All the trees in these pictures will be destroyed if the present highway proposals are carried out.
Preface

This report is concerned with the proposed construction of a highway (State Highway 10A) through Birdwood Park, Newcastle. It supplements an earlier report published by the Northern Parks and Playgrounds Movement (The King Street Highway: State Highway 10A: A Preliminary Report, 1968).

Over the last few months, numerous letters and articles on Birdwood Park have appeared in the Newcastle press. During the same time, the question has been debated in the City Council, at regular meetings of the Northern Parks and Playgrounds Movement, and in particular at the public meeting held at Birdwood Park on 2nd May, 1971.

The aim of this Report is to bring together, and to develop further, the ideas emanating from these various sources, and thereby contribute to a better and wider appreciation of the issues involved.

We believe however that these issues cannot be fully appreciated unless the present controversy over Birdwood Park is seen as part of the overall problem of park preservation in inner city areas. Birdwood Park is an important, but only one aspect of this continuing problem.

This Report attempts to emphasise that the construction of a highway through Birdwood Park should be looked at, not as an isolated phenomena, but as an unfortunate illustration of a typical pattern of urban development and a prevailing attitude of mind.

The Report has been compiled by Mr. J. Pullen, Lecturer in the Department of Adult Education, University of Sydney (Newcastle), on behalf of the Northern Parks and Playgrounds Movement.

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1. The case for the Retention of Birdwood Park

Under the Northumberland County Plan for the City of Newcastle, dotted lines through Birdwood Park show a 'proposed new alignment' for the route of State Highway 10A.

It is believed that the construction of this section of the highway through Birdwood Park is due to begin in the near future. The work is to be financed by the Department of Main Roads and the actual construction is to be undertaken by the Newcastle City Council.

It is therefore of the utmost urgency that all those responsible for the future of Birdwood Park - in particular the Newcastle City Council and the people of Newcastle - should give serious consideration to this question before steps are taken that will mean the irrevocable loss of a major inner-city park.

The urgency and importance of the question were emphasised in a recent statement issued by the Newcastle Division of the Royal Australian Institute of Architects:

'The Newcastle Division of the Royal Australian Institute of Architects appeals to all the Authorities concerned, and to the public, to investigate strenuously the ways of retaining Birdwood Park in the terms of the original A.A. gift. No-one will deny that the City needs sound and efficient roads; but we are also emphatic that the City needs trees and parks. These must exist together in a proper balance with other sociological urban needs.'

(See Appendix B for the full text of this statement.)

Public parks in this section of the City are at a premium. It should be remembered that there is not one single park along the entire length of Hunter Street from Tudor Street to Pacific Street. Until the widening of King Street began in 1968, King Street was well-endowed with a series of linear parks, with the terminal vistas of Civic Park and Birdwood Park at each end. Now those linear parks have been replaced by median strips, Birdwood Park is to be reduced to a mere token, and a strip of thirty feet is to be sliced off Civic Park.

Admittedly, Birdwood Park is at the moment in a sorry state. It has been allowed to deteriorate into a derelict condition
and is currently being used as a car park.*

There is no doubt however that it could be, and should be, an outstanding aesthetic feature of the City. It is bordered by about fifty trees, including some magnificent Moreton Bay Figs about sixty feet high that constitute an impressive landmark on the city scene, and an effective visual barrier to the rather depressing buildings in the area.

If the Park were improved to its full potential, it would enhance the amenity of the area considerably. It would become greatly appreciated by pedestrians, shoppers and the community in general. For tourists and others entering Newcastle along the Pacific Highway, it would provide an imposing entrance to the inner city area.

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2. The Australian Agricultural Company

Birdwood Park was granted by the A.A. Company to Newcastle Council in 1890 'upon trust that the same shall be set apart as used as a place of public recreation and for no other use whatsoever'.**

* We would question the legality of this use. See Appendix B.
** Deed of Dedication, see Appendix A. The Deed also states that 'If the Grantees fail to observe the conditions hereinbefore contained and especially if the land shall be used for any other purpose than that hereinbefore mentioned the said Australian Agricultural Company or their assigns may re-enter upon the said land.'
This original intention was recently reaffirmed by the A.A. Company in reply to correspondence from the Northern Parks and Playgrounds Movement. The Movement had advised the Company of the intention of the Newcastle City Council to use a considerable area of Birdwood Park for road widening. The A.A. Company replied to the Newcastle City Council on 9th June, 1971 stating:

'Whilst we would normally lean on the city council's views in a matter such as this, we do feel that there is some substance in what the Northern Parks and Playgrounds Association are striving for and we do ask you to give full weight to their views. In any event we would have expected to have been informed officially of the City Council's intentions as the purpose of the dedication was so different from the proposal to use an extensive area for road widening.' (See Appendix B for the full text of the letter)

There are two points in the A.A. Company's letter which deserve further comment. The first is that the A.A. Company was not officially advised by the Newcastle City Council of the plans to use Birdwood Park for road widening. The second is that the A.A. Company opposes these plans. On the first point, it has been subsequently stated by the City Council* that the A.A. Company was aware of the existence of the Northumberland County Plan - it had lodged certain objections to it when it was exhibited in 1955 - but it did not object to the proposed new alignment through Birdwood Park. The implication therefore is that since the A.A. Company did not object in 1955, it is out of order in objecting now.

However, the Northern Parks and Playgrounds Movement, while accepting the Council's statement of the facts, does not accept the implication. Because the land was originally granted to the Council, we feel that the Council had a moral obligation to advise the A.A. Company of any provisions affecting Birdwood Park. The Council's strict legal obligations were fulfilled when the plan was exhibited, but we feel that, in the case of land granted to the Council, the Council should act as trustee for the Grantor and take care to advise the Grantor, directly and officially, of any proposals affecting the land.

But the more important issue is the second point raised in the A.A. Company's letter, viz. that the A.A. Company supports the attempt by the Northern Parks and Playgrounds Movement to

* Reported in the Newcastle Morning Herald, 15th July, 1971
preserve the Park and asks the Council 'to give full weight' to the Movement's views. This point should not be overlooked in the argument about who, if anyone, was to blame for not informing the A.A. Company in 1955. The important fact is that, here and now in 1971, the A.A. Company objects to its grant being used for road widening.

Birdwood Park was granted to the Council and people of Newcastle upon trust that it be used as a place of recreation and for no other purpose whatsoever. The park has fulfilled this function for more than eighty years during which time successive Councils, conscious of the trust placed in them, have refrained from subverting it from its original purpose, although there were doubtless many alternative uses to which it could possibly and profitably have been put.

Now in 1971, we find that the present Council are preparing to betray that trust, and to sacrifice the Park for the sake of some temporary improvement in traffic flow.

3. The principles involved

The retention of Birdwood Park is of vital importance to the amenity of the City. But of even greater importance are the principles involved in this issue. These principles include:

a. The inflexibility of out-dated road plans, and the reluctance of the authorities to proceed with a comprehensive Varying Scheme
b. The conflict between conservation and highways
c. The influence of the State Government in determining the location of main roads in local areas
d. The responsibility of local Councils in the planning of main roads
e. The absence of any effective and continuing machinery for community participation in the planning process.

These principles are discussed in detail in the following pages. They are seen as a continuing impediment to the present and future development of Newcastle. Their combined effect has produced a situation where the alienation of public parks is becoming a permanent feature of town planning in Newcastle.

3.1 Other examples of alienated and undeveloped parks in Newcastle

3.1.1 King Street and Civic Park

Birdwood Park is unfortunately not an isolated example of park alienation. Several small parks have already been lost in
the widening of King Street from Union Street to National Park Street. As Highway 10A continues to be constructed through this vital string of inner-city parkland, it will shear a thirty-foot strip off the north side of Civic Park.

3.1.2 Richardson Park and Smith Park

We have not yet been able to ascertain the precise westward route of Highway 10A, but it appears more than likely that it will absorb parts of Richardson Park and Smith Park.

3.1.3 Jefferson Park, King Edward Park, Rowland Park

In recent weeks Jefferson Park, overlooking Merewether Baths, has disappeared and become part of the Scenic Highway. Fears are currently being expressed for the future of King Edward Park, Rowland Park, and indeed any other park that happens to border an arterial road.

3.1.4 Blackbutt Reserve

Despite the strong protests expressed at a public meeting attended by more than five hundred people on 22nd June, 1971, the City Council has not yet altered its decision to construct Motorway 23 through Blackbutt Reserve. At least fifteen acres of the Reserve will be taken over for this purpose, but more important than the loss of acres will be the loss of amenity resulting from the intrusion of the motorway into the Reserve.

3.1.5 North-east corner of Civic Park

The City Council has acquired a property on the corner of King Street and Darby Street. Part of the site will be used to widen those two streets. The remaining part is shown on the County Scheme as being reserved for open space. But at present the entire site is being used as a gravelled car park. It appears that the intention of the City Council is to do nothing about developing the open space until the roads have been widened. Since no definite date has been announced for the widening of the roads, we can only assume that the east end of Civic Park will remain in its present unkempt and unsightly condition for many years to come.

We fear that unless the area is soon converted to its intended use as a park, the temptation to retain it as a permanent car park will become irresistible. As in the case of Birdwood Park, the public will become so fed up with the sight of a derelict public

* See The King Street Highway: A Preliminary Report, p.1

** See Blackbutt Action Committee, Save Blackbutt: The Case Against State Highway 23 Violating Blackbutt Reserve, 1967
reserve that they will be only too pleased to have it converted into roads and car parks. Perhaps this is the Council's intention.

3.16 **Boat Harbour, Watt Street, Dixon Park**

There are many acres of land that have been zoned or reserved as open space in the County Scheme but which are being used for car parking and other purposes. These include Boat Harbour (currently used as a metered car park); land on the north-east corner of the intersection of Scott Street and Watt Street; next to the Customs House (currently used as a service station); and land at Dixon Park (currently used as a paved car park).

3.17 **Pacific Park**

We are aware that the City Council has acquired at great expense many properties between Pacific Park and Telford Street, for addition to Pacific Park. But we are also aware that none of the properties acquired have yet been added to the park.

3.18 **Tarro and Sandgate**

The Movement compliments the City Council on its acquisition of many hundreds of acres for park purposes in these outer suburbs.* We would urge the Council to proceed with the development of these areas as open space, and in particular, to suspend them from their non-urban zoning so that they become officially zoned as open space. When they are zoned and dedicated as parks, it will be less likely (though still not impossible, as the case of Birdwood Park shows) that future Councils will see them as a cheap source of land for roads or other purposes.

On the question of open space zonings (as distinct from open space acquired for park purposes) we note from a study of the suspension notices since 1960 that about 120 acres of land zoned for open space have been suspended for other uses, but that only about 190 acres have been zoned as open space.

We would therefore strongly urge the City Council not merely to acquire land for park purposes but also to zone and dedicate that land accordingly.

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* The addition of parks in outer suburbs, while necessary and commendable, is of course no substitute or compensation for the reduction of parks such as Birdwood Park and Civic Park in the inner-city. The two categories of parks serve different needs.
3.1.9 Construction of residential flats in an open space zone:

Glebe Road

Land in Glebe Road, west of Beaumont Street, is shown as an open space zone (dark green) in the County Scheme, and has never been suspended from the open space zone. Housing Commission flats have now been built on the site, despite the fact that residential flats are a prohibited use in an open space zone under the County Scheme.

We are very concerned to know how this extraordinary and alarming situation could have arisen.

It would seem that there are two possible explanations. Either the map is wrongly coloured. Or the land has been illegally developed. It is hard to know which of these two alternatives is the worse.

If the map is wrongly coloured in this case, how many other cases are also wrongly coloured? How many areas that are apparently zoned open space, are in fact not so?

We find it difficult to believe however that the map would have been incorrectly printed in the first place, and remained uncorrected for more than ten years. Assuming then that the map is correct, it would seem that the authorities have acted illegally in permitting the development. Is there one law for the planners and another for the planners? Is this, as in the case of Birdwood Park, yet another example of the authorities regarding the open space zone as 'fair game'?

3.2 Public and private vandalism

Whenever vandals destroy trees in city parks, the City Council is quick to express its indignation and alarm (e.g. N.M.H., 20th July, 1971, report of damage to the Legacy tree in Civic Park). But such petty vandalism is insignificant in comparison with the 'official vandalism' perpetrated by the Council itself. Its road plans for Newcastle (Birdwood Park, King Street, Civic Park, Blackbutt Reserve.....) involve the destruction of hundreds of trees and many acres of park. How can it expect its admonitions to be taken seriously when it shows such scant regard for the conservation of established parks? Admittedly it does make serious and commendable efforts to plant trees and establish parks elsewhere, but the spectacle of Council bulldozers ploughing through parks and uprooting trees is hardly edifying.

3.3 The fundamental issues

The destruction of Birdwood Park is sufficiently serious in
itself. But when it is seen as part of a continuing pattern of park-destruction, it becomes a matter of the utmost concern. It is symptomatic of the prevailing technocratic concept of planning that is gradually destroying whatever character and charm the City of Newcastle might have once possessed, or could possibly attain. While lip-service is paid to the ideals of conservation, everything in practice is sacrificed to the ideals of business and traffic. It is considered more important to save a few seconds in driving along King Street between National Park Street and Stewart Avenue than to preserve Birdwood Park.

The Birdwood Park controversy involves much more than the preservation of the Park itself. It involves a controversy over fundamental attitudes to town planning, and over the concepts and ideals of city life.

Should a city be a pleasant place in which to live and work and relax; or should it be merely a means of producing greater profits, higher land values, and more rate revenue? Should the development of a city be based on fully researched and comprehensive plans, reviewed periodically in the light of changing conditions; or should it be hamstrung by a plan formulated twenty five years ago? Should the preservation and extension of inner-city parks be adopted as a matter of strict policy, within which traffic and other plans are to be formulated; or should public parks be regarded as a fortuitous source of cheap land to be transformed into public roads whenever a slight traffic problem arises?*

These are the fundamental principles that are at stake in the Birdwood Park controversy. The decisions taken in this case will have repercussions on town planning in Newcastle for many years to come.

4. An inadequate and out-dated traffic plan: the need for a comprehensive Varying Scheme

Our main criticism of the scheme to construct State Highway 10A through Birdwood Park is that it will deprive the people of Newcastle of an invaluable inner-city park. It will reduce the usable dimensions of the park to ludicrous proportions. But we would also question whether the scheme provides an adequate solution to the traffic problem of the area.

4.1 The two plans for Birdwood Park

Discussion of the project is complicated by the fact that there are at least two plans for Birdwood Park - the County plan and a revised plan.

* cf. Mr. M.A. Morris, Minister for Transport: 'I am certain that on many occasions road builders regard park land and open space fair game'. See Appendix C.
and a revised plan.

The County plan — exhibited in 1955 and proclaimed in 1960 as part of the Northumberland County Scheme for the City of Newcastle — proposes that Highway 10A should follow the line of Cornish Avenue along the edge of Birdwood Park and should incorporate Cornish Avenue. It would reduce the size of the park from 2.81 acres to 1.89 acres.

The revised road plan for Birdwood Park was approved by the Newcastle City Council on August 27, 1968 and reaffirmed on July 27, 1971. Under this plan the proposed route of Highway 10A lies to the north of Cornish Avenue, which is retained as a service road. It is separated from Cornish Avenue by a thin strip of land, in which some of the trees along Cornish Avenue and Parry Street could be retained. The remainder of the park will be divided into three sections, of approximately 0.2, 0.3, and 1.6 acres respectively, making 2.16 acres in all.

In both plans, a strip of land will be taken off the west side of Birdwood Park to permit the widening of Stewart Avenue. Most of the trees on the west side will be destroyed.

4.2 Some comments on the revised plan

4.2.1 Islands in a sea of traffic

The revised plan means the disintegration of Birdwood Park into three small segments, two of which are no more than traffic islands or median strips. It is only by an extreme stretch of the imagination that such a disintegration could be regarded as a preservation. It is most unlikely that the two smaller segments could ever be used as a park, as access to them would involve the hazardous crossing of a busy highway. They will be islands in a sea of traffic. Also a reduction in the size of a park means an even greater reduction in its usefulness. The Northern Parks and Playgrounds Movement agrees with the view expressed in an Editorial of the Newcastle Morning Herald (July 12, 1971): 'The slicing up of the area into a number of green islands divided from one another by busy fume-belching traffic is little short of desecration..... Islands of grass will never constitute a park.'

4.2.2 Saving the lopped trees

It was argued in favour of the new route (see Report of Council meeting, N.M.H. July 14, 1971, p.1) that it would save some of the trees on the Cornish Avenue boundary and in Parry Street. This would be a very small consolation indeed. The trees in question
are probably the worst in the Park. They have been, and will continue to be, severely lopped in order to 'preserve' the electricity poles and wires.

4.2.3 A secret plan?

Although this revised plan was approved by the City Council on August 27, 1968, news of it did not appear in the Newcastle press of August 28, 1968.*We have not been able to find any press statement until July 12, 1971. The authorities may not have intended intended the revised plan to be kept as a close, secret, but from the point of view of the general public, it was in fact a secret until July 12, 1971. Even the Lord Mayor (Alderman McDougall) expressed surprise when the details of the revised plan were presented to him in July, 1971. (see N.M.H., July 12, 1971, p.1)

This lack of public information on the road plans for Birdwood Park highlights one of the main problems associated with town planning in Newcastle. There is a marked 'communication gap' between the Council and the electors. The Council does not distribute to the general public copies of the agenda paper of Council meetings, or copies of the minutes of Council meetings. The agenda papers are marked 'These reports are for aldermen only. They are confidential'. According to Clause 38 (c) of Ordinance No. 1 of the Local Government Act, electors have the right to peruse the minutes of Council meetings, at any reasonable time in office hours, but the Council is not required to furnish the elector with a copy of the minutes.

Few people however have the time to make a special trip to the City Hall each week to study the minutes. Likewise few would have the time to attend Council meetings, and even if they did, they would have great difficulty in following the debates without a copy of the agenda papers. More people would attend Council meetings if they knew the Council was to debate a matter in which they were interested, but in the absence of an advance agenda, they are unaware of what matters are to be discussed.

The general public is thus forced to rely on the brief press reports for their information on civic affairs.

Is it any wonder therefore that the public is often uninformed or misinformed on matters of public interest? Can aldermen and council officers object to being misinterpreted and misunderstood when the Council makes no serious effort to communicate with the public? The authorities naturally resent what they consider to be unfounded criticism, but they do not take the appropriate measures to ensure that the public is kept

* Nor do the Council minutes adequately explain the decision
See Appendix G.
We strongly urge the Council to adopt the policy of making copies of the agenda and the minutes available for distribution to the general public (at an appropriate charge for printing and distribution), so that a full and open discussion can occur, and allegations of secrecy can be avoided.

4.2.4 Relocation of a county road?

In the opinion of the Movement, the revised road plan for Birdwood Park would appear to constitute a 'relocation of a county road' and would therefore be subject to the provisions of Section 11 of the County Scheme.*

Section 11 states that, before relocating a county road, the City Council must notify brief particulars of the proposal in the Gazette and in a local newspaper, and must consider objections from the owners affected. The proposal must also receive the Governor's approval.

To the best of our knowledge, the City Council has not fulfilled, and has not stated its intention to fulfil, these legal requirements. We would like to know therefore whether the City Council accepts the view that the revised road plan constitutes a 'relocation of a county road'.

4.3 Does the road plan cope with present and future traffic needs?

The idea of a highway through Birdwood Park was first presented to the Council in 1945. Since that time, the population and traffic flow of Newcastle have obviously increased, and it is unlikely that a plan suitable for 1945 conditions would be adequate for 1971 conditions. When Stewart Avenue is linked by a bridge over Hunter Street to the industrial highway, then the intersection of Stewart Avenue, Parry Street, and State Highway 10A will probably be one of the busiest in Newcastle. Have any estimates been made of traffic flows at this intersection? Will delays at the intersection completely nullify the speed advantage that is derived from locating Highway 10A through Birdwood Park? Has either of the two road plans for Birdwood Park been based on an origin-and-destination traffic survey?

* In the same way as the proposed motorway through Blackbutt Reserve constitutes a relocation of a county road.
It is not at all clear that the present plan would speed up the flow of traffic through the intersection. If it provides any relief at all, the relief would only be temporary. If the reason for using Birdwood Park as a highway is to speed up the flow of traffic through the intersection, it would seem that Birdwood Park is to be sacrificed in vain.

The treatment of Parry Street is a striking illustration of the inadequacy of the plan. It is not generally known that the plan for the Stewart Avenue - Parry Street - Highway 10A intersection prevents the passage of through traffic along Parry Street. Traffic proceeding west along Parry Street will have to turn left into Stewart Avenue at the intersection. Traffic proceeding east along Parry Street will have to veer left along Highway 10A; to rejoin Parry Street it will have to turn right at National Park Street. This arrangement would appear to be quite extraordinary, in view of the amount of traffic passing along Parry Street, for example, to and from the Sports Ground. It will also prevent direct access along Parry Street to the Cooks Hill area, which is likely to become a medium-density flat zone and thereby generate considerable traffic flow.

There is every indication that the plans for King Street will create traffic congestion from one end to the other. There already is congestion at Darby Street, with traffic banking up from the David Jones and Council parking stations. There is sure to be congestion at Auckland Street as east-bound traffic attempts to turn right into Auckland Street to gain access to the Union Street parking station. There could be a build up at National Park Street as traffic coming east attempts to reach Parry Street. And the picture will be completed with a bottle-neck at the Stewart Avenue-Parry Street-Highway 10A intersection.

We would welcome an explanation from the authorities of how these problems are to be avoided. There would appear to be little point in building an inner-city highway, and destroying parks in the process, if there is not going to be any real benefit in terms of traffic flow.

The scheme as it stands is an admirable solution for the traffic problems of 1945. Unfortunately this is 1971. Instead of building a road system suitable for the next twenty years, we are in fact constructing one suitable for the last twenty. The situation now demands a much more ambitious and sophisticated scheme, based on a comprehensive traffic plan for the whole of Newcastle, ensuring the preservation of Birdwood Park in its entirety, and increasing rather than diminishing the area of public open space in the inner city.
4.4 The inflexibility of road plans: the flexibility of park plans

The case for putting a road through Birdwood Park seems to derive some weight from the fact that the 'proposed new alignment' is shown in the Northumberland County Plan, as proclaimed and gazetted in 1960. The implication is that, since the proposal appears in the gazetted Plan, it has the force of law, and should not and legally cannot be altered.

However we have been advised that a 'proposed new alignment', and the dotted lines accompanying it, have no legal significance within the County Scheme, even though they are printed on the map. The term 'proposed new alignment' is not defined or even mentioned in any of the 49 clauses of the County Scheme. The proposed location of Highway 10A through Birdwood Park cannot be said to be authorised by the County Scheme as such. Although it is on the Scheme map, it is not strictly speaking part of the Scheme. The Scheme does not give it the force of law. A 'proposed new alignment' is merely an indication of intentions and does not have the legal significance of, say, a 'county road reservation'.

There is no basis therefore for arguing that, because a proposed new alignment is on the Scheme map it must be implemented, or that, because it is on the map, it cannot be altered.

This inflexibility with regard to roads provides a startling contrast to the 'jellybility' that is so apparent in other aspects of the County Scheme. Since 1960 more than 90 suspensions have been made in the Scheme. The map is now liberally bespattered with 'suspension' stamps by means of which residential land has become commercial, open space has become residential, non-urban land has become industrial, and so on. 'Planning by suspension' is taking the place of planning by the democratic process of public exhibition.

Despite this over-willingness to suspend the Plan in some matters, the authorities are adopting a steadfast determination to proceed with the road plans. They refuse to consider the possibility

* In 3 (d) above, we stated our opinion that the revised road plan for Birdwood Park constitutes a 'relocation of a county road' and is subject to the provisions of Section 11 of the County Scheme. We would like to raise the question of whether the road plan as shown by dotted lines in the County Scheme also constitutes a 'relocation of a county road'. In the Scheme, Cornish Avenue is shown as the county road. Do the dotted lines showing the proposed new alignment through Birdwood Park absolve the authorities from the obligations imposed by Section 11?
that road plans devised in 1945 and incorporated in 1960 might not be appropriate in 1971. They remain completely unmoved by the need for conservation of open space, a need that was perhaps dimly recognized by a few people in 1945 and 1960, but which is a matter of universal concern today.

Under the prevailing attitudes, park plans must be sacrificed to road needs, but road plans must remain inviolable.

4.5 The need for a comprehensive Varying Scheme

In reply to representations from the Northern Parks and Playgrounds Movement, the Minister for Local Government and Highways has frequently stated that the proper place for a revision of the County Road Scheme is in a Varying Scheme for the City of Newcastle. The Movement is convinced that the Northumberland County Scheme, commendable as it is in certain respects, is now outmoded and should be reviewed in the form of a comprehensive Varying Scheme.

Town plans are not usually expected to be viable for more than ten years. Although Newcastle's plan is officially only eleven years old, it was in fact conceived more than twenty years ago, in the late 1940's and early 1950's. The town planning theories on which it was based and the problems it was trying to solve have changed radically since then. By proceeding with the road plans laid down in that scheme, we are committing ourselves to a road pattern that has little relevance to present needs, and that, once constructed, will spoil our chances of developing a more sophisticated solution for many years to come.

4.6 The disruptive effects of urban highways in inner-city areas

The idea of six-lane highways pushing into the inner-city area from the outer suburbs would appear to be largely discredited as a town planning device. These highways involve enormous financial and social costs in the resumption of properties and parks. As a solution to traffic congestion, they are self-destructive, because of the recognized principle that 'traffic will always expand to fill the available roads'.

* cf. Mr. M.A. Morris, Minister for Transport: 'The tragedy, as I have found over and over again in Sydney is that as we build bigger and better roads they are quickly choked up with increased car traffic and it seems impossible to keep sufficient money flowing to satisfy the appetite of this hungry machine.' See Appendix C.
These urban highways were popular in town planning thought in the 1940s, when State Highway 10A was conceived, but experience in America and elsewhere has shown that they tend to destroy the quality of life in the inner city. The tendency amongst town planners today is to advise the construction of highways to the periphery of the city and as ring roads, but to rely on rapid transit systems within the city. Newcastle would appear to be persisting with a road plan based on out-dated planning concepts.

The standards of inner-city roads must surely be different from those of the open countryside. The authorities are setting out to build roads which because of their gradients, curves and widths will permit traffic to flow as fast as 45-50 m.p.h. But they are building them in inner-city areas where, because of the density of traffic, the frequency of intersections, and the number of pedestrians, it is neither practicable nor desirable for cars to proceed at more than 25-30 m.p.h.

In the confined commercial area of the inner city of Newcastle, land is a scarce resource. The optimum land-use therefore requires a finely managed balance between shops, offices, roads, parks etc. But with six-lane roads planned for King Street, Darby Street, Hunter Street and possibly Wharf Road, Newcastle is in danger of being smothered by roads and cars. If all these highways were suddenly built, Newcastle would become, temporarily, until the traffic expanded proportionately, a convenient place to travel to by car, but it would certainly not be a very pleasant place in which to live, work, shop, walk or be.

5. The conflict between conservation and highways

In recent years there has been an increasing awareness throughout the community of the need to conserve public parklands. This awareness has been expressed by many professions throughout the community - planners, engineers, politicians, public servants etc.

Unfortunately however, the profession of Highway Engineering gives fame and fortune not for preserving parks but for building highways. The bigger the roads, the greater the prestige. This is a criticism of the prevailing ethos of the engineering profession, not a criticism of individual engineers who are legitimately seeking to further their careers within that profession. Under this prevailing ethos, it would be naive and unfair to expect a highway engineer to be a custodian of public parks.

If two proposed routes were equal in all respects - land costs,
construction costs, gradients etc - with the exception that one ran through a public park and the other did not, then it would be expected that a socially-minded highway engineer would choose the latter. But such a pair of equal alternatives rarely occurs. Invariably the choice is between a cheaper route through a public park (Birdwood, Blackbutt....) or a dearer route elsewhere.

Until Highway Engineering begins to advocate the dearer route in order to preserve the parks, its protestations of concern for the ideals of conservation can only be regarded as abstract principles devoid of practical application.

The planning of highways in the full sense of the word 'planning', involves issues that are much wider than those normally considered by government departments responsible for highways. They involve the consideration of environmental and social factors that are subjective, non-quantifiable, non-technical and quite outside the usual terms of reference of the highway departments.

The Jersey Road scheme for Paddington was a classical example of a scheme that completely ignored the sociological and aesthetic factors of the environment. Birdwood Park is another classical example."

In Newcastle City Council in particular, and in Councils and Government Departments in general, there is a tendency either to ignore these wider 'planning' issues entirely, or to subordinate them, in the case of conflict, to the technical and economic demands of highway building.

The Northern Parks and Playgrounds Movement does not underestimate the difficulty of road planning in inner-city areas. We are conscious of the problems that confront road planners who are trying to reconcile the conflicting needs of public roads and public open-space.

* The Newcastle Division of the Royal Australian Institute of Architects recently stated that the alienation of Birdwood Park 'is the classical example of the needs of the car outweighing the role of the parks. In seeking to answer one problem, another is created; the total problem is not looked at in depth'.

See Appendix B.
But we do not believe that a true solution can be found by denying one of the terms of the problem. When roads and parks appear to conflict, the problem cannot be said to be 'solved' simply by doing away with the parks, or by establishing a so-called 'compromise' in which the roads always win and the parks always lose.

We also believe that the highway engineers have the ability and ingenuity to devise road plans that would preserve public parks, but they are not given the opportunity to exercise this ability. Their usual terms of reference are 'to build the cheapest road it is possible', and this inevitably means avoiding expensive resumptions by siting the roads in the public parks.

The necessity for the preservation of a city's parks should be accepted as one of the unavoidable constraints within which traffic plans are to be formulated.

6. The influence of the State Government in determining the location of main roads in local areas

A cursory glance at the map of Newcastle shows that the main criterion for determining the course of a new road, or for selecting existing roads for widening, has been the availability of free parklands.

This suggests that the State Government is treating Newcastle unfairly on road matters, and is attempting to provide roads for Newcastle 'on the cheap'. The State Government has the responsibility for constructing main roads, including the cost of resumptions. By siting the roads in our public parks, it fulfils its road-building obligations at minimum cost. The fact that it inflicts an irreparable loss of public parks on the people of Newcastle appears to be of little concern.

A recent statement by the Newcastle City Engineer (Mr. Baddeley) has emphasized that the fate of Birdwood Park lies in the hands of the State Government. In the Newcastle Morning Herald of 5th May 1971, Mr. Baddeley is reported to have said that 'the council had very little say in planning the new highway, which involved King Street. The Department of Main Roads was responsible for property acquisitions, costs of construction and road planning'.

The State Government is, in effect, insisting on the surrender of public parks as the price Newcastle must pay for its highways. Its actions imply that Newcastle must choose between roads and parks: that Newcastle is asking too much if it expects to have both proper roads and proper parks.
Would the State authorities have been so keen to use Newcastle's public parks for roads if Newcastle had asked to be compensated for the site value or the replacement cost of the open space calculated at inner-city land values?

Local authorities have often complained about the financial contributions they are obliged to make to the Department of Main Roads. The value of parks taken over for State highways is a further contribution that often is overlooked.

6.1 Comparison with Sydney

Birdwood Park in Newcastle is comparable, in relative size and situation, to Hyde Park in Sydney. To put a road through Birdwood Park is equivalent to putting a road through Hyde Park. Such a proposal would never be countenanced in Sydney. Why should it be tolerated in Newcastle? Why should Newcastle be treated as a second-rate city where it is permissible to deprive the public of its parklands for the sake of achieving some economies in a road programme? In any self-respecting city, with even an elementary appreciation of the role of public open-space in town planning, such a proposal would be regarded as outrageous.

6.2 The grants formula for main roads

The formula adopted by the D.M.R. in distributing funds to local Councils for road building appears to affect the type of road that is built. There are several categories of main roads, defined according to various technical criteria. Only the highest category receives the full 100% grant. In the lower categories, the local Council has to pay a proportion of the costs.

Because of the inflexibility of this formula, and because of their legitimate and commendable desire to save the ratepayers' money, local Councils are tempted to turn every road into a main road, class one. If Newcastle City Council desired to introduce a system of one-way streets around Birdwood Park in order to save the Park, the Council would have to finance some or all of the construction works itself, because a system of one-way streets would not conform to the Class One of Main Roads and would not qualify for the 100% grant.

This inflexible grants formula therefore represents a serious infringement of the autonomy of local Councils in determining the type of road pattern best suited to their particular area. A Council may have to be prepared to forgo a large Government grant if it wishes to deviate from the 'six-lane highway' formula in order to preserve the quality of its urban environment. If it does make such
a decision, it should have a guarantee that the grant forgone on that project will be available elsewhere without prejudice.

The Northern Parks and Playgrounds Movement wonders whether King Street has been deliberately and unnecessarily upgraded in order to qualify for the full D.M.R. grant. Is a highway of that standard either necessary or desirable in that part of the City when it involves the sacrifice of public parks, and bisects the commercial zone? If a highway is needed, Parry Street which runs on the periphery of the commercial zone and which is almost wide enough as it stands, would appear to be a far better choice.

6.3 The politics of main roads

Unfortunately, because the State Government pays for the main roads, there is a tendency, on the one hand, for the State Government to dictate where the roads should go; and on the other hand, for the local Council to accept meekly the State Government's 'recommendations'.

There is an unspoken fear amongst local Councillors and officials that, unless they accept the hand-outs of the State Government without question, the State Government may distribute its largesse elsewhere.

There is also an unspoken threat in the attitude of the State Government Departments. When the D.M.R. puts forward a scheme for a road through Birdwood Park, Blackbutt Reserve etc., this scheme is not a suggestion or a recommendation: it is a policy. Like most Government Departments, the D.M.R. is organized for policy-making, not for joint-consultation. Community participation is understood as the right to protest after the decisions have been made.

Once again, we emphasise that this is not intended as a criticism of individuals. Rather, it is a comment on the way in which Government Departments in general have not adapted to the new phenomenon of town planning, and have not accepted that they and the public are joint partners in the planning process.

7. The responsibility of local Councils in the planning of main roads

Although the State authorities would appear to bear a large part of the responsibility for putting a road through Birdwood Park, they are not solely or mainly responsible. The main responsibility and indeed the ultimate responsibility must rest with the Newcastle City Council, and hence with the Newcastle doctors.

The local Council is the ultimate planning authority. It
cannot force the State Government or the D.M.R. to build a certain road in a certain place, but it is also doubtful whether the State Government or the D.M.R. would be able to force a local Council to accept a main road if the Council did not want it. Even if the State Government has the legal power to overrule the local Council, it would surely be politically impracticable for the State Government to enclose local parks for a cut-price road programme, against the wishes of the local Council.

The City Council cannot escape its ultimate responsibility for the destiny of Birdwood Park. It cannot argue that its hands are tied because the route was recommended by the D.M.R. If the Council decides that Highway 10A should not go through Birdwood Park, then, in the absence of an extraordinary intervention on the part of the Minister, it will not go through.

Neither the State Government nor the D.M.R. is responsible for the preservation of public parks in Newcastle. This is solely the responsibility of the Newcastle City Council. The D.M.R. is a road-building authority not a park-preserving authority. If the road plans submitted by the D.M.R. to the City Council involve the alienation of public parks, and if the City Council accepts these road plans and does not insist on the retention of its parks, then the responsibility for the loss of the parks rests with the City Council.

The State Government is not a charity. It will fulfil its road-building obligations to Newcastle at the lowest possible cost, so that more money is left over to spend in the more populous electorates. If it can persuade the Council and the people of Newcastle to give up their precious parks for road purposes, why should it bother to suggest alternative routes that might involve greater expense?

If Birdwood Park, Civic Park, Jefferson Park, Blackbutt Reserve, Smith Park, Richardson Park etc., are whittled away by road-building, the Council and the people of Newcastle have only themselves to blame. The State Government does not take over our parks. We just give them away.

8. Community participation

The City Council is within its legal rights in granting itself permission to build a road through an area zoned as a public park. It is also within its rights to do this without conducting a public enquiry and without paying any attention to objections raised by organisations like the Northern Parks and Playgrounds Movement, or by individual members of the public.
The City Council has these powers because of a serious deficiency in the Northumberland County Planning Scheme. Under the County Scheme, roads are 'consent uses' within areas zoned as open space. This means that the County Scheme does not have to be officially suspended if the City Council decides to build a road in a park. To take an extreme case - one which we trust would never occur even in Newcastle - every inch of every park in the Newcastle area could legally* be converted by the City Council into roads without any suspension or official alteration of the County Scheme, without any public exhibition of the proposals, without any public enquiry, and without any right of appeal by the public against the Council.

Even though it is legally right, is it desirable for the City Council to take advantage of this extraordinary permissiveness of the County Scheme? The construction of a highway through a public park is an act of great significance for town planning. It radically alters the physical appearance of the city, and the living conditions of its inhabitants. Surely, if local government is meant to be democratic, such a decision should not be taken without giving adequate opportunities for the community to have their views considered.

It has been argued that adequate opportunities for community participation were provided when the County Scheme was exhibited in 1955. However there are various reasons why we do not consider this argument to be convincing:

(a) The population of urban Newcastle (Newcastle City and Lake Macquarie Shire) on June 30, 1954 was 201,677. By June 30, 1970 the population had increased by 31% to 265,880. This means that at least 24% of the present population whose lives will be affected by the implementation of the Scheme were not here in Newcastle when the Scheme was exhibited and have not had an opportunity to express their opinions.

(b) The plans for King Street as shown in the Scheme exhibited in 1955 and prescribed in 1960 are radically different from those being carried out by the City Council since 1960. In the County Scheme, King Street was intended to be a boulevard, with generous tree

* assuming there are no special covenants, such as the A.A. Company's Deed of Dedication on Birdwood Park.
plantings on the sides and in the centre which would have adequately compensated for the loss of part of Birdwood Park. But the City Council has quite a different concept for the King Street that it is constructing vis-à-vis a busy commercial highway bordered by shops, warehouses and parking stations. The community was invited in 1955 to comment on one concept for King Street. The City Council is constructing King Street to quite a different concept. It is not true therefore to say that adequate opportunities have been provided for objections to be made to the concept of King Street, as it is now being realised.

(c) Between 1955 and 1971 a tremendous change has occurred in attitudes towards conservation. It must be obvious to any political leader that the objections to the alienation of public parks would be far stronger now, in the present climate of opinion, than they would have been in 1955. This change of public opinion is a desirable and inescapable fact of life. It should not be frustrated by a rigid adherence to town planning concepts and public attitude that were prevalent two decades ago.

9. Alternatives

Several alternatives have been suggested in the press and elsewhere. These include the resumption of some of the properties in the triangular area bounded by Parry Street, National Park Street, and Cornish Avenue; the introduction of a system of one-way traffic around Birdwood Park; a greater use of Parry Street as an inner-city ring road; the construction of a six-lane road linking King Street and Parry Street through the area between Steel Street and National Park Street – much of this area is currently being used for sub-economic purposes such as a Water Board storage yard; the extension of the proposed Stewart Avenue bridge beyond Parry Street; use of underground roads etc.

The Northern Parks and Playgrounds Movement does not pretend to any expertise in the technical aspects of highway design, and consequently is not in a position to appraise the above suggested alternatives.

But we are concerned to know whether a full investigation of possible alternatives has been carried out. Has a reasonable amount of time and effort been devoted to the formulation of an alternative solution that would solve the traffic problem without
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But we are concerned to know whether a full investigation of possible alternatives has been carried out. Has a reasonable amount of time and effort been devoted to the formulation of an alternative solution that would solve the traffic problem without
destroying the integrity of the Park? Or has the existence of 'giveaway parklands' foreclosed on any serious search for alternatives?

10. Conclusion

Any traffic plan that depends on the expropriation of public parkland is surely not worthy to be called a 'plan'. It should rather be described as a failure or denial of planning because it is based, not on the ideals of planning, but on sheer political and economic expediency.

A proper road plan should recognize and respect the community's need for public open-space. It should not neglect other community values which are at least as important as the need for good roads. It should not seek to solve a traffic problem by creating a public-open-space problem.

The Northern Parks and Playgrounds Movement believes that the present plan to use Birdwood Park as the location of State Highway 10A was conceived without a full awareness of the environmental issues involved, and that it inflicts a serious setback to the amenity of the inner-city area.

Furthermore, the plan for Highway 10A would appear to contribute little or no lasting benefit to the present traffic problem of the area. The plan was devised twenty-five years ago. It can hardly be appropriate to the traffic conditions of Newcastle today, or in the future. We strongly urge that further work on Highway 10A be postponed, pending the preparation of a comprehensive Varying Scheme for Newcastle, which would incorporate a fully-researched road traffic plan and which would give the citizens of 1971 an opportunity to participate in the planning of their City. Such a plan should begin with the assumption that the public open-space in the inner city is to be maintained, and if possible increased.

In the meantime, car parking within Birdwood Park should be prohibited, the derelict buildings should be removed, and the area should be properly improved in keeping with the spirit of the original undertaking given by the Council, 'as a place of public recreation and for no other use whatsoever'.
Extract from the Deed of Dedication of Birdwood Park, Regd. No. 558,
Book 440, Dated 27th Feb. 1890.

To Hold the said land unto the said Grantees as a Body Corporate
in fee simple (subject to and reserving minerals etc. to the Australian
Agricultural Company with power to work underground mines and said
Company shall not be liable for damage occasioned thereby) upon trust
that the same shall be set apart and used as a place of public recreation
and for no other use whatsoever.* The Grantees shall at their own cost
within 6 months from the date hereof erect a strong and substantial
fence around the said land and shall at all times hereafter maintain
such fence in an efficient state of repair. It shall not be competent
for the Grantees to deposit any garbage, rubbish etc. of any descriptions
upon the said land. Should street sweepings be used they shall not be
deposited to a greater depth in any one place than two feet nor shall
rotten manure be worked in to a greater depth than one foot but the
depositing of street sweepings, or other matter and the use of manure
shall be so conducted as not to create any nuisance. The Grantees may
annually allot the said land or any part thereof among clubs or persons
desirous of practicing any game or sport and make a reasonable charge
for the land allotted or for permission to engage in any sport or game
thereon. The Grantees may make reasonable charges for admission to the
said land on the occasion of any games or sports of public interest
but no such permission shall be granted to persons not habitually using
the said land or to persons promoting sports for money making purposes
only. On all other occasions than those specified the public shall
have free access to the ground but so as not to interfere with any
game or sport that may be practiced thereon. The Grantees may make By
laws regulating the use of the said land, the charge for admission
thereon on such occasion as herein before mentioned, and for the
preservation of order and decency thereon. All moneys received for the
use of the ground for entrance money and for the right to charge entrance
fees shall be applied in improving the said land. No buildings shall
be erected on the said land other than a Caretaker's residence Grand
stand or Dressing rooms for the persons using the said land. No wines,
beers or spirits or other intoxicating liquors shall be sold on the said
land. If the Grantees fail to observe the conditions herein before
contained and especially if the land shall be used for any other purpose
than that herein before mentioned the said Australian Agricultural Company
or their assigns may re-enter upon the said land,* although no advantage
may have been taken of any previous default or breach of conditions and
thereupon the Grant hereby made and everything herein contained shall
become void and cease and determine. Provided always that the power
of re-entry hereby given shall not be exercised until after the expiration
of three months notice in writing to that effect and unless in the
meantime the Grantees shall have failed to desist from any such breach
or to make good any such default as aforesaid. Any such notice shall

* Emphasis by Northern Parks and Playgrounds Movement
be duly given if signed by the General Superintendent of the Australian Agricultural Company in New South Wales or in the event of the office of General Superintendent being vacant by the person/s who shall at the time be legally discharging the duties and powers of that Office and left by land for or sent by post to the Grantees or their clerk or principal officer at the office of the Grantees. Provided further that if the Grantees shall within five years from the committing of any breach or default mentioned in any such notice commit a breach of similar character the said power of re-entry may be exercised without further notice.
Statement by the Newcastle Division of the Royal Australian Institute of Architects, April 25, 1971

Pollution has become a fashionable catch-phrase. It is bandied about by politicians - more to catch votes, one suspects, than to improve the quality of the environment. The danger in this abuse of the issue is that people could become contemptuous and more apathetic, and thereby hamper remedial action.

Pollution in its broadest sense relates to all forms of defilement of the environment - the forces which reduce the quality of life to a sub-standard level. Air and water pollution are two forms; but we should not forget the others.

The case of the proposed alienation of more than 50% of Birdwood Park is an issue of pollution. It is the classic example of the needs of the car outweighing the role of the parks. In seeking the answer to one problem another is created; the total problem is not looked at in depth. It would appear that cars and parks cannot exist together? One cannot deny the immediate needs of the car, but one must also recognise the value of parks and open space. In the long term, visionary sense, the retention of open space in the city is of greater importance than the needs of the car.

The present day car as the basis of transport must eventually be superseded, unless the human race wishes to have its cities completed choked, and to have citizens die of asphyxiation. On the other hand, the requirements for open space are necessary for survival.

The destruction of parks and open space for the needs of the car has accelerated in the Newcastle area over the past years. Such cases as Jefferson Park, Blackbutt Reserve, Civic Park, Birdwood Park, King Street, are not isolated examples. It is time to take stock, and weigh up all the values involved; or it will be too late.

The A.A. Company, in a moment of generosity, presented Birdwood Park to the citizens of Newcastle. But they added a restriction: that it be used only for the purposes of a park. Are we now, because of economic expediency, to break this covenant and destroy the intent of the original gift?

The Newcastle Division of the Royal Australian Institute of Architects appeals to all the Authorities concerned, and to the public, to investigate strenuously the ways of retaining Birdwood Park in
the terms of the original A.A. gift. No-one will deny that the City needs sound and efficient roads; but we are also emphatic that the City needs trees and parks. These must exist together in a proper balance with other sociological urban needs. The issue of Birdwood Park is symptomatic of the immense problems facing all cities of the world. These problems have been brought about by a combination of factors, including population growth, technological developments and economic pressures.

The Royal Australian Institute of Architects is alarmed at this situation and has decided to devote its Centenary Convention to examining the issue.

The theme of the Convention is "The Consequences of Today" and through international and Australian experts, it is hoped to focus attention on the changing values of society, and their threat to our way of life.
Letter from the N.S.W. Minister of Transport, Mr M. A. Morris, dated April 29, 1971 to the Secretary of the Northern Parks and Playgrounds Movement in reply to an invitation to attend the public meeting at Birdwood Park on 2nd May, 1971.

Mr. D. Lithgow,
Secretary,
Northern Parks and Playgrounds Movement,
4 Rose Street,
MEREWETHER. 2291.

29th April, 1971.

Dear Mr. Lithgow,

Thank you for your letter of 21st April, 1971, inviting me to attend a public meeting to be held in Birdwood Park, Newcastle, on Sunday, 2nd May, 1971, at 3 p.m.

Unfortunately, I cannot be present as I have promised to attend the youth gathering at the Maitland Congregational Church on this same afternoon.

I want to say though, that I am concerned about the alienation of park land for road building and other purposes and I am certain that on many occasions road builders regard park land and open space fair game. It may well be that plans have gone too far to save the handsome trees in Birdwood Park but even in its present unkempt condition, being used as a parking lot, it is a desirable place and it could be made into an area of great beauty. The tragedy, as I have found over and over again in Sydney is that as we build bigger and better roads they are quickly choked up with increased car traffic and it seems impossible to keep sufficient money flowing to satisfy the appetite of this hungry machine.

Kind regards,

Yours sincerely,

(M. A. Morris)
Minister for Transport
APPENDIX D

Letter from the A.A. Company to Newcastle City Council following representations to the A.A. Company by the Northern Parks and Playgrounds Movement:

Australian Agricultural Company,
Bucklersbury House,
3, Queen Victoria Street,
LONDON, E.C. 4

9th June, 1971

The Clerk to the Council,
Newcastle City Council,
City Hall,
Newcastle 2300
AUSTRALIA

Dear Sir,

BIRDWOOD PARK

As you will know the land now called Birdwood Park was dedicated by this Company to the Municipality of Newcastle, upon trust, to be used as a place of public recreation.

We have recently received correspondence from the Northern Parks & Playgrounds Association informing us that the Newcastle City Council propose to use a considerable area from the Park for road widening. The Association is protesting against such a use in order that the recreational facilities in the inner city area should be preserved.

Whilst we would normally lean on the city council's views in a matter such as this we do feel that there is some substance in what the Northern Parks and Playgrounds Association are striving for and we do ask you to give full weight to their views. In any event we would have expected to have been informed officially of the City Council's intentions as the purpose of the dedication was so different from the proposal to use an extensive area for road widening.

Yours faithfully,
F. R. MADDOCK
(Secretary)
APPENDIX E

Resolution carried unanimously at a public meeting organised by the Northern Parks and Playgrounds Movement at Birdwood Park on May 2, 1971:

This meeting strongly condemns the continuing destruction of Birdwood Park and demands that this destruction cease forthwith. This meeting calls upon the Newcastle City Council to prepare a forward looking traffic plan for the city that does not violate parkland.

APPENDIX F

The legality of car parking in Birdwood Park

We would question whether the use of any part of Birdwood Park as a car park is legally justifiable. The original Deed of Dedication precludes all uses other than recreation. In addition, under Section 12 of the County Scheme, car parking is not listed as either a permitted use or a consent use in open space zones. Car parking in an open space zone might conceivably be justified if it is associated with a recreational activity, but the hundreds of cars parked each day in Birdwood Park are not there for recreation. It would seem therefore that car parking in Birdwood Park is prohibited under the County Scheme, and that the City Council is either breaking the law in permitting car parking there or is failing to enforce the law in allowing car parking to continue there. We would welcome further advice from the City Council on this legal aspect.

Whatever the legal position may be, we maintain that car parking in Birdwood Park ought not, from a town planning point of view, be permitted or condoned.

APPENDIX G

A perusal of the minutes of the Council meeting of August 27, 1968 would not have given the reader any indication of the decision to alter the route of Highway 10A. The minutes provide only a very summarised account of Council proceedings, and in this case the information is limited to the brief statement: 'State Highway No. 10A - Connection to the Industrial Highway (Stewart Avenue) at Parry Street, be adopted'. There is no accompanying map, no mention of the fact that Birdwood Park is to be divided into three parts, and no reference to the relocation of the County Road shown in the Planning Scheme.

This illustrates clearly the lack of communication between the planners and the planned. It is very difficult, perhaps even impossible, for the interested citizen, who has to rely on brief newspaper reports and even briefer Council minutes, to know exactly what his Council is doing.