Submission into the proposal submitted by Clarence Property Corporation Ltd to modify the Concept Approval and Project Approval for Epiq Lennox Head (Pacific Pines Estate) Lennox Head (MP 07 0026).

The amended application is to modify the Super Lot % in stage 1B to allow 102 residential lots.

This submission is made by Sue Farmer and Leo Prendergast, who reside at 85 Montwood Dr Lennox Head.

We acknowledge that the current approval for a ‘retirement community’ has not proved suitable to the developer given the information we have received from the developer, that the site set aside and approved for use as a retirement community, has proved to be too small and that no organisation showed sufficient interest in developing a ‘retirement community’ on a site of this size.

We do not object to the land being used for medium density “small lot integrated housing” however the plan appears to have many of the features of a development of high density housing given the size of most lots and the number of properties so close to each other.

However we are concerned that

1. the revised design guidelines and plans do not appear to adequately reflect the issues that will arise from the use of this lot for integrated housing. In particular, as local residents we consider that an objective appraisal of the existing parts of the EPIQ(sic) development should be used to guide this part of the overall development – and not repeat the mistakes made in the existing EPIQ development.
2. The Council and developer have made commitments to residents previously in approvals for earlier stages of the EPIQ development that have not been honoured. We consider these shortcomings have resulted in a residential area that could have been so much better.
3. The entire EPIQ Estate with so many hundreds of homes and thousands of residents will be complete and yet not one children’s playground has been included in the estate. The only playgrounds available to residents anywhere near their homes (let alone within walking distance) are a small playground on Montwood Drive that was part of the Pines Estate (pre-primary age group) and a small playground on Silkwood Road that was part of the Meadows Estate. Both were in existence before any of the EPIQ Estate was built and were designed for a much smaller population.

The issues we consider have not been addressed adequately are :

**Estate Traffic**

Traffic on local streets and in particular on Montwood Drive continues to be a major problem and will only get worse with the approval of this modification. We have seen report after report and plan after plan over the past twenty years acknowledging that Montwood Dr is NOT SUITABLE for heavy vehicles. It is a narrow residential street without footpaths. It is quite steep over a lot of its length and has a poorly cambered tight bend half way down the steepest section that is clearly not suitable for heavy vehicles. It is also not suitable for the amount of traffic it currently carries let alone the additional traffic that will occur with another 102 houses – when most the residents of those houses will utilise Montwood as the primary route into and back from Ballina.

It is currently often difficult to cross the road due to heavy traffic with many vehicles travelling beyond the speed limit of 50 kilometres per hour. There are no footpaths and as the road is steep often the only choice for pedestrians is to walk on the road. This issue has been reported to council frequently. After at least five years of requests from residents, Council finally put a children crossing signs upon the two (2) approaches to the young children’s park on Montwood. Council also has on occasions put a speed indicator electronic sign at the bottom of Montwood -but unfortunately this does not record or lead to prosecution of speeding drivers. Many of the vehicles are large trucks, buses, and cement mixer trucks due to large numbers of houses being built. From our observations most of these heavy vehicles are going faster than 50kph by the time they reach the playground at the bottom of Montwood Drive. This will be exacerbated if 102 houses are to be built given above circumstances.

When the shopping centre was approved commitments by Council and/or developers were that:

* No large vehicles would use Montwood to access the shopping centre but would use the Coast Rd & Hutley drive instead. Despite this promise we as residents see a continuing stream of large heavy vehicles coming to the shopping centre via Montwood Drive. Leo has gone over to the loading dock on occasions to speak to heavy vehicle drivers – reminding them they should not be using Montwood and the drivers invariably say “no one ever told me I was not to use Montwood !” Previous commitments made by the developer that heavy vehicles would not use Montwood Dr to access the shopping centre have not proved accurate (only some of the Woolworths trucks follow this procedure). Despite planning approvals (and promises by the developer at public meetings and planning committee meetings) that require heavy vehicles accessing the shopping centre to proceed via the Coast Rd and Hutley Dr North – the heavy vehicles continue to use Montwood Dr and neither Woolworths nor the Shopping Centre management nor the developer have taken the necessary steps to stop that from happening.
* Traffic studies would be undertaken by Council to monitor the traffic on Montwood Drive to ensure the volume of traffic and the types of heavy vehicles were in line with the approvals. Neither of us, nor any of our neighbours at 83 or 81 Montwood have seen any evidence of traffic counting or traffic studies undertaken by Council. Council has not reported on its website, that we can find, any results of any traffic study of traffic volumes and types on Montwood Dr
* the long awaited Hutley Drive link north to the Coast Rd, would be completed before the shopping centre was opened. That link was completed. However, an even longer commitment from Council was the completion of the entire length of Hutley Dr. That would see the joining of the two parts of Hutley Drive by a link from the Hutley Dr/ Snapper Dr intersection south to Hutley Dr at the bottom of the Aspect Estate. That completion of Hutley would link to North Creek Rd and Skennars Head Rd - creating a safe and relatively straight and flat road link to allow vehicles a safe route from the south to access the EPIQ estate without going down Montwood Drive. This link is and has long been recognised as the only way to ensure safe local traffic into and through the EPIQ Estate.

It is our view that none of the above points have been adequately addressed and the long term commitments to residents have not been honoured. As a result when we read this proposal and see the new commitments made by the developer in this proposal we have limited faith that those commitments will be honoured.

For instance, we are concerned re the proposed turning point for traffic from Montwood into the small lot integrated housing area. The turning point is situated on a curve at about the lowest point in Montwood Drive. The speed of vehicles when reaching the proposed turnoff from Montwood into the new development is currently excessive and well above the 50kph limit. It is situated at the bottom of a long downhill section of Montwood and for the last 200 metres before the proposed turn off there are no houses on either side of the road. It is our observation that traffic begins to speed up on that downhill section and many vehicles go past our house (the last house on Montwood before playground and lake area) at the moment prior to reaching Snapper Drive) and continue to accelerate. With this proposed development having an access road coming off Montwood Drive just past its lowest point - we consider that the speed limit should be dropped to 40 kph and suitable traffic calming strategies adopted to slow traffic before the proposed turning point.

There is also considerable vehicle and pedestrian traffic accessing the playground next to our house and a couple of hundred metres to the south of this proposed development. Most of those pedestrians have to cross the road to access the playground. We assume that the new development will be home to many families with young children and as such they are likely to walk to that playground – hence increasing the amount of pedestrians wanting to cross Montwood Dr at near to the turning road into the new Lot 1C. As we have suggested many times to Council a pedestrian crossing should be placed at an appropriate position adjacent to the playground or crossing position from pathways.

There will be much increased traffic in coming years as Lot 1B on Hutley Dr is nearly completed, the Lot 4 medium density townhouse section on Anchorage Ave is completed and this proposed integrated Lot 1C is built. As has been put to Council on numerous occasions by residents- the completion of Hutley Drive is an essential component before any further housing lots are approved to be built.

We note on the P33 impact on local traffic section 4.55(2) application to amend Major Project MP007\_0026 at Lot 5 DP 1239938 date July 2022. Application states that previous studies have “identified that the extension of Hutley Dr is needed to service the fully developed site.” However it goes on to incorrectly state that “The extension of Hutley Dr has now been completed by Ballina Shire Council, meaning the traffic generated by the development (658 DVT) is able to be adequately catered for by the local road network. “ However the extension of Hutley Dr has **not been completed** – only the northern part of Hutley Dr- while the critical southern extension of Hutley Dr remains on hold. In particular numerous documents have identified over at least two decades that Montwood Dr is a steep winding street and not suitable for heavy vehicles. The only way to take heavy vehicles and excessive traffic off Montwood is the completion of Hutley Dr by the long approved but long delayed southern extension linking the two existing sections of Hutley Drive which will provide a safe route for the increased traffic to the EPIQ Estate from Ballina which will result from the proposed new small lot integrated housing - Lot 1C

**Parking**

The nature of the previous use of the site, ‘retirement community’ is substantially different to the use by residents of a ‘small lot integrated housing’.

1. The population is likely to be substantially more young families in integrated housing than in a retirement community.is As well these residents will be more active and more mobile. They will drive more and have more cars.
2. The number of cars is likely to be substantially more in integrated housing than retirement community.

Parking is addressed on p 18 of the modification report and claims that with 46 bays of parking (which is presumably in addition to integrated parking on each individual lot?) there is far more than required by the Ballina Development Control Plan. A walk around the existing Epic estate shows how inadequate parking arrangements and planning have proved to be. It is evident by the number of cars parked on the road and in driveways that many households have 2-3 cars at least. Many residents use designated internal “garage” places within the home as additional living space and instead park vehicles in their driveways or on the street outside the home. As such the existing roads and driveways across the estate feature large numbers of parked cars on driveways, footpaths and streets. The existing developments within the Epic estate feature narrow roads not really suitable to allow on street parking. The roads within the EPIQ estate are a contrast to road widths in other nearby areas within the Pines estate or the Amber Drive area off North Creek Road. Montwood Dr for instance clearly narrows significantly as it leaves the old Pines Estate and enters the newer EPIQ estate. As a result a walk around Epic shows streets partially blocked and poor access and poor pedestrian visibility with the number of cars parked on the roads. In particular such parking often occurs with vehicles partly parking across the footpaths, blocking pedestrian access as drivers recognise that vehicle parked completely on the road will inhibit cars on the road passing each other. Given the emphasis in the planning document on pedestrian access ( e.g. the plans highlight proximity to the shopping centre, playground, and ovals and parkland so that residents can walk to such places) then the road width and allocated parking spaces must support that pedestrian usage.

**Open Space**

Currently there is open space in the Epic estate which includes the oval and two large grassed areas with previously existing Fig Trees. However both the parks around those fig trees are relatively steep and do not support children and families playing games. There are no playgrounds nor any level parkland areas that can be used by local children for games.

There is a generous amount of nature reserve which is commendable. These other green areas cannot be accessed by the public - the lake area, regenerated trees around water canals and animal habitat area.

In Plan MP 07\_0026 MOD 7, there are no changes proposed related to the change of use to ‘small lot integrated housing’ from ‘retirement community’ with regards to necessary open space that would be usable for residents of this development. Clearly when you swap aged residents and instead have young families -you change the likely need for outdoor spaces. The density of housing, proximity to planned roadways, and size of blocks suggests a need for usable open space within or close to the lot for leisure purposes.

With increase in population it is evident that there is very little space for children and adolescents (particularly in primary and teenage years) to undertake leisure activities and join together socially. If you are not in an organised sport (oval) there are no activities to be involved in- no bike tracks, no skateboard tracks, no social spaces and no physical equipment for those who are beyond the one small toddler playground (which existed as part of Pacific Pines) in Montwood Drive.

We note that Council’s planning until quite recently showed a new playground to be built near the shopping centre and the small playground on Montwood was deemed to be “surplus to requirements”, to be removed when the equipment began to wear out. The proposed playground near the shopping centre has now disappeared from Council’s planning and the playground on Montwood is no longer marked on Council’s website as “to be removed”. The existing playground is very well used by local residents but is however an unsuitable site for a playground. It is very close to deep water and the fence between the playground and the water is often in poor condition. The playground is also on Montwood drive and at a position which has traffic speeding at its worst along the street with no pedestrian crossing. Given that most of the housing which has been built in the EPIQ estate is on the other side of the road to this playground, children and families accessing it have to cross the road at an unsuitable location. Lastly the playground is remote from most of the new homes in and around the EPIQ estate. Surely a spot could have been found among the housing in Lot 1A, Lot 5, Lot 2 and this new Lot 1C for a playground given the number of young children living in the hundreds of homes across those parts of the estate.

We note as well the space on the south eastern corner of the intersection of Hutley Drive and Snapper Drive is currently un-utilised. While it clearly has some of the same problems as the Montwood playground being on a main road and adjacent to water – it is surely suitable as an informal play space for older children. We note that flatter open spaces in the estate that might allow primary school aged children to use bikes and scooters are unsuitable for these children as they have vehicular traffic – e.g. the car park area outside the shopping centre and the car park for the oval. But in the whole estate again we have no areas set aside to allow bikes or skateboards or scooters for those primary school aged children. How can we create an estate of this size with no space allocation at all for children and adolescents of this age to play. No wonder we see primary school aged children “hanging out” at the shopping centre during school holidays with nothing to do!

**Layout and housing types**

While we recognise we may be wasting our time mentioning it, we must remind Council of its responsibilities for “affordable housing” within the Shire. This EPIQ estate is a major development of hundreds of houses and yet no mention or effort seems to have been made to ensure the estate contained at least some affordable housing lots. If no space can be found in a development as large as this then where is such housing to be situated? The lowest price for housing anywhere within the EPIQ Estate has been well above an affordable rent or purchase for lower income individuals and families.

**Drainage**

We note the application states that all requirements for drainage works have or will be addressed. From observation we consider this to be incorrect. We note that there is a constant stream of water flowing over the footpath and onto the roadway on Montwood Drive just to the north of the bridge over the creek - even on days and weeks with no rain. Given the flooding crises in the Northern Rivers and predicted heavy rainfall in future years. Drainage must be properly addressed!

We are unsure of the drainage work that has already been done but clearly it is not sufficient or not effective at the moment. With another more than 100 houses as well as roadways on the site, all with hard surfaces – there will be increased run off. We know that the land within this proposed new Lot 1C integrated housing is all land fill. The land is now much higher than it was a decade ago and many thousands of tonnes of soil have been placed on the site. We are aware that the land was previously very wet and boggy most of the time when it was farmlands. It frequently flooded when there was heavy rain. We consider whatever has been done so far has been insufficient and much more must be done before housing is built on the site.

**Light Pollution**

We note no mention at all within the documentation that we can find regarding light pollution. This application and existing development of the whole EPIQ estate has paid little or no heed to light pollution from the estate. The National Light Pollution Guidelines for Wildlife (Australian Government Dept of the Environment and Energy – January 2020) set out guidelines for protection of the environment for both flora and fauna re excessive light.

The proposed Section Super Lot 5 development is adjacent to the drainage reserve and wildlife corridor. These “natural” areas on the east, west and south of the Super Lot are located next to drainage reserve and above areas. As such light pollution should be an important issue. With over 100 higher density integrated housing, these houses will be the closest on the EPIQ estate to these nature reserve areas. As many of the houses are planned to be two story they will project light both into and down on the natural areas and any flora and fauna within those areas. Given the current very excessive lighting used across the Epic Estate (including Woolworths lighting which includes the loading dock, parking area, building signage etc continuously on overnight) that will presumably be repeated in this proposed new development. There must be aspects of the development which are designed to minimise if not eliminate light pollution generally but especially on the wildlife corridor and creek and drainage areas.