

Parks and Playgrounds Movement Inc

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Wednesday 23rd November 2006

www.geocities.com/parksandplaygrounds/

54th ANNUAL REPORT of the Parks and Playgrounds Movement Inc 2005– 2006

Dear Colleagues and Supporters,

Parks and Playgrounds Movement have been busy for another year and I would like to especially thank the Committee Members for their loyal support of the movement which is in its 54th year in the region. Pat Hyde as secretary has soldiered on wonderfully and Suska has kept track of the finances. It has been another hard working but successful Year.

Lower Hunter Regional Strategy

The major environmental problems that face the region came into stark relief with the Governments adoption of the Lower Hunter Regional Strategy. The Strategy for all the work put into it by the community and Planning Department unfortunately turned on the arbitrary demands of the owners of former colliery lands and the acquiescence of the Iemma Cabinet.

Rather than being a statutory instrument building on the existing Regional Environmental Plan and based squarely on a thorough understanding of the region and its planning history, its strengths and weaknesses and a formal identification of its natural characteristics it was a thinly veiled development strategy foisted on the region with its companion document the Conservation Plan following on behind with nowhere to go. We have experienced a major step backwards in the development of rational town planning which we may live to regret.

The deals done by the Minister were not based genuinely on the Conservation Plan but were done-deals based on the financial demands of the current title holders to redundant colliery lands. This coupled with the government's plunder of the EP&A laws and reduction of natural justice and participatory democracy has left environmental planning in NSW in a perilous position.

We should remember that the Lower Hunter Strategy emerged from the ideas developed by the Movement when fighting for the Tank Paddock and the development of our campaign for a review of Colliery Lands following the Coal and Allied sale of Tomalpin, Cameron Park and Rosecorp lands for speculative development.. Much of the Crown Lands we proposed over ten years ago (Especially in Port Stephens) have been secured in the National Parks Estate by legislation as part of the deals.

You may recall our successful motion to the Nature Conservation Council Annual Conference of 2003 seeking the implementation of the three corridors for conservation concept in regional planning for the Lower Hunter. Our approach identified two major biodiversity corridors and the

passenger rail development corridor in the Lower Hunter as a ‘corridors for conservation strategy’. We campaigned to every councillor and politician in the Lower Hunter as well as to the responsible Ministers claiming that each of these corridors deserves to be protected as a base structural planning element in a future regional plan.

- ❖ The green corridor through the Hunter River estuary from Stockton Bight to the Sugarloaf Range.
- ❖ The Railway and urban development corridor from Newcastle south and west.
- ❖ The Wyong/Lake Macquarie conservation corridor and buffer zone.

In a sense the corridors have been recognised at state level but are not based on a firm ecological conservation plan as we wished.

The adopted Strategy has one improvement in that it does have a section on Heritage which was not even mentioned in the Draft Strategy. This must be acknowledged in the future.

Honeysuckle

Parks and Playgrounds Movement wrote to all Councillors asking that they join with their democratically elected colleagues to examine the governance of the extended Newcastle Honeysuckle Growth Centre. The current *Honeysuckle Scheme*, made in March 1993 by the then Minister in charge of the Development Corporation was for 45ha of harbour side land. This Scheme is still in force but is totally out of date and inappropriate for the extended Growth Centre which now covers most of the inner city. The 1993 scheme claims in its preamble to have been prepared in consultation with the people of Newcastle and the Newcastle City Council. The reality is that it never has had the confidence the people or the Council for the removal of the railway. Nor does the completed development have any resemblance to that scheme. Central Honeysuckle suffers from lawlessness in planning and Parks and Playgrounds Movement appeals to our democratically elected Newcastle Councillors to:

- 1. Request that the Growth Centre Order covering Newcastle be removed,**
- 2. That the Honeysuckle “Scheme” be revised and varied to maintain passenger rail services to Newcastle and provide attractive harbour side parkland under Part 3 Sec 16 of the Act and**
- 3. That the Honeysuckle Development Corporation meetings be open to the public and their Varying Scheme be publicly available.**

The 1993 *Approved Scheme* is inconsistent with the Hunter REP3 and the Newcastle LEP and has actually prevented positive improvements being made to the Newcastle rail corridor for over a decade.

It is important for everyone who cares about Newcastle to understand the planning slight-of-hand that that has been perpetrated on Newcastle. As a statutory planning and development body, Honeysuckle has responsibility under its Act to prepare and implement its “Scheme” (*Part 3 Sections 14, 15, & 17*) for the Growth Centre. (Most of Newcastle from Newcastle East, Bar Beach, Hamilton South, Broadmeadow, New Lambton, and Mayfield to Carrington).

The Honeysuckle Development Corporation is a Ministerial Corporation under the Growth Centres (Development Corporations) Act 1974 (*amended 1992*) and is subject to the control and direction of the Minister (*Part 2 Sec. 5*) and the secrecy provisions of *Part 5 Sec. 33, 34 & 35A*.

Part 2 section 4, SS.(3) Growth Centres (Dev. Corp.) Act.

In the exercise and discharge of its responsibilities, powers, authorities, duties and functions, a development corporation shall, except where it makes a recommendation to the Minister, be subject in all respects to the control and direction of the Minister.’

Honeysuckle Corporation is also responsible under the Growth Centres Act to submit a scheme.

‘Part 3 Sec 7 SSs. 1 & 2(a) etc.

to submit to the Minister such proposals with respect to the development and use of land within the growth centre in respect of which it was constituted,etc’.

Newcastle City Council should command the principal responsibility for its Local Government Area and the Honeysuckle Development Corp. ought to be a transparent authority with a realistic "Scheme". Our letters to the Department of Planning have not been answered and our Councillors and members of parliament are mute. This matter does not seem to be of interest to the media perhaps because the advertising from Honeysuckle Public Relations arm and its links to the Property Council of Australia.

Newcastle Rail

The Movement is concerned that the Premier's plan for the Newcastle rail line does not establish the urgently needed Worth Place Level Crossing or replace the pedestrian crossing at Market Street or the pedestrian overbridges taken away over recent years. We have renewed our calls to have these crossings re-established and the corridor kept clean and attractive fencing and landscaping implemented. Furthermore we have asked that trains not be stabled along the waterfront and that 8 car sets be split or joined at Gosford when not required for passenger numbers to and from Newcastle. There is no real need for the extension of the length of all platforms or for the light rail proposition to be revisited.

Newcastle Free Bus

Parks and Playgrounds Movement appreciate the Newcastle Free CBD Bus Service and wish to encourage and increase its use. We prepared a proposal for a credit card sized card showing the routes and the landmarks and the way to use the service and have sent letters to all City Councillors, the Newcastle Buses and the Department of Transport.

The Mall Markets

The Movement registered its objection warning the council on the ill fated Markets and we were disappointed that Councillors approved the markets which had no chance of success with the huge overhead costs the Council imposed. Ald Tate and I inspected the site back in Oct 2002 and reported back to all Councillors. They went ahead and built the ugly structures and have now found them to be useless and they should therefore be removed and sold. The brick pavements and landscaping should be reinstated in conjunction with the redesign of the entrance to the overbridge to the Queens Wharf.

Markets could be held from time to time in the Mall area or in the former Post Office. Colourful portable tent structures and umbrellas similar to those used at the Rocks weekend Markets in Sydney could be used to give a sense of excitement and spontaneity. It was quite crazy the way the money was literally poured down the drain at Newcastle with only empty ugliness to show for it. Councillors have only to look at the Darby St Markets to see how it can be done.

City Fountains

The Movement expressed its horror at the refurbishment of our Herald Fountain in Pacific Park and the famous Margel Hinder Fountain in Civic Park. Both these fountains are important city fountains and uniquely creative public works of art.

The Herald fountain has been reduced to a piddle of its former self and the Hinder Fountain's intricate beauty and powerful intersecting jets of water distorted to a muddle of confusion. Also a subtly important central tableau of jets has not been returned to the display.

We were pleased however to see the rectification of the main jets of the civic Fountain but we are concerned to note that the central tableau of jets has not been returned and the surroundings of the fountain have been left bare and ugly. The Movement fought long and hard to have Civic Park extended and we have been supporters of Margel Hinder and the fountain. We sent a copy

of an early photograph of the Fountain and a letter from the designer Margel Hinder lamenting the lack of trees in the park and surrounding the fountain to the Council and all the Councillors.



The above photo of the Herald Fountain in Pacific Park showing how the jets should operate especially during the summer months was also sent. We have now asked Council to list of the works carried out and their costs for each of the fountains and requested that both fountains be restored to their former glory.

Parks and Playgrounds Movement has continued to be represented by your President on the Fernleigh Track, the Green Point Park Committee and the Newcastle Council Environmental Advisory Panel and David Griffin has represented the Movement on the Strategic Heritage Committee. David must be especially congratulated for his work in having the Regal Theatre Listed on the National Trust Heritage List.

Coal River and Nobbys

Coal River and Nobbys have taken up a lot of time this year and we have been meeting with the Nobbys Lighthouse Protection Committee to see that any development proposal is kept clear of the Commonwealth Heritage listed Lighthouse and protected under the Environmental Protection and Biodiversity conservation Act. The Newcastle City Council proved to be a useless instrumentality and adopted the development without consideration to the Commonwealth Heritage Place or their adopted Nobbys Headland polices. Over 70 letters were sent on this one matter and copies of letters sent to each Newcastle Councillor as well.

We have worked with the university on the Coal River Working Party and we have promoted the placement of the Coal River Precinct and the Convict Lumber yard on the National Heritage List. Not only is this heritage landscape directly associated with the discovery of Coal River and the founding of Newcastle it is unique in that it reflects the transition from convictism to civil society. The Heritage Office of NSW made \$40,000 dollars available for a conservation tourism plan for the Precinct and Mr Boyce Pizzey of Melbourne has been appointed as the consultant to make the Conservation Plan. Parks and Playgrounds Movement first began working on the recognition of the convict heritage and history of Newcastle in the sixties and made it part of our work for the harbour foreshore park and the opening of Fort Scratchley.

The Nature Conservation Council of NSW Annual Conference resolved to: (a) object to the Newcastle Port Corporation's plans which will virtually privatise Nobbys Headland and construct buildings that adversely impact on the historic Commonwealth Heritage Listed lighthouse; and (b) request that the NSW Government **arrange the transfer of** the headland and Lighthouse from the Port Corporation to the National Parks and Wildlife Service, which has the statutory power to conserve the heritage character of Newcastle's distinctive headland and provide safe access for the people of NSW.

Nobbys Headland at the entrance to the Port of Newcastle is a symbol of the City of Newcastle and the dreamtime abode of an immensely large kangaroo which when disturbed causes rocks to fall. Nobbys was cut down to half its original height for the construction of the Nobbys Lighthouse which is the oldest existing lighthouse on the coast (1854-1857). The Headland and Lighthouse is listed on the NSW State Heritage Register as an integral part of the Coal River Precinct SHR 1674. The Newcastle Port Corporation is not an appropriate body with statutory responsibility to manage and conserve this important icon and no longer manually operates the signal station.

The proponents are in breach of s.26 of the Commonwealth EPBC Act (Advice EDO) and the Minister must be requested to call in the proposal using his powers under s.70 so that the development can be properly advertised and assessed in a way that does not alienate the curtilage of the lighthouse and allows for unfettered public access to the headland.

Open Space Department

We requested Newcastle to establish an Open Space Department. We had envisaged that this department would have teams that dealt with recreation, parks, tourism and sporting fields and with natural environmental matters including the presentation of the city. All Councils in our region need to improve the quality of their parks and public spaces.

Community Land provisions of the LG Act at Honeysuckle not triggered

The Movement's complained to the Ombudsman that the Newcastle City Council did not trigger the Community Land Provisions of the Local Government in respect to the Council owned and Classified Community Land known as Honeysuckle Gardens Lot 7 DP 883474 when a DA was submitted for its alienation.

The land is controlled by the provisions of the Central Honeysuckle REP No 3 and the Newcastle City Council LEP 2003, which includes a clause establishing the Minister for Planning as the consent authority. However normal laws still apply and the Council should have triggered the Local Government Act provisions mentioned.

Community Lands at the Convict lumber Yard.

We have also written to Council on several occasions drawing the matters concerning the Convict Lumber Yard **Lot 2/706760** and its wrong classification to their attention. This matter has been in contention for a decade and the subject of undertakings made to the NSW Ombudsman following our complaints.

The facts were again discussed at the June meeting and members informed that the Newcastle Council Public Land Register had not been corrected and no action put in train by City Councillors to rectify this matter. It was resolved that the President write again to the General Manager asking why the Council has not commenced the undertaking made to the NSW Ombudsman to correct this matter and ask if there are good reasons why we should not again approach the Office of the NSW Ombudsman regarding Council's failure to correct this wrongly classified land in the Land Register.

Council had no legal means of classifying this land Operational Land on the commencement of the Local Government Act 1993 without triggering the Community Land provisions of the Act. The wrong classification has been an impediment to the transparent management of the land. It has allowed the implementation of a 20-year lease terminating 30th Sep 2014 that should have been referred to the responsible Minister for concurrence. The community has had no standing to challenge Council's failure to implement the Plan of Management adopted for the land. The Ombudsman has not reopened the matter.

Birmingham Heritage Park (former Public School

Parks and Playgrounds Movement took action on the former school site at Birmingham Gardens and supported the community in their desire that certain parcels of former school land be acquired for a neighbourhood park. This land was public land and was the focus for the local community as a Public Infants School with an attractive and well-tended landscape up until its closure. We identified the landscape in our objections to the Draft Newcastle LEP in December 2000 as of heritage significance and a potential Heritage Item which council was obliged to assess.

Council had claimed in a Report of 13th December 2005 that it had extensive discussion with the Department of Housing and the Department of School Education and made an assessment not to accept an offer from the Department to acquire the land.

This is an appalling and unacceptable situation when it is realised that the Birmingham Gardens citizens clearly supported the community use of the lands in 1995 and that the landscape had been identified as significant and that Councillors are only now a decade latter, making tentative efforts to consider acquiring lands for a neighbourhood park.

King Edward Park

The Movement asked that a public inquiry be held into the circumstances surrounding the demise of the Newcastle Bowling Club and the transfer of the lease. We were especially concerned at the conditions of the lease and its transfer to the new entity. (Transfer AB619479N and Title 3109/755247). The Movement believes that the revocation of the lease would have been the wisest way to prevent conditions conducive to corruption developing. The club house should be demolished and the lands revert to Parkland under the care control and management of the City Council.

I wish to pay tribute to our committee man Brian Purdue who has successfully led the Green Corridor coalition and represented the coalition on the broad Lower Hunter Strategy Coalition ECCHO It has been a busy year and I thank you all for your hard work and support.

Ladies and Gentlemen I have pleasure in submitting this report.

Doug Lithgow President
Parks and Playgrounds Movement
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