Localism and affordable housing

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Contents

Introduction

This Brief brings together two documents, a scan of the some of the literature and public-policy debates around siting affordable housing (Part A), and a report from a roundtable held with some stakeholders on neighbor issues for social housing (Part B).

The amount of units of affordable rental housing being developed and built over the next few years is unlikely to be on the scale it was over the past few years. Then, we saw a couple of major initiatives from the Commonwealth government — the new units of social housing that were part of the national response to a global financial crisis and the new units of social and intermediate housing partly-subsidized by the Rudd government's National Rental Affordability Scheme. At the same time, independently, the NSW government had revamped and launched a suite of mechanisms through the land-use planning system to maintain and promote affordable rental housing. The policy document containing those mechanisms, the State Environmental Planning Policy (Affordable Rental Housing), reinforced the Commonwealth initiatives, while also promoting policies of the state government — notably urban consolidation.

Perhaps we might not see such a confluence of policy and program initiatives on this scale again in the *near* future. But there will be ongoing activity to build new units of affordable rental housing, as the community housing providers who were given title of the 'Nation-building' dwellings expand their capacity as property developers. Also, while the State Environmental Planning Policy (Affordable Rental Housing) was modified in May 2011 by a new, Liberal-National government in New South Wales, its core provisions and opportunities have not been changed. The range of issues canvassed in this Brief are therefore not simply of historic interest.

They are about how processes of government-driven change can be better managed to address issues raised by some of their critics. For a small minority of the housing developments met with opposition from neighbors. This opposition was particularly evident in some middle-ring suburbs of Sydney north of the Harbour. We would not, presumably, think it is good public policy to accept the Harbour as presenting some sort of divide between rich and poor, north of which being be a terra nullius for affordable housing. For this reason what neighbors of affordable housing say about it needs to be listened to.

A quick scan of some of the academic literature (Part A) and discussion with participants at a roundtable (Part B) shows that proposals for new affordable housing can raise neighbors' concerns about the built environment: things like scale, form, appearance, overshadowing, traffic impacts, etc. These are issues that crop up in disputes about any development, whether nonresidential or residential. A British survey (reported in Part A) showed Britons' strong opposition to any new housing in their neighborhood. There does not seem to be this sort of fundamental opposition to new housing as such in New South Wales, but there does seem to be a concern with new housing if it introduces a major change to the existing built

form — specifically, if denser buildings are proposed for neighborhoods that are predominantly low-rise and low-density.

Another key aspect of possible concern by neighbors with affordable housing is that it is affordable housing. Here the concern is not just about structures, buildings, but about the residents, people. A number of US studies reported Americans' concerns about particular types of facilities in their neighborhood, with concern about a facility directly linked to the prospective clients of the facility. This led some researchers to construct hierarchies of acceptance: some facilities are more acceptable than others, and some client types are more acceptable than others. This notion is discussed in Part A, and we also discussed the notion with participants at the roundtable (Part B).

Unreasonable objections on matters to do with the built form and built environment generally can be dealt with by ensuring that affordable housing is designed to be in sympathy or character with the existing built form, is well maintained, and is well-managed. Dealing with objections that are about the low-income status of incoming residents (snobbery) or unjustified concerns about anti-social behavior (stereotyping) are another matter.

These sorts of objections have a particular cogency in New South Wales because of the highly-targeted nature of that affordable housing that is in the form of social housing, and because of the seeming inadequacy of welfare/support services for social-housing tenants. Also, where new affordable-rental dwellings take the form of flats (sensible in the context of the environmental and social costs of urban sprawl), the design of the buildings need to address potential negative impacts on neighbors (audio-visual privacy, overshadowing).

Much of the opposition to opponents of locally-unwanted land uses is encapsulated in the abusive epithet, 'nimbyism'. It's an accusation that doesn't invite discussion. But some of the debate might well be about concerns that people have about the changes going on in the world around them, changes that affect their neighborhood, changes that affect their quality of life, which are better expressed as 'localism' — a term that does not (yet) have the same opprobrium. It was somewhat coincidental, and not at all fortuitous, that debates in 2009 and 2010 around the location of new affordable housing occurred in a context of governments moving to centralize decisionmaking on land-use matters and to rollback community engagement mechanisms that we inherited from the hippier days of the 1970s.

The discussion in this Brief leads to a number of questions that need more thinking about.

Does nimby-labeling devalue the range of views and concerns held by residents about developments?

Does the land-use planning process allow residents to have a reasonable say about the local area and things that affect them? Should residents have a say about local planning and development issues? Or should this be left to the experts (the policymakers, planners, and housing advocates)?

Should the government public-housing agency be treated more favorably than private-housing developers on matters of assessment and approval in the land-use planning and development-assessment systems? If not, what mechanisms should there be so that its development proposals don't get unreasonably stymied?

What is the best means to settle disputes between those want more residential development and those who want farmland, and between those who do not want radioactive waste in their neighborhood and those who need to dump the waste somewhere? And between those who do not want affordable housing in their neighborhood and those working to provide low-income and socially-disadvantaged people with a place to live?

Part A:
Background

This part comprises findings from a scan of some of the literature and relevant public-policy developments in New South Wales.

A number of development proposals for affordable rental housing were the focus of neighbor protest in 2009 and 2010. Those development proposals were either for:

- social housing, for which Housing NSW was the proponent;
- boarding houses, for which various private developers were the proponents; or
- other affordable rental housing, for which various private developers were the proponents.[1]

Most of the developments objected to were in Sydney, but some of the social housing developments were outside Sydney, e.g. lower Hunter, Moree.

The controversies in 2009 and 2010 took place against a number of new public-policy initiatives:

- a (small) injection of funding for additional social housing, under the National Partnership on Social Housing announced in November 2008, with 685 additional dwellings built in New South Wales over 2008-09 and 2009-10[2];
- an (extra-ordinary) increase in the number of social housing dwellings constructed, under the Nationbuilding and Economic Stimulus Plan's (NBESP) Social Housing Initiative announced on 3 February 2009, with 6,350 new dwellings built in New South Wales (see Table 1[3]);
- a liberalization of land-use controls on 'low rise' flats and multi-unit housing to be used for affordable rental housing, including in residential zones where those dwelling types were not ordinarily allowed[4];
- a liberalization of land-use and development controls on flats to be used for affordable rental housing, in zones where those dwelling types were already allowed[5];
- a liberalization of land-use controls on flats and multi-unit housing to be used for social housing in zones where those dwelling types were not otherwise allowed[6];
- a power given to the Land and Housing Corporation to self-approve its developments where they contained less than 20 units on a site and the development was no higher than 8.5 meters (roughly 2 storeys), and without having to advertise the development beyond immediate neighbors[7];
- a power given to the state government's Infrastructure Coordinator-General to approve NBESP projects and bypass normal planning and development-assessment processes for them[8]; and

- a liberalization of development controls on new boarding houses (to, among other things, facilitate development of '"new generation" boarding houses').[9]

In short, the conjuncture was characterized by more development of affordable rental housing, more favorable conditions for development of such housing (liberalization of land-use and development controls), and more favorable treatment of the main developer of affordable rental housing (Housing NSW).

Table 1: Consent authorities for NBESP affordable rental housing projects

Planning process	NBESP stage 1		NBESP stage 2		NBESP total	
	Projects	Units	Projects	Units	Projects	Units
NBJP Act	23 (19%)	204 (24%)	65 (17%)	1792 (33%)	88 (17%)	1996 (31%)
DA to council	76 (62%)	528 (61%)	48 (13%)	646 (12%)	124 (25%)	1174 (18%)
HNSW self-approval	22 (19%)	128 (15%)	268 (70%)	3052 (55%)	290 (58%)	3180 (50%)
Total	121	860	381	5490	502	6350

The conjuncture was characterized also, in the national sphere, by:

- vigorous public debate about the appropriate course of fiscal policy to deal with a global financial crisis[10], and
- a federal election;

and in the state sphere by:

- similarly vigorous debates about
  - state government interventionism in development assessment processes (focused on the then Part 3A of the *Environmental Planning and Assessment Act*, which the opposition parties were promising to repeal[11]), and
  - the role of densification to deal with land and housing supply shortages in Sydney[12], and
- a looming state election.

Neighbor opposition

Some, but not all, of the development proposals for affordable rental housing were opposed by resident action groups and local government councils. About 5% of the social housing proposals under the NBESP – 25 out of 503 – were regarded as 'significantly controversial' by Housing NSW.[13] There were a greater number of such developments that were the subject of controversy in New South Wales, compared with other states. Part of the reason might have been because the NSW government put more emphasis on fast-tracking these developments, to meet tight Commonwealth deadlines, than did other jurisdictions.[14]

One of the more vocal groups in the NBESP period against new, infill, social housing was Residents Against Inappropriate Development (RAID), in the middle-ring suburb of Ryde.[15]

This group focused on new social housing constructed under the NBESP, and also criticized the role of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* and Part 3A of the Act. It identified concerns about the built environment ('It doesn't fit in with the street at all', 'congestion'), the social environment ('their suburbs will become overcrowded', 'a drop in house prices'), and the decisionmaking process ('the lack of consultation').[16] This group used a mix of the three dimensions in voicing opposition: impact on built environment ('below the minimum standards', 'degrades social housing standards', 'ghetto-style boxes that are without sufficient parking', 'totally inappropriate and out of character with the surrounding residential streets'), social impacts (Department of Housing tenants 'are being treated as third-class citizens'), and authoritarian political processes ('New laws introduced by the State Government have vetoed the council process and give residents absolutely no right of appeal', 'short timeline for completion did not allow for proper community consultation', 'ignoring the normal democratic consultation process', 'standing up for our rights as residents').[17]

This group explicitly rejected the labels of nimby and elitist, arguing that its opposition to sub-standard dwellings for social housing tenants was about 'advocating for the disadvantaged', and pointing to involvement of (some) public housing tenants in its actions.[18] The relation of this opposition to NBESP social housing and opposition to social housing as such is complicated by the nature of the housing being proposed by the developer (Housing NSW):

- A number of proposals were criticized because of the perceived inadequacy of carparking being provided with the development.[19]
- This point of criticism was highlighted by reference to the distance of the development from a train station.
- Opposition was sometimes reduced if the housing was to be allocated to older people. ('If they were being used for aged care then there would be less traffic'[20])

In some cases the proposed social housing dwellings were seen as contributing to an overconcentration of social housing in the neighborhood; a proposal for a 23-unit development in Kathleen street, North Ryde, was seen as too close to an existing 24-unit development in Beatrice Street and a 26-unit development in Lorna Avenue 'all within a six-block radius'.[21]

One of the perceived problems with a social housing development in Palm Cove (Cairns) was that it was 'only 100 meters from the centre of the beach', which allegedly would be a 'threat' to tourism.[22] This latter criticism highlights what might be a primary (or primal) concern with social housing, and that is that its residents are somehow different from other residents *as people*.

What is the objection?

An owner-occupier could find that they are 'next door' to a social housing dwelling (and its tenants) in one of 4 scenarios:

1. They purchase a dwelling adjacent to or near an existing dwelling already used for social housing.
2. An existing dwelling (adjacent to or near them) that has been used for owner-occupation or private renters becomes a social housing dwelling as a result of purchase or headleasing by a social housing provider (without any change of land-use or intensification of use).
3. A site adjacent to or near them that has been vacant or has been used for another purpose is developed for social housing dwellings (or with a portion of social housing). This (re)development might or might not involve more intensive use (number of dwellings, scale of built-form). It would require development assessment by a consent authority, and this would require some form of public consultation process.
4. A site adjacent to or near them that comprises public housing dwellings is redeveloped for social housing and possible other-tenure dwellings, with the redevelopment involving more intensive use (number of dwellings, scale of built-form). The development would require assessment by a consent authority, and this would require some form of public consultation process. State housing authorities have signaled that the most immediate opportunity to increase housing supply within urban boundaries is to accelerate the renewal of aging public housing estates, 'leveraging significant land holdings with new investment'.[23]

A number of American studies have tried to unpack the grounds raised in neighbor objections to locally-unwanted land-uses (LULUs). Sometimes the studies are about affordable housing (and specifically affordable rental housing, often the social housing form). Sometime the studies are about human services, which includes specialist housing for homeless people, people with disabilities, and older people.

Lake locates the NIMBY phenomena as a spatial conflict between capital and communities.[24] Conflicts over LULUs should not be seen as simply as about the spatial implications of a given facility, but about the production and consumption of land and other resources. He sees local conflicts as 'displaced class conflict'. Consumption of land for housing fuels the land-development process, and generates returns to capital; there is a relationship between these production and consumption processes that 'underscores and explains the pervasiveness of NIMBY'. He argues that, for example, putting hazardous waste incinerators next to a town is only one of a number of solutions to management of hazardous waste, one which minimizes the costs to capital and concentrates costs on communities. Another example he gives is about affordable housing.

> It is politically easier to castigate community opposition to affordable housing than to re-examine a political economy that perpetuates poverty so that we have to create places for poor people to live. In a single year, between 1989 and 1990, the United States added 2.1 million people below the poverty level (U.S. Bureau of the Census 1991). In that same year, the nation may have added a few thousand units of affordable housing. Criticizing community opposition to that housing is akin to opening a pinhole in a clogged-up sink drain while leaving both faucets wide open, filling the sink with water.[25]

He argues that the framing of resistance to capital (and the capitalist state) as irrational and reactionary places the onus of policy failure entirely on selfish local communities, obfuscates the needs of capital, and deflects attention from fundamental societal problems.

Fischel points to the dual role of a homeowner's dwelling as both an asset (investment) and a consumption item (the housing service they consume).[26] He notes that for many homeowners the dwelling is their major, and often only, asset. When they express opposition to neighboring developments, whose effects might be 'small or even benign'[27], their anxiety is not necessarily irrational. It is a rational strategy to manage potential, adverse risks of homeownership. Fischel argues that the homeowner's objection is not necessarily about the likely, *expected* effect of a development, but about the *variance* between what they expected their future situation might be and what they now fear it might be consequent to the proposed development going ahead. He thinks it is this factor that explains the emotiveness of some responses. The impact of the proposed development on the value of their asset is a factor in their opposition, but it is not the short-term impact that is the key factor of concern, rather, the impact at some time in the future of an *unknown* event (related or caused by the development) that *might* or might not happen.[28] On this basis, Fischel comments that objection to a development might seem nonsensical in terms of 'the rationally expected outcomes from the development', but makes 'perfectly good sense' in terms of the variance in expected outcomes. What the resident does not know is what effect the proposed development will have on neighborhood decline, and therefore the value of their asset. There have been a number of American studies on the effect of affordable housing on the value of existing housing[29]; Fischel's approach is different from those studies, which focus on the short- or medium-term impacts on house prices, in that he focuses on neighborhood change: opposition to a LULU might be expressed in terms of a negative impact on house price, and there might or might not be 'truth' about that, but more fundamentally the opposition is based on anxiety about future change. The opposition is a sort of *insurance policy* in the absence of another mechanism to insure against those unknown events; it's a response to uninsured risks of homeownership.[30]

Takahashi and Dear locate the background to community opposition to controversial human services in two urban processes. One is land development and externalities from that development. The second is the stigmatization and marginalization of people seen as 'nonproductive', and the consequent skewing of the location of human services for such people (mostly in lower-income, inner-city neighborhoods).[31] People stigmatized as non-productive are associated with varying perceptions of threat; a continuum of threat might characterize service-dependent individuals on a scale ranging from nonproductive and nondangerous to non-productive and extremely dangerous. The neighbor constructs hierarchies of acceptance, which are measures of the continuum threat. (These hierarchies can change through volatility (i.e. new clients and facilities can be included) and synergy (i.e. there can be shifts in the relations been unacceptable clients). People considered to be the least productive and the most dangerous are found relatively consistently at the bottom of the hierarchy. Takahashi and Dear use this notion of an *acceptance hierarchy* to analyze respondents' responses in a national survey of Americans' attitudes conducted in 1989; this

survey, among things, asked about attitudes to the acceptability of different human-service facilities within their neighborhoods. Takahashi and Dear's results are indicated in Figure 1.[32]

Figure 1: Hierarchy of acceptance of human-services facilities

Absolutely unwelcome	Mixed reviews	Most welcome
Group home for mentally disabled persons	Group home for mentally retarded persons	School
Group home for people with depression	Alcohol rehabilitation center	Day-Care center
Mental health outpatient facility	Homeless shelter	Nursing home for older people
Independent apartments for mentally disabled	Drug treatment center	Medical clinic treating eyes or allergies
Group home for people with HIV/AIDS		Hospital

The acceptance of a facility for a certain client type was linked to the characteristics of the client, and Takahashi and Dear refer to an earlier American study, which, among other things, focused on attitudes to types of clients.[33] The results from that study are indicated in Figure 2.[34]

Figure 2: Hierarchy of acceptance of type of client

Ranking	Type of client	Percentage of respondents opposing the facility
1	Elderly	4
2	Physically handicapped	6
3	Terminally ill	12
4	Mentally retarded	21
5	Mentally ill	39
6	Parolees	48
7	Troubled adolescents	51
8	Alcoholics	55
9	Drug addicts	78

In another article, Michael Dear identifies four factors in community response to the location of human services in their neighborhoods:[35]

- Client characteristics: the good neighbor hierarchy (as in **Figure 2**)
- Nature of the human services facility: the facility itself and how the operator conducts its business, with 6 elements: type (residential or nonresidential, local or outside clients, provision or dispatch facility, acceptable or unacceptable clients); size of facility; number of facilities; appearance; operating procedures (e.g. supervision, operating hours); reputation of the provider
- The structure of the host community – how homogenous the neighborhood is, in physical and social terms, and how wealthy it is (see page 18 of this paper)
- Local program considerations – if poorer neighborhoods that already have a reasonable number of human services facilities in them are presented with a proposal for another one, residents might object on the ground they are saturated with human services facilities.

These studies are not always dealing with the same type of LULU. A LULU might, or might not, be a dwelling. If the LULU is a dwelling, the objection could arise simply because it is a dwelling (e.g. neighbors might prefer a site to be used for a park rather than more housing). Opposition to new dwellings can occur with dwellings to be used for owner-occupation. And opposition to new dwellings can occur with dwellings to be used for affordable rental housing, either affordable rental housing that is intended for independent living where the resident is 'simply' poor, or affordable rental housing that is provided with some type of in-built welfare support (*supported accommodation*). See Table 2.

Table 2: Form of locally-unwanted land uses

Non-residential	Residential
• Economic services including: waste incinerators, McDonalds, brothels, mobile-phone towers, etc. • Human services including: hospitals, outpatient health clinics, child-care centers, etc.	• Owner-occupier housing including privately-owned dwellings that are let (to 'private renters') • Affordable rental housing for independent living including: social housing, intermediate housing, boarding houses, secondary dwellings • Affordable rental housing that is *supported accommodation* including: crisis accommodation, group homes for people with a disability, Abbeyfield housing

In relation to affordable housing, Tim Iglesias identifies seven 'bases of concern':[36]

- conflicting interests regarding typical land-use concerns, e.g. parking or traffic
- fear of negative impacts, e.g. property values, crime, poor design;

- prejudice or bias toward prospective residents;
- value conflict, e.g. no-growth environmentalists, local pressure to make the site into a park, or opposition to the use of tax revenues to support affordable housing;
- lack of information/misinformation;
- complaints about the process, e.g. expressing a desire or expectation to participate; and
- issues unrelated to the actual proposal, e.g. anger at the local government because of the lack of services.

It could be useful to group the various grounds of concern or objections into four:

- a concern about impacts on the **natural and built environments**, e.g. whether a development will have a negative effect on bushland, whether a development will have a negative effect on streetscape and urban character, whether a development will have negative effect on amenity (overshadowing, overlooking);
- a concern about the **economic impacts** e.g. whether the users of a development will have a negative effect on existing residents through loss of property values of their dwellings;
- a concern about the **social environment**, e.g. whether the users of a development will have a negative effect on residents' reasonable peace, comfort or privacy through anti-social behavior by residents of the new dwellings; and
- a concern about the **political process**, e.g. whether 'due process' is being carried out — expressed around issues like whether development-management is being done by a state government agency or a local government council, whether there is preferential treatment of particular developers or types of development, or whether processes for public engagement are adequate.

For each these four grounds of concern, the impacts could be immediate and discernible (or imagined), and the neighbor's concern could be low (if they are less averse to risks) or high (if they are highly averse to risks) along a continuum of concern: indicated in Figure 3. As well, for each of these grounds of concern, in the case of highly-risk adverse neighbors, the concern could be about unknown future impacts (as argued by Fischel).

Figure 3: Continuums in potential degrees of concern by neighbors

Highly risk-taking on environmental impacts	⬅ ➡	Highly risk-adverse on environmental impacts
Highly risk-taking on economic impacts	⬅ ➡	Highly risk-adverse on economic impacts
Highly risk-taking on social impacts	⬅ ➡	Highly risk-adverse on social impacts
Low concern about process matters	⬅ ➡	High concern about process matters

Negative economic impacts: house prices

The potential for an affordable rental housing dwelling to have a negative impact on the value of an owner-occupier's dwelling was raised during the debates in New South Wales in 2009 and 2010. A resident of Darvall Road, West Ryde, reported that two real estate agents had told her that her house, valued at $1 million two years previously, would be worth about $150,000 less as a result of Housing NSW developing an adjacent site with a 2-storey, 9-unit dwelling.[37] The same news story reported Nick Matulic, director of First National real estate at West Ryde, as saying that the bigger blocks of public housing were having an impact on house prices and driving people out of the area.

> 'In particular streets there's been multiple sales because of it and people are not getting [an] optimum price,' Mr Matulic said. 'Buyers are conscious of what's going on and are trying to stay away from certain streets. It's leading to negative vibes about certain areas, which is a little bit unfair.' Mr Matulic said the larger blocks would have a negative impact on the future capital growth of the surrounding properties, but couldn't say by how much.[38]

These types of claims (or denials of them) do not seem to have a grounding in independent research literature in Australia.

There has been more research about house-price impacts of affordable housing in the USA. Mai Thi Nguyen did an analysis of 17 American studies that measured the effects of affordable housing on property values of neighboring dwellings.[39] Her conclusion was that

the claim by 'affordable housing advocates' that affordable housing has no negative effects on property values of neighboring dwellings *cannot* be sustained. This was primarily because there was not enough evidence to make such a definitive claim about the relationship. While an early wave of studies in the USA, done up to the early 1990s, showed no negative effect, those studies had a number of methodological problems. A second wave of studies from the middle 1990s that used multiple regression techniques (hedonic models) came up with different results. They found that property values can be affected by the location of affordable housing. But the effect could be *positive as well as negative*, and the extent of negative effect was dependent on a number of factors. A *general* claim that affordable housing had no negative effect was untenable, and a *general* claim that affordable housing had a negative effect was also untenable. She concluded that negative effects did occur, but where they occurred, the magnitude of the effect 'appears to be relatively small, controlling for other factors of the property, such as quality and management of the affordable housing structure'.[40]

A circumstance where affordable housing could *increase* property values was where it was built in neighborhoods where there were abandoned dwellings or physically-deteriorating properties. Another circumstance was where the affordable housing was managed by community housing providers who were quicker to community concerns, than public-housing managers or private-owners of subsidized housing.

The factors that affected whether, and to what extent, affordable housing had negative impacts on neighboring house prices were:

- whether the new affordable dwellings were 'done well' in terms of quality and design — the better the design and quality, the less likelihood of a negative impact;
- whether the new affordable dwellings were well-managed — the better managed the dwellings (and their tenants), the less likelihood of a negative impact;
- whether the new affordable dwellings were built in a suburban area or an urban (i.e. inner-city) neighborhood[41] — negative impacts were more likely in localities where there were wide discrepancies in values between existing housing and new-build affordable housing;
- whether the new affordable dwellings were built in distressed neighborhoods (with socially-disadvantaged populations) — negative impacts were more likely in localities where the lower-priced dwellings were depreciating in value; and
- whether the affordable dwellings were clustered or dispersed — negative impacts were more likely in localities where the dwellings were clustered.

The circumstances where affordable housing was not likely to have negative effects were:

- It was sited in healthy and vibrant neighborhoods.
- The structure of the dwellings did not change the character or quality of the neighborhood.
- The management was responsive to neighbors' problems and concerns.
- It was dispersed.

Nguyen's findings were supported by another research synthesis, of 21 US studies undertaken since 1995, by Sherry Ahrentzen.[42] The studies she analyzed were those that sought to indicate the impacts of nonmarket housing. She concluded that: 'There is no single, unqualified answer to whether or not introducing affordable housing lowers property values of surrounding homes.' The four factors that most consistently affected an impact were:

- whether the new dwellings were replacement dwellings in depressed neighborhoods or new dwellings on vacant land in untroubled neighborhoods: new dwellings that replaced vacant, abandoned dwellings in depressed neighborhoods were more likely to have a positive impact on the value of neighboring dwelling, than new dwellings on vacant land in untroubled neighborhoods; this was so especially so if the new dwellings in distressed neighborhoods were being built as part of an urban renewal program;
- how concentrated the new affordable housing was: there might be a threshold in terms of scale (number of units) beyond which the proportion of affordable housing in a neighborhood could result in stagnant or declining values for the neighboring dwellings;
- whether the affordable housing is located in neighborhoods that have higher valued dwellings, are wealthier and are stable: affordable housing built in neighborhoods with those characteristics were less likely to have negative impacts on the value of neighboring dwellings, than in neighborhood without those characteristics;
- whether the affordable housing was well-managed: negative impacts on neighboring dwellings were less likely where the provider of the affordable housing managed the dwellings well.

Ahrentzen's survey of studies ruled out the structure type (single-family dwellings versus townhouses versus multifamily units[43]) as a factor impacting on neighbors' dwelling values, but many of the cities in the studies she surveyed had a diversity of dwelling types in the study neighborhoods, so the sample would have skewed the result on this variable.

The studies she surveyed had *little or inconclusive* investigation on whether these two possible factors had an impact:

- the quality and design of the dwelling; and
- tenant characteristics (e.g. race, ethnicity, household size).

Negative social impacts: behavior of affordable-housing tenants

It is clear that some of the objections to affordable rental housing is expressed in terms of the new residents being somehow different from the existing residents, and in particular that the new residents will behave in in an antisocial way.

Self-evidently, residents of social housing are likely to be poor. Even if the affordable rental housing is intermediate housing, the residents are likely to have been struggling in the market to be eligible for that intermediate housing.

Rowland Atkinson and Keith Jacobs, drawing on 2006 Census data, note that Australian public-housing tenants have a much lower rate of employment compared to people in other housing tenures. 'It is not surprising that many tenants do not work because entitlement to the tenure is generally based on having a low income and few household resources.' Whereas 26% of public housing tenants are employed (full- or part- time), 77% of home purchasers and 65% of private renters are working.'[44] They comment: 'Clearly it would be difficult to expect this tenure to represent a typical cross-section of the community, yet the general concentration of this social profile means that the broader community has come to view the sector as being inherently problematic.'[45]

Residents of social housing might also have some sort of characteristic, apart from poverty and an unsatisfactory situation in the housing market, to warrant allocation of the limited number of social housing dwellings that become available (new-builds, vacancies). Allocations to applicants for public housing with 'special needs' have increased as a proportion of new allocations over the last decade, with a noticeable increase between 2007-08 and 2008-09 when the proportion of 'special need' allocations increased from 50% to 64%.[46] (See Figure 4.[47]) The proportion of allocations to 'greatest needs' applications has been steadily rising since 2005-06.[48] (See Figure 5.[49])

Figure 4: Proportion of special needs (new allocations) in NSW public housing
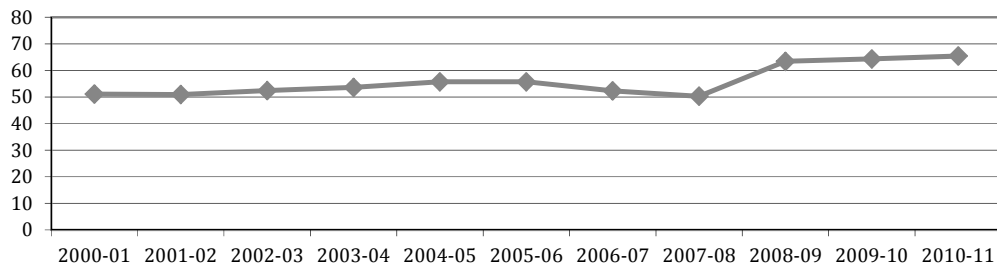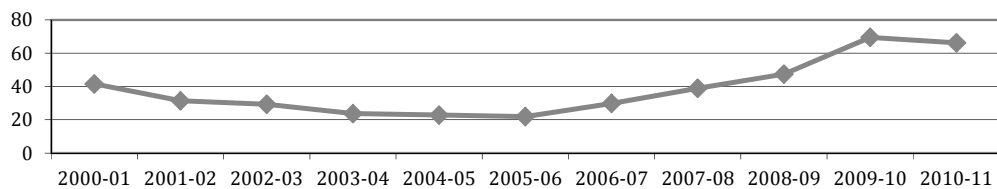

Figure 5: Proportion of greatest needs (new allocations) in NSW public housing

None of the criteria for defining 'special needs' or 'greatest needs' tenants *necessarily* means that the behavior of the tenant would be problematic (antisocial, etc.) However, in practice, there is marked concern even by *public-housing tenants* about:

- antisocial behavior (e.g. noise, violence, drug use and drug dealing, and vandalism and lack of respect for public places) by other public-housing tenants[50]; and
- the extent to which new tenants have mental health issues that have a negative impact on their (public-housing tenant) neighbors — a concern particularly acute in inner Sydney.[51]

A study of nine public housing estates (3 of which were in New South Wales), undertaken before the 'NSW government plan for reshaping public housing' of April 2005, found that crime was both endemic (widespread) and recurrent (concentrated at hotspots) throughout all study areas; crime was strongly associated with public-housing concentrations; and while crime was evident in adjacent areas of private ownership as well, and hotspots occurred there too, they did so 'to a conspicuously lower degree'.[52] Many NSW public-housing tenants are concerned about safety and security in their home and in their neighborhood: 25% reported that their safety and security in their home did not meet their needs and 27% reported that the safety and security of their neighborhood did not meet their needs, in a 2010 national survey of public-housing tenants.[53]

Some of the matters about neighbors' concern with affordable housing could be prevented by better design of multi-unit dwellings and better tenancy management. An analysis of case studies of clients of tenancy advice services in New South Wales concluded that most 'nuisance and annoyance' cases involving public-housing tenants involved:[54]

- inappropriate allocations of a new tenant to a dwelling;
- poor dwelling design and standards;
- lack of services for tenants with support needs;
- ineffectual communication between tenants and departmental staff;
- inappropriate (invasive) information-gathering strategies by departmental officers and other tenants; or
- inappropriate responses by department staff to racist abuse and intolerance of tenants by other tenants.

A number of government welfare programs and initiatives seek to deal with the support needs of public-housing tenants with intellectual and psychiatric disabilities, that would mitigate negative impacts on their neighbors (in public housing and other tenures), e.g. Housing and Support Initiative (HASI) and the mental health agreement between the Department of Family and Community Services and NSW Health.[55] We might ask, if social housing does bring more 'troublesome' people into the neighborhood, are those support arrangements adequate?

In relation to anti-social behavior, the state regulates the behavior of social housing tenants on a much more interventionist basis than it does with private tenants. The state requires that no tenant interfere with 'the reasonable peace, comfort or privacy' of any of their neighbors.[56] Social-housing tenants who are tenants of the Land and Housing Corporation may *also* be subject to orders on antisocial behavior (including excessive noise, dumping of cars, vandalism and defacing of property) that occurs on their dwelling and properties adjoining or adjacent to those dwellings.[57] (See Attachment 1.) However, the Corporation has

not actually used these provisions.[58] In addition, there are a number of administrative-based regulatory mechanisms, such as sanctions on the maximum number of days visitors may stay at the tenant's residence, that could be used to minimize negative impacts on neighbors.[59] We might ask, if social housing is associated with more 'antisocial' behavior in the neighborhood, are those policing powers adequate to assuage neighbors' concerns?[60]

Who objects?

There is not much research on the characteristics of objectors in Australia. One and a half years ago there was only one such study, according to that study's author, Mandy Press.[61] Her study was on opposition to community housing in Victoria, for Port Phillip council in Melbourne.[62] She found that rejecting neighborhoods were likely to be characterized by either:

- affluence and upward mobility, or
- stress and saturation.

There have been a couple of recent British studies that identify characteristics of objectors, but these have focused on opposition to housing development (basically new-build housing) *as such*, rather than on opposition to affordable housing or to housing provided to socially-disadvantaged households.

One report found that the likelihood of opposition to housing development was high or fairly high from 52.7% of British households.[63] It characterized those households as:

- 'wealthy executives', comprised of householders working in senior managerial and professional occupations or running their own business, living in wealthy, high-status rural, semi-rural and suburban areas, predominantly middle-aged or older, living in large houses;
- 'affluent greys', comprised of mainly prosperous empty-nesters and retired couples aged from their 40s up, living in detached dwellings in rural towns and villages;
- 'flourishing families', comprised of mainly wealth families with mortgages, tending to be between 40 and 65, living in established suburbs, new housing developments around commuter towns, villages and rural areas;
- 'prosperous professionals', comprised of well-educated people living in cities, many of them in their 30s to early 50s, often employed at senior managerial level in professional occupations;
- 'secure families', comprised of mainly home-owning families living comfortably with mortgages, generally earning above-average incomes;
- 'settled suburbia', comprised of mainly older empty-nesters and retired couples aged 50 and over; and
- 'post-industrial families', comprised of skilled older families and young working families working in office, clerical or retail jobs, predominantly aged between 40 and 49 years.

An analysis by Glen Bramley of Britons' attitudes to house-building in their local area, drawn from the British Social Attitudes Survey of 2010, found that 45% of people were opposed to

more dwellings being built in their local area.[64] Among homeowners, this figure was 51%, compared with only 24% of homeowners who supported it. People who opposed new house-building outnumbered those supportive by a ratio of 3:2.

The opponents were more likely to be:[65]

- older (retirement age) households;
- people in skilled (manual and nonmanual) occupations;
- residents of less deprived neighborhoods, more so than residents of deprived neighborhoods;
- residents of villages, more so than residents of big cities;
- people who were less satisfied with their areas as a place to live, more so than people who were satisfied with their areas as a place; and
- residents of areas where there was lots of designated Green Belt, more so than people who lived where there was lots of undeveloped land.

An American study found that one of the factors relevant to whether a *human services* facility would meet local opposition was the structure of the host community. [66] The word 'structure' here covers physical issues, i.e. the existing built form, and social issues, i.e. socioeconomic profile and housing tenure. The more homogenous the neighborhood, in physical and social terms, the more likely difference will be rejected: there is more likely to be opposition in suburbs of low-density, single-family dwellings inhabited predominantly or exclusively by households that are owner-occupiers and wealthy. The more affluent tend to be less welcoming, and the wealth of a person is a key predictor of likely opposition.

Some studies have observed that a critical factor in the existence and/or extent of neighborhood opposition to a development is whether the person(s) immediately next door objects.[67] If the next-door neighbor(s) objects, there is much more likely to be neighborhood opposition. Dear describes geographical proximity as the 'one universal factor' in all nimby conflicts: the closer residents are to an unwanted facility, the more likely they are to oppose it.[68]

The governmental dimension of development assessment

Neighbor concerns about social housing might be exacerbated where the developer does not have to get approval from a local government council, or where community engagement processes (usually implemented as *consultation*[69]) are considered to be inadequate.

In the case of the Land and Housing Corporation, its developments are freed from normal processes in many circumstances:[70]

- Where the development comprises less than 20 units on a site and the development is no higher than 8.5 meters, the Corporation may approve the development *itself*.[71]
- Where the development is valued at more than $5 million, the consent authority is a Joint Regional Planning Panel.[72]

- Where a public housing site is declared by the minister for planning to be state-significant, the consent authority is the minister for planning and infrastructure.[73]

> Public/community engagement has 3 components: information, consultation and participation.
>
> 'Information' is a one-way relation between government and citizens in which government produces and delivers information for use by citizens. The concept covers 'passive' access to information on demand by citizens and 'active' measures by government to disseminate information to citizens.
>
> 'Consultation' is a two-way relation in which citizens provide feedback to government. It is based on the prior definition by government of the issue on which citizens' views are being sought and requires the provision of information.
>
> 'Participation' is a relation based on partnership with government, in which citizens engage in the policymaking process. It acknowledges a role for citizens in proposing policy options and shaping the dialog (although the responsibility for the final decision or policy formulation rests with government).
>
> (OECD, 'Engaging citizens in policy-making: information, consultation and public participation', OECD Public Management Policy Brief no.10, July

During the period in which the Corporation was developing new social housing under the NBESP, there was some public concern about the trend for decisions on developments to be taken away from local councils, and given to the minister (in the case of 'state significant' developments) or the mechanism of Joint Regional Planning Panels in the case of developments declared to have 'regional' significance.[74] This centralizing trend was partially rolled back by the new government elected in March 2011, with a modified system for assessment of state-significant developments that began on 1 October 2011.[75] In the context of debates around these matters in the few years leading up the state election, concern about the special treatment of Land and Housing Corporation developments (under the Affordable Rental Housing SEPP) seems to have been linked to concern about authoritarian and centralizing use of government powers generally.

Another dimension of concern around governance was, and is, around the extent of consultation with neighbors. Opportunities for public/neighbor input into the assessment of a development application vary according to the nature of the development. (See Attachment A2.) During the core NBESP period (2009 and 2010), the Land and Housing Corporation was able to consult with a smaller range of neighbors than was reasonable. The *State Environmental Planning Policy (Infrastructure) 2007* from 20 February 2009 to 30 July 2009 and then the *State Environmental Planning Policy (Affordable Rental Housing) 2009* from 31 July 2009, required the Corporation to notify the local council and the 'occupiers of adjoining land' about certain developments that did not require consent. This latter category of stakeholder was narrower than that applied in the typical practice of local councils. This was contentious, and Shepherd and Abelson considered it 'sub-optimal'.[76] The new government elected in March 2011 fixed this, with amendments to the SEPP that require the Corporation to also advertise its developments to persons nominated by the local council (in effect, 'normalizing' the Corporation's advertizing practices).[77]

Some nongovernment organizations have suggested that consultation processes on development should meet three basic criteria: genuineness, appropriateness, and timeliness; more specific suggestions on how these criteria could be met are given in a report by the Environmental Defenders Office and Total Environment Centre, 'Reconnecting the community with the planning system'[78].

The extent to which neighbors and other 'third parties' may object to proposed developments and appeal against development consents is an ongoing issue in public-policy debate on land-use planning systems. Legislative frameworks created in the aftermath of the 1960s factored in public participation. The extent of this participation has been peeled away through 'low key' measures like the Joint Regional Planning Panels and the more aggressive fast-tracking that occurred during the NBESP period. The argument against mechanisms favorable to third party objection and appeal rights is couched in terms of efficiency, and the dominant public-policy trends include removal or minimization of opportunities for third-party objection and appeal rights.[79]

The value of localism

Advocates of affordable rental housing criticized opposition to NBESP developments as 'nimbyist'.[80] The labelling of opponents of a development as 'nimbyist' serves to inferiorize the view of the opponent in relation to the view of the proponent. Offer notes:

> Depending on where you sit — proposer or opposer — the NIMBY syndrome can be viewed as an unabashed pursuit of narrow self-interest or a triumph of western democracy. But regardless of your perspective, it should be clear from the term's origins that NIMBY is meant as a pejorative statement, and is designed to belittle and marginalise those opposing a project.[81]

The ANTI-NIMBY defines the opponent's view as about self-interest, reinforced by ignorance and/or prejudice. In contrast, the proponent's view is about a greater interest. If there is self-interest within this greater interest, such as a goal of capital accumulation and a profit motive, then it is cloaked behind a rhetoric of developmentalism: housing development will create good things like jobs, homes, etc., and any opposition to it is, by definition, bad. At core of the debate then is an assessment of the value of development and what constraints there should be on development, whether on environmental or social grounds. Crudely presented, for the ANTI-NIMBY, development as an economic activity is a higher interest, and any non-economic consideration like environmental protection and social impact management is a lower interest. The inferior status of the opponent to development can be further reinforced if she can be defined as 'local' in contrast to a proponent associated with the higher (nonlocal) claims of a region, a state, or the nation.[82] The developer's panic about the potential that opposition might delay or stop their development leads them to argue for less public consultation and more centralization of decisionmaking (away from councillors to council staff, away from local councils to regional or state entities).

'Localism' is an approach to society that favors local production and consumption of goods and services, local control of government, and promotion of local history, culture and identity. Where proposed as an alternative to neo-liberal globalization, it is sometimes called 'localization'. The slogan, 'Think globally, act locally', privileges local action without eschewing wider understandings of societal dynamics.

'New localism' is a concept developed by the Blair Labour government in Britain, to describe a degree of devolution of decisionmaking to the local level to better enable central government to deliver its goals. It has been continued by the current Cameron/Clegg Conservative/Liberal Democrat government, notably through the *Localism Act 2011* (UK) (see <www.communities.gov.uk/publications/localgovernment/localismplainenglishupdate>) and a suite of policy measures branded as 'The Big Society' (see <www.cabinetoffice.gov.uk/content/big-society-overview> and <www.communities.gov.uk/communities/bigsociety>).

The inferiorization of the *local* opponent is reinforced when government is involved in the development process, directly or indirectly, because governments are, apparently, the arbiter and agents of the public interest, which overrides the merely local. As Lake notes, 'In the NIMBY framework, selfish parochialism generates locational conflict that prevents attainment of societal goals.'[83]

Does this mean that the views of local residents, and in particular the views of people with whom you don't agree, are not valid?

It is reasonable to expect that regulatory systems for land-use management ensure efficient and effective use (including non-use at times) of natural resources in a way that does not disadvantage future generations (intergenerational equity). It is reasonable to expect that regulatory systems for land-use management ensure that human settlements and humans' productive activities do not change the natural environment in ways that are inimical to their integrity and inimical to the resilience and cohesion of those human settlements and productive activities. Key concepts underpinning those objectives are *ecologically sustainable development* and the *precautionary principle*.[84] Tensions about change-management are structurally embedded in land-use and development-assessment systems — how to be conservative, or conservationist, while recognizing that any society is in a state of flux and that processes of change need to be managed. One way of ensuring that these systems are responsive to all the people, not just 'the big end of town', has been through the *subsidiarity* principle: a governmental function should be assigned to the level of government that is closest to the people who are served by that government function. The challenge for implementing the principle is that it is the higher spheres of government that set the thresholds for the various decision-making layers and inevitably reserve the last word for themselves (the flaw of 'new localism').

Residents' activism on issues of the built environment provides some contestability to the decisionmaking of state (and Commonwealth) governments which are easily captured by discourses of growth (in contrast to ecologically-sustainable development). Academic researchers have observed that 'Save our Suburbs' and nimby movements are responding to

inappropriately designed and piecemeal infill development which is often unsympathetic to both neighbors and neighborhood character.[85]

In Fischel's account for nimbyism, which sees it as a strategy to manage variance from expected outcomes, neighbor opposition is a form of risk aversion.[86] The concerns of neighbors can identify genuine problems with a development. Developments are *irreversible* to a greater or lesser degree, and some developments might have consequences that cannot be undone, e.g. loss of habitat for endangered species. The same applies to loss of open space and loss of views. He comments: 'Thus one wants neighbors to a really bad project to be motivated to show up at regulatory hearings and oppose it.' On this basis, objectors to a development *should* object if it is really bad, but they need not oppose a beneficial development even if they expected it to have some risk of negative outcomes: they should not be risk averse, but 'risk-neutral'. And their focus would be on expected outcomes. He contrasts this type of neighbor objector to a neighbor who is risk adverse, not to just expected outcomes, but, also, to variance in outcomes between their expectations and what might happen in the future.[87] This latter objector is risk-adverse to the unknown and imagined, not just to the known. In their case, assigning them a role of risk-adverse stand-ins for the environment would seem 'excessive', according to Fischel.

Valuing dissent, managing anxieties, negotiating change

There is a strong element of *emotion* in 'nimbyist' opposition to developments regarded as having negative environmental or social impacts.[88] Offor notes: 'NIMBY is rarely about facts, it's about feelings and beliefs.'[89] This aspect of anti-development protests is recognized by groups like Save Our Suburbs: '"Ashington was superbly done in terms of publicity," Save Our Suburbs president Tony Recsei said. "You've got to latch on to certain emotional triggers that people will pick up on — that their freedom is impinged on, or that their way of life is under threat."'[90]

This psychological dimension of the nimby phenomenon is recognized in the literature.[91] In Takahashi and Dear's analysis, the clients of nearby facilities most unacceptable to respondents were those that were considered non-productive *and* dangerous. 'Risk assessment and an understanding of the residents' definition of threat are thus vital components in assessing how residents will react to an imminent facility siting.'[92] In Lake's analysis, residents have an expectation of 'minimized uncertainty'; nimbyism is 'an expression of people's needs and fears': 'As such it is an expression that is no more or less rational or legitimate than the market mechanism and the profitability of capital.'[93] In Fischel's analysis, it is the anxiety about an unknown outcome (a variance from what would might normally be expected about their neighborhood) that is a major, and critical, explanatory factor for the strong emotive factor and intensity of opposition about short-term impacts (real and imagined).

A challenge for advocates of affordable housing is how to unpack opposition to affordable-housing dwellings from opposition to affordable-housing residents. For example, if an affordable housing developer is proposing a development that has negative environmental

impacts, such as a scale larger than other dwellings in the neighborhood, or 'even' at the level of esthetics and 'local character', there could be reasonable grounds to object to this. Fundamentally the label 'nimby' is not helpful in characterizing opponents of LULUs, because it seeks to devalue any concerns about development of a local nature.

But reasonable objections can be raised in tandem with unreasonable objections. An objection that is not based on the principle of *tenure-neutrality* would be unreasonable, that is, where there is discrimination against dwellings to be used for rental as against owner-occupation. Such objections inferiorize a whole group of people, and undermine the egalitarian nature of our society.

Attachments to Part A

Attachment A1

Sections of the Residential Tenancies Act 2010 that allow social housing landlords to control behavior of their tenants to minimize negative impacts on neighbors

50 Tenant's right to quiet enjoyment

(1) A tenant is entitled to quiet enjoyment of the residential premises without interruption by the landlord or any person claiming by, through or under the landlord or having superior title (such as a head landlord) to that of the landlord.

(2) A landlord or landlord's agent must not interfere with, or cause or permit any interference with, the reasonable peace, comfort or privacy of the tenant in using the residential premises.

(3) A landlord or landlord's agent must take all reasonable steps to ensure that the landlord's other neighboring tenants do not interfere with the reasonable peace, comfort or privacy of the tenant in using the residential premises.

51 Use of premises by tenant

(1) A tenant must not do any of the following:

(a) use the residential premises, or cause or permit the premises to be used, for any illegal purpose,

(b) cause or permit a nuisance,

(c) interfere, or cause or permit any interference, with the reasonable peace, comfort or privacy of any neighbor of the tenant,

(d) intentionally or negligently cause or permit any damage to the residential premises,

(e) cause or permit a number of persons to reside in the residential premises that exceeds any number specified in the residential tenancy agreement.

87 Breach of agreement

(1) A landlord may give a termination notice on the ground that the tenant has breached the residential tenancy agreement.

(2) The termination notice must specify a termination date that is not earlier than 14 days after the day on which the notice is given.

138 Acceptable behaviour agreements for tenants

(1) The New South Wales Land and Housing Corporation may, by notice in writing given to a tenant under a social housing tenancy agreement under which it is the landlord, request the tenant to give a written undertaking (an acceptable behaviour agreement), in the terms specified in the notice, not to engage in specified anti-social behaviour on any of the following:

(a) the social housing premises to which the agreement relates,

(b) any property adjoining or adjacent to those premises (including any property that is available for use by the tenant in common with others).

(2) The operation of an acceptable behaviour agreement extends to the behaviour of any other person occupying (or jointly occupying) the social housing premises with the consent of the tenant (a lawful occupier). Accordingly, if any such lawful occupier engages in any anti-social behaviour that is specified in the agreement, the tenant is taken to have engaged in the behaviour and breached the agreement.

(3) The Corporation may request a tenant to enter into an acceptable behaviour agreement only if the Corporation is of the opinion that, based on:

(a) the history of the tenancy concerned, or

(b) the history of any prior tenancy under a social housing tenancy agreement entered into by the tenant and the Corporation,

the tenant, or a lawful occupier of the premises to which the tenancy relates, is likely to engage in anti-social behaviour on those social housing premises or any property adjoining or adjacent to those premises (including any property that is available for use by the tenant in common with others).

(4) In making a request that a tenant enter into an acceptable behaviour agreement, the Corporation must inform the tenant that if:

(a) the tenant fails or refuses to enter into an acceptable behaviour agreement as requested, or

(b) the tenant, after entering into such an agreement, seriously or persistently breaches the terms of the agreement, the Corporation may give a termination notice for the tenancy agreement entered into by the Corporation and the tenant.

(5) An acceptable behaviour agreement is of no effect unless the Corporation has complied with subsection (4) in relation to the agreement.

(6) In this section, a reference to anti-social behaviour includes a reference to emission of excessive noise, littering, dumping of cars, vandalism and defacing of property.

152 Termination by Tribunal of social housing tenancy agreements for breach

(1) In determining whether to terminate a social housing tenancy agreement on the ground of a breach by the tenant, the Tribunal is to have regard to such of the following matters as may be relevant:

(a) any serious adverse effects the tenancy has had on neighboring residents or other persons,

(b) whether any breach of the agreement was a serious one, and whether, given the behaviour or likely behaviour of the tenant, a failure to terminate the agreement would subject, or continue to subject, neighboring residents or any persons or property to unreasonable risk,

(c) the landlord's responsibility to its other tenants,

(d) whether the tenant, wilfully or otherwise, is or has been in breach of an order of the Tribunal,

(e) the history of the tenancy concerned, including any prior tenancy of the tenant arising under a social housing tenancy agreement.

(2) This section does not limit any other matters that may be considered by the Tribunal under any other provision of this Act.

153 Termination notice—acceptable behaviour agreements

(1) The New South Wales Land and Housing Corporation may give a termination notice of a social housing tenancy agreement to the tenant on either of the following grounds:

(a) that the tenant has failed or refused to enter into an acceptable behaviour agreement as requested by the Corporation,

(b) that the tenant has seriously or persistently breached the terms of an acceptable behaviour agreement.

(2) The termination notice must specify a termination date that is not earlier than 14 days after the day on which the notice is given.

(3) The termination notice may specify a termination date that is before the end of the fixed term of the social housing tenancy agreement if it is a fixed term agreement.

154 Termination by Tribunal on behaviour ground

The Tribunal may, on application by the New South Wales Land and Housing Corporation, terminate a social housing tenancy agreement if it is satisfied that a termination notice has been given in accordance with this Division and the tenant:

(a) has failed or refused to enter into an acceptable behaviour agreement as requested by the Corporation, or

(b) has entered into such an agreement and has failed to satisfy the Tribunal that the tenant has not seriously or persistently breached the terms of that agreement.

Attachment A2

Requirements for consultation with neighbors about social housing developments

Environmental Planning and Assessment Act 1979

79 Public participation—designated development[94]

(1) Public exhibition and notification

As soon as practicable after a development application is made for consent to carry out designated development, the consent authority must:

> (a) place the application and any accompanying information on public exhibition for a period of not less than 30 days (the submission period) commencing on the day after which notice of the application is first published as referred to in paragraph (d), and
>
> (b) give written notice of the application in accordance with the regulations:
>
>> (i) to such persons as appear to it to own or occupy the land adjoining the land to which the development application relates, and
>>
>> (ii) if practicable, to such other persons as appear to it to own or occupy land the use or enjoyment of which, in its opinion, may be detrimentally affected if the designated development is carried out, and
>>
>> (iii) to such other persons as are required to be notified by the regulations, and
>
> (c) cause notice of the application to be exhibited in accordance with the regulations on the land to which the application relates, and
>
> (d) cause notice of the application to be published in accordance with the regulations in a newspaper circulating in the locality.

(2) If land is:

> (a) a lot within the meaning of the Strata Schemes (Freehold Development) Act 1973, a written notice to the owners corporation is taken to be a written notice under subsection (1) (b) to the owner or occupier of each lot within the strata scheme, or
>
> (b) a lot within the meaning of the Strata Schemes (Leasehold Development) Act 1986, a written notice to the lessor under the leasehold strata scheme concerned and to the owners corporation is taken to be a written notice under subsection (1) (b) to the owner or occupier of each lot within the scheme.

(3) If land is owned or occupied by more than one person, a written notice to one owner or one occupier is taken to satisfy the requirements of subsection (1) (b).

(4) Inspection of application and accompanying information

During the submission period, any person may inspect the development application and any accompanying information and make extracts from or copies of them.

(5) Making of submissions

During the submission period, any person may make written submissions to the consent authority with respect to the development application. A submission by way of objection must set out the grounds of the objection.

(6) Circumstances in which public exhibition may be dispensed with

If:

>　(a) a development application for designated development is amended, or substituted, or withdrawn and later replaced before it has been determined by the consent authority, and

>　(b) the consent authority has complied with subsections (1), (2) and (3) in relation to the original application, and

>　(c) the consent authority is of the opinion that the amended, substituted or later application differs only in minor respects from the original application, the consent authority may decide to dispense with further compliance with subsection (1) in relation to the amended, substituted or later application. In that event, compliance with subsection (1) in relation to the original application is taken to be compliance in relation to the amended, substituted or later application.

(7) The consent authority must give written notice to the applicant of its decision under subsection (6) at or before the time notice of the determination of the development application is given under section 81.

79A Public participation—advertised development and other notifiable development[95]

(1) Notice of a development application for consent to carry out advertised development is to be given in accordance with this Act, the regulations, the relevant environmental planning instrument and any relevant development control plan.

 (2) A development application for specified development (other than designated development or advertised development) must be notified or advertised in accordance with the provisions of a development control plan if the development control plan provides for the notification or advertising of the application.

(3) This section does not apply to State significant development.[96]

89F Public participation

(1) As soon as practicable after a development application is made for consent to carry out State significant development, the Director-General must:

>　(a) place the application and any accompanying information on public exhibition for a period (of not less than 30 days) prescribed by the regulations (the submission period) commencing on the day after which notice of the application is first published as referred to in paragraph (b), and

>　(b) cause notice of the application to be given and published in accordance with the regulations.

(2) During the submission period, any person may inspect the development application and any accompanying information and make extracts from or copies of them.

(3) During the submission period, any person may make written submissions to the Minister with respect to the development application. A submission by way of objection must set out the grounds of the objection.

(4) If:

> (a) a development application for State significant development is amended, or substituted, or withdrawn and later replaced before it has been determined by the Minister, and

> (b) the Director-General has complied with subsection (1) in relation to the original application,

compliance with subsection (1) in relation to the amended, substituted or later application is not required, unless the Director-General determines that the amended, substituted or later application substantially differs from the original application and the environmental impact of the development concerned has not been reduced by the changes proposed in the amended, substituted or later application.

State Environmental Planning Policy (Affordable Rental Housing) 2009

40 Development may be carried out without consent

(1) This clause applies to development for any of the following purposes where that development may be carried out with consent:

> (a) residential development, if any building will have a height of 8.5 metres or less and the development will result in 20 dwellings or less on a single site and the provision of not less than the following parking spaces:

>> (i) for development on land in an accessible area—0.4 parking spaces for each dwelling containing 1 bedroom, 0.5 parking spaces for each dwelling containing 2 bedrooms and 1 parking space for each dwelling containing 3 or more bedrooms, or

>> (ii) for development that is not in an accessible area—0.5 parking spaces for each dwelling containing 1 bedroom, 1 parking space for each dwelling containing 2 bedrooms and 1.5 parking spaces for each dwelling containing 3 or more bedrooms,

> (b) demolition of dwellings and associated structures, but not if the dwelling or structure is on land that:

>> (i) contains a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register, or

>> (ii) is identified in an environmental planning instrument as being within a heritage conservation area,

> (c) subdivision of land and subdivision works.

(2) This clause does not apply to:

(a) development to which Division 5 applies, or

(b) development that is exempt or complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or

(c) development that is part of a project, or part of a stage of a project, that the Minister has determined under section 75P of the Act to be subject to Part 4 of the Act.

(3) Development to which this clause applies may be carried out by or on behalf of the Land and Housing Corporation without development consent.

(4) Before carrying out development to which this clause applies for a purpose referred to in subclause (1) (a), the Land and Housing Corporation must:

(aa) before or after giving written notice to the council for the area under this subclause, request the council to nominate any other persons who should, in the council's opinion, be notified of the development, and

(a) give written notice of the intention to carry out the development to the council for the area in which the land is located, to any other person nominated for that purpose by that council and to the occupiers of adjoining land, and

(b) take into account any response to the notice that is received within 21 days after the notice is given, and

(c) take into account the Seniors Living Policy: Urban Design Guidelines for Infill Development (ISBN 0 7347 5446 9) published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that it is not inconsistent with this Policy.

(5) Clauses 16 and 17 of State Environmental Planning Policy (Infrastructure) 2007 apply in respect of development for a purpose referred to in subclause (1) (a) and, in the application of those clauses, any reference in those clauses to:

(a) that Policy is taken to be a reference to this clause, and

(b) a public authority is taken to be a reference to the Land and Housing Corporation.

Notes for this part

[1] Affordable rental housing is a form of affordable housing where the landlord lets the dwelling at a price such that the tenant's primary recurrent cost in living in the dwelling, the rent, is low enough for them to be able to avoid housing stress (that is, to spend no more than 30% of their after-tax income on rent). Housing affordability is effected by the landlord's rent-setting model. The rent-setting model can be a market model or a nonmarket model: a market-based rent-setting model is where the rent is set low for commercial reasons, such as the poor quality of the dwelling or high vacancy rates; a nonmarket rent-setting model is where the rent is set below market rent for noncommercial reasons, either on an income-based rent formula or a submarket rent formula. Affordable rental housing can be provided by private, for-profit providers or by nonprofit providers (governments and community housing organizations). The resident's occupancy can be long-term or short-term. It can be 'independent' or directly linked to welfare services. The term can have specific meanings, different to the above, under particular government programs. The definition of affordable housing in the *State Environmental Planning Policy (Affordable Rental Housing) 2009* is similar in principle to the above, but operationalizes it differently: in this policy, affordable housing is housing for a household that (a) has a gross income that is less than 120% of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) *and* pays no more than 30% cent of that gross income in rent, or (b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme *and* pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme. The policy also considers housing development on land owned by the Land and Housing Corporation to be 'for the purposes of' affordable housing.

[2] Department of Families, Housing, Community Services and Indigenous Affairs, 'Social housing implementation plan – NSW', 18 August 2010, online at <www.fahcsia.gov.au/sa/housing/progserv/affordability/affordablehousing/Pages/nsw.aspx>, viewed 30 August 2011.

[3] Neil Shepherd and Peter Abelson, 'Review of implementation of the Nation Building and Jobs Plan in NSW and potential applications for other projects', October 2010, p. 39.

[4] This was effected through the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, from 31 July 2009. The 'in-fill affordable housing' provisions (Division 1) of the SEPP applied to residential zones, including low-density residential zones. They allowed, among other things, multi-unit dwellings in the zones if any building was not higher than 8.5 meters and if at least 50% of the dwellings were to be for affordable housing. A development site had to be within 800 meters of a railway station or Sydney ferry wharf, 400 meters of a light rail station or 400 meters of a bus stop used by a regular bus service. Housing NSW self-approved 300 projects, comprising 3,180 dwellings under the SEPP, most of which were NBESP projects (see Table 1 on page 5 of this paper); most of the dwellings were villas and townhouses in single-house (low-density) zones where they would not have been permitted apart from Division 1 of the SEPP. The SEPP was amended on 20 May 2011 to allow such 'in-fill affordable housing' only in zones where multi-unit dwellings were already permitted, more tightly define the acceptable frequency of bus services, constrain such development outside Sydney to sites within 400 meters of land zoned for local centers or mixed uses, require more carparking from the development, require consideration of the compatibility of the design of the development *with the character of the local area*, and require 20-50% of the gross floor area to be for affordable housing (amended clause 10, amended clause 14(2), new clause 16A).

[5] This was effected through the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, from 31 July 2009.

[6] This was effected through the *State Environmental Planning Policy (Infrastructure) 2007* from 20 February 2009 to 30 July 2009 and then the *State Environmental Planning Policy (Affordable Rental Housing) 2009* from 31 July 2009. The development site had to be within 800 meters of designated transport nodes in Sydney or within 400 meters of designated zones in 32 named towns outside

Sydney, and no carparking was required (clauses 63A–63C of the Infrastructure SEPP, and clauses 34–36 of the Affordable Rental Housing SEPP). These provisions were not changed by the amendments made to the SEPP on 20 May 2011 (*State Environmental Planning Policy (Affordable Rental Housing) Amendment 2011*).

[7] This was effected through the *State Environmental Planning Policy (Infrastructure) 2007* from 20 February 2009 to 30 July 2009 and then the *State Environmental Planning Policy (Affordable Rental Housing) 2009* from 31 July 2009. The relevant provision of the Infrastructure SEPP (namely, clause 63D) was transferred to the Affordable Rental Housing SEPP (as clause 40) with the commencement of the latter SEPP on 31 July 2009. Of the 6,350 NBESP housing units approved, 50% (N = 3,180) were self-approved by Housing NSW under the Affordable Rental Housing SEPP (Shepherd and Abelson, p. 39). See Table 1 on page 5 of this paper. On 20 May 2011, the Affordable Rental Housing SEPP was amended; Housing NSW continues to be allowed to self-assess and approve its own developments where they have less than 20 units and they are less than 8.5 meters in height. But it must provide a specified number of carparking spaces, rather than apply its own operational policy on provision of such spaces, and it must notify the development to persons nominated by the local council (i.e. not just to the immediate neighbors). Under transitional provisions, Housing NSW may continue to work on development proposals it was already working on before the amendments were made, but those developments must commence by 20 May 2013.

[8] Part 5 of the *Nation Building and Jobs Plan (State Infrastructure Delivery) Act* 2009 allowed for normal land-use and development controls to be dispensed with and for assessment of a development proposal to be done by the Infrastructure Coordinator General, for NBESP projects. Of the 6,350 NBESP housing units approved, 31% (N = 1,996) were approved by the Infrastructure Coordinator General. (See Table 1 on page 5 of this paper.) The 70 planning approvals for social housing projects made by the Infrastructure Coordinator General as at 30 April 2010 had not been able to be approved by Housing NSW under the Affordable Rental Housing SEPP (Division 6) because they contained more than 20 dwellings or were prohibited under relevant planning instruments (Shepherd and Abelson, p. 100). In July 2009 the Infrastructure Coordinator General had decided that all social housing projects that could not be self-approved by Housing NSW would be assessed by him under Part 5. This decision was made based on an assessment that local council opposition was a risk to NBESP social-housing projects (Shepherd and Abelson, p. 59). Industry lobbyists, such as the Urban Taskforce, supported application of top-down development approval processes, 'bypassing' local governments, to private housing developments as a matter of course (Peter Hawkins, 'Housing fast-track angers residents', *Sydney Morning Herald*, 14 February 2010). An inquiry established by the Keneally government to consider whether to extend the special powers of the Infrastructure Coordinator General beyond the period of the NBESP (the Shepherd-Abelson review) recommended against it, and the Keneally government went along with the recommendation.

[9] This was effected through the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, from 31 July 2009. The concept of a '"new generation" boarding house' is not an official land-use planning term but was used by the Department of Planning on introduction of the SEPP to refer to boarding houses that included rooms that were self-contained with bathroom and/or kitchen facilities, similar to studio apartments (Department of Planning, 'Supporting affordable rental housing – new generation boarding houses', factsheet, Sydney, 2009). The development of such boarding houses had been initiated by the market. Following amendments to the Affordable Rental Housing SEPP, effective 20 May 2011, boarding houses now have to be designed so as to be *compatible with the character of the area*, be close to public transport (Sydney) or a local center (regional NSW), and provide more carparking. The concept of a '"new generation" boarding house' has not been affected by the amendments.

[10] The key debate on policy responses to the crisis was about alternative methods of pump-priming, between social-democrats who favored expenditures and conservatives who favored tax cuts. As the pump-priming favored by the Labor government began to kick in, the debate then switched to one about whether to roll back the planned level of expenditures. These debates are summarized in the

Senate Economics References Committee, *Government's economic stimulus initiatives*, Parliament House, Canberra, 2009, pp. 7-19. The Government's 'Nation building and jobs plan' was announced in February 2009. On August 27 that year the Government announced cuts to the Plan's affordable-housing components ($750 million from social housing and $6 million from defense housing), and a redirection of $750 million to education projects. The cuts were estimated to mean there would be about 800 less new social-housing units built than had been expected in February, but no impact on the number of new defense-housing units expected. The 'recalibration' of expenditures did not affect the overall expenditures.

[11] Part 3A of the Act was repealed on 1 October 2011, with new provisions governing state-significant infrastructure commencing on the same date; see Department of Planning and Infrastructure, 'State significant assessment system: an overview', factsheet, September 2011.

[12] There was continued government support in the second part of the noughties for densification to accommodate estimates of increased population and associated need for extra dwellings in the Sydney region, under the Sydney metropolitan strategy and draft sub-regional planning strategies. The *City of cities* strategy of December 2005 anticipated that Sydney would need an additional 640,000 dwellings by 2031, provided for 60-70% of new dwellings to be built in existing urban areas, and set planning targets for new dwellings for the subregions in the region, e.g. northern Sydney (Hornsby, Ku-ring-gai) 21,000, northeastern Sydney (Pittwater, Warringah, Manly) 17,300, innernorthern Sydney (Hunters Hill, Ryde, Willoughby, Lane Cove, North Sydney, Mosman) 30,000. *City of cities* also identified the redevelopment of public housing estates as an opportunity to create additional dwellings (p. 148).

[13] Shepherd and Abelson, p. 104.

[14] Shepherd and Abelson, p. 46.

[15] This group's website, www.raid.org.au, was accessible until the end of 2011 but as a ghost site; the last entry seemed to be February 2009; it disappeared from the web in January 2012. The group seems to have been a catalyst for similar groups opposing NBESP social-housing projects, which adopted the RAID moniker. This moniker had been used by resident action groups before the NBESP, e.g. by a group opposing an Exclusive Brethren facility in Gosford local government area in 2008 (<www.lisarowraid.com>, viewed 17 January 2012).

[16] Peter Hawkins, 'Residents fear public housing effect on prices', *Sydney Morning Herald*, 7 February 2010.

[17] Charis Chang, 'Residents oppose "ghettos"', *Northern District Times*, 8 December 2009.

[18] RAID, 'FAQ', <www.raid.org.au/index.php?p=1_16>, no date, viewed 28 September 2011. Part of the 'disadvantage' to public housing tenants was in the lesser requirements for carparking that Housing NSW was proposing for some developments; RAID said this would lead to tenants being treated as 'second class citizens' compared with residents of private developments who benefited from with council carparking requirements. Says Michael Dear: 'Sophisticated opponents express their opposition in terms of the clients' needs, representing the host neighborhood as unsuitable or unsafe for the client group. This is NIMBY with a caring face.' (Michael Dear, 'Understanding and overcoming the NIMBY syndrome', *Journal of the American Planning Association*, vol. 58, no. 3, summer 1992, p. 290)

[19] Tom Geroulas, cited in Chang, 'Residents oppose "ghettos"'.

[20] Ryde resident Sue Honeybrook, quoted in *Northern District Times*, 10 November 2009, referring to a development in Clifton Street, Ryde.

[21] Chang, 'Residents oppose "ghettos"'.

[22] 'Palm Cove at risk!', <www.palmcovefight.com.au>, updated 2 June 2011, viewed 29 August 2011.

[23] 'Increasing housing supply: contributions of housing portfolios to the COAG agenda', 2011, p. 4.

[24] Robert W Lake, 'Rethinking NIMBY', *Journal of the American Planning Association*, vol. 59, no. 1, winter 1993, pp. 87-93.

[25] Lake, 'Rethinking NIMBY'.

[26] William A Fischel, 'Why are there NIMBYs?', *Land Economics*, vol.77, no.1, February 2001, pp. 144-152.

[27] Fischel's argument is based on housing developments that might be seen to have some negative impacts on a neighbor's amenity.

[28] His argument has some affinity with the concepts of a tail risk or fat-tailed distribution.

[29] See page 12 of this paper.

[30] Fischel's argument is that this is a major source of nimbyism, not the only factor.

[31] Lois M Takahashi and Michael J Dear, 'The changing dynamics of community opposition to human service facilities', *Journal of the American Planning Association*, vol.63, no.1, winter 1997, pp. 79-93, Table 4.

[32] The terms are those of the original US study; 'mentally retarded' would correspond to intellectual disability and 'mentally disabled' would correspond to a psychiatric disability.

[33] That study was reported by Phyllis Solomon in 'Analyzing opposition to community residential facilities for troubled adolescents', *Child Welfare*, vol. 62, no. 4, July-August 1983, pp. 361-366.

[34] Takahashi and Dear, Table 2, citing Solomon (1983). See note 32 about the use of the term 'mentally retarded'.

[35] Dear, pp. 291-294.

[36] Tim Iglesias, 'Managing local opposition to affordable housing: a new approach to NIMBY', *Journal of Affordable Housing and Community Development Law*, vol.12, no.1, fall 2002, pp. 90-91.

[37] Cited in Peter Hawkins, 'Residents fear public housing effect on prices'.

[38] Hawkins, 'Residents fear public housing effect on prices'.

[39] Mai Thi Nguyen, 'Does affordable housing detrimentally affect property values? A review of the literature', *Journal of Planning Literature*, vol.20, no.1, August 2005, pp. 15-26. Her review looked at studies of affordable housing for low-income households, and did not consider studies on the effects of (specific) housing for seniors, people with disabilities or other subpopulations; it also did not consider the effects of manufactured housing, a type of affordable housing.

[40] Nguyen, p. 20. She presents this assessment differently on page 24: '*When negative effects exist, they are small*. The magnitude of the effect of affordable housing on property values is quite small when compared with other factors that influence property values.'

[41] Different spatial impacts of affordable housing in American cities seem to reflect some binaries that probably do not exist in the same patterns in Australian cities, namely, the location of poorer neighborhoods closer to the city center and wealthier suburbs further from the city center, and the preponderance of ethnic minorities (especially Afro-Americans) in the inner neighborhoods rather than the wealthier, outer suburbs.

[42] Sherry Ahrentzen, 'How does affordable housing affect surrounding property values?', Housing Research Synthesis Project Research Brief 1, Stardust Center for Affordable Homes and the Family, Arizona State University, Phoenix AZ, 2008.

[43] A 'single-family' dwelling is a dwelling that contains a single household, in contrast to a 'multi-family' dwelling like a block of flats (apartments) or plexes. It might be detached (i.e. a cottage not joined to a neighboring dwelling), semi-detached (e.g. two cottages with a party-wall), or linked to a number of other dwellings (e.g. a townhouse in a row of townhouses).

[44] Rowland Atkinson and Keith Jacobs, 'Public housing in Australia: stigma, home and opportunity', Housing and Community Research Unit Discussion Paper 01, University of Tasmania, Hobart, 2008, p. 13.

[45] Atkinson and Jacobs, p. 14.

[46] Jon Eastgate, Paula Rix and Craig Johnston, *View from the estates: tenants' views of the impact of changes in eligibility and allocations policies on public housing estates*, Shelter Brief 47, Shelter NSW, Sydney, 2011, pp. 6-7. Eastgate notes that while the proportion of allocations to special needs applicants has increased, the actual number of such tenants is not great since the number of vacancies in public housing each year is not huge. In this context, an allocation to a household on the basis of 'special need' means the applicant household had a low income and had one or more Indigenous members, or had a member with a disability, or had a principal tenant aged 24 years or under, or had a principal tenant aged 75 years or more.

[47] The figure is constructed from data in reports from the Australian Institute of Health and Welfare on Commonwealth–state housing assistance programs and from the Steering Committee for the Review of Government Service Provision on government services.

[48] In this context, an allocation to a household on the basis of 'greatest need' means the applicant household had a low income *and* was homeless, or had their life or safety at risk in their housing, or had their health condition aggravated in their housing, or had housing inappropriate to their needs, or had very high rental housing costs.

[49] The figure is constructed from data in reports from the Australian Institute of Health and Welfare on Commonwealth–state housing assistance programs and from the Steering Committee for the Review of Government Service Provision on government services.

[50] Eastgate, pp. 15-16.

[51] Eastgate, p. 16.

[52] Robert Samuels, Bruce Judd, Bette O'Brien and Jack Barton, *Linkages between housing, policing and other interventions for crime and harassment reduction in areas with public housing concentrations*, AHURI Final Report 73, Australian Housing and Urban Research Institute, 2004, pp. 66-67.

[53] Australian Institute of Health and Welfare, 'Public rental housing 2009-10', AIHW, Canberra, 2011, p. 13.

[54] Chris Martin, Peter Mott and Zanne Landles, 'Marginalising public housing tenants: from the "Good Neighbour Policy" to "renewable tenancies"', paper to the Housing, Crime and Stronger Communities conference, Australian Institute of Criminology & AHURI, Melbourne, 6-7 May 2002.

[55] 'HASI – Housing and Support Initiative', <www.housing.nsw.gov.au/Changes+to+Social+Housing/Partnerships/HASI+-+Housing+and+Accommodation+Support+Initiative.htm>, updated 10 December 2010, viewed 16 November 2011; 'Housing and mental health agreement', August 2011.

[56] *Residential Tenancies Act 2010*, s.51(1)(b).

[57] *Residential Tenancies Act 2010*, s.138(3).

[58] Christopher Martin notes that, 6 years after they were introduced into law (2004), Housing NSW had not entered into an agreement over antisocial behavior with a tenant; he suggests that the provisions have not been used because they presented too much of a strain to Housing NSW's 'ameliorative practices' ('Government-housing: governing crime and disorder in public housing in New South Wales', PhD thesis, Sydney University, 2010, p. 3, 232).

[59] Housing NSW policy says: 'A visitor sanction will be applied if there is evidence that: ·Previous visitors to the tenancy have not met the standard of behaviour required by Housing NSW under the residential tenancy agreement, or ·The tenant or members of their household are not meeting the standard of behaviour required under the residential tenancy agreement, or ·New people have joined the household (including visitors who are staying more than 28 days) and the tenant has not asked for approval from Housing NSW, or ·In the case of tenants who receive a rent subsidy, they have not declared the income of all people living in the household (including visitors who are staying more than 28 days) to Housing NSW.
'Housing NSW will apply a visitor sanction if it has a strategy directed to combating anti-social behaviour in the complex, precinct or area based on: ·Evidence of serious or repeated instances of criminal behaviour or anti-social behaviour that pose a risk to neighbors, Housing NSW staff, others in the community or Housing NSW property, and cannot be addressed by applying a visitor sanction to one or more individual tenancies in the complex, precinct or area, or ·Evidence of serious or repeated instances of behaviour that are unacceptable in a Housing NSW managed tenancy and cannot be addressed by applying a visitor sanction to one or more individual tenancies in the complex, precinct or area.' (Housing NSW, 'Tenancy policy Supplement', <www.housing.nsw.gov.au/Forms+Policies+and+Fact+Sheets/Policies/Tenancy+Policy+Supplement.htm>, updated 1 July 2011, viewed 16 November 2011)

[60] Of course, it is not only nearby owner-occupiers whose quiet enjoyment and quality of life is jeopardized by anti-social behavior of some public-housing tenants: other public-housing tenants are

also affected (e.g. Paul Farrell, 'One man's story of harassment in public housing', *Reportage*, 17 August 2011, <www.reportageonline.com/2011/08/one-mans-story-of-harassment-in-public-housing/>, viewed 26 August 2011).

[61] Mandy Press, '"Alright in its place, just not next to my place!": understanding community opposition to community housing', paper presented to Australian National Housing Conference, 26 November 2009.

[62] Her study was done for Port Phillip council in Melbourne: Mandy Press, 'Community engagement and community housing: lessons and practical strategies for local government for responding to contested housing proposals', report for City of Port Phillip, 2009. An AHURI-funded study is looking at resident third-party objections and appeals on development applications for medium-density housing and social housing, including affordable housing that is 'fast-tracked': see <www.ahuri.edu.au/publications/projects/p30678>.

[63] Karen Stalbow, Liam Reynolds and Nigel Pearcy, 'Shelter housing insights for communities', Shelter, London, 2011. The categories of householder summarized here are those reported as having a 'high' and 'fairly high' likelihood of opposing housing development.

[64] Glen Bramley, 'Localised planning, sub-regional housing markets and affordability outcomes: what is likely to happen?', presentation to NSW Department of Planning and Infrastructure seminar on planning reform, housing supply and affordability; the implications of new localism for England, Sydney, 17 November 2011, p. 6. The 45% figure combines respondents who reported 'oppose' and 'oppose strongly'. The 51% figure in the next sentence is the same combination.

[65] Bramley, pp. 10-11.

[66] Dear, p. 293.

[67] Press includes 'immediate' neighbors in a list of 'typical' objectors based on an analysis of 9 case studies in Victoria, and more significantly, reports that an immediate nextdoor neighbor was 'often the primary organiser of opposition' (Mandy Press, '"Alright in its place, just not next to my place!", p. 3).

[68] Dear, p. 291.

[69] The various public participation provisions of the *Environmental Planning and Assessment Act* are about consultation, not participation as those terms are used in the three-dimensional model of community engagement used by the Organization for Economic Cooperation and Development among others; see OECD, 'Engaging citizens in policy-making: information, consultation and public participation', OECD Public Management Policy Brief no.10, July 2001; Elton Consulting, 'Community engagement in the NSW planning system', Department of Planning, Sydney, 2003, p. 6.

[70] This list does not include the circumstances where the development is a NBESP project (see note 8), now lapsed.

[71] See note 7.

[72] *Environmental Planning and Assessment Act*, Schedule 4A, s.5. Likewise, any affordable housing development with a capital investment value over $5 million is determined by a JRRP not a local council (Schedule 4A, s.6, and *State Environmental Planning Policy (State and Regional Development) 2011*, s.21).

[73] *Environmental Planning and Assessment Act*, s.89D(1) and *State Environmental Planning Policy (State and Regional Development) 2011*, Schedule 2, s.10. The Act (at s.23) allows the Minister to delegate his consent power to the Department of Planning and Infrastructure, Planning Assessment Commission, any other public authority (e.g. Land and Housing Corporation), or a local council, but a DPI factsheet says he will not be doing so for development applications lodged by government agencies ('State significant assessment system: an overview', September 2011, p. 4). There were no sites so identified at the commencement of this section on 1 October 2011.

[74] The former (Labor) government introduced Part 3A ('Major project approvals') into the Act in 2005. It introduced provisions to establish Joint Regional Planning Panels in 2008. The primary criterion for determining whether a development is determined by a regional panel seems to be the monetary value of the development (Schedule 4A), which is a very blunt indicator of regional significance. It does have the effect of taking decisions on bigger developments away from local councils where there

is a risk that the councillors might give more weight to the views of the people who live in the neighborhood than the developers would want. It is one of the delicious ironies of public policy that the Property Council is seeking to deploy the public's general low regard for local government to build an argument for retention of the Panels and forestall any restoration of decisionmaking on so-called regional matters to councils: the homeowners who responded to a Property Council's survey by giving it the answers that they did (78% of the respondents wanted the Panels, rather than councils, to determine big developments – even though 'very few' respondents had even heard of the Panels before they were explained in the survey) are unwittingly contributing to their own continued disempowerment from decisionmaking on those developments (Kelsey Munro, 'Keep councils out of planning decisions, say homeowners', *Sydney Morning Herald*, Domain, 25 January 2012, <smh.domain.com.au/real-estate-news/keep-councils-out-of-planning-decisions-say-homeowners-20120124-1qfz7.html>, viewed 25 January 2012).

[75] See Department of Planning and Infrastructure, 'State significant assessment system', <www.planning.nsw.gov.au/Development/DevelopmentAssessmentSystems/Statesignificantassessment/tabid/517/Default.aspx>, updated 20 December 2011, viewed 23 December 2011.

[76] Shepherd and Abelson, pp. 110-111, 118.

[77] Note that this controversy was about consultation provisions where the Corporation was (and is) able to carry out development *without consent*, under clause 40 of the SEPP.

[78] Downloadable from <www.planning.nsw.gov.au/LinkClick.aspx?fileticket=flsozHVCRQo%3D&tabid=490&language=en-USNotes>.

[79] Nicole Cook, Elizabeth Taylor, Joe Hurley and Val Colic-Peisker, *Resident third party objections and appeals against planning applications: implications for higher density and social housing*, Positioning Paper 145, Australian Housing and Urban Research Institute, Melbourne, 2012, pp.16-17.

[80] National Shelter and Shelter New South Wales, 'NIMBY attitudes obstruct affordable housing in Australia', media release, 4 December 2009.

[81] Tim Offor, 'The public and "not in my backyard": strategies for engaging angry communities', paper to 8th Renewable and Sustainable Power Conference, Alice Springs, 13 August 2002, p. 1. He attributes the origin of the term to the American Nuclear Society in 1980, referring to opponents of siting of nuclear reactors and disposal of their waste. That is, the term arose as (and — primarily — continues to be) a pejorative to denigrate environmentalist opponents of property development and property developers.

[82] This argumentative approach is a favorite of lobby groups for the property development industry, such as the Urban Taskforce Australia; for example, as reported in Matthew Moore, 'Developers in fight for inner-city suburbs', *Sydney Morning Herald*, 13 September 2011, p. 3.

[83] Lake, 'Rethinking NIMBY'.

[84] Ecologically-sustainable development is defined in the 'National strategy for ecologically sustainable development' (Council of Australian Governments, December 1992), as: 'using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased'. The precautionary principle is defined in the *Protection of the Environment Administration Act 1991* (NSW) as an approach that recommends that, if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (section 6(2)(a)).

[85] Peter Newton, Shane Murray, Patrick Wakely, Catherine Murphy, Lee-Anne Khor and Tom Morgan, *Towards a new development model for housing regeneration in greyfield residential precincts*, Final Report 171, Australian Housing and Urban Research Institute, Melbourne, 2011, p. 13.

[86] Fischel, 'Why are there NIMBYs?', pp. 9-10.

[87] See a summary of his argument on this matter on page 8 of this paper.

[88] Christopher Heywood, Greg Missingham and Russell Kenley, 'Strategic issues for facility provision: a re-examination of the nimby phenomenon', in D Greenwood (ed.), *18th annual ARCOM conference*, 2-4

September 2002, University of Northumbria, Vol. 1, Association of Researchers in Construction Management, 2002, pp. 109-118.

[89] Offor, p. 1.

[90] Paul Bibby, 'People power teams up to protect patches', *Sydney Morning Herald*, 13 December 2009. 'Ashington' refers to the Ashington Group who proposed to build a $146 million, 14-storey tower on the Stamford Plaza site in Double Bay (Sydney). The project was assessed as a major development under the former Part 3A of the *Environmental Planning and Assessment Act*, with the application being rejected by then planning minister K Keneally in September 2009. This group's developer arm, Ashington Pty Ltd, was liquidated in July 2010.

[91] Dominant ideological approaches to decisionmaking, and indeed to differentiating decisionmaking of humans from other animals, focus on and privilege thinking and rationality. These approaches have been challenged by 'thinkers' such as David Hume who emphasized the importance of feeling in humans' actual decisionmaking. A binary between thoughtful versus emotional decisionmaking is also often gendered, with women stereotyped as more emotional than men. Discussions on these matters are beyond the scope of this paper and this writer. But it is important to note that to characterize an opponent as irrational is not just an indication of a disagreement based on a difference of considered analysis, it is a suggestion that the opponent does not participate in the dominant intellectual paradigm and is therefore 'outside the pale', crazy.

[92] Takahashi and Dear, 'The changing dynamics of community opposition to human service facilities'.

[93] Lake, 'Rethinking NIMBY'.

[94] Designated development is development that is declared to be designated development by an environmental planning instrument or the regulations, but may not include *state-significant development*. The *Environmental Planning Regulation 2000* lists the types of development that are to be regarded as designated development; they are mainly works with possible negative environmental impacts, e.g. waste management facilities, marinas.

[95] Advertized development means development, other than *state-significant development* or *designated development*, which is identified as advertized development by the regulations, an environmental planning instrument or a development control plan. For example, *Sydney Local Environmental Plan 2005* provides for all proposed development to be notified to adjoining landowners (while enabling the council not to do so if it considers the development to be of a minor nature and one that would not detrimentally affect the use and enjoyment of adjoining land); the Sydney City council also has a *Notification of Planning and Development Applications Development Control Plan* that gives more detail on how it advertizes proposed developments.

[96] State-significant development is development that is declared to be state-significant development under section 89C of the *Environmental Planning and Assessment Act*, which provides for a state environmental planning policy (SEPP) to declare any development, or any class or description of development, to be state-significant development, and which also allows the minister for planning and infrastructure to declare (by order published in the *NSW Government Gazette*) specified development on specified land that is not declared to be state-significant development in a SEPP, if the minister has got and made publicly available advice from the Planning Assessment Commission about the state or regional planning significance of the development.

Part B:
'Neighbors of social housing': notes from a roundtable

These notes are from a roundtable held as part of a project, 'Neighbors of social housing'.

Activity description

This event was a roundtable ('workshop') discussion for a period of 2½ hours, held 6 December 2011 in central Sydney.

Scope

This roundtable was one component of a larger Shelter NSW project around better advocacy for affordable rental housing. The roundtable aimed to unpack the sorts of concerns that owner-occupier neighbors of social-housing dwellings might have about such dwellings being provided adjacent to theirs (or in the immediate vicinity), by drawing on the *perceptions* and *experience* of a small number of key informants.

There has been some work on how to manage owner-occupier neighbors' objections to social housing in other states and overseas. But this is the first time that Shelter NSW has ventured into this area, and for this reason we were seeking to start by asking a small number of stakeholders to unpack some of the concerns that neighbors might have. This roundtable was not a survey of owner-occupier neighbors as such, or the general public, because that would have involved a much more extensive research exercise beyond our resources and expertise.

We expected the discussion to be exploratory but that it would help frame how Shelter might advance its research and advocacy agenda, and in particular to understand and respond to (unreasonable) opposition. Some of that opposition has been attributed to 'nimbyism' but we did not to invite participants to the roundtable on any set prejudice against objectors to social housing since the 'nimbyism' could comprise a number of dimensions, both 'positive' and 'negative', and indeed some opposition to a particular social housing development might be reasonable on environmental grounds.

The roundtable aimed to generally consider:

- What is it about social-housing dwellings that might, or does, lead owner-occupier neighbors to object to their development next door or in the locality?
- What is it about social housing tenants that might, or does, lead owner-occupier neighbors to object to the development or siting of social-housing dwellings next door or in the locality?

- Are any objections to or complaints about social housing tenants different from objections to or complaints about other neighbors (regardless of tenure of those neighbors' dwellings)?

The name of the roundtable referred to 'social housing', which is a subset of affordable housing. Our primary focus was on mainstream public housing (Housing NSW) and mainstream community housing (registered community housing providers). However, participants were free to draw on experiences with other forms of affordable housing, e.g. seniors/retirement housing, boarding houses, intermediate housing, supportive accommodation (for homeless people), group homes (for people with a disability).

We thought that an owner-occupier could find that they are 'next door' to a social-housing dwelling (and its tenants) in one of 4 scenarios:

- They purchase a dwelling adjacent to or near an existing dwelling already used for social housing.

- An existing dwelling (adjacent to or near them) that has been used for owner-occupation or private renters becomes a social-housing dwelling as a result of purchase or headleasing by a social housing provider (without any change of land-use or intensification of use).

- A site adjacent to or near them that has been vacant or has been used for another purpose is developed for social-housing dwellings (or includes a portion of social-housing dwellings). This (re)development might or might not involve more intensive use (number of dwellings, scale of built-form). The development would require assessment by a consent authority, and this would require some form of public consultation process.

- A site adjacent to or near them that comprises public housing dwellings is redeveloped for social housing and possible other-tenure dwellings (i.e. a new mixed tenure development), with the redevelopment involving more intensive use (number of dwellings, scale of built-form). The development would require assessment by a consent authority, and this would require some form of public consultation process.

We asked the participants to comment on these scenarios at the roundtable (see page 41).

Purpose (objective)

The purpose of the roundtable was to unpack the arguments put forward by owner-occupier neighborhood objectors to social housing developments – as the *participants* perceived them. (It was not generally a factfinding mission of the participants' attitudes to social housing.)

Inputs

The roundtable involved organizing and facilitating a workshop with a small number of invited participants. Participants were sent a background paper on economic and political circumstances (including the Nation-building–Economic Stimulus Plan and introduction of

the *State Environmental Planning Policy (Affordable Rental Housing) 2009*) that had seen a number of occasions of public opposition to affordable rental housing developments in recent years. The roundtable was facilitated by Principal Policy Officer, Craig Johnston, with Senior Policy Officer, Paula Rix.

Participants

The participants were:[1]

- Dominic Grenot (Sydney City Council)
- Karen Garrard (Community Justice Centres)
- Mary Perkins (Shelter NSW)
- Peter Butler (Macarthur Housing Coalition)
- Richard Perkins (City West Housing)
- Robert Mowbray (Older Persons Tenants Service)
- Sarah Fogg (Benevolent Society)
- Stacey Miers (Parramatta City Council)

The views expressed by participants did not necessarily represent the official view of the organization with which the participant is associated or where the participant worked. The roundtable was run under the Chatham House rule, and the findings from the roundtable (see next section) do not attribute particular comments to a participant by name or other identifying characteristic. Moreover, the views expressed in the 'Findings' section do not necessarily represent those of each or every participant.

Findings

The roundtable was structured around a set of questions that drew on the background paper and/or sought to elaborate on the aims (see page 39, above).

Change happens

Participants were asked to comment on a list of scenarios where an owner-occupier might find themselves next door to or in the immediate locality of a social-housing dwelling. Those are indicated above (page 40) and were summarized as:

- Move in next to an existing dwelling used for social housing
- An existing dwelling becomes used for social housing
- Vacant site next door becomes developed for social housing
- Existing dwellings next door are redeveloped for social housing

Participants noted that an owner-occupier might also knowingly find themselves next door to a social housing tenant only after the nature of the tenant's residency became 'public', e.g. if a tenant moved out and a new one moved in, or if the social-housing dwelling was put up for sale.

Grounds for neighbor opposition to social housing

Participants were asked to imagine a situation where an owner-occupier in a 'typical' suburb (however the participant visualized that to be) hears the house next door is going to be knocked down and a block of flats for public housing is going to be built there, to imagine that that resident would not like the idea, and to imagine what reasons the owner-occupier might give for anxiety or objection.[2]

The participants identified a number of anxieties or apprehensions that an owner-occupier in that situation might have. Those can broadly be grouped into issues around the built environment, social impacts (specifically anti-social behavior), and a mixed, 'other', group. The anxieties that participants thought an owner-occupier might have were about:

- in relation to the built environment —
    - overdevelopment of the site
    - the nature of the development replacing the existing property (design of the building itself)
    - any downward effect on the value of their property
- in relation to social impacts —
    - potential disruptive behavior of the new neighbors, e.g. noise, smoking
    - tenancy profile of the new neighbors
    - turnover of tenancies
    - how neighborly the new residents would be
- and also —
    - whether government had its sights on the owner-occupier's property
    - not knowing what it meant and wanting to know more
    - whether they would be consulted (about a new development)

These anxieties reflected what the (largely American) literature on neighbors' concern about affordable housing, as summarized by Iglesias, has found.[3] He identified 7 broad bases of concern: these are indicated in Figure 6.

Figure 6: Bases of concern about affordable housing by neighbors (Iglesias)

- Lack of information/misinformation
- Fear of negative impacts, e.g. property values, poor design, or crime
- Complaints about the process, e.g. expressing a desire or expectation to participate
- Prejudice or bias toward prospective residents
- Conflicting interests about typical land use concerns, e.g. parking or traffic
- Value conflicts, e.g. no-growth environmentalists, local pressure to make the site into a park, or opposition to the use of tax revenues to support affordable housing
- Issues unrelated to the actual proposal, e.g. anger at the local government because of lack of services

Hierarchy of human service facilities

Participants were asked to rate a range of human service facilities on the basis of whether they thought an owner-occupier in a 'typical suburb' would accept this type of facility in their neighborhood. The types of facility listed were those used in a national attitudinal survey in the USA in 1989, as reported in an influential article by Takahashi and Dear.[4] The facility types were a group home for people with chronic mental health issues; group home for people with HIV/AIDS; group home for people with depression; group home for people with intellectual disability; homeless shelter; alcohol rehabilitation center; drug treatment center; mental health outpatient facility; medical clinic treating eyes or allergies; hospital; nursing home for older people; day-care center; school; independent apartments for people with mental illness.[5] The participants' rating was on a Likert scale of 1 to 6 where 1 indicated 'Absolutely would not accept' and 6 indicates 'Absolutely would accept'.[6]

A majority of roundtable participants thought the following types of facility would *not* be acceptable to a neighbor (by rating it 1 or 2 on a 6-point scale):

- mental health outpatient facility
- alcohol rehabilitation center
- drug treatment center
- homeless shelter
- group home for people with HIV/AIDS
- group home for people with chronic mental health issues

Half of the participants thought the following type of facility would be acceptable to a neighbor (by rating it 5 or 6 on a 6-point scale):

- nursing home for older people

The participants thought there would be more mixed responses from neighbors to these types of facilities (by rating them 3 or 4 on a 6-point scale):

- group home for people with depression
- group home for people with intellectual disability
- medical clinic treating eyes or allergies
- hospital
- day-care center
- school
- independent apartments for people with mental illness

The responses form a *hierarchy of acceptance*, as indicated in Figure 7.

Figure 7: Hierarchy of acceptance of human facilities (participants)

	Not accepting	Mixed	Most accepting
mental health outpatient facility	8		
alcohol rehabilitation center	8		
drug treatment center	8		
homeless shelter	7		
group home for people with HIV/AIDS	5	3	
group home for people with chronic mental health issues	5	3	
group home for people with depression	3	3	2
independent apartments for people with mental illness	3	5	
group home for people with intellectual disability	2	6	
medical clinic treating eyes or allergies	1	4	3
hospital	1	5	1
day-care center	1	5	2
school	1	5	2
nursing home for older people		4	4

The participants' assessment had some resonance with the findings of the 1989 US study from which our question was drawn (see Figure 8 for the hierarchy of acceptance of human facilities reported by Takahashi and Dear from a US national attitudinal survey), but there were also some noticeable differences.

Figure 8: Hierarchy of acceptance of human facilities (Takahashi and Dear)

Absolutely unwelcome	Mixed reviews	Most welcome
Group home for mentally disabled persons	Group home for mentally retarded persons	School
Group home for people with depression	Alcohol rehabilitation center	Day-Care center
Mental health outpatient facility	Homeless shelter	Nursing home for older people
Independent apartments for mentally disabled	Drug treatment center	Medical clinic treating eyes or allergies
Group home for people with HIV/AIDS		Hospital

Our participants and the respondents in the US study both thought nursing homes would be more acceptable, but the US respondents were more accepting of drug and alcohol treatment facilities and homeless shelters than our respondents thought suburban Sydneysiders were likely to be. In discussion, some of our participants also noted the more accepting view of day-care centers by respondents in the US study, whereas they thought that these facilities would meet strong opposition in suburban Sydney particularly because of traffic impacts.

Regional differences

American and English literature on opposition to human service facilities, and housing, points to differences in attitudes from people in different regions in those countries.[7] Our roundtable schedule did not give this matter much attention, but there *was* a general discussion on whether an owner-occupier might be more likely to accept a public-housing dwelling next-door or in the immediate neighborhood, if they lived in regional New South Wales than if they lived in a metropolitan area (Sydney, Newcastle, Wollongong), or, in the case of Sydney, whether they lived in an inner-ring, middle-ring or outer-ring suburb.

Participants thought it was possible, on balance, that there would be less acceptance in regional areas than in metropolitan areas. Gentrified parts of the coast could be as unaccepting as wealthier suburbs in Sydney. In general, three spatial factors were identified as relevant to whether owner-occupiers generally might be accepting of social housing in their neighborhood. Those were:

- whether the population of a neighborhood was more 'cosmopolitan' or heterogeneous, in which case the neighbors would be more accepting of differences;
- whether the neighborhood had a history of a presence of social housing, such as in inner Sydney, where owner-occupiers might be expected to be accepting (though this was changing with gentrification of the inner-ring), in contrast to suburbs where there was less social housing, such as Sydney's northern suburbs;
- whether the social housing was seen as having a negative effect on property values in the neighborhood.

About the dwellings

Participants were asked to think about the diverse shapes and sizes of social-housing dwellings *as buildings*: cottages, flats, townhouses, Radburn, McMansions, bedsits and studios, etc. They were asked to imagine what sorts of concerns an owner-occupier might have about the building itself, next door or in the same street.

The anxieties that participants thought an owner-occupier might have were:

- whether the building design would affect the value of the neighbor's property (up or down)
- any loss of solar access, overshadowing
- generation of extra traffic and on-street carparking problems
- its height and scale and generally being out-of-character in relation to surrounding dwellings, especially if the social housing building was high-density
- noise impacts related to how it well it had been built (i.e. thickness of the walls in flats)
- on-street noise if higher density
- loss of views
- overlooking – views, privacy, overshadowing
- external lighting, i.e. if it had bright, blinking lights

- the number of units in the building
- whether it was built in a way to protect the amenity of neighbors – noise impacts, visual privacy, smoking impacts
- whether its size would 'overwhelm' their house
- maintenance of the building (i.e. if its condition was not maintained)

These concerns were about the owner's wealth (property values), sense of aesthetics (the local character test), and amenity (the building design exacerbated or did not prevent interference with their reasonable peace, comfort or privacy).

All of these concerns were, in the opinion of participants, concerns that could apply to a new dwelling (or block of flats) in owner-occupation, as much as rental housing. In further discussion they identified matters that they thought a social-housing developer would have to address, to address neighbors' concerns and encourage acceptance. They said a social-housing dwelling would have to:

- be in keeping with the character of the neighborhood; and
- be designed and constructed in a way to minimize negative building-design and social impacts (e.g. overshadowing, views, visual privacy, audio privacy, carparking) where many existing multi-unit dwellings fail.

Participants commented that if the development was in character and was well (appropriately) designed and built, there could still be opposition, in which case the chance was that the opposition could be prejudice against the future residents. Some commented that there could be anxiety about new residents even if new dwellings were to be in the private sector (owner-occupation or rental).

They suggested owner-occupier neighbors could be more accepting if the social housing development was smaller (in scale, and in terms of the number of units in it) and well-managed (in terms of both property management and tenancy management).

Some participants thought that neighbors' concerns about social-housing dwellings could be as much about the landlord as the tenants. Housing NSW was unresponsive to its own tenants' needs, and was too big to do flexible and responsive service, and indifferent to the needs of neighbors: it was not seen as a friendly neighbor.

Comments on the unfriendliness of Housing NSW included issues around assessment and approvals of social housing developments, specifically public housing. Participants referred to the ability of the Land and Housing Corporation to self-approve its developments in some circumstances (i.e. where they contained less than 20 units on a site and the development was no higher than 8.5 meters).[8] They also referred to its notice and consultation of development proposals being limited to immediate neighbors, whereas local councils (in their capacity as consent authorities) usually advertized private-sector housing developments to the neighborhood.[9]

Hierarchy of acceptable clients

Participants were asked to rank a number of client types for human-services facilities, from 1 to 9. The list of client types was that reported in a study by Solomon, cited by Takahashi and Dear.[10] A ranking of 1 indicated the participant thought a facility for this type of client would be most likely to be accepted in the neighborhood by owner-occupiers than facilities for the other types of client. A ranking of 9 indicated the participant thought a facility for this type of client would be least likely to be accepted in the neighborhood by owner-occupiers than facilities for the other types of client. The responses ('votes' in order of preference) are given in Figure 9.[11]

The participants thought that an owner-occupier would be more accepting of a facility whose clients were older people, than of facilities for the other client types. They considered that clients who were people with a physical disability or who were terminally ill, would be the next most acceptable. Participants thought that owner-occupier would be least accepting of a facility whose clients were parolees or people with drug addictions.

Figure 9: Hierarchy of acceptance of type of client (participants)

Ranking	Type of client	'Votes' (weighted)
1	Elderly	61
2	Physically handicapped	53
3	Terminally ill	53
4	Intellectual disability ('mentally retarded')	42
5	Mentally ill	33
6	Alcoholics	24
7	Troubled adolescents	21
8	Drug addicts	15
9	Parolees	14

The perceptions of participants correlate highly with views of American respondents in a study by Solomon reported by Takahashi and Dear. See Figure 10. The American respondents were least opposed to clients who were older people, people with a physical disability, or who were terminally ill. The American respondents were least accepting of a facility whose clients were people with drug addictions or people with alcohol addictions. Here there is a contrast with the perceptions of our participants. Our participants gave a much lower ranking to parolees (9th, compared with 6th). In discussion about this difference, participants thought that parolees would be seen as bringing multiple behavioral issues with them (including drug addiction), as well as a risk of reoffending, and that Americans might be

more accepting of parolees than Australians because of higher rates of incarceration in the USA than Australia.

Figure 10: Hierarchy of acceptance of type of client (Solomon)

Ranking	Type of client	Percentage of respondents opposing the facility
1	Elderly	4
2	Physically handicapped	6
3	Terminally ill	12
4	Mentally retarded	21
5	Mentally ill	39
6	Parolees	48
7	Troubled adolescents	51
8	Alcoholics	55
9	Drug addicts	78

About the new people next door

The perception that some types of person might be more acceptable as a neighbor in a social-housing dwelling — and specifically, older people — was followed by a discussion on how social-housing providers might manage tenancies to address the concerns of neighbors (whether reasonable or unreasonable).[12]

One conclusion might be to target allocations of social housing to older people, but this would not address the housing needs of social-disadvantaged people with behavioral issues. Moreover, participants noted that some of the neighborhood concern about a proposed seniors complex in the Sydney suburb of Bondi was about a proportion of the future housing being allocated on an affordable basis (that is, to lower-income households).[13]

Notwithstanding the experience with that particular development, participants generally thought owner-occupier neighbors would be more likely to accept social housing if it was part of a 'mixed income' development that included both social housing and intermediate housing. This was the experience of the affordable housing developer, City West Housing, in providing mixed-income housing in gentrifying parts of inner Sydney. Participants suggested that the acceptability of social housing had been reduced by eligibility and allocations policies of Housing NSW over the last ten years or so, which have favored applicants with more problematic behaviors.[14] They referred to concern by public housing tenants about antisocial behavior by *other* public-housing tenants and the negative impacts that tenants with mental health issues can have on (public-housing tenant) neighbors.[15] One participant

linked the profile of new tenants to the form and scale of the development: allocations of units in 20-unit developments to applicants with high support needs were problematic because there is insufficient support to those tenants to maintain their tenancies and to avoid negative impacts of their behavior on the other tenants and the neighbors.

Some participants referred to the cumulative negative impact of the behavior of some young public-housing residents (criminality and re-offending, and youth suicide).

Participants discussed whether the problematic behavior of some social-housing tenants could be better managed through better support services, so that the reputation of social housing could be improved (and neighbor opposition reduced). Many expressed a view that the support services were inadequate, because those services were not there or because they were stretched. Welfare services were not adjusting to the changing nature of client groups, since they did not recognize increasing complexity of needs as tenants with intellectual disabilities or mental health issues aged-in-place in public housing. Some public-housing dwellings accommodating people with disabilities needed 24-hour support, rather than caseworkers on call. Lack of appropriate welfare services was not just about services for tenants with intellectual disabilities or mental health issues, but for young people on public–housing estates.

Participants had a very brief discussion about the framework of regulatory mechanisms that existed to minimize the negative impact of anti-social behavior by public-housing tenants (on neighbors who were also public-housing tenants as well as neighbors who were owner-occupiers). They noted that social-housing tenants were subject to more behavioral controls than private-housing tenants were, and that the 'acceptable behavior agreements' provisions of the *Residential Tenancies Act* had not been used since they were introduced in 2004. Complaints about neighbors to the Community Justice Centres were about the same matters irrespective of whether the complainant was in public or private housing.

Good neighbors

Participants were asked what *they* thought were the characteristics of a 'good' neighbor (irrespective of the housing tenure of their neighbors). The suggestions fell into two broad categories: respect for their peace, comfort and privacy; and a degree of sociability. There was a range of views on the second indicator, with some participants wanting a limit to the neighbor's sociability and others wanting the neighbor to be actively engaged with the people in the neighborhood. The characteristics that participants thought a good neighbor should have were:

- in relation to peace, comfort and privacy —
    - quiet (reasonably so), but also tolerant of the (reasonable) noise that I make
    - respectful of other neighbors, including of their privacy
    - considerate, particularly regarding noise and privacy and use of common areas someone who didn't hog my carparking space
    - someone who has friendly companion-animals
    - a non-smoker

- in relation to sociability —
    - friendly but not intrusive
    - warm
    - good at communication
    - helpful
    - willing to become involved in addressing issues/concerns
    - someone I can have a conversation with
    - someone I have something in common with, so can I enjoy the occasional conversation, cuppa, etc.
    - someone interested in their home, community and street
    - someone who would keep an eye on my place and an eye out for the people around them
    - someone who helps create a sense of community

Dealing with prejudice

Participants were asked what *they* thought could or should be done to deal with prejudice against social-housing tenants as neighbors. The suggestions were for:

- post-occupancy studies of social housing developments to assess any negative impacts of the development and attitudinal changes by neighbors
- early engagement with neighbors of proposed developments
- honest engagement with neighbors of proposed developments
- responsive engagement with neighbors of proposed developments
- engagement with neighbors to be done by professional staff ('management')
- provision of on-site managers of social housing developments, e.g. concierge[16]
- provide social housing tenants with problematic behaviors the welfare support services they need, to reduce impacts on their neighbors
- recreate the model of social housing by setting it as a component of social mix
- tell a positive story

Notes for this part

[1] Organizations listed for identification purposes only.

[2] No definition or clarification of 'typical suburb' was given; this was left to the imagination of the participants.

[3] Tim Iglesias, 'Managing local opposition to affordable housing: a new approach to NIMBY', *Journal of Affordable Housing and Community Development Law*, vol.12, no.1, fall 2002, pp. 78-122.

[4] Lois M Takahashi and Michael J Dear, 'The changing dynamics of community opposition to human service facilities', *Journal of the American Planning Association*, vol.63, no.1, winter 1997, pp. 79-93.

[5] In our discussion, the term 'mentally retarded' was replaced with 'intellectual disability' and 'mentally disabled' with 'mental illness' because of the anachronistic use of terms in the 1989 US survey and their potential to antagonize and distract a contemporary Australian audience engaged with social policy. The terms used in the 1989 survey are indicated in Figure 8 on page 8.

[6] The article by Takahashi and Dear slips between the words 'accept' and 'welcome': it appears that the survey that they refer to used the word 'accept', but in their report in the *Journal of the American Planning Association* they used the word 'welcome' synonymously. Since it is unlikely that most Australians would regard these as synonyms, the discussion-question used the word 'accept' which has no necessary connotation of 'welcome'.

[7] Takashi and Dear found that there was little variation in attitudes by region within the USA to those human facilities that were more acceptable (see column 3 in Figure 6, above), but in the case of some of those human facilities that were least acceptable (column 1 in Figure 6), there was less acceptance in the north-central and southern regions of the country. They also found that metropolitan areas were more accepting than nonmetropolitan areas, thought this varied by facility type. Within large cities, respondents of suburban areas were not necessarily less accepting than residents of nonsuburban areas. An analysis by Glen Bramley of Englanders' attitudes to house-building in their local area, drawn from the British Social Attitudes Survey of 2010, found that there was less support for new house-building in the south of England, compared with the north and midlands (Glen Bramley, 'Localised planning, sub-regional housing markets and affordability outcomes: what is likely to happen?', presentation to NSW Department of Planning and Infrastructure seminar on planning reforms in Britain, Sydney, 17 November 2011). Opposition was strongest in suburban and small town areas in more accessible locations, less strong in larger cities and more central areas of cities, and least strong in run-down industrial areas and remoter rural areas. (The BSAS survey asked about attitudes to new housing as such, with no reference to affordable housing or problematic new residents.)

[8] This was effected through the *State Environmental Planning Policy (Infrastructure) 2007* from 20 February 2009 to 30 July 2009 and has been effected through the *State Environmental Planning Policy (Affordable Rental Housing) 2009* since 31 July 2009. The Affordable Rental Housing SEPP was amended on 20 May 2011, but Housing NSW continues to be allowed to self-assess and approve its own developments where they have less than 20 units and they are less than 8.5 meters in height. However it must now (since then) notify the development to persons nominated by the local council (i.e. not just to the immediate neighbors), and provide a specified number of carparking spaces (rather than apply its own operational policy on provision of such spaces). Under transitional provisions, Housing NSW may continue to work on development proposals it was already working on before the amendments were made, but those developments must commence by 20 May 2013.

[9] See note 8 for this Part.

[10] Phyllis Solomon, 'Analyzing opposition to community residential facilities for troubled adolescents', *Child Welfare*, vol.62, no.4, July-August 1983, pp. 361-364, cited in Lois M Takahashi and Michael J Dear, 'The changing dynamics of community opposition to human service facilities', *Journal of the American Planning Association*, vol.63, no.1, winter 1997, pp. 79-93. Solomon's article reports on a survey of residents of Cleveland on attitudes to residential facilities for various client types. In our discussion, the term 'mentally retarded' was replaced with 'intellectual disability' and 'mentally disabled' with 'mental illness' (see note 5 for this Part).

[11] This figure gives a weighted tally for the whole group's 'ballots'.

[12] The discussion in this and the following two sections switches from participants imagining the perceptions of their 'typical' suburban owner-occupier to participants reporting their own perceptions.

[13] This is a reference to the Benevolent Society's Apartments for Life project, some of the controversy around which can be gleaned from a media release by the Society ('Massive support by Waverley residents for "Apartments for Life" benefits', 8 April 2009, online at <www.bensoc.org.au/director/newsandevents/mediareleases.cfm?item_id=79A26F93F8114C534751 6982058DB11D>, viewed 21 December 2011) and a statement by the local mayor (Rob Bates, 'Mayor: timing of $5 million grant a "disgrace"', *Wentworth Courier*, 9 March 2011, online at <wentworth-courier.whereilive.com.au/news/story/mayor-5-million-funding-a-disgrace/>, viewed 21 December 2011).

[14] Allocations to applicants for public housing with 'special needs' have increased as a proportion of new allocations over the last decade, with a noticeable increase between 2007-08 and 2008-09 when the proportion of 'special need' allocations increased from 50% to 64% (Jon Eastgate, Paula Rix and Craig Johnston, *View from the estates: tenants' views of the impact of changes in eligibility and allocations policies on public housing estates*, Shelter Brief 47, Shelter NSW, 2011, pp. 6-7; Eastgate notes that while the proportion of allocations to special needs applicants has increased, the actual number of such tenants is not great since the number of vacancies in public housing each year is not huge).

[15] Also noted by Eastgate, pp. 15-16.

[16] The model referred to is a trial program at six high-rise public housing buildings in Waterloo (Sydney) that began in 2010, which includes security guards staffing front desks, extra CCTV and improved building maintenance: see <www.housing.nsw.gov.au/Changes+to+Social+Housing/People+and+Communities/Waterloo+Green +Neighbourhood+Project.htm> (viewed 20 December 2011).