

**Subject/File No:** LEP AMENDMENT NO. 26 - COMMUNITY TITLE S  
MULTIPLE OCCUPANCY DEVELOPMENTS  
REINTRODUCTION OF SEPP 15  
(BB/MJK: S589)

FA4  
MASTER

**Prepared By:** Strategic Planner - Bruce Blackford

**Reason:** Refusal by the Department of Urban Affairs and Planning to issue an exhibition certificate for LEP No. 26.

**Objective:** Council's endorsement of a range of actions in relation to multiple occupancy development and community title.

**Management Plan Activity:** Housing and Community

**Background:**

Council at its meeting of March 21, 1995, resolved to prepare an amendment to its LEP to permit the optional Community Title subdivision of existing multiple occupancies comprising of three (3) or more dwellings and which were approved by Council prior to February 1, 1995.

The Department of Urban Affairs and Planning refused to issue a Section 65 Exhibition Certificate for the amendment on the basis that it was of the view that 'multiple occupancies and subdivision (whether under Community Title or not) are considered to be mutually exclusive'. It further stated that multiple occupancies are based on a specific philosophy and community lifestyle and that once a multiple occupancy is subdivided, by whatever means of title, it is no longer a multiple occupancy, it becomes a rural residential development. There may be some element of truth in this, however the environmental impacts are not changed by the introduction of community title subdivision. As such subdivision would be optional and apply to existing multiple occupancies only, those that wish to remain philosophically pure can do so. It is significant to note that community title subdivision did not exist when multiple occupancies were introduced into New South Wales.

Council at its meeting of March 5, 1996, resolved to seek a meeting with the Minister for Urban Affairs and Planning in connection with the Department's refusal to issue an Exhibition Certificate for Draft Amendment No. 26, and to ascertain the State Government's intention regarding the impending reintroduction of SEPP No. 15 (Multiple Occupancy of Rural Land). Council also received a letter from Byron Shire Council stating that it concurs with Lismore City Council's approach to the Minister seeking a meeting to discuss the Community Title subdivision of multiple occupancies, and requesting that Byron's Strategic Planning Manager be kept informed of any progress in relation to this matter as it is of mutual interest.

Letters were forwarded to the Minister on March 20 and again on June 18, seeking a meeting to discuss the issue. To date no reply has been received.

**Finance Manager's Comments**

Not Required

**Other Group Comments**

Not Required

**Conclusion**

With respect to the issue of multiple occupancies in Lismore, it is considered that because multiple occupancies are a form of rural settlement they should be considered as part of Council's Rural Residential Development Strategy and consequently should be forwarded to the soon to be formed Rural Residential Steering Committee for its consideration. Council could also seek exemption from any new State Environmental Planning Policy until such time as it had prepared its own LEP clause relating to rural multiple occupancy development. Such a clause could impose locational restrictions on this form of development as well as addressing other requirements such as minimum lot size, density provisions, etc.

In regard to the reintroduction of SEPP 15, Council could again make an approach to the Director General and Minister for Urban Affairs and Planning requesting that they meet with a delegation of North Coast Councils which have an interest in this matter with a view to resolving the issue. The issue of community title subdivision could also be raised at this meeting.

**Recommendation (PLA36)**

- 1 That the issue of rural multiple occupancy development be referred to the proposed Rural Residential Steering Committee for its consideration as to potential for multiple occupancies in appropriate locations for inclusion in the new Rural Residential Development Strategy.
- 2 That Council write to the Department of Urban Affairs and Planning seeking exemption from any new State Environmental Planning Policy which may be introduced relating to rural multiple occupancy on the basis that the issue of multiple occupancy will be addressed in Council's soon to be prepared Rural Residential Strategy.
- 3 That Council make another approach to the Director General and the Minister for Urban Affairs and Planning requesting that they meet with a delegation of North Coast Councils with an interest in the proposed reintroduction of SEPP 15.
- 4 That Council seek a meeting with the Minister or the Departmental Director for Urban Affairs and Planning regarding Draft LEP No. 26 - Community Title Subdivision of Multiple Occupancies.



4/9/96

Dik. no Rural Res Storing Com

his MG-LEP  
✓ Rob Russell  
✓ Eddie Graham  
✓ Simon Kidd  
✓ Paddy Jan B

○ She is not on RRSC but as doubt can  
as a Councillor. (She & Ros decided  
that they would not apply but she  
did put herself forward at the  
Council meeting & believes she  
may have been recorded as a  
member (This needs to be checked)

○ She considers a deal of planning  
knowledge & awareness of the political  
footballing that is involved in this  
situation.

Note the Ninkin Ratepayers on it  
& argued for no inclusion but  
Di knows they will oppose it  
in forum.

She views some like Rob/Eddie  
would be stronger than Bill.

○ She is happy to brief Bill & be in  
attendance on critical issues.

(2)  
O NB. Applications for membership  
were advertised recently. It is  
important that Bill for Pan Com  
formally apply.

O NB Bruce probably has never been  
in an MO.  
Di & I suggest all committee members  
be invited to inspect rep MO's.  
eg small, medium, large  
Nicholson / Bodhi / Tentable.

# FAX DOCUMENT FROM PETER HAMILTON

1/50 Paterson Street, Byron Bay, 2481 (066) 858 648 (F/T)

✓  
TO: Graham

FAX No: .....

DATE: 9.9.95

Number of pages (including this sheet): 3

SUBJECT: Lismore Council - Rural Res Committee

COMMENTS: .....

Please ring me re some of the behind the scene  
politics of this.

Peter



# FAX DOCUMENT FROM PETER HAMILTON

1/50 Paterson Street, Byron Bay, 2481 (066) 858 648 (F/T)

✓  
TO: Simon

FAX No: ..... DATE: 9-9-96

Number of pages (including this sheet): 3

SUBJECT: L.S.C. Rural Res Steering Committee

COMMENTS: .....

Please ring me re some of the politics behind  
this!!

Peter.

# FAX DOCUMENT FROM PETER HAMILTON

1/50 Paterson Street, Byron Bay, 2481 (066) 858 648 (F/T)

✓  
TO: Jan Barham

FAX No: .....

DATE: 9.9.96

Number of pages (including this sheet): 2

SUBJECT: Details p/r Application to close portion of  
adjoining Crown Road Reserve.

COMMENTS: 2/ Lisimore - M.O. Rural Res. Steering Committee.

Herewith reply by Yeardon MP to Page MP re the  
above for your information. I await copies of  
the replies to you from Yeardon & Alter re the  
withdrawal of the DA on the Seaview St property.

Regards Peter

# FAX DOCUMENT FROM PETER HAMILTON

1/50 Paterson Street, Byron Bay, 2481 (066) 858 648 (F/T)

✓  
TO: Russel

FAX No: .....

DATE: 9.9.96

Number of pages (including this sheet): 4

① SUBJECT: Lismore Council - Rural Res. Committee

COMMENTS: Herewith copy of Report by Bruce B. As you are aware Bill Kidd spoke to this at the Council meeting. The recommendations were adopted. Are you able to report on this for the next Nimbin News. It could possibly add a comment.

Regards to yourself & Sarakoia.

Peter.

② Background on "Communground" 1990 for your info.