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Central Honeysuckle

Conflicting Planning schemes require examination and resolution

Parks and Playgrounds Movement has watched the development of planning schemes for Honeysuckle and has made submissions to various authorities whenever there has been opportunity during exhibition periods.

The Movement has regularly requested that the Commission of Inquiry process be used to resolve the conflicting and confusing planning and assessment regime that has evolved for the Central Honeysuckle area of the Honeysuckle Growth Centre in recent years.

There are four conflicting planning systems operating for the Central Honeysuckle:

- 1. The “Approved Scheme” under the 1974 Growth Centres Act.**
- 2. Hunter R E P 1989 Amendment No.3 Central Honeysuckle (1997)**
- 3. Newcastle Council L E P 1987 and the Newcastle L E P 2003**
- 4. Various Development Control Plans.**

The Movement and the community have been confused by this corrupted system and we believe the only way to understand what has happened in a fair and open way is by the Minister setting up a commission of inquiry process that has a motion before it to resolve, coordinate and revise the conflicting plans and processes.

Sec 119 of the Environmental Planning and Assessment Act gives the Minister for planning the power to do this. An independent Commissioner would advise the Minister who would make the final determination.

Where does Honeysuckle fit into the legal land use planning system at Central Honeysuckle?

Establishing the “Approved Scheme”.

Honeysuckle is a Ministerial Corporation established under the provisions of the Growth Centres (Development Corporations) Act 1974 with a board appointed by the Minister. The Corporation has its duties and responsibilities set out in the Growth Centres Act 1974.

As soon as the Growth Centre is determined by order of the Governor of NSW, Honeysuckle must propose a Scheme for the Growth Centre. The scheme will become the “Approved Scheme” after determination by the Minister. There is provision in the Act for the Corporation to amend the scheme by making recommendations to the Minister. The Approved Scheme was prepared in March 1993 and is now an inappropriate document. Parks and Playgrounds Movement believe that the Corporation has never recommended an amendment to the Approved Scheme even though

it was obviously inconsistent when the Minister for Planning made the Regional Environmental Plan Amendment No.3 in December 1997.

Honeysuckle Development Corporation is obliged to carry out its responsibilities and duties in reference to the approved scheme or make recommendations to the Minister to amend the scheme as set down in the Act.

Statutory Scheme REP Amendment No3

Honeysuckle is also required when making proposals for the development of properties for which it has title to comply with statutory planning laws.

The Statutory Scheme for Central Honeysuckle is the Hunter Regional Environmental Plan 1989 as amended by Amendment No.3 December 1997. This plan REP 3 was made by the Minister for Planning and has provision to make the Minister the Consent Authority for Central Honeysuckle Development Applications. Provisions are also provided in the instrument for delegation of Consent Powers.

The Central Honeysuckle REP 3 is a detailed plan with zoning for parkland and for development areas. It contains a public domain strategy that should be complied with and sets out the guiding principles that must be considered when assessing developments in the area. It gave statutory weight to the Cottier Civic Design provisions for the Newcastle Civic Area.

It is a tragedy that the 1993 Honeysuckle Growth Centre Approved Scheme was not amended to comply with the REP 3 in 1997. Both schemes must now be amended to guide future action and to include developments and changed community aspirations since the Growth Centre was originally proposed.

The Newcastle LEP 2003

The Newcastle LEP 1987, controlled development up until the Minister's REP amendment No.3 Central Honeysuckle in December 1997 amended the Newcastle LEP 1987.

A new scheme LEP 2003 for the whole of Newcastle was made by the Minister for Planning in August 2003. The new scheme (LEP 2003) has adopted many of the provisions of the REP 3 (1997) but has placed a new zone over the greater part of central Honeysuckle. LEP 2003 also includes the REP No.3 provision for openspace 6(a) Parkland zones and the public domain. However the two conflicting zones over the same land at Central Honeysuckle adds to the confusion of planning and assessment at Central Honeysuckle.

Why Newcastle did this is difficult to understand because the Council's Plan cannot override the Minister's Hunter Regional Environmental Plan REP 1989 of which the REP 3 (1997) is an amendment.

There are statutory procedures for amending plans just as the Honeysuckle Development Corporation has a statutory procedure for amending its "Approved Scheme".

The detail of the DCP

The EP&A Act provides for the preparation by the Council of Development Control Plans. The DCP is required to comply with and show the detail planning guidelines for the

Statutory Plan. It cannot override the LEP or REP. In this case it should develop the detail for the REP 3 Central Honeysuckle, which is the superior scheme.

DCP's must have reference to the statutory REP No.3 Central Honeysuckle.

The "Approved Scheme" is the most important plan for the Honeysuckle Development Corporation because that is the Corporation's statutory base for action. It should have been amended to do the things that the Corporation is now doing or has done.

An inquiry process would allow the Corporation to place in the public domain its "Approved Scheme" and explain how it has been implemented and whether it should be amended or should have been amended.

Our principal concern is that the Statutory Scheme has been disregarded and we wish to discover why the Approved Scheme has no relevance to the statutory scheme.

A new direction is needed to review the Honeysuckle Growth Centre and to comply with the Growth Centres Act 1974 and to give confidence to planning for the next decade and to establish a clear and transparent process for the planning and assessment of developments in the Honeysuckle Growth Centre area.

**Doug Lithgow Freeman of the City of Newcastle
President of Parks and Playgrounds Movement Inc.**

Enclosed

Copy of the Honeysuckle 'Approved Scheme' 1993
as supplied by the Honeysuckle Development Corporation

Copy of page 1 *Planning News* October 1997 explaining essential features of Hunter Regional Environmental Plan 1989 Amendment No.3 CENTRAL HONEYSUCKLE (The Statutory Scheme).

A copy of the plan of the growth centre area.

<http://www.geocities.com/parksandplaygrounds/>