

**Submission
No 25**

LAND RELEASE AND HOUSING SUPPLY IN NEW SOUTH WALES

Organisation: Wycob Pty Ltd

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5 SEPTEMBER 2017

LEGISLATIVE COMMITTEE ON ENVIRONMENT & PLANNING

REPORT ON LAND RELEASE AND HOUSE SUPPLY IN NSW

ATTENTION MR JAI ROWELL (CHAIRMAN)

BY EMAIL VIA GOVERNMENT WEBSITE

OUR REF DEPT PLANNING 5 SEPT 2017 SELECT COMMITTEE

Dear Sir,

I wish to comment on factors which are inhibiting the release of land and supply of housing from my perspective as a property owner, long time resident and business owner on the Central Coast of NSW.

Wycob P/L owns a 79 hectare property at Crangan Bay containing a regionally significant gravel quarry and resource recovery facility which was down zoned in the 2013 Wyong LEP. Development rights applicable to the property since 1983 and reinforced in the 1991 Wyong LEP were removed. The property had been zoned for affordable housing and other infrastructure uses which could have housed a significant number of people. Now the property, which is larger than the suburb of Toowoona Bay, has zoning rights for only 7 dwellings.

Our company is currently waiting for a response from the Parliamentary Secretary for the Minister of Planning regarding our company's submission to the Major Amendment No.2 of the Wyong 2013 LEP (aka Amendment No.28) requesting the restoration of our zoning rights.

Where possible, I will relate my points in this submission to the terms of reference of your committee in respect to the conduct of both Wyong & Central Coast Council (which resulted from the amalgamation of Wyong & Gosford Local Government Area's "LGA").

1. The delivery of a housing supply process.

In this state it is based on title and zoning.

My first criticism is that the conversion of Local Environment Plans (“LEP’s”) to the Standard Instrument did not result in uniformity in zoning that the general public expected:

a. Our property was zoned 7(b) under the 1991 Wyong LEP and converted to E3 Environmental Management, yet Council’s 7(b) Halekulani quarry was zoned RE1 Public Recreation (retaining all the viable zoning rights taken off 7(b) property owners). The Roads and Maritime Services’ 7(b) quarry at Palmdale was favourably zoned RU2 Rural Landscape. A neighbouring sand quarry in Lake Macquarie LGA (previously zoned 7b by Wyong Council) was allocated a non environmental zoning applicable to all mines and quarries in their LGA. Under the Gosford LEP 7(b) land was converted to RU2. Where is the consistency?

b. There is a wide variation in development rights attributed to particular zoning, depending on which LGA the land is located. Not disregarding that our property has been down zoned, why are the development rights of E3 zoning so vastly different under various LEP’s? The Newcastle 2012 LEP and 2014 Great Lakes LEP (Foster-Tuncurry) retained many of the rights removed from our land - LEP’s approved by the same Department of Planning staff that approved the down zoning of 7(b) property owners in Wyong LGA.

c. There is a disparity in the zoning of Council land compared to privately owned land. Council cited Ministerial Direction 3.2 as justification to convert their 7(b) Halekulani property to RE1, yet ignored this Direction in removing affordable housing rights from over 750 hectares of 7(b) land east of the M1 motorway under the 2012 Wyong LEP. Private property owners have become the environmental offset to Council’s entrepreneurial plans. Our company is now in the situation where the adjoining property to our land, owned by Council, has the zoning rights for the activity we conduct (resource recovery facility) and the development rights which were removed from our land.

2. The co-ordination and funding of enabling infrastructure

In 1983 our company agreed to Council conditions attached to our development consent requiring that we meet the cost of construction of road infrastructure into our property. This we did, along with the resumption of land for the construction of the Shire reservoir and construction of the northbound dual carriageway of the Pacific Highway. At the time of the development consent we nominated end use quarrying activities applicable to 7(b) zoning which have now been removed. How can companies in NSW faithfully conduct long term investment in this State if the Local Government is going to change the goal posts at a later date?

What has altered since 1983 is the installation of infrastructure within 3 minutes driving time of our property - construction of two high schools (state and private), two primary schools (state and private), expanded medical

facilities, a local shopping centre containing Woolworths and specialty stores, upgraded sewer/water systems and broadband facilities. Yet Council has informed me in writing that the infrastructure doesn't exist and that Council took into account the expenditure our company made (totalling several million dollars) in Council's decision to down zone our property (Doc No. D08017198).

3. The complementary roles of state authorities, local councils and utilities.

In down zoning Wycob's development, Council has ignored three s.117 Ministerial Directions; incorrect interpretation of State Environment Planning Policies 21 & 36; multiple regional planning strategies (Central Coast Regional Strategy 2008, North Wyong Shire Structure Plan & Central Coast Regional Plan 2036) and three Department of Resources & Energy/Mineral Resources/ Trade & Investment submissions to the Department of Planning that our property be zoned RU1 Primary Production. Wycob has elaborated on the previous omissions in letter dated 21 August 2017 to the Planning Minister's Parliamentary Secretary, Mr Scot MacDonald.

Our property has been a major supplier of road making materials to the Wyong Shire in the past , yet Council is ignoring our company's submissions that the alteration of our zoning rights is inhibiting the full development of our land and business, contrary to s.5(a)(ii) of the Environment Planning and Assessment Act. Council advised in writing they didn't understand the relevance of my question (as to whether they had calculated the road making requirements of the Shire for the next 25 years) when they supported the placing of restrictions on my development (Doc. No. D02512779).

At the time of the conversion to the 2013 Wyong LEP our quarry was (and still is) the only working quarry in the then Wyong Shire. I find the decision to down zone a property, which is expected to contribute to the supply of housing in the area, to be illogical.

It is our opinion that the supply of housing is being stifled at the local government level dependent on the political makeup of the Council of the day. There seems to be a prevailing attitude of no further green field development - instead a policy of over development of existing suburbs has been adopted. I refer to today's Newcastle Herald which refers to "human health" which is missing in environmental law. Knocking down one fibro house at Buff Point and replacing it with five dwellings under R2 zoning is creating future ghettos, not a long term healthy solution to the housing crisis.

Please do not hesitate to contact me should you require an elaboration on any of the above details.

Yours Faithfully

Wycob Pty Ltd