

'A' SECTION

DIVISIONAL MANAGER-PLANNING SERVICES' REPORT

SUBJECT/FILE NO.: MULTIPLE OCCUPANCY LOCATIONAL OPTIONS
(MRS:LM: S/523, S/285)

PREPARED BY: Development Control Planner - M R Scott

REASON: Council's resolution (April 5, 1994) that a report be submitted on multiple occupancy locational options in Council's area.

OBJECTIVE: To advise Council of locational options.

CORPORATE PLAN REF: Function: Strategic Planning
Strategy: 1
Action: (j)

PROGRAMME BUDGET REF: Page: D2

CONTENT

1 Information/Background:
Council at the Ordinary Meeting held on April 5, 1994 after consideration of the following Notice of Motion to that meeting:

"That Council seek exemption from SEPP 15 - Multiple Occupancy and introduce its own planning control for multiple occupancy in Council's LEP."

resolved:

"That a report be submitted on multiple occupancy locational options in Council's area."

The following report considers locational options in terms of:

- historical context, ie what locational criteria have been used in the past and occurs now;
- multiple occupancy demand and supply by examining the characteristics of multiple occupancy approvals;
- existing multiple occupancy locations;
- Council's current position as related to other forms of rural housing, ie rural residential and detached rural dual occupancy;
- the 2020 Strategic Planning process including the broad hectare land capability studies and State of Environment Report, and
- the State Government current review of SEPP 15.

Council should recognise, as it has done with rural residential and detached rural dual occupancy, that multiple occupancy provides for a legitimate form of rural lifestyle and housing and that there is a demand, albeit small, for this form of development. In keeping with Council's corporate objective of providing a housing choice it should be acknowledged that this style of development should be permitted within appropriate locations of the City of Lismore.

LISMORE CITY COUNCIL - MEETING HELD JUNE 7, 1994

DMPS REPORT - MO LOCATIONAL OPTIONS

- 2 -

2 Demand/Supply:

It is presently difficult to gain an accurate estimation as to the demand for multiple occupancy. The following tables derived from Council computer records indicate for the period 1980-1994, the numbers of multiple occupancy applications dealt with by Council and the current status of multiple occupancy approvals by Council of those 23 properties approved via the introduction of the State Government Multiple Occupancy Amendment to Interim Development Order No. 1 - Shire of Terania, in February, 1980.

TABLE 1:

	NEW		ADDITIONAL SITES		REFUSAL
	No. Appln.	House Sites	No. Appln.	House Sites	
Pre-1980	1	45			
1980					
1981	2	23	1	12	1
1982			1	20	
1983	2	41			
1984	3	65			1
1985					
1986	1	11			2
1987	3	18			
1988	8	44			
1989	5	11			1
1990	5	15			
1991	3	9			
1992	4	26			
1993	2	6	2	3	1
1994					2
TOTAL	39	314	4	35	8

NOTE: EXCLUDES: 2 properties of currently unknown status.
Billen Cliffs - 128 lots approved 1982 as MO - since strata titled.

LISMORE CITY COUNCIL - MEETING HELD JUNE 7, 1994

DMPS REPORT - MO LOCATIONAL OPTIONS

- 3 -

Table 1 shows the approved number of new multiple occupancies and number of sites. Also shown is the number of applications for additional sites and number of refused applications. For the period pre-1980 (from 1978 on) to date Council has approved 39 applications for multiple occupancy, creating some 314 approved sites; an additional 4 applications, creating some 35 additional sites on approved multiple occupancies (total Council approved sites - 424). Eight (8) applications have been refused.

General averaging of these figures suggests that there are 2-3 applications for multiple occupancies per year.

Since 1990 Council has approved a total of 56 dwelling sites on 14 new and existing multiple occupancies. The largest application approved was Nimbin Rocks Co-op. (16 sites), followed by Adana (14 sites) and the Ananda Marga Community (5 sites). The remainder have been smaller - 3-4 site developments.

TABLE 2:

STATUS OF IDO APPROVED MULTIPLE OCCUPANCIES			
Council consent	10	No. sites	118
No Council consent	13	No. sites	To be determined in survey and inspections
TOTAL	23		118

Table 2 shows the status of the 23 multiple occupancies approved by the Clause 13A amendment to IDO No. 1 - Shire of Terania. Of those multiple occupancies approved by the IDO, ten have subsequently submitted applications to Council creating a total of 118 sites. It is not possible at this time to determine whether or not these sites are additional to or were existing at the time of the amendment to the IDO. The inspection and survey process will clarify this. Table 1 does not include MO dwellings which have been erected without approval. Identification of illegal dwelling is currently underway.

In summary, Council has within the local government area some 62 multiple occupancies of varying sizes (2-80+ sites), comprising approximately 432 approved dwelling sites. Although it is acknowledged that a multiple occupancy application, particularly for proposed larger communities (10+ sites), may create some interest and at times controversy, the number of new applications and approved dwelling sites is not significant in the context of either the total number of development applications received by Council or development applications for rural residential forms of development.

3 Historical Context:

The amendment to IDO No. 1 - Shire of Terania in February 1980 permitted the multiple occupancy use of some 23 properties at that time used for that purpose, and multiple occupancy use of rural land in the general rural zone 1(a) within the Parishes of Boorabee, Bungabee, Jiggi, Nimbin, Hanging Rock, Terania and Whian Whian.

LISMORE CITY COUNCIL - MEETING HELD JUNE 7, 1994

DMPS REPORT - MO LOCATIONAL OPTIONS

- 4 -

This "retrospective" approval of 23 properties and enabling provisions for multiple occupancy use of rural land was carried through into the provisions of IDO No. 40 - City of Lismore gazetted August, 1980. IDO No. 40 was subsequently amended at the time SEPP No. 15 was gazetted in January, 1988. At this time multiple occupancy use of rural land was then permitted, generally on rural lands subject to land capability and suitability criteria and an optimum/maximum density formula.

The attached Map No. 1 shows the approximate location of the approved multiple occupancies and the area in which they were permissible at the time of the amendment to the Terania Shire IDO No. 1.

Presently multiple occupancy is permissible, with the consent of Council, in all rural zones subject to meeting performance criteria expressed as objectives and land capability assessment criteria in SEPP No. 15 and consideration of issues under Section 90 of the Environmental Planning and Assessment Act.

Council now has in place DCP No. 20 - Multiple Occupancy which clearly establishes information and documentation to be supplied with NEW development applications for multiple occupancy development.

4 - Locational Criteria:

As previously indicated, SEPP No. 15, Section 90 and the DCP lead Council and the applicant into a land capability based assessment process for multiple occupancy.

The following is a list of criteria that is and should be applied when considering multiple occupancy forms of development. (The list is not exhaustive and not in order of preference.)

- a) Ensure development does not:
 - prevent future urban or village expansion;
 - sterilise future extractive or mineral resources;
 - conflict with existing and future intensive use of agricultural lands and preserve prime agricultural land;
 - adversely impact on water supplies in the locality.
- b) Avoid areas of:
 - high bush fire risk;
 - steep or unstable land;
 - flood prone lands;
 - ecologically sensitive lands which may contain wildlife habitat and/or endangered flora or fauna;
 - significant natural and scenic beauty;
 - areas of Aboriginal significance.
- c) Encourage development where there are already similar land uses in the locality.
- d) Considers the availability and standard of public road access to the land.
NOTE: Council's road counts currently suggest that on average multiple occupancies generate approximately half the traffic generated by conventional rural residential developments.
- e) Encourage applicants/developers to develop appropriate mechanisms for community decision making, social bonding and conflict resolution.

- f) Consider the broader social and economic impacts (positive and negative) as relate to distance to and availability of services such as:
 - education;
 - commercial centres - shops, banks, etc.;
 - public halls, sports and recreation facilities;
 - bush fire services;
 - transport;
 - social and cultural contributions to centres of population within the local community and region.
- g) Encourage development along a total catchment management or locality strategy.
- h) Consider and recognise the philosophical basis for multiple occupancy, as permitting:
 - alternative lifestyle, be it for rural retreat, land sharing, religious, cultural, agricultural or other purposes;
 - land sharing and a communal or collective form of ownership, ie not all persons in society may wish to individually own a lot/parcel, etc of land;
 - construction of low cost housing and use of non-grid energy systems.

5 Locational Options and Land Planning Mechanisms to Achieve Options:

In keeping with the locational criteria indicated above a number of locational options are available to Council to consider.

Council should note that issues like rating equity are not directly related to land use planning decision making. Although it is recognised that planning decisions impact on number of individual rateable properties and Council's rates revenue and expenditure, it is considered essential that Council address this matter through the appropriate rating mechanisms of the Local Government Act 1993.

Council should bear in mind that existing multiple occupancies are likely to remain as such, and that Council should now be prepared to work with these and future communities to redress and balance perceived problems.

The locational options are open and are as follows:

- a) Status quo.

COMMENT: This option currently permits multiple occupancy in all rural zones and is subject to the management controls of SEPP No. 15, S.90 of the Environmental Planning and Assessment Act, Lismore LEP 1992 and DCP No. 20.

This is Council's current position which was to be reviewed when the current State Government initiated review of SEPP No. 15 is complete.

- b) Contain multiple occupancy developments in particular localities.

COMMENT: This option would contain and permit multiple occupancy to specific areas which could be for example similar to that initiated at the time of the amendment to the Shire of Terania IDO No. 1.

Such an approach might also use the development strategies adopted by Council for rural residential and detached dual occupancy. A multiple occupancy development concept is permissible in these areas, however it is considered appropriate that such forms of development may utilise the Community Titles Act and comply with the requirements of the LEP and DCP.

The planning strategy appropriate in this situation would be to seek exemption from SEPP No. 15, amend the LEP to provide for multiple occupancy and prepare a map appended to the DCP which describes lands potentially suitable for multiple occupancy development. The soon to be completed broad hectare analysis which considers land capability in the local government area would be of use in this respect.

- c) Contain multiple occupancy developments in particular locations and within a particular zone, eg 1(a) General Rural Zone.

COMMENT: This option is essentially the same as that described above with an exclusion to use of land zone 1(r) Riverland and 1(b) Agricultural Zone. This would restrict residential use of agricultural land and possibly minimise potential for land use conflict with existing and future intensive agricultural uses. This option restricts multiple occupancy development which may have significant agricultural focus. It is envisaged that where land the subject of a development application for multiple occupancy use is either within a 1(b) zone or contains greater than 25% prime agricultural land, it may be considered, subject to a demonstrated commitment to productive use of that agricultural land.

- d) Prohibit further multiple occupancy use of rural land.

COMMENT: As previously indicated to Council (September, 1993) this option is not considered viable or practical nor have sufficient arguments been presented in the consultation processes to support an outright prohibition of multiple occupancy. This position fails to recognise the economic, social, cultural and environmental diversity and value of people who choose to live a communal based lifestyle.

- e) Attempt to provide a specific zone for MO development based on land assessment, land use and planning issues.

COMMENT: This option would be based on a land capability/assessment criteria land use survey and recognise the various planning issues and typical locational criteria identified in section 4 of this report.

This option would necessitate an amendment to the LEP instrument and maps. The delineated area may either be way of a land use zone permitting MO use of land or designation of a mapped hatched area or locality in which MO development is permissible subject to specified requirements, eg minimum land area, dwelling densities. MO's would then not be permissible outside this identified area. A clause dealing with MO's would be inserted in the LEP and Council exempted from SEPP No. 15.

LISMORE CITY COUNCIL - MEETING HELD JUNE 7, 1994

DMPS REPORT - MO LOCATIONAL OPTIONS

- 7 -

The above options are not listed in any order of preference. The Planning Services Division on the basis of:

- * the relatively small number of applications received by Council for multiple occupancy use of land;
- * the recent adoption of a comprehensive guidelines and policy document to manage the form of development;
- * the soon to be finalised broad hectare land capability/suitability study;
- * State review of SEPP No. 15;

is of the opinion that status quo in terms of location options be maintained for the time being.

Council staff have now commenced the process of post development control inspections of all approved multiple occupancies in the local government area. This process is to involve on-site inspections of all multiple occupancies and checking compliance with development consents issued. This assessment will address matters such as water supply, effluent disposal, fire protection, payment of levies, access provision, location and number of dwellings, building approvals, Section 94 Contributions and other matters addressed in the issued consent. This exercise will coincide with the Council survey of multiple occupancies which will utilise and build on that information previously used in the report titled "Findings of a Survey of Attitudes of the Dweller of Multiple Occupancies" by S Barker and S Knox 1985. By using this report as a benchmark Council can make a comparative assessment of the growth, development, impacts and characteristics of multiple occupancy in the City.

FINANCIAL SECTION N/A

OTHER DEPARTMENT COMMENTS Not requested.

CONCLUSION

The above report briefly identifies several locational options for multiple occupancy development in Council's area. A process of public consultation would, without doubt, refine the locational options identified and/or identify additional options and alternative means of "tackling" this sensitive issue. At this time it is premature to proceed with defining particular location or locational criteria for multiple occupancy, given the pending finalisation of the State Government review of SEPP No. 15 and broad hectare land capabilities analysis of the local government area as part of the 2020 Strategic Plan. These studies will provide information which will be of assistance in further defining locational criteria and options.

Declaration:

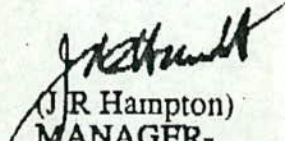
'I hereby declare, in accordance with Section 459 of the Local Government Act, that I do not have a pecuniary interest in the matter/s listed in this report.'

RECOMMENDATION (PLAN85)

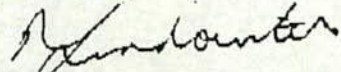
- 1 That Council not proceed, for the time being, with designating locational criteria for multiple occupancy development until such time as the completion of the:
 - a) 2020 Strategic Plan broad hectare land capability studies, and
 - b) State Government Review of SEPP No. 15.
- 2 That Council at the completion of the above studies prepare and exhibit a public consultation discussion paper on locational options for Multiple Occupancy development and seek community input as to the preferred locational options and land use planning mechanisms to achieve that option.



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LOCATIONAL MAP - shows general location of approved multiple occupancy developments. Identification number, size and number of approved dwelling sites shown on legend.

