

New South Wales Government  
Department of Urban Affairs and Planning

.....

Northern Regional Office

Mr R Kent  
General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Contact:

Our Reference: G92/00212

Your Reference: SJW/MBC/  
PLN484090

22 DEC 1998

Dear Mr Kent

BYRON SHIRE RURAL SETTLEMENT STRATEGY

---

Thank you for your letter of 4 November 1998 and later correspondence, forwarding the above strategy for the Department's consideration.

I am pleased to advise that, in terms of clause 20(1) of the North Coast Regional Environmental Plan, 1988 (REP), the strategy is approved. Council is to be commended on the presentation and finalisation of the strategy, which, with its emphasis on ecologically sustainable principles, is a forward-looking document.

It is emphasised that the role of the Department under clause 20 of the REP is to agree to the land supply/demand aspects of the strategy and the general locations of proposed rural settlement. Many of the other aspects of the strategy, such as the guidelines for various types of development, are the responsibility of the Council to determine.

At this stage, the Tyagarah and Fowlers Lane additions have not been endorsed. Nor has Council's proposal that multiple occupancies (MOs) which already exist outside the identified rural-residential areas, been endorsed for conversion to community title subdivision. These issues have been deferred for further consideration due to the policy issues that they involve.

In this regard:

- the rural landsharing provisions are inconsistent with State Environmental Planning Policy 15 in that they require each application to include at least six dwellings; and

49 Victoria Street, Grafton 2460  
PO Box 6 Grafton 2460

G92/00212

- the decision by Council to allow existing MOs to convert to community title is not consistent with the Department's understanding of the purpose of MOs. Community title rural living is rural-residential development and must therefore conform to the rural-residential provisions of the strategy. Accordingly, local environmental plans which allow existing MOs outside the 2km/5km "rings" to convert to community title will be problematic.

We will advise you further in these policy issues as soon as possible. Please contact Jim Clark if you wish to discuss any of these matters.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Malcolm Imrie', with a long, sweeping horizontal stroke extending to the right.

Malcolm Imrie  
Assistant Director  
(North Coast)



Byron Shire Council - Memorandum

MEMO TO: ALL COUNCILLORS  
MEMO FROM: DAVID KANALEY, ACTING GENERAL MANAGER  
SUBJECT: APPROVED BYRON RURAL SETTLEMENT STRATEGY, 1998  
DATE: 24 DECEMBER, 1998  
FILE NO(s): PLN484090 (#141447)

I am pleased to inform you that the Department of Urban Affairs and Planning (DUAP) has approved Council's Byron Rural Settlement Strategy, 1998. Please find attached DUAP's letter of approval. The Department's letter identifies three land holdings which have not been endorsed. These are at Tyagarah (Byrnes and Groves) and at Fowlers Lane (Richmond). The conversion of existing Multiple Occupancies to Community Title has also not been endorsed. All these matters are deferred for further consideration.

I wish to advise that Byron Shire is the first Council in the North Coast region to have a rural settlement strategy approved in accordance with DUAP's settlement guidelines issued in November 1995.

To assist you with any questions from the community I provide the following information:

1. The Byron Rural Settlement Strategy, 1998 will now be processed, particularly in regards to its publishing and printing, in accordance with Council's resolution.
2. It is envisaged that the Strategy will be available to the community in early March, 1999.
3. All landowners included in the Strategy for potential rural settlement will be formally advised in February/March, 1999 of the required steps in the process and will be provided with an information package detailing the process.
4. The areas which have not been endorsed by DUAP will be further considered in the 1999 annual review of the Strategy. The 1999 annual review will be reported to Council for your consideration and consequently reporting to DUAP.

In conclusion, all enquiries in regards to the Strategy should now await the publishing and information packages for landowners to be distributed in early 1999.

I thank you for your support during the preparation of the Strategy. Council has been "commended on the presentation" of this "forward-looking document".

I also wish to particularly thank the community for its strong support and assistance. Council can feel confident that in rural areas of the Shire it has significantly progressed down the pathway to a sustainable future.

  
David Kanaley  
ACTING GENERAL MANAGER

PETER:—  
FOR YOUR INFO

— I'VE FAXED THIS TO JOY,  
JAN, MARK  
AS WELL.  
Dufford



office  
c/s "Records" Crown Selector 22/7/8

John Gibbons. Solicitor  
MRS

Debbie Fletcher

CLM 0310203

~~CLM 031-472~~

~~TAM~~

→ 02-92245236

She is a Historian. They vet/develops  
issues re Native Title Claim. "Kasa" rang to say Debbie  
away till 30th

TAM = Chris Searle/ handling (not Debbie)

Selector in for State Minister  
L.W.C.

re Native Claim.

16/12/98

John Gilbons, Solicitor

Frank to ring his personal  
contacts - Crown Solicitor  
office to find where the  
agreement is at.

John Gibbons. (NPAWS  
Solicitor  
on staff)

02-9585-6319

Senior legal officer in NPAWS - Syd

Crown Solicitor

~~Draft thought to be with them?~~

Ashley advised he not be mentioned.  
"relevant Syd officers (legal!) have  
spent 100 hrs on this issue & that is their  
budget allowance & is stopped".



Re MO → KT. (C. Byron) ~~and~~

- S.94?
- subdiv cart?
- defect naval res.  
couldn't enforce

• map that contained  
"Blue Springs"

"Robb Farm Homestead" in his area  
(was Robb Rd in Kygoles c.)  
Apparently neither did so when they saw the cart.

- Does it req a new DA.  
(if yes then S.94 captured  
at least difference!!)

"Deren Solin" 1996 -  
to convert.

See Lee Report of

Hartlin?  
Not in acc

20 July '95

DUAP → LEC

no D LEP 26

# FAX DOCUMENT FROM PETER HAMILTON

1/50 Paterson Street, Byron Bay, 2481 (02) 6685 8648 (F/T) email: peterh@nor.com.au  
Pan Community Council Homepage:- <http://www.nor.com.au/users/pancom>

TO: Simon

FAX No: ..... DATE: 16-11-98

Number of pages (including this sheet): 15

SUBJECT: Byron LEP-MO

COMMENTS: Herewith

"A" LEP-MO Amendment in Rural Settlement Strategy

"B" My comments on "A"

"C" My Notes on Council public meeting on MO conversion to CT

"D" Form Letter to Council by MQ's waiting to convert to CT.

As mentioned your comments sought both for our submission to DUAP on planning grounds and to Attorney General on Anti-Discrimination Act. Regards Peter



# FAX DOCUMENT FROM PETER HAMILTON

✓ 1/50 Paterson Street, Byron Bay, 2481 (02) 6685 8648 (F/T) email: peterh@nor.com.au  
Pan Community Council Homepage:- <http://www.nor.com.au/users/pancom>

TO: Graham Irvine

FAX No: ..... DATE: 16-11-98

Number of pages (including this sheet): 5 #

SUBJECT: MO → CT

COMMENTS: .....

Herewith my Notes on Public Meeting  
and letter circulated at this meeting.

Peter

# Balance of the above not accepted by FAX your end  
on 16-11-98



# FAX DOCUMENT FROM PETER HAMILTON

1/50 Paterson Street, Byron Bay, 2481 (02) 6685 8648 (F/T) email: peterh@nor.com.au  
Pan Community Council Homepage:- <http://www.nor.com.au/users/pancom>

TO: Di .....

FAX No: ..... DATE: 16-11-98 .....

Number of pages (including this sheet): 15 .....

SUBJECT: Byron proposed no amendments & conversion to CT .....

COMMENTS: .....

Herewith:-

(1) Proposed LEP-no amendments & my Notes to same.

(2) My Notes on public meeting called by Enmacora on conversion of mo to CT.

Rob, Graham & I consider Pan Com should register our objection to DUAP, in particular to the minimum of 6 dwelling sites ("Guideline"

3) and conversion option to CT on the grounds of

- contrary to SEPP-15 and would undermine it if accepted

- Lismore council CT request rejected

- would set a precedent for other councils to follow suit. What argument could they use to refuse a similar request from another council?

(3) Apart from the SEPP issues we also see some of the issues raised as having relevance to our pending discussion with Jeff Shaw. Your comments appreciated

Regards, Peter



# FAX DOCUMENT FROM PETER HAMILTON

1/50 Paterson Street, Byron Bay, 2481 (02) 6685 8648 (F/T) email: peterh@nor.com.au  
Pan Community Council Homepage:- <http://www.nor.com.au/users/pancom>

✓ TO: Rob

FAX No: ..... DATE: 16-11-98

Number of pages (including this sheet): 4

SUBJECT: MO → CT

COMMENTS: .....

Herewith draft of my Notes on the Meeting. I have also checked some of these points out with David. If any of this is contrary to your reading of the RSS please contact me ASAP. Thanks.

Peter

# FAX DOCUMENT FROM PETER HAMILTON

1/50 Paterson Street, Byron Bay, 2481 (02) 6685 8648 (F/T) email: peterh@nor.com.au

Pan Community Council Homepage:- <http://www.nor.com.au/users/pancom>

TO: Rob (Mtra letter sent separately)

FAX No: ..... DATE: 16-11-98

Number of pages (including this sheet): 12

SUBJECT: Byron - Rural Landshoring Communities

COMMENTS: .....

Herewith my notes, your comment(s) would  
be appreciated.

Regards

Peter



# FAX DOCUMENT FROM PETER HAMILTON

✓ 1/50 Paterson Street, Byron Bay, 2481 (02) 6685 8648 (F/T) email: peterh@nor.com.au  
Pan Community Council Homepage:- <http://www.nor.com.au/users/pancom>

TO: Graham Irving

FAX No: ..... DATE: 16-11-98

Number of pages (including this sheet): 12

SUBJECT: Landsharing Communities

COMMENTS: .....

Herewith my Notes on the BRSS. I would appreciate  
your comment on same re<sup>(1)</sup> a Pan Com Submission  
to DVAP and (2) Submission to Shaw. I hope to  
send you further notes tomorrow re the next  
meeting which also hears on these issues. Peter



2888 = Rural Sett Strategy  
The Council Proposal as of this date is to ~~amend~~ <sup>add</sup> the LEP  
for mo to show on a map those areas  
suitable for mo. ~~as per the~~ <sup>in the bygone time.</sup>

X [In these areas <sup>application for a</sup> proposed new mo is will  
only need a DA for]

X [This is in accord with the intention of XEPP-15]

This ~~now means~~ <sup>that an app. for an</sup> ~~mo~~ <sup>mean</sup> does not have to  
~~the~~ <sup>in the order of \$10,000</sup> cost of ~~regaining~~ or the time delay  
in obtaining a site-specific rezoning

[This is a cheaper process than that req'd  
for CT.]

X [Map 2 as shown as suitable for CT is  
also shown ~~suitable~~ <sup>available</sup> for mo. In  
these areas <sup>an application can be made</sup> ~~it is not necessary~~  
to ~~submit~~ <sup>submitting</sup> of DA <sup>apply for an MO on the</sup>

[There will be no amendment for CT until  
there is a site specific request.]

If there is a wish to have a new CT development  
within this mapped area it will require  
a site-specific rezoning request/application.

1. (The Strategy does not propose to identify all  
lands suitable for CT.)



## Introduction & overview -

For conversion from MO to CT.

Existing MO which wish to convert to CT will have to apply to ~~regone~~ have the land rezoned.

Land for

(Wapa) ~~for~~ How many new CTs <sup>is to</sup> will be confined to the <sup>mapped</sup> areas. ~~shown on the~~

7 <sup>applicants</sup> They will have to make the choice of being an MO or CT and will not be able to convert from one to the other. at the outset

3/ If ~~no~~ an for <sup>development</sup> MO, this will then only then require a DA.

4/ For a CT development this will require a site-specific rezoning application.

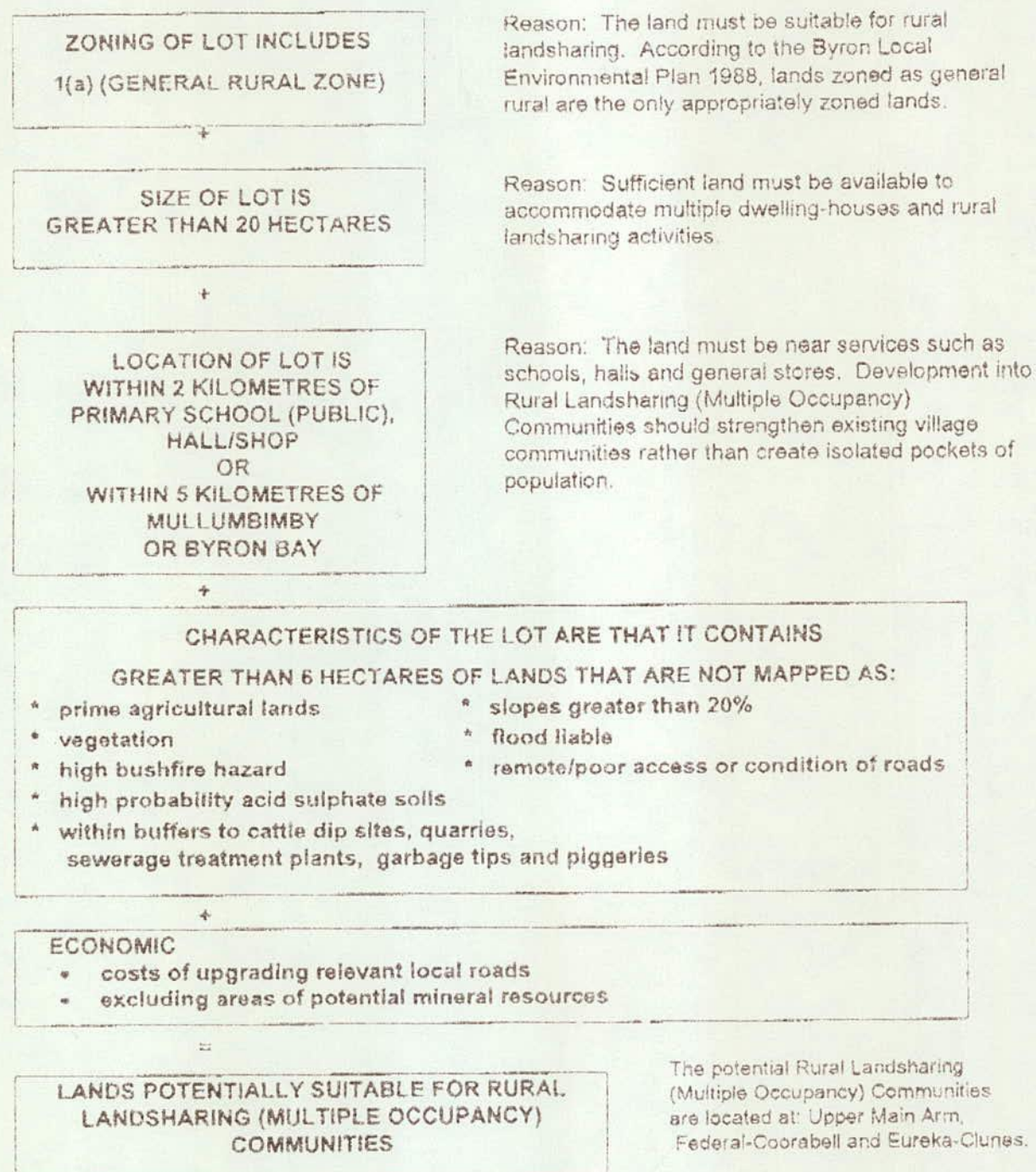
(There was a lot of discussion on whether or not an MO ~~would~~ <sup>also</sup> should have to put in a site-specific rezoning but I agreed against it that because SEPP-15 only requires a DA elsewhere - the state, & because MO are proposed to be ~~the~~ <sup>feasible</sup> a cheaper form of housing, it is a cost saving action if Council does this rezoning for them.)

This should still be attractive for MO if they wish to do this, or rates etc.



### **Methodology For Rural Landsharing (Multiple Occupancy) Communities**

The process for selecting areas potentially suitable for Rural Landsharing (Multiple Occupancy) Communities is shown below. Note, the Strategy provides a choice between Rural Landsharing (Multiple Occupancy) Communities and Rural Community Title (Village Catchment) Settlement for any particular parcel of land identified in the Strategy.





## 6.4 Rural Landsharing (Multiple Occupancy) Communities

### Overall Aim

*All Rural Landsharing (Multiple Occupancy) Communities are designed to promote a sustainable, self-reliant communal living structure while also encouraging the collective repair and enhancement of the natural environment.*

### Objectives-

- To enable people to collectively own a single allotment of land and use it as their principal place of residence.
- To enable the erection of more than one dwelling-houses on the allotment and the sharing of facilities and resources to collectively environmentally repair and manage the allotment.
- To enable the pooling of resources, particularly where low incomes are involved, to economically develop a wide range of communal rural living opportunities.
- To facilitate development in a clustered style which both protects the environment and avoids a demand for the unreasonable or uneconomic provision of services.
- To encourage a form of closer rural settlement which does not involve subdivision, strata title or any other form of separate land title, and does not involve separate legal rights to parts of the land through other means such as agreements, dealings, company shares, trusts or time-sharing arrangements.

### What are Rural Landsharing (Multiple Occupancy) Communities?

Rural Landsharing (Multiple Occupancy) Communities are a form of rural settlement which enables a group of people to collectively own a single allotment of land and use it as their principal place of residence. Common ownership of land is established through a trust in common, trust membership, co-operative shareholding, company shareholding or partnership.



The pooling of resources, particularly where low incomes are involved, enables residents to economically develop a wide range of communal rural living opportunities. These might include, for example, shared farming or other economic activities as well as environmental repair. In addition, this form of settlement allows residents living in such developments greater flexibility to experiment with alternative building forms and social organisations. Moreover, with responsibility for providing services such as water, electricity, waste disposal, internal roads, etc. often shared amongst residents, a greater level of self-sufficiency can be achieved than under conventional residential living arrangements.

While the main attraction of this form of rural settlement is that it can be undertaken at a lower cost than Torrens Title rural residential development, this has often been at the expense of important social and ecological considerations. These include inappropriate siting of dwelling-houses (ie. *dispersed* or on *steep, vegetated land*), poor internal service provision (*roads, sewerage communal facilities*), and the lack of a clearly defined land management agreement articulating community aims, residents' responsibilities and the process for settling disputes.

#### Where Can It Occur ?

Rural Landsharing (Multiple Occupancy) Communities can only occur on lands identified on Map 3. Lands have been identified in the Main Arm, Federal - Coorabell and Eureka - Clunes areas.

#### When Can It Occur ?

Rural Landsharing (Multiple Occupancy) Communities can occur at any time subject to Council's consent. There is no need to prepare and lodge a separate Rezoning Request. This is a considerable saving in cost and time.

#### How Will It Occur ?

Rural Landsharing (Multiple Occupancy) Communities should address the following **performance standards and guidelines**. An amendment to the Byron LEP 1988 and DCP No. 1 will, with Council's agreement, proceed following its adoption of the Strategy to include these guidelines.



### Performance standards

- Wastewater Treatment and Management of Effluent (refer section 8.1)
- Environmental Buffers, Repair and Enhancement (refer section 8.2)
- Aesthetic Design/ Scenic Character / Energy efficiency (refer section 8.3)
- Water and Riparian Management (refer section 8.4)
- Bushfire Hazard Mitigation (refer section 8.5)
- Impacts on and Buffers to Agricultural, Horticultural and Extractive Industries (refer section 8.6)

### Guidelines

1. The land comprises a single allotment having an area of at least 20 hectares in size.
2. The number of dwelling-houses, inclusive of any existing dwelling-houses on the land will not exceed one (1) dwelling-house for each three (3) hectares of total allotment area as long as there is one (1) hectare of developable land per dwelling-house which is identified through an ecological/physical land capability assessment as being capable and suitable for development as calculated in 6(a) (i) to (xi) below.
3. The minimum number of dwelling-houses on any single allotment to be no less than six (6) and the maximum to be no more than fifteen (15), or in the case of land described in Schedule 10, the number of dwelling-houses indicated in that Schedule.
4. The location of the dwelling-houses, excluding any existing dwelling-house or dwelling-houses, is in a clustered style. The Council shall not grant consent where the proposed development is in a dispersed style. A dispersed style is a style in which the dwelling-houses are located throughout the developable land resulting in longer than necessary road access arrangements or longer than necessary power supply arrangements or adverse social or environmental impacts. The clustering of dwelling-houses is in groups of three (3) or more. Separate clustering must demonstrate that the environmental and social impact or impacts of a number of dwelling-houses and building clusters is less than a single clustering of dwelling-houses and buildings. Clustering is defined to be dwelling-houses, tourist cabins, community buildings and any other buildings located within close proximity and easy



walking distance to each other. The distances apart must average 80 metres in a cluster but not exceeding 160 metres between any two dwelling-houses in a cluster. Further, the distance apart between dwelling-houses must ensure a high level of social interaction and the development of community as well as relate to physical considerations such as site characteristics, including drainage lines, existing vegetation and accessibility on the land defined as being capable and suitable for development.

5. A Rural Landsharing Management Plan has been prepared to Council's satisfaction and clearly addresses the following issues :

- a) the degree of recognition and understanding among the community regarding collective land ownership and use of resources;
- b) the designated theme for the respective Rural Landsharing (Multiple Occupancy) Community;
- c) the aims and objectives of the respective Rural Landsharing (Multiple Occupancy) Community;
- d) any intentions of the respective Rural Landsharing (Multiple Occupancy) Community in terms of social cohesion, development of community, cooperation and sharing, development of rural living opportunities, the construction of buildings, the use of land, and any economic or business development or other activities which are intended to take place on the land;
- e) how ownership 'shares' or an individuals entitlements are to be allocated;
- f) how shareholders or owners in the Rural Landsharing (Multiple Occupancy) Community are to reach decisions on matters affecting the Rural Landsharing (Multiple Occupancy) Community;
- g) how shareholders or owners can dispose of their interest in the Rural Landsharing (Multiple Occupancy) Community;
- h) provisions mediation and dispute resolution provisions;
- i) the type of behaviour which is permissible on the Rural Landsharing (Multiple Occupancy) Community in terms of what is acceptable regarding:-
  - i) use of the land for housing, commercial agriculture, domestic food production and other purposes.



- ii) visitors and tourists,
  - iii) noise,
  - iv) use of chemicals,
  - v) keeping of cats, dogs and other animals,
  - vi) lifestyle,
  - vii) Landcare,
  - viii) disposal of sewage,
  - .x) disposal of domestic waste and recycling,
  - x) environmental repair, and
  - xi) any other appropriate matters.
- j) the means proposed for establishing land ownership, dwelling-house occupancy rights, environmental and community management and the internal enforcement provisions of the Rural Landsharing Management Plan are deemed by the Council to be adequate and workable.
6. An Environmental Impact Assessment Report has been prepared to Council's satisfaction addressing the following matters:
- a) A full description of the development and the existing environment likely to be affected, including a concept plan and land capability and suitability report which identifies land capability and suitability in terms of:
- i) lands subject to bushfire hazards, flooding, slopes greater than 20 percent,
  - ii) areas of visual significance as seen from outside the subject lands,
  - iii) land slip areas and soil erosion areas,
  - iv) existing and potential extractive resources and buffers,
  - v) prime agricultural lands,
  - vi) vegetation: its plant communities, condition and buffers,
  - vii) flora and fauna habitats,
  - viii) areas for environmental repair and buffer plantings,
  - ix) water sources and quality including watercourses, natural drainage, permanent creeks, streams, wetlands and buffers,

- x) any nearby land uses, including existing and potential intensive agriculture and horticulture, which may produce a conflict with the proposed use of the subject lands particularly in regard to the location of proposed dwelling-houses and community buildings and prevailing winds and buffers,
  - xi) identification of previous use and any contaminated soils or filled areas,
  - xii) directions, distances and standard of roads to local shops, halls, schools, parks and community facilities,
  - xiii) school bus services and capacity to meet any likely increase in demand,
  - xiv) internal access roads both existing and proposed,
  - xv) indicative footprints of all proposed and existing dwelling-houses and other building sites including any holiday cabins (in lieu of dwelling-houses), community buildings and sheds together with indicative footprints.
- b) As a result of the above, an assessment is to be made of the constraints to development so as to identify the area of land in hectares which is capable and suitable for the location of dwelling-houses, any holiday cabins (in lieu of dwelling-houses), community buildings and other buildings. It is this assessed area which is then used to calculate the number of dwelling-houses or holiday cabins permitted.
7. The future subdivision, strata title or any other form of separate land title and separate legal rights to parts of the land through other means such as agreements, dealings, company shares, trusts or time sharing arrangements is expressly prohibited.
8. No building within 55 m of an arterial road in accordance with clause 27 of the Byron LEP 1988.



9. Development should not be on or near any ridgeline in accordance with clause 31 of the Byron LEP 1988.
10. The provision of rural tourist facilities in relation to cabins shall be according to the following table.

No. of dwelling-houses permitted according to guidelines:	No. of cabins with each cabin being in lieu of a dwelling-house
6 to 8	3
9 to 11	4
12 to 13	5
14 to 15	6

11. For the Main Arm Area, prior adequate arrangements must be made to Council's satisfaction for the provision of High School services to meet the estimated additional demand as a result of the development.



# Strategy puts an end to the rural residential subdivision

The era of traditional rural residential subdivisions ended in Byron Shire last week when councillors adopted the Byron Rural Settlement Strategy 1998.

No more land will be zoned 'small holdings'. Instead, there will be a new zone allowing rural residential 'community title' development.

The rural land release program set out in the strategy will allow from 669 to 794 new house sites over 10 years: an average quota of roughly 67 to 80 houses a year.

Strategic planning manager David Kanaley (pictured right) said this quota will meet the demand for rural population growth over the next 10 years.

Possible rural community title (town catchment) settlements include two areas at Broken Head, three areas at Ewingsdale and Wilsons Creek Road/Alidenes Road and Saddle Road near Mullumbimby.

Possible rural community title (village catchment) settlements and multiple occupancies include certain lands at Main Arm, Federal-Coorabell, and Eureka-Clunes.

Other permissible rural developments include rural dual occupancies, rural worker's dwellings, bed and breakfast establishments and holiday cabins.

The question of whether exist-

ing multiple occupancies can seek to convert via rezoning applications to community title developments has been deferred for three weeks for public comment.



Mr Kanaley said to prepare the shire for the next millennium, Byron Shire Council has been considering how best to provide for housing and how best to manage land.

"It has resolved to prepare three major strategic planning documents: one is the Rural Settlement Strategy, the second is the Small Towns and Villages Settlement Strategy and the third is the Byron Coastline Management Plan," he said.

Many other studies are needed to prepare these: some have been completed and others are

in progress. They include the shirewide flora and fauna study, and wastewater management plans for the Brunswick River and Byron Bay catchments.

"The rural settlement strategy represents a major shift from all past rural settlement strategies, which have focused on enabling site specific proposals for rural residential development," Mr Kanaley said.

"The strategy applies the principles of ecologically sustainable development.

"As a result it has strongly recommended rural settlement should be through rural community titles development rather than conventional Torrens title subdivision.

"This means we will be introducing a new rural residential zone within the shire.

"The strategy tries to see land as something which we need to be custodians of: to improve that asset for the next generation rather than just carving it up for profit.

"This is a ground-breaking document. There is nothing like it in rural NSW."

Endorsement by the Department of Urban Affairs and Planning It will take one to three months.

LEP amendments will be needed for multiple occupancies, rural tourism and introduction of the community title zone.

## BYRON RURAL SETTLEMENT STRATEGY

Council at its Special Meeting on 20 October, 1998 resolved to adopt the Byron Rural Settlement Strategy and that it be forwarded to the Department of Urban Affairs and Planning for approval according to the North Coast Regional Environmental Plan 1988. Council resolved that sale copies of the Byron Rural Settlement Strategy will be available for purchase approximately one month after the Department of Urban Affairs and Planning approves the Strategy. Council will inform the community by an advertisement when the Strategy is available for sale.

Council also resolved in respect to the Byron Rural Settlement Strategy that conversion of approved Multiple Occupancy to Community Title be deferred and advertised for a period of 21 days to enable public discussion.

Notice is hereby given that Council requests public submissions on the proposal to enable approved Multiple Occupancies to be converted to Community Title. It should be noted that this proposal will require an amendment to the Byron Local Environmental Plan 1988 which also provides for further public comment. If agreed by Council for inclusion in the Byron Rural Settlement Strategy then Rezoning Requests for conversion to Community Title will be voluntary and subject to Council's agreement.

Persons interested in making a public submission on this matter should do so by 4.00pm Wednesday, 18 November, 1998.

Should you have any further enquiries please contact the Strategic Planning Department on telephone (02) 6626 7126.

## FEES & CHARGES

RAY KENT  
GENERAL MANAGER

PO BOX 219  
MULLUMBIMBY NSW 2482



BE 28/10/98

## MICHAEL MCDONALD LOOKS AT THE NEW RURAL SETTLEMENT STRATEGY

# Aiming for environmental repair

**T**he purpose of a residential strategy is to provide a measured release of land. It is a bonus when its objectives also include improving the condition of the land on which the blocks are released.

That is the aim of Byron Shire Council's Rural Settlement Strategy, adopted last week. There are two key tools in the strategy towards assisting with environmental repair – the methodology used in the first place, and the proposal to zone for Community Title.

To find out which areas were most suitable for residential development, Council's strategic planners sieved the Shire through a computer mapping program, taking out those blocks with the most constraints – steep slope, water catchment, high environmental value, distance from facilities, and so on. They ended up with enough land to allow 669 to 794 houses to be built over the next ten years.

### Maximum potential

If issues related to deferred areas are resolved, 'this figure of 794 dwelling-houses represents the maximum potential supply of new rural settlement dwelling-houses for the Shire', strategic planning manager David Kanaley wrote in his report to Council.

In the possible rate of approvals of dwelling-houses the new strategy pretty much fits in with the pattern of the last six years. On average 71 dwelling houses were approved each year.

Council's small strategic planning team also embarked on a massive public consultation campaign.

They went out and met with local community groups, real estate agents, planning consultants, state government agencies and the Arakwal Aboriginal Corporation, to name a few. Then they went through the 199 written submissions received and analysed those.

Mr Kanaley noted in his report that the major findings from public consultation, include strong community commitment for Council's sustainable futures direction, strong community support for environmental repair, and a preference for rural community title settlement rather than rural landsharing (multiple occupancy) communities.

Not all landowners and all groups will be happy with the result, though the strategy gets a ringing endorsement in the main. There are differences of opinion at Fowlers Lane, Bangalow, and at Skinners Shoot (and physical constraints at Skinners Shoot) over preferred levels of development, and time will not necessarily bring a consensus.

### Community Title opportunities

The Community Title apparently preferred by the rural public has been likened to a block of strata title units lying on its side, with the dwelling houses clustered together rather than spread out across the land. It has similarities to the Multiple Occupancy but greater legal certainty in having titleholders carry out the stated intentions of the group. The holding of individual title as well as sharing land in common also gives the resident greater opportunity to obtain financing.

The legally binding management statement for any community title development must include an environmental repair plan. It will also include the objectives of the group, which are likely to be environmental repair, small scale agriculture, creative and spiritual pursuits, rather than, say, uranium mining.

This is not to say that positive objectives have not been achieved by those living on multiple occupancy and Torrens Title.

The existence of Local Area Management Plans, progress associations and landcare groups is testament to the good work carried out so far. But what

Community Title does mean is new settlers must show to Council their intention to repair the land and they are legally bound to each other in their willingness to do so. Obviously it is not a step to take lightly.

Nor will Council be taking lightly the creation of Community Titles and the conversion of existing MOs to CT. Each will have to go through the rezoning process and be subject to Council's works program. The danger is that rezoning applications will be piling up in Council along with the DAs.

Arriving at a strategy was not a flawless process, of course. Some have disputed the accuracy of some of the constraints mapping. The strategy document takes a pointless political swipe at the 1993 strategy (no-one was able to adequately respond to Cr Tucker's invitation last week to point out the 'many' unsuitable subdivisions approved under that strategy) when the 1998 visionary approach speaks for itself.

### Tautology Award

In terms of language, the strategy is not an elegant document but is reasonably easy to read. The opening sentence of its executive summary is a contender for this month's Tautology Award – 'Rural Settlement, which includes Rural Residential and Rural Landsharing (Multiple Occupancy) Communities, continues to expand as a desired housing choice throughout rural areas in Byron Shire.'

Having almost removed one great big boulder from their shoulders, the strategic planners are about to hoist another. The rural strategy is small potatoes in terms of potential population growth compared to the upcoming Small Towns and Villages Strategy, which will consider allotments in the thousands, not hundreds.

The future of the Shire is at your door; be ready when it knocks.



BE 28/10/88

# Council adopts new rural strategy

Byron Shire Council voted 8-2 last week to adopt a new Rural Settlement Strategy. The strategy allows for the building of up to 794 dwelling houses in rural areas over the next ten years and plans for environmental repair through Community Title provisions.

At a special meeting last week Council heard the views of nine speakers during public access. Most endorsed the strategy and congratulated the strategic planning department on its work but would have preferred more time to review changes to the exhibited document.

Planning consultant Phil Deniston, representing some landowners in Fowlers Lane, Bangalow, described Council's computer mapping system as worthless as a planning device. Gary McDonald of Eastpoint Consulting argued for the inclusion of Skinners Shoot in the immediate land release, based on reducing the lot yield from 153 to 49.

Jo Peoples of the Byron Environment Centre and Lesley Patterson of BEACON lobbied for buffer zones to environmental protection areas to be increased from 20 metres to 50 metres, based on recent provisions formulated by the Coffs Harbour council. Jan Barham of the Broken Head Protection Association argued for Council employing a scientific officer to ensure buffers were maintained and for monitoring environmental repair.

Cr Ian Hosken was successful in having new provisions for existing multiple occupancies to convert

to Community Title go back on public exhibition for three weeks.

'It would be wise to allow it to be discussed in the community,' he said.

Crs Ross Tucker and Bob Higgins were unable to get up an amendment for Skinners Shoot to be identified in the strategy as a potential area for residential housing, subject to the Department of Mineral Resources' intentions, further investigation by Council, and input from residents.

In a press release last Friday Cr Jenny Coman said the strategy 'represents a major achievement. Those of us who live in rural areas and know something of the problems created by the last strategy will welcome the new approach which ensures that rural residential settlement will be based on land capability and sound economic and social planning.'

Cr Coman said she had been involved in seeking to review the old strategy under the last Council and, once elected, in helping to establish the Rural Strategic Planning Committee.

'I know the committee joins with me in thanking Mr Kanaley and his department for all their hard work and sound guidance and in congratulating them on an excellent final document. When the Department of Urban Affairs and Planning endorses the strategy we'll have a party and David, Sue and Alex will be our honoured guests.'

• See McDuck's comments, page 5.



Should **MULTIPLE OCCUPANCIES**  
be able to convert to **COMMUNITY**  
**TITLE?** Public Meeting 5.30pm Thurs.  
5 Nov. Council's Conference Room. D  
Kanaley and H Ermacora to talk. Tel.  
66872244

V V

# ***Sustainable Living in a Nutshell***



**Spring Workshops Sep 28-Oct 2**

## **Getting Started with Permaculture**

**Mon 28, 9-5 · with Robyn Francis**

Looking for land or have land and wonder where to begin? The focus of this workshop is matching land with lifestyle - explores ways to clarify your vision, listen to the land, read the landscape and how permaculture design can help you put it into practice.

## **Legal Options for Land Ownership, Ethical Enterprise & Community Groups**

**Tue 29, 9-5 with Wroth Wall**

Legal structures provide an essential framework for cooperative endeavours. Wroth Wall, solicitor, shares his expertise and experience about the legal options for group ownership of land, ethical enterprise, non-profit organisations and environmental repair. Includes use of Community Title, Multiple Occupancy, Tennants in Common, Trusts, Companies and non-profit structures.

## **Earthworks & Aquaculture**

**Wed 30th, 9-5 · Robyn Francis & Kevin Tarvey**

This workshop will help you plan your water needs and storage systems including tips on constructing dams, ponds & swales, addressing drainage problems and how to create natural aquacultures with productive water plants and animals in your dams and ponds.

## **Alternative & Eco-friendly Building**

**Thur Oct 1, 9-5 with Garry Williams & Robi Carr**

A practical approach to cost effective eco-friendly house design and construction using natural and alternative materials including earth, 'saw-ment', timber and the appropriate use of modern materials and technology. Explore ways to reduce cost and waste in the design process and options for non-toxic finishes and renders. Garry & Robi are both experienced and passionate builders and permaculture designers.

## **Web of Life - Deep Ecology Workshop**

**Fri Oct 2, 9-5 with Eshana (Elizabeth Bragg)**

In this workshop renew your connection with the powerful regenerating forces of nature through silent solitude, creative group process, ritual and meditation. Feeling a part of the web of life, supported and inspired by it and empowered in our role as Earth healers, the workshop uses processes and rituals inspired by the 'Council of All Beings'.

## **Registration Details**

Fee includes lunch & refreshments • Advanced registration essential  
Workshop fee: **\$55** — early registration & payment before Sept 15: **\$45**

— do 2 or more workshops and get \$5 discount per day

Send payment with your contact details to **DJANBUNG GARDENS**  
PO Box 379 Nimbin NSW 2480 Ph 02-6689 1755 for further info



# **SPRING WORKSHOPS & EVENTS** **at Djanbung Gardens • Nimbin**

~ Celtic Dreaming ~

**Spring Equinox 19-20 Sept '98**

**a 'Visions of Nimbin' Event**

**Sat 19th Sept:**

**Spring Equinox Ostara Ceremony** • Sunset (by donation)

The time to bring things into balance & harmony and to welcome the awakening of the goanna (Bundjalung totem) from its winter hibernation.

**Ostara Banquet & Celtic Music Evening**

with Susan Graham on Celtic Harp, Russel Hibbs & Robyn Francis - song & storytelling • Entertainment door charge \$7 (conc.\$5) Banquet menu features gourmet dishes from fresh organic produce from our gardens. Banquet bookings (veg & non-veg) essential Ph 02-6689 1755

**Sun 20th Sept:**

**Celtic Eightfold Year Workshop 10am-3pm**

with Robyn Francis: Celebrate the turning of the seasons, reconnect with the rhythms of nature, reconcile your heritage as an Australian Celt with the seasons and spirit of this land. A practical approach to earth spirituality & sustainable living, nurturing our sense of self & place. (\$30 incl. lunch)

**Beltane Eve Sat. 31 Oct. '98**

**Ceremony, Banquet & Celtic Music Evening 7pm**

Susan Graham, Robyn Francis & others: Entertainment door charge \$7 (conc.\$5) Banquet menu features gourmet dishes from fresh organic garden produce Bookings (veg & non-veg) essential Ph 02-6689 1755

## **Bushfoods Weekend**

**Oct. 17 & 18 • Peter Hardwick & Robyn Francis**

***An introduction to the amazing diversity of bushfoods growing in the East Coast of Australia***

**How to create your own bushfoods garden  
cook up some gourmet treats using bushfoods & spices  
plus cottage products & preserves to impress your friends**

**9am Saturday to 3pm Sunday at Djanbung Gardens**

**\$95 incl. lunch (both days) & Bushfoods Banquet Sat. evening**

**Bushfood Banquet Sat 7pm, Oct 17 \$15 booking essential**

**DJANBUNG GARDENS • 74 CECIL ST NIMBIN**