



THE ENTRANCE PENINSULA

COMMUNITY PRECINCT

ENCOMPASSING: THE ENTRANCE; THE ENTRANCE NORTH; LONG JETTY TOOWOON BAY; BLUE BAY; SHELLY BEACH & MAGENTA

P0 Box 349 The Entrance 2261

www.theentranceprecinct.org

9th June, 2011

Michael Whittaker
The General Manager,
Wyong Shire Council,
PO Box 20,
Wyong 2259

Subject: **DEVELOPMENT APPLICATION NO.308/2011 35 - 41 WILFRED BARRETT DRIVE THE ENTRANCE NORTH - RESIDENTIAL FLAT BUILDING CONSISTING OF 53 UNITS (SEPP AFFORDABLE RENTAL HOUSING)**

Dear Michael,

I wish to advise you that in a number of meetings with members of the community including members from the Save the North Entrance Action group and The North Entrance Progress Association, The Entrance Peninsula Community Precinct (TEPCC) can report that the view expressed quite clearly and succinctly, is that whilst residents and ratepayers, generally support the provision of affordable housing, there is strong agreement that such developments should: be dispersed across the Precinct and Shire; comply with local environmental planning laws; fit into low density residential amenity; are appropriately located in areas with good access to transport and/or employment opportunities; be well serviced by medical, mental health and community services; and do not significantly impact the ambience and value of neighbouring residential properties.

In voicing our community's strong objection to this development TEPCC has set out below strong evidence, supported by highly respected research studies, that indicates that this development should not go ahead. Therefore, we ask that Wyong Shire Council, as the consent Authority, recommend to determining Authority, the Hunter Central Coast Region Planning Panel (JRPP) that they decline approval. TEPCC also requests that the objections which TEPCC have raised in our submission are included in your report to the JRPP.

SUBMISSION FROM THE ENTRANCE PENINSULA COMMUNITY PRECINCT - (Attachment 1)

In supporting the community's strong opposition to the proposed development, TEPCC has raised a number of issues in this submission and has substantiated these with references from respected research studies, and the NSW government's and Council's planning and environmental policy documents.

1. Failure to meet WSC planning and environmental planning laws
2. Failure to meet the 'Character Test' of the NSW Minister of Planning
3. Overdevelopment of high density housing on flood prone lakefront land
4. Danger to the environment and ecology of Tuggerah Lakes

5. Failure to meet WSC Housing Strategy
6. Safety concerns for access from Wilfred Barrett Drive.
7. Problems and impacts of concentrations of affordable housing
8. Failure to provide access to essential services

PETITION IN OPPOSITION TO INAPPROPRIATE DEVELOPMENT - (Attachment 2)

The 473 signatories of the Petition against the proposed private development is indicative of the local and wider community's strong objection and grave concerns with the DA for 53 units proposed for a building site previously approved by WSC for only 3 residential blocks.

Further, that the DA under SEPP (Affordable Rental Housing) can override WSC's environmental and planning regulations relating to flood prone land and can disregard serious consideration of whether the development is appropriately located in terms of the high quality low density neighbouring properties, the availability of employment, access to transport and services. The community's perception is that this DA is a private developer "cashing in" on an opportunity under SEPP(Affordable Rental Housing) .

RECOMMENDATION 1 :

That Wyong Shire Council take into serious consideration the strong community objections and the issues raised in TECPP's submission , and refuse consent to Celex's Pty Ltd proposal (DA 308/2011) for Integrated Development – Proposed Residential Flat Building consisting of 53 units and ancillary works under SEPP (Affordable Rental Housing 2009).

RECOMMENDATION: 2

TEPCP recommends that WSC, as the consenting authority, ensures that our representative on the Hunter Central Coast Region Joint Planning Panel (JRPP), Councillor Doug Eaton, Mayor of Wyong Shire Council, is fully briefed on the failure on all fronts of the proposed housing development and the strong opposition expressed by the community.

We would appreciate a response to our submission at your earliest convenience.

Thanking you in anticipation.

Regards,



Vivienne Scott
Chair,
The Entrance Peninsula Community Precinct

cc.

Wyong Shire Councillors: Doug Eaton, Mayor, Bob Graham, Deputy Mayor, Greg Best, Sue Wynn, Lynn Webster, John McNamara, Emma McBride, Lisa Mathews, Doug Vincent and Bill Symington.

Barry O'Farrell MP, Premier, NSW

Brad Hazzard MP , NSW Minister for Planning

Robyn Parker MP, NSW Minister for the Environment

Chris Spence MP, State Member for The Entrance

Chris Hartcher, Minister for the Central Coast

The North Entrance Progress Assoc

The Save The North Entrance Action Group



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ATTACHMENT 1 : THE ENTRANCE PENINSULA COMMUNITY PRECINCT SUBMISSION

1. FAILURE TO MEET WSC PLANNING AND ENVIRONMENTAL PLANNING LAWS: DA 308/2011 EXCEEDS WSC's MAXIMUM LOT YIELD. COUNCIL APPROVES DEVELOPMENT OPTION FOR 3 LOTS

- 1.1 From the onset it has been evident that this proposed development clearly does not meet Wyong Shire Council's (WSC's) normal zoning requirement, which in this case, is on land that is zoned 2a, low density residential dwellings.
- 1.2 On 25th July, 2010, WSC's Shire Planning Department recommended to the Development Assessment Panel that an initial application (DA 856/2009) of 8 lots be rejected and that consent be granted, subject to conditions, for a scaled down development of 3 lots. The reasons given in the department's report was, "major issues relating to flooding, land filling, poor access and generally inadequate residential amenity afforded the design layout after lengthy negotiations with Council *"has been scaled down to three lots. Furthermore the extent of the site works necessary to establish three lots is far less than what was required in the original submission. In this respect filling of the land is now confined to a small area adjacent to the road frontage and thus the impact to flooding is negated."*
- 1.3 DA 308/2011 has a much larger footprint and thus the maximum lot yield of this development far exceeds Council's planning guidelines. The scale of the development is inconsistent with the overall aims and objectives of Clause 2 of WSC's LEP which promotes developments of an acceptable scale of residential developments:
"(iii) to provide for new urban development in areas that can be economically serviced and that are environmentally suitable."

2. FAILURE TO MEET THE CHARACTER TEST OF NSW MINISTER OF PLANNING

The NSW Government has recently announced changes to the State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP) that are effective from 20th March, 2011. The Minister for planning stated that the old SEPP policy imposed inappropriate development on suburbs. It provided *"an avenue for small-time developers to rip into local communities and change [their] entire face"*. Mr Hazzard said some small developers were rorting a loophole in the scheme by applying the 20 per cent figure to the number of apartments in a development, but then making those apartments far smaller than the rest to maximise their profits. From 20th March, 2011, no applications will be accepted under the old policy. Existing applications will be subject to a **"character test"** to ensure they are compatible with local development control plans.

TEPP believes that the proposal in question fails to meet the character test for the following reasons:

- The development is out of character with the surrounding housing developments in the immediate area.
- The minister stated: *"A test will be introduced in regional areas stipulating housing built under the policy must be within 400 metres of a local centre."* This development does not meet this criteria.
- The disparity of incomes between the surrounding suburb where property values are between \$500,000.00 and \$1million dollars is stark. This will lead to social exclusion in the neighbourhood, not because of any elitism, but simply based on the income and lifestyles of the community.
- Wyong Shire has high unemployment and most of those who do work commute to Sydney. The establishment of affordable housing and lack of work will mean the tenants will most likely remain welfare dependent.
- Dr Kath Hulse, of the Institute for Social Research, Swinburne University of Technology stated that *"Unemployed renters in Australia face significant disincentives to work through the interaction of the tax and income support systems, with housing allowances in the private sector extending the reach of the poverty trap for private renters, and public housing rent setting deepening the trap for public renters."* This development falls into this category.
- The prevalence of domestic violence is higher in areas of higher density public housing, is higher in areas with a high percentage of sole parents, is higher in areas of high unemployment and higher in areas with higher rates of population turnover. (2005)
- Public transport at North Entrance is poor. Good planning policy encourages people to live in areas with access to good public transport options. Tenants will be isolated and single mothers in particular will be impacted by this isolation.

3. OVERDEVELOPMENT OF HIGH DENSITY HOUSING ON FLOOD PRONE LAKEFRONT LAND

Wyong Shire Council has identified the proposal as "advertised development" being "nominated development" requiring a Controlled Activity Approval for works on Waterfront Land under the Water Management Act 2000.

- The Water Management Act 2000 states that in relation to floodplain management the existing and **future risk** to human life and property arising from occupation of floodplains must be minimised. The DA is for development of land in a high hazard risk area. The Tuggerah Lakes Floodplain Risk Management Study states: *"In the 100 year ARI and greater events the road (Wilfred Barrett Drive) protecting The Entrance North will be overtopped and the area will require evacuation. Once the levee is overtopped the rapid influx of floodwaters will significantly increase the flood hazard."*
- The large underground car park is a definite flood hazard. Wyong Shire Council's Lower Wyong River Floodplain - Development Controls states that the maximum size of residential (enclosed) garages in high hazard flood storage areas is proposed at 50m². This is based on the size of a double car garage and small storage area. The cumulative impact of garages larger than these in the floodplain is considered high.

5. FAILURE TO MEET WSC HOUSING STRATEGY

Council's Housing Strategy for Wyong Shire (2008) states:

- *An integral part of any local government housing strategy will be the Council's public support for the initiatives.*
- *The importance of well designed, appropriately located and socially mixed medium and high density dwellings.*
- *Council staff can encourage the community to actively participate in the design of their neighbourhoods through consultations and workshops that will lift the stigma and misconceptions that often surround affordable housing.*

The proposed development at 35 - 41 Wilfred Barrett Drive North Entrance meets none of these criteria.

6. SAFETY CONCERNS FOR ACCESS FROM WILFRED BARRETT DRIVE.

The proposed development proposes separate entry and exit locations which will result in a one-way clockwise circulation through the site. The entry and exit locations are not ideal. The concern here is that a vehicle wanting to enter the development may see the bus in the bus bay and continue on to the bus bay exit and turn left in front of an exiting bus. This issue has not been addressed in the Traffic Report. The entry impacts on a bus bay area and causes problems for its safe operation.

In the preparation of the Traffic Impact Statement for the DA, no consultations were held with local residents who have to play Russian Roulette when trying to turn right into Wilfred Barrett Drive or the workers who have to twice daily negotiate the traffic congestion on the Central Coast Highway in order to get onto the F3.

7 PROBLEMS AND IMPACTS OF CONCENTRATION OF AFFORDABLE HOUSING

The stigma of living in a large block of affordable housing units and housing estates, with few education and employment opportunities, creates long term disadvantage and debilitating labels on residents. Bill Randolph from the Australian Housing and Urban Research Institute, as noted in Stephen Lunn's article in *The Australian* (2009), believes that we can only achieve a greater social mix and opportunities for tenants if smaller concentrations of social housing accommodation are located in appropriately sized local communities where employment opportunities abound. Is a development with 53 units considered a small housing facility? Will the proposed development in the relatively small North Entrance area support the government's intention of creating a greater social mix? Furthermore, employment opportunities do not abound. There is currently a high percentage of unemployment in the Peninsula area and Wyong Shire's current unemployment rate of 8.8% is much worse than the rates for NSW (5.9%) and Australia (5.6%).

Research shows that the prevalence of domestic violence is higher in areas that have a higher percentage of sole parents under 25 years of age, a higher percentage of public housing, a higher male unemployment rate and higher rates of residential instability (i.e. population turnover). The convergence and interaction of the supply side and demand side factors on many public housing estates can lead to social exclusion. Public tenants can experience multiple and overlapping

disadvantages associated with location, tenure polarisation, inaccessibility of transport and other generic services, poverty, welfare dependency, petty crime, family disruption and domestic violence.

It would be wrong, however, to characterise and stigmatise all public housing tenants in this way. WSC should be aware that an association of social exclusion with concentrations of public housing is a strong public-interest argument for the State Government's action.

8 THE LOCATION FAILS TO PROVIDE ACCESS TO ESSENTIAL SERVICES

Historically, social housing provides accommodation for those with complex needs, such as disability, single parents, mental illness, and drug and/alcohol dependence. How will the residents of the proposed development manage living a substantial distance from basic services such as supermarkets, medical practitioners and specialists, hospitals, counsellors, chemists, dentists, schools, job opportunities, and government officers, none of which are located at North Entrance? In addition, access to specialised services, such as, early intervention and prevention, crisis, post crisis and medium term transitional support, would be particularly difficult.

In conclusion, we are not opposed to public housing. What we are seeking here is for commonsense to prevail and that careful consideration be given to locating **small** affordable rental housing developments,

- close to the facilities and services that low income earners generally need,
- in areas where integration into the local community can be maximised, bringing benefits both to the local community and to the tenants alike, and
- on land where ecologically sustainable development principles are not compromised.

Submission written by :
Douglas Darlington (Secretary);
Vivienne Scott (Chairperson) and
Anne Rowland (Vice Chairperson)

References

NSW Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)
Wyong Shire Council's Housing Strategy for Wyong Shire.
Lower Wyong River Floodplain - Development Controls, Wyong Shire Council
Promoting Choice: A Local Housing Strategy for Wyong Shire, (2008)
Public Housing a 'dumping ground', Stephen Lunn, (Jan 2009), The Australian
Regional Homelessness Action Plan 2010-2014: Central Coast, (2010) Department of Human
Services Housing NSW
Reshaping Public Housing and Work Disincentives, (2008), Tenants' Union of NSW
Trends and Patterns in Domestic Violence (2005) NSW Bureau of Crime Statistics and Research
Wyong Shire Council's Tuggerah Lakes Floodplain Risk Management Study
Water Management Act 2000 No 92, (2011), NSW Government, Section 5
Workforce disincentive effects of housing allowances and public housing for low income
households in Australia, K Hulse, Swinburne University of Technology