastle City Council to allow open discussion and debate of the Newcastle SEPP.

A summary of the sequential failure of the Council to fulfil its proper role with respect to the SEPP appears below.

1. Inadequate consultation with the elected council of Newcastle City Council regarding provisions of the draft SEPP
2. The failure of the Council to exercise due diligence by calling on its own expert panel, the Urban Design Consultative Group for advice on the provisions of the SEPP
3. The systematic and unlawful refusal of the Council to engage in any serious discussion about the implications of the provisions of the SEPP for the city's heritage centre and urban landscape.
4. Council's failure to exercise due diligence in the provision of a properly constituted and evidence-based formal submission from the Council to Planning and Infrastructure on the SEPP.
5. The General Manager providing a Lord Mayoral Minute as a submission to Planning and Infrastructure without reference to the elected council.

In short Council has been prevented from acting as a responsible public authority and from facilitating open public debate as statutorily required.

The material, which I attach to this submission, provides the details from which my conclusions have been drawn. A copy has been sent to the Office of Local Government with a request for a full investigation into Newcastle City Council.

The dysfunction of Newcastle Council is so acute that I request the Special Committee of Inquiry make the following recommendations;

- 1) That the NSW Minister for Planning and Environment give an undertaking to make no decisions reliant on the *State Environmental Planning Policy Amendment (Newcastle City Centre) 2014* until the Office of Local Government has made a full investigation into Newcastle City Council.
- 2) That the Office of Local Government institute a full investigation into Newcastle City Council to determine:
 - i) the extent to which the abuse of process has prevented the Council from fulfilling its Charter;
 - ii) whether the former Lord Mayor received political benefits from the employment of the Lord Mayor's Chief of Staff ;
 - iii) whether Council can be said to have responsibly exercised its functions in responding to the Newcastle SEPP.

I believe this Inquiry's support for a full investigation is warranted for reasons of

- a. the evidence of the substantive failure of the Council to act responsibly, and
- b. the extent of resources required to uncover the full extent to which the Council's activities have deviated from an open, transparent and accountable procedures.

I look forward to appearing before the inquiry to elaborate on my submission.

Yours sincerely



Councillor Therese Doyle