

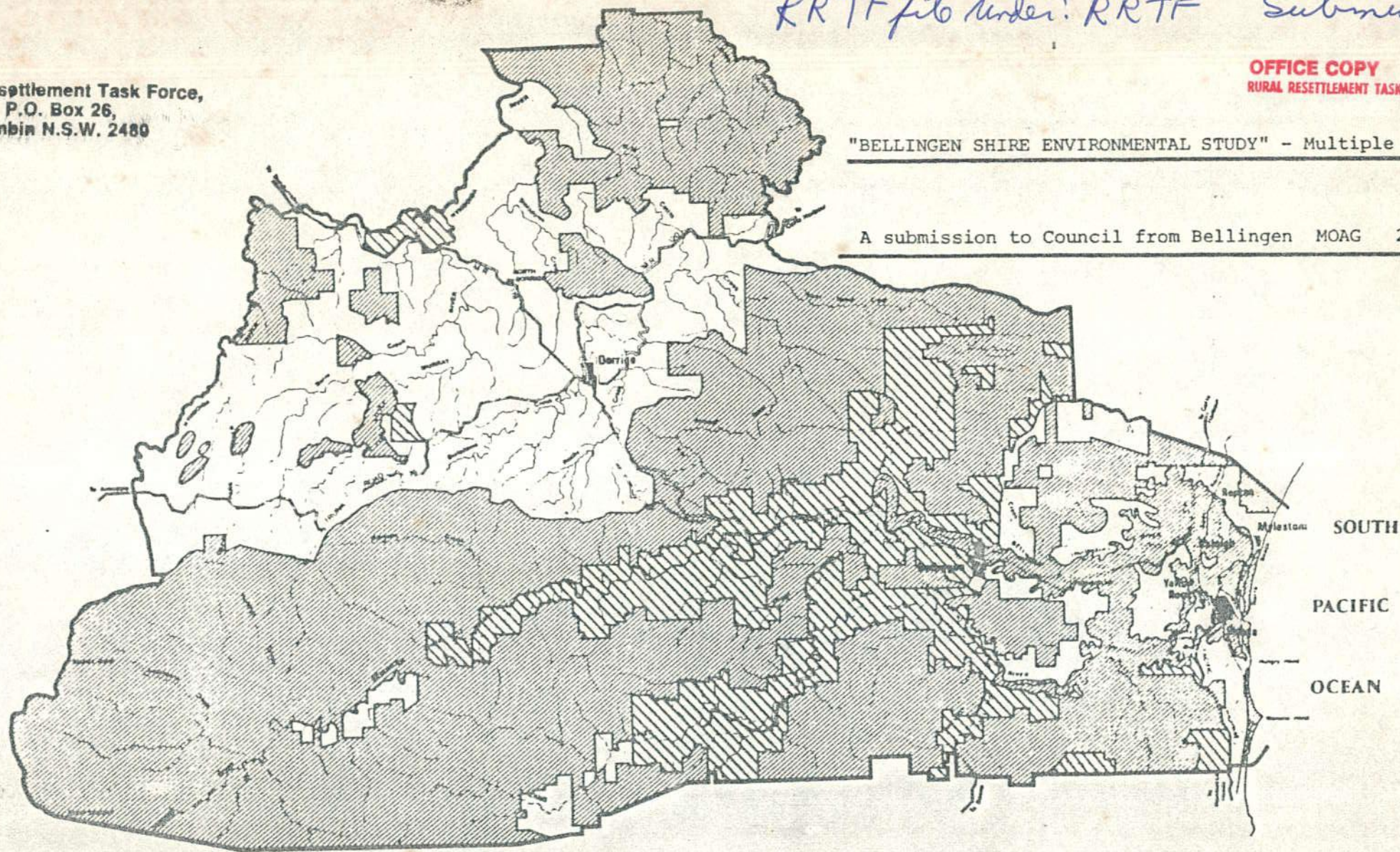
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"BELLINGEN SHIRE ENVIRONMENTAL STUDY" - Multiple Occupancy

A submission to Council from Bellingen MOAG 20.5.84



CONSTRAINED LANDS
LAND TO WHICH MULTIPLE OCCUPANCY
PROVISIONS WILL APPLY

SHIRE OF BELLINGEN ENVIRONMENTAL STUDY
MULTIPLE OCCUPANCY 19a
AREAS

0 5km 10km



Prepared by PLANNING WORKSHOP PTY LTD 340 SMITH ST STONEY 3000
For BELLINGEN SHIRE COUNCIL

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A SUBMISSION TO BELLINGEN SHIRE COUNCIL FROM MOAG IN RESPONSE
TO "THE BELLINGEN SHIRE ENVIRONMENTAL STUDY" PRODUCED BY
PLANNING WORKSHOP PTY. LTD

A INTRODUCTORY COMMENTS

The Bellinggen Multiple Occupancy Action Group (MOAG) was established in May 1983 after a public meeting on Multiple Occupancy (M.O.) in Bellinggen. (See Appendix 1). While it is still our long term aim that M.O. should be introduced Statewide and should not be the concern of local governments, we nevertheless welcome the consideration that Planning Workshop Pty. Ltd. (P/W) has given to the introduction of M.O. in this Shire. To this end we make the following recommendations

General Recommendations

a) M.O. Code

That Council, as suggested by P/W, prepare a code for M.O. as soon as possible and incorporate into this our comments below.

b) Urgency over Gazettal of M.O.

That in view of the stated intention of Council in 1981 to introduce M.O. as soon as possible, and that development applications submitted then have been held up pending the production of an local environment plan, should there be delays over gazetting the local environment plan over matters other than M.O., then M.O. be introduced in an advanced segment of the local environment plan.

General Concerns

We do have, in addition, some serious concerns relating to the study

a) M.O. as a Major Land Reform

P/W has not recognised the full potential of M.O. as a major land reform which will be of significance for groups other than "alternate residents", seeking to share land. For example, the elderly, aboriginal communities or large scale agricultural enterprises. In this we feel M.O. has an important role to play which P/W ignores in the revitalisation of rural areas through both the provision of residential accomodation and employment.

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b) Section 9 - A Negative Approach to M.O

It is our opinion that Section 9 "Multiple Occupancy of Rural Lands" does not do justice to the topic on hand. The whole section is written from a very negative point of view, stressing always the potential difficulties. While P/W deal extensively with the impact of new settlers (9.3), they fail to point out that this influx of new people to this Shire over the last decade has, as the Chamber of Commerce acknowledges, added considerably to the commercial viability of the area. This has given a substantial boost to previously declining service industries. Nor has P/W acknowledged the human resources that new settlers have brought to the Shire.

Many of the background statements are misleading, if not inaccurate. There is often a confusion between new settlers as a whole in Bellinggen and elsewhere (a group which includes numerous single family homesteaders and would form the bulk of "alternate residents" in the Shire) and communities/communes who would be seeking M.O. For example, whole sub-sections on illegal dwellings (p.208) and Building Approval (pp. 214-218) have been included in Section 9. These more, correctly, should have been included in a Section on rural resettlement in general.

c) Previous Council Decisions

The study does not identify clearly the decisions Council has made previously on M.O. As a result, there is a lack of clarity in the public's mind over the status of these resolutions. This situation is causing some concern amongst those whose expectations have been raised by previous Council decisions.

B COMMENTS SPECIFIC TO PLANNING WORKSHOP'S PROPOSALS

10.5.6 Multiple Occupancy Development

1. Location (p.281) *

a) Map 19a

There is confusion by the public over the interpretation of maps depicting M.O., specifically 19a. It has been brought to our attention that there is concern over the term "land to which M.O. provisions will apply" used in the key of MAP 19a. It needs to be clarified by Council that M.O. is merely an option for this land, not a requirement of landholders.

RECOMMENDATION; THE CONFUSING PHRASE BE REPLACED BY
"LAND FOR WHICH M.O. IS AN OPTION"

b) Factors Taken Into Account

(i) Present Distribution of M.O.

While granting that it is important that the distribution of existing M.O.'s should be accommodated in the LEP (and indeed Policy 10 of Circular 44, DEP 1980 stated that existing M.O.'s should be legalised) it is felt that existing distribution is not necessarily an adequate basis for future planning.

Two major reasons are:

- . defacto M.O.'s in this Shire have occurred in a random fashion, largely related to the availability of cheap and attractive rural land which happened to be on the market at the time that a group of new settlers was ready to purchase land;
- . once M.O. becomes a legal zoning different sorts of groups may well apply for it:
 - the elderly (retirement village)
 - religious communities
 - aboriginal groups
 - kibbutzim style commercial agriculture

The locational requirements of such groups could be quite different from the existing defacto M.O.'s and land available for M.O. in the future should reflect this demand.

As a result of P/W's rationale, some areas with an important potential for M.O. may have been excluded. A particular example of this is the Dorrigo Plateau where the only 2 areas zoned for M.O. are small existing communities. The exclusion of M.O. from good agricultural land also reflects P/W's limited perspective of M.O.

(ii) Expressed Locational Requirements of Alternate Residents

Again, as in (i) above, alternate residents are not the only people for whom M.O. is suitable and the potential needs of other groups should be taken into account, e.g. a retirement village would need to be much closer to town facilities, especially health care, than a primary agricultural settlement.

In this matter we also question the validity of data collected by Planning Workshop:

- . for the existing communities contacted by MOAG have no record of having been visited by P/W;
- . there was a general meeting held at "Dreamtime" by field workers from P/W. It is, however, debateable whether those attending were representative of alternate residents within the Shire. Again this could have led to an over-emphasis on the Thora and Kalang Valleys and lack of consideration of the views of the Dorrigo Plateau.

RECOMMENDATION: THAT ALL RURAL 1A AND 1C LAND BE AVAILABLE FOR M.O. AND WITHIN THIS FRAMEWORK EACH DEVELOPMENT APPLICATION BE ASSESSED ON ITS OWN MERIT.

(iii) Constraints on Development *

MOAG wholeheartedly supports the proposals that M.O.'s should not be in the National Parks or proposed extensions to them.

The other constraints listed, however, while they definitely should be seriously considered in relation to the location of buildings and proposed land usage within an M.O., should not, by their presence on part of the land to be zoned M.O., be cause for the refusal of M.O. overall.

If the whole of a proposed development were to be on flood-labile land, forestry resource land or unstable land obviously M.O. development would be inappropriate. But, as long as adequate areas remain for building and other proposed constructions, we see no reason for the above constraints to M.O. The case of scenic protection areas is a little different, but again as long as only part of an area zoned for M.O. is designated scenic protection and buildings and main centres of activity do not interfere with this portion, scenic protection should not be a constraint. Indeed we would argue that with careful planning it is even possible for an area totally designed scenic protection to have M.O. Much, of course, would depend on the topography, vistas etc.

*Footnote: In this we understand "development" to mean the total parcel of land to be zoned M.O.

Good Agricultural Land (see also below). We see no reason why the presence of good agricultural land should act as a constraint to M.O. With the increasing need for larger land holding units for effective farming, M.O. offers farmers with moderate capital the opportunity to co-operatively own adjacent areas of land. By doing so they can maintain viable holdings, as well as benefit from shared equipment and a larger pool of labour.

(iv) Provision of and Access to Community Facilities (p.281)

This factor should be applied at the Development Application stage rather than in the initial delineation of areas appropriate for M.O. The need for community facilities and access to them will vary substantially with the type of development proposed for M.O. For example:

- . A large group of people espousing an alternative lifestyle with an aim of a self-sufficient agricultural community. Such a group, by virtue of its size could choose to provide itself with many of the services elsewhere provided by a local Council or even State Government. This might include child care, pre-school or even primary school, a library/resource centre, first aid/healing provisions and its own fire brigade. A large amount of self grown food and bulk buying of non-local food items would necessitate few trips to town, and allow the group to survive for considerable periods of time, if necessary, physically cut off from the outside world. One based on reafforestation and sustainable yield timber production, or a large religious community might choose to exist in a similar fashion. In these cases, provision of access to community facilities would not be important.

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- a large community with an economic base dependent on commuting to paid employment in a local urban centre. This group would need to be located with good access in reasonable proximity to jobs and certainly would not choose to buy land without flood-free access.

- a Rural Retirement Village. People in this situation would require very good access to health care, shopping and other community facilities and hence might prefer to locate themselves as close to town as possible.

Note: the areas proposed for M.O. by P/W do not allow for such groups.

- (v) The need for flood-free * access. While this is a desirable situation, we question within Bellingen Shire the practicality of such a statement! In times of serious flood, even the urban area of North Bellingen is cut off from its local Highschool, let alone hospital services and shops. Most existing M.O.'s in the Shire are cut off by floods on occasions. This, however, does not present a problem to most. In a survey conducted by MOAG of M.O.'s (see attached Appendix 1) 60% of respondents did not see flood-free access as an advantage. Indeed, there were suggestions that the infrequent floods may well be part of the attractions of rural living.

* In this context, a definition of "flood" is required.

P/W (p.207) suggests that where an M.O. is liable to be flood bound by the inadequacy of existing bridges a specific development contribution should be levied toward the upgrading of that bridge or bridges. This, in our opinion, is not a cost which can be levied only on M.O. groups (especially if they are not demanding that Council provide flood-free access).

RECOMMENDATION: THAT WHERE UPGRADING OF BRIDGES IS NEEDED TO PROVIDE FLOOD-FREE ACCESS ALL ROAD USERS AND LAND HOLDERS WITHIN THE AREA SHOULD CONTRIBUTE TO THE COST.

- (vi) Market Factors Such as Land Prices (p.281)

These factors, we feel, are not relevant to the location of M.O. M.O. is a legitimate private enterprise, and as such should not be limited by considerations such as the market price of land. It seems that an assumption is being made by P/W that people seeking M.O. are second class citizens to be relegated to cheap marginal land. While M.O. may be an excellent use for such land, those wishing for M.O. should not be discriminated against by not allowing them access to more expensive land. Australia is, after all, a free enterprise society ...!

- (vii) Provision of land in excess of expected demand (P.281)

We welcome the statement by P/W that there should be a wide choice for intending M.O. developers.

It is our contention, however, (see also (i) above) that this choice has not been extended to people wishing to live on the Dorrigo Plateau and we ask that Council rectify this in its LEP.

We agree that it is not a good idea to allow an overconcentration of M.O.'s, but question whether the proposals of P/W will in fact encourage the very concentration they seek to avoid.

RECOMMENDATION: THAT ALL RURAL 1A AND 1C LAND BE AVAILABLE FOR M.O., SUBJECT TO VARIOUS CONSTRAINTS TO BE EXAMINED WHEN THE D.A. IS SUBMITTED.

c) Specific Areas (p.281-282)

(i) Bellinger Valley

Most residents of M.O. interviewed by MOAG in this valley indicated that they did not wish to have a sealed road - with comments such as the existing sealed bit is poorly maintained and as long as heavy trucks continue to use it, sealing it would be a waste. It would seem more economical to grade it more often - (see in addition Appendix 2) Many expressed the fear that sealing the road would encourage 'Sunday drivers' to use the road as a speedway, already a problem in the lower valley areas.

It must be made quite clear that those persons who have already chosen to live on the other side of the river did so by choice. 'Alternate residents' frequently locate as far as possible in such a remote position, attempting to gain privacy and not expose the vista of their dwellings on their neighbours.

The relative isolation mentioned in the P.W. study is one of the main attractions for the existing settlements. Notwithstanding, as far as it is known, there are only two intending applicants for M.O. zoning. This causes MOAG to seriously question the validity of P.W.'s field research in this area.

MOAG endorses the inclusion of this most suitable and attractive valley for M.O. zoning. There is some confusion resulting from P.W.'s terminology. Public access onto the Thora Road would appear to be adequate at the Trunk Road end and via bush track and forestry road at the valley head. Private access from a private property as we understand; is a matter for local adjustment/negotiation or a continuation of existing rights, at that point at which a private road joins to a public road.

It

It is believed that the majority of observed pollution (Turbidity) is the result of poor logging practice in the catchment area (clear felling). There is only 1 ONE community located above the Orama section where the effect was observed. It is not located so as to focus onto the river and is noted for its careful attention to waste disposal.

(ii) Kalang Valley

Basically the same rebuttal of the constraints to M.O. suggested by P/W for the Bellinger Valley would apply to Kalang.

- upgrading of roads and bridges, sealed surfaces, and flood-free bridges are neither required or considered desirable by most M.O.'s (see Appendix II);
- it must be pointed out that most M.O. communities do not desire good public access to their homes; their prime desire is privacy. Retiring across a river is often for the express purpose of ensuring that there is no direct public access.
- while there can be little argument with the intent of the suggested constraints in the Kalang Valley, it would seem timely to point out that little attempt has been made to define the parameters or refer in any depth to the discipline or reference sources to be used in considering such constraints, i.e. flood liability and poor road conditions.

In general, it should be pointed that the two valley systems are quite dissimilar except in their suitability for M.O. The often steep terrain of the Kalang Valley attracts those interested in reforestation, permaculture, small tropical fruit production, similar sustainable yield endeavours. As pointed out by P/W the poor state of the land at time of recent purchase by "alternate groups" was largely due to previously unsuitable agricultural practice in these valleys.

We feel little real attempt has been made to discover the potential M.O. provides in rehabilitating an area of land continuously degraded since white settlement. Further, several M.O.'s in the Kalang Valley point out that the P/W field investigators did not trouble to find out the defacto situation. This may well explain the confused and contradictory statements of such nature.

(iii) Additional Areas

We draw attention as above, to the lack of provision of potential M.O. land on the Dorrigo Plateau and also to the limited availability of M.O. areas in Urunga. We see this latter area as highly suitable for a "retirement-type" of M.O. and hence should not be excluded.

RECOMMENDATION: (AS ABOVE) THAT ALL RURAL 1A AND 1C LAND BE AVAILABLE FOR M.O.

2. Minimum Lot Size (p.282)

We agree with P/W's proposal that in general that 40 hectare minimum lot size is appropriate for M.O. in Bellinger Shire. We draw notice, however, to Council's decision of 1981 that where subdivision has in the past been allowed as low as 15 ha then such parcels may still be zoned M.O.

RECOMMENDATION: THAT COUNCIL'S DECISION OF 1981 BE HONOURED

3. DENSITY CONTROLS (p.283)a) Overall Site Density

We have no disagreement with the density of 1 person per hectare as recommended by DEP provided that it is used as a flexible guideline, rather than a rigid control. Local experience shows that existing M.O. groups have opted for densities well below this, and that the density desired by any particular group will vary according to its philosophy or lifestyle, its economic base and the environmental suitability of the piece of land for increased

numbers of people. We re-emphasise that each situation should be considered on its own merit at the time the D.A. is submitted.

We understand that the DEP guideline relates to the whole property and that in this context "overall density" would mean that on, say, a property of 100 ha the potential is for 100 people. We cannot agree with P/W's suggestion (p.283) that density be calculated on the basis of land suitable for development, i.e. the area of land left after the steep, flood prone, scenic protection, etc. parts have been excluded. (i.e. on a 100 ha property with 10 ha "suitable" in P/W terms, for settlement the total population allowed would be 10).

It is agreed that the amount of land suitable for buildings should have some bearing on the ultimate density of an M.O., but exclusion factors should not be applied before density is calculated.

RECOMMENDATION: THAT THE OVERALL DENSITY OF ONE PERSON PER HECTARE BE USED AS A FLEXIBLE GUIDELINE FOR M.O.'s.

b) Internal Densities

We challenge P/W's suggestion that stringent internal density controls are... 'necessary to ensure that all dwellings on a very large parcel are not grouped together, village-like, with the remainder of the land untouched'. From an economic point of view, as Sonia Atkinson notes (Appendix) there are great savings to be made in terms of costs of internal access or the provision of electricity (if required) through clustering of housing on an M.O. Clustering also provides for a more sensible use of the land, especially if large unbroken tracts of agricultural land are desired. Then, too, the social importance of clustering should be considered, if it is the particular group's philosophy to develop a socially cohesive settlement.

We feel that, though there may be some M.O.'s where dispersion of settlement is appropriate, P/W is ignoring an important element of M.O. through suggesting that clustering should be avoided.. This is perhaps even more apparent in the case of environmental conservation. Here a group of people may wish to act basically as a caretaker settlement and preserve important tracts of natural bushland. In this situation, it may be relevant to sacrifice a section of land which is less environmentally sensitive for any buildings needed, and have very high densities in this limited area in order to maintain a maximum area of bushland intact.

RECOMMENDATION: THAT CLUSTERING OF DWELLINGS WITHIN AN M.O. BE NOT ONLY ALLOWED BUT POSITIVELY ENCOURAGED.

c) 'Habitable rooms' as a means of density control

We agree with P/W that it is difficult to set density figures because each property is individual and if too loose a density guide is used it could be 'subject to commercial abuse'. However, to attempt to control density by tying it to habitable rooms is blatantly discriminatory. Unless such a measure is applied to all rural residential situations, (e.g. subdivisions and farms) we cannot accept it as an equitable solution to the problem.

RECOMMENDATION: THAT ANY CONSIDERATION OF 'HABITABLE ROOMS' AS A MEASURE OF DENSITY BE ABANDONED IN COUNCIL'S PLANNING STRATEGY.

4. Performance Criteria and Development Controls

a) General Comments

Performance criteria for the assessing of M.O. D.A.'s in this Shire are highly desirable. It is important however that these be constructed with a view to the principal of EQUITY and that a harsher code of criteria should not be applied than that used in other rural developments,

b) Location of Buildings

The proposal that buildings be located so as not to create adverse visual effect when viewed from a public road is excellent. This, however, is not in MOAG's opinion a criteria to be restricted to M.O.

RECOMMENDATION: THIS RECOMMENDATION BE EXTENDED TO ALL RURAL DEVELOPMENTS.

Our reasoning is thus:- One of the greatest future industries in this Shire is Tourism and it's associated services. There is thus a great need to enhance the visual quality of this Shire especially on main highways.

c) Access

(i) To the site boundary.

Public road access to the site boundary should indeed be adequate.

RECOMMENDATION: "ADEQUATE ACCESS" BE DEFINED AS A PUBLIC ALL WEATHER 2 LANE GRAVEL ROAD WITH SOME FLOODING PERMISSABLE, SERVING THE SITE BOUNDARY. This follows research carried out by MOAG (Appendix 2) and following this a recommendation to Council from MOAG 1/8/83 (Attached in Appendix 4).

The provision of a sealed road (see page 206) is not in our view, a necessity for M.O.'s. Given the heavy usage of rural roads by logging, gravel and other trucks, a good gravel surface would not only be adequate, but present Council with far lower maintenance costs than a tar seal.

(ii) Internal Roads

RECOMMENDATION: THE STANDARD OF PRIVATE INTERNAL ROADING IS A MATTER FOR THE M.O. TO DECIDE.

Note. This would be determined within the requirements of roads for emergency purposes such as fire access roads.

It is MOAG's contention that the style of development and particular residents of an M.O. should dictate the type of access. There may well be residents who wish to RESTRICT THE USE OF CARS to the area of their residence

and in these cases the use of walking tracks and or bridal trails would be appropriate.

Our specific comment on P/W's proposals are that they are too stringent in general and in this case impinge on private domain.

MOAG's PREFERENCES:

Walking to a dwelling may well be a desirable attribute;

For internal access roads should be designed to allow two cars to pass, with suitable laybys.

Roads should be passable in most weather tho this will not exclude fords.

d) Development should only be permitted on land suitable for development.

If Development in this context means the siting of buildings and the like we are in total agreement with this statement.

e) No development where it will increase Stream Pollution or Siltation.

We Agree; Note that we already have a proposal before Council on this issue (See Appendix 4.8).

f) Land use conflict with adjoining land.

We request clarification here in the definition of 'Land use Conflict'.

This seems to be a reasonable principal to apply if strictly related to LAND USE. eg; a proposal for a residential development next to the boundary of a National Park.

We would be highly dismayed however if it were seen to be an excuse for discrimination on a social basis. eg; A protest, by an adjoining landowner, against the development of an M.O. for a therapeutic community, such as a halfway house for former inmates of a psychiatric hospital etc.

g) Water Supply.

We support P.W proposals in this and suggest that unless close to a Town water supply, M.O. should be self sufficient in terms of Water, Sewerage and Sullage.

h) Sewerage and Sullage.

While being aware that such matters fall within the State Health Regulations, we would urge that Council

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in addition, encourage policies in relation to Sewerage that are appropriate to this local area.

MOAG PROPOSES : THAT IN OF THE HIGH RAINFALL IN THIS AREA SEPTIC TANKS NO LONGER BE APPROVED FOR RURAL AREAS.

That council encourages the use of composting toilets and to this end, urge the State Health Department to complete its research on this matter.

That Council, with State Health Dept assistance conduct local research on Composting Toilets.

1) Permitted Uses.

We request in association with the issue a definition of HOME INDUSTRIES. We would hope that such a definition would not exclude such projects as Sunrise Industries eg; Computer Software, and similar professional services such as Planning Consultancy work, Health Care, etc. There would also seem a need to include religious / and spiritual activities within the permitted uses.

We also draw Councils attention to Policy 9 of Circular 44, DEP 1980 which states in relation to the prohibition of tourist accomodation.

Note "this policy should not be used to prohibit temporary accomodation associated with teaching or workshop activities proposed for bonafide new settler communities. This clause is designed to prevent exploitation of the policy for commercial purposes not associated with the alternative lifestyles of new settlers"

RECOMMENDATIONS: That Policy 9 be written into the enabling clause of the LEP.

Note also, that we do not consider policy 9 to exclude the construction and usage (on a time sharing basis) of residential accomodation by members of a M.O. whose prime residence is elsewhere. (This would be providing that the total population remained within the agreed density).

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C. ADDITIONAL MATERIAL TO PLANNING WORKSHOP'S PROPOSALS

1. Bushfire Hazard

In addition to 10.5.8, General Bushfire Provisions, we feel that in the case of a large group of people living together on an M.O., the following measures (as detailed in MOAG'S submission to Council 1.8.83, Appendix 4) are appropriate.

RECOMMENDATION: M.O.s SHOULD BE ENCOURAGED TO CONSTRUCT FIRE SHELTERS FOR THEIR POPULATIONS

CURRENT LITERATURE AVAILABLE ON BUSHFIRES AND BUILDING IN RURAL AREAS SHOULD BE CONSULTED WHEN BUILDINGS ARE PLANNED

THE M.O. POPULATION SHOULD BE ENCOURAGED TO PROVIDE MEMBERS FOR THE LOCAL BUSH-FIRE BRIGADE, OR SET UP ITS OWN BRIGADE

Provided that such provisions are adhered to, we see no reason to reduce the areas available for M.O. because of potential fire hazards

2. Ownership and residency

RECOMMENDATION: THAT POLICY 6 OF CIRCULAR 44 DEP 1980 BE INCLUDED IN THE ENABLING CLAUSE OF THE FORTHCOMING BELLINGEN LEP

3. Environmental protection

RECOMMENDATION: THAT M.O.s BE ENCOURAGED TO MAKE INTERNAL LAND USE ZONINGS WHICH SET ASIDE AREAS FOR FOR ENVIRONMENTAL PROTECTION

It is clear that many existing M.O.s are aiming to do this. While understanding that such zonings would not necessarily preclude residential development, classification is being sought from the DEP as to how best such environmental protection can be achieved.

4. The Provision of Public Open Space

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APENDIX 1

LTIPLE OCCUPANCY SEMINAR HELD ON 7 MAY 1983 IN BELLINGEN

A SUMMARY

General Background

There is much demand now for Local Councils in N.S.W. to introduce the new Multiple Occupancy (M.O.) zoning. Broad guidelines for this zoning have been produced by the State, but detailed implementation must be undertaken by each individual Local Council. This will involve considerable amounts of work by both Councils and applicants for M.O. At this early stage, there is an obvious need for information and discussion by all parties on the potentials and also problem areas of what is a highly innovative modern land reform.

An important initiative for promoting such discussion on the North Coast was taken at Rollands Plains Alternative Resources Fair (April 16 - 17th) when one workshop session was devoted to M.O. Staff from the Department of Environment and Planning, Grafton, provided a valuable information session against which discussion could take place. It soon became obvious that similar sessions were needed within each Shire for full public participation in the planning process as M.O. is introduced.

The Bellingen M.O. Seminar, (well attended with some 70 people present), therefore represents the first stage of an important step in this direction.

The Seminar

The seminar was opened by Cr. Gordon Braithwaite, Shire President. Mr. Graham Mienieke from D.E.P. Grafton provided relevant information and a paper prepared by Mr. Ron Short was read outlining Council's position. During the discussions which followed a number of issues were raised including:

- a) that levels of rating should be appropriate to what was set up as a scheme to allow low income people access to land;
- b) how Section 94 is to be applied to M.O.;
- c) what standard of roading (internal & external) is appropriate to M.O.;
- d) the suitability of M.O. for residential development with a profit motive;
- e) the absurdity of each Local Council having to spend time and effort producing individual guidelines for M.O.;
- f) the need for flexibility over density guidelines.

The afternoon was spent in small workshop sessions discussing legal/financial issues; building and development suitable for M.O.; ideological issues of M.O. and Local Council involvement in M.O.

Multiple Occupancy Action Group (M.O.A.G.)

The concluding recommendation from the seminar was that a working group be set up to follow through the concerns expressed at the seminar.

The tasks of the Working Group were seen to be to:

- a) liaise with Bellingen Shire Council and residents seeking M.O.;
- b) encourage public awareness of M.O. and participation in local planning;
- c) work towards producing a set of development standards appropriate for M.O. in Bellingen Shire;
- d) link with other similar groups within the State;
- e) to make representation on a Federal and State level that M.O. should be introduced Statewide.

Subsequent to the seminar, the group (M.O.A.G.) has been set up and has had 2 preliminary meetings. Further meetings will take place and all interested parties will be kept informed.

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RURAL RESETTLEMENT TASK FORCE

RESULTS OF A QUESTIONNAIRE B.M.O.A.G.

This questionnaire was circulated by mail in Bellingen Shire. The figures have been rounded off to within 2%; they represent a sampling of some 160 residents. In view of the distinct differences and the high degree of correlation shown, we feel that the views revealed are a fair indication of the viewpoint of existing defacto Multiple Occupancies.

ROADS

1. Sealing. Only 25% wanted sealed roads passing their property. Also 35% were opposed to sealing council roads if this increased the rate burden.
2. Flooding. 33% felt that flood-free roads were an advantage but 66% did not see flood-free access to be much of an advantage.

Comments: It was pointed out that floods were infrequent and there was some suggestion that this was part of the attraction of rural life from time to time.

WATER SUPPLY

92% did not want council supplied reticulated water under any circumstances.

8% indicated that there could be some circumstances in which this might be desirable.

PUBLIC OPEN SPACE

25% desired some increase in public open space.
58% felt no increase was necessary in this area.
17% seem to have been confused by the question and confused sports fields etc. with open space.

However, 92% were opposed to any on a cost basis if this increased rates or contributions. NB. In comments appended, a majority comment could be summarised as "Existing rating should cover this, what do we pay for now, etc. etc."

POPULATION DENSITY

A surprising 75% indicated they felt there was some need for control. 25% wanted no restrictions. Of the 75%, 33% felt that at a philosophical level, control was undesirable but accepted the inevitability of some form of control.

Not all comments were completed but of those that were, most were in agreeance with the suggested guideline in Circular 44, i.e. 1 person per hectare. 50% strongly felt that the location of dwellings should not be spread evenly on a geographical assumption of 1 per 5 hectares but in most cases depending on topography would be best clustered reserving viable agricultural land intact.

DWELLINGS

8% considered there should be limits (unspecified) to the number of habitable rooms per dwelling. On the other hand, 50% felt there should not be limits since, infact, it was experienced that this was self limiting usually at about 5 or 6 due to personality traits. 8% wanted no restrictions whatever within a multiple occupancy.

75% felt all limits should be based on the ability of the land to support and accommodate the householders. 15% made very rude comments about controls.

In the comments, a majority expressed difficulty in conceiving of any rigid policy as being workable due to the great differences in topography, personal lifestyle, income and beliefs, etc.

(I feel that this part of the questionnaire was misunderstood with some confusion about the areas of State-Federal and Council jurisdiction, with some misconception that Ordinance 70 would not apply to constructions).

Multiple Occupancy - A Geographic Viewpoint

S. M. Atkinson

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Nimbin.

I have been asked to talk about what the seekers of Multiple Occupancy are trying to achieve and how the existing legislation is hampering them. Right now all they want is to live in the country, in a congenial social group, as cheaply as possible and in harmony with the environment. These are not, however, long term goals. The aspirations of each individual come in as many forms as there are people themselves. Multiple Occupancy, Harlet Development and Low Cost Housing are solutions to some of the immediate living problems rather than a set of Utopian ideals, so it is solutions to problems that I propose to talk about them. 18

MULTIPLE OCCUPANCY

Although so much misunderstanding has arisen about the concept of Multiple Occupancy, it is really nothing more than the sharing of land. (It is an odd reflection on our society's ways that throughout their childhood great emphasis is laid on the need for our young to learn to share things. They must share not only school property like sporting equipment, but they are also urged to share their toys at home. Yet when they grow up, if they actually try to live by sharing things like land and other facilities, they encounter not only hostile opposition but also dire warnings that "it won't work" or "it's against human nature". Is sharing really only a passing infantile characteristic?) From the point of view of the residents, Multiple Occupancy is the sharing of the purchase price of a piece of land - a group of people, each one contributing a little, can buy what no individual among them could buy alone. From the point of view of the authorities, however, land-sharing was an alien concept and there were numerous obstacles to be overcome before it was grudgingly recognised as permissible.

Previously, when confronted with a growing population and the need to provide more houses, the planners' traditional solution involved the familiar procedures of re-zoning and sub-division. Now, however, they are faced with a growing population which needed more houses but did not want sub-division and which, moreover, wanted this housing not in the usual places where people want to live - in villages or urban fringes for instance - but in the most remote of rural areas. All that was actually required to make this possible was a zoning change that would allow large farm holdings to be used for residential purposes and an acceptance of increased density without any sub-division. Most of the opposition to this stemmed from

emotional factors that had nothing whatever to do with planning considerations which have, in general, been completely ignored. I would therefore like at this point to present a case for Multiple Occupancy as good, sound planning policy.



Figure I

Figure I represents an imaginary but fairly typical sort of holding in a small valley. A Council road goes as far as the boundary. There is a farm house, a worker's cottage and various other out-buildings. The owner wants to sell and it has been decided that the density can be increased ten-fold. One solution is the traditional sort of sub-division shown in Figure II.

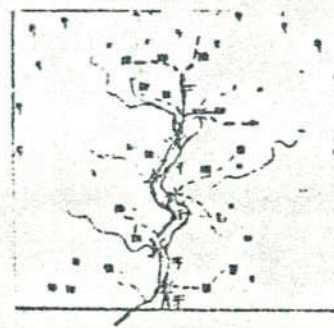


Figure II

Note that there are now

- ten houses, each with its satellite out-buildings
- a road as far as the top two sub-divisions, with several bridges across the creek
- other roads to each house
- power poles, with electricity and phone lines to each house
- extensive drainage works
- miles of boundary fences
- loss of forest to make up for the smallness of the sub-division.

All this development for ten families, at great cost, and what

has it done to the scenic view? how much will it cost to maintain these fences and these bridges?

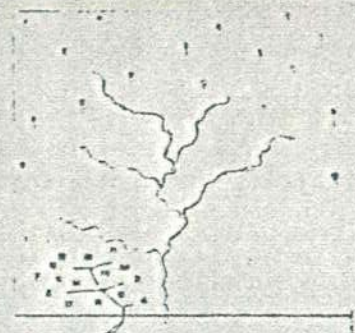


Figure III

Figure III shows an alternative solution now made possible by the Multiple Occupancy legislation. Note that there is now

- a clustering of all the houses in one area
- a reduction in the number of out-buildings as some of these will be shared by neighbours
- a minimal extension of the road and no bridges
- elimination of boundary fencing
- powerlines underground
- preservation of existing forest.

The number of families remains the same, and each house can still have ample private space around it, while 90% of the land remains in common use and ownership. The environmental benefits are self-evident, and so are the considerable cost savings.

This is only a very general representation of the spirit of what has been happening. Certainly mistakes have been made. In the early years people with little experience and high ideals failed to make proper ownership agreements with adequate provision for future changes in circumstances or for transfer of shares etc. Such mistakes are uncommon now. Not only have advisory services been set up, but the need to seek legal advice is now widely recognised. Ownership is commonly in the form of a Co-operative, but there are groups registered as Trusts, Community Advancement Societies, Pastoral Companies, Churches, Partnerships and probably others I have not heard about. As experience broadens and more people seek to take advantage of this sort of development, new agreements will have to be devised to protect everyone concerned. The law at present is obsessed with protecting the rights of the individual, which is of course necessary, but the needs and rights of groups are sadly neglected. It is, in fact, very difficult to get the authorities to acknowledge groups at all, let alone recognise that they should have the same rights as individuals.

The question of property valuation and rates is one that will obviously present problems in the future. In comparison with the previous use of the land (generally exhausted, unproductive, marginal land) its residential use will tend to make it more highly valued. On the other hand, the much reduced costs of development will tend to reduce its value. So, too, will the fact that sub-division is prohibited and resale very difficult. A Multiple Occupancy development is virtually an unmarketable commodity. High valuations, if they occur, coupled

with oppressive rating policies, will create enormous hardship, especially in the case of small communities and would be very unfair on those receiving no services. However, equitable solutions will have to be found eventually, for Multiple Occupancy is obviously here to stay.

HAMLET DEVELOPMENT

Although the term "hamlet development" is widely used as though it meant the same thing as "multiple occupancy, it is really not a planning issue at all, but a building one. It is entirely possible to have Multiple Occupancy without Hamlet Development - in fact, my earlier example was of this sort. Where Multiple Occupancy concerns the co-operative purchase and shared use of land, Hamlet Development concerns co-operative housing and the shared use of domestic facilities.

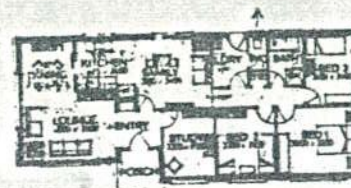


Figure IV

Figure IV shows a plan of a typical house as advertised widely in the press. In a city or suburban context a common solution to high rents and housing shortages has been for several individuals or families to occupy such a house, each having a bedroom to themselves but jointly sharing the rest of the house. A "hamlet" is just such a shared house as this, but privacy is obtained by spreading the bedrooms out so that they are not under the same roof. It is an "expanded" house. Figure V shows how the single dwelling unit can expand to become a Hamlet.

pp. 1-4 of

Paper presented to the North Coast Region Conference on Planning, organized by the University of New England at Valla, 3rd April, 1981.

APPENDIX 4

Multiple Occupancy Action Group (MOAG)

August 1983

Recommendations to Bellingen Shire

The recommendations which follow are the result of information collected by MOAG over the last three months. They represent a wide range of opinion throughout the shire by those concerned that MO should be introduced as soon as possible, and include views of whole communities as well as individuals. Much basic information was collected at the Multiple Occupancy Seminar of 5th May and this has been followed up with a mailed out questionnaire to those within the shire considering Multiple occupancy as an appropriate zoning for their land. General discussions have also been held at weekly meetings of MOAG, open to all interested.

1. Multiple Occupancy should be introduced as soon as possible

- general support was expressed for MO as an important land reform which allows for legal rural resettlement. Where people did query the need for such an innovation it appears that such views were based on caution, the individuals concerned being unclear as to the full meaning and implications of MO

2. Area to be zoned as potential MO

- this should include all existing R(a) and I(b) land within the shire, acknowledging that any application for MO within Agricultural Protection areas (ie Class I Agricultural land) should be examined in a rigorous fashion before rezoning occurs.
- each MO application should be dealt with in its own right

3. Minimum size of block for which MO may be granted

- 15 ha (as recommended by Council in 1981)

4. Ownership

- this should be communal (as in DEP guidelines), but note that this need not be in the form of a corporate body. Mr. Eric Bedford 9.6.81 stated that 'any form of ownership or any form of beneficial or equitable interest in the land' would be acceptable for MO.

5. Access

- access to the boundary of an MO property should be all weather (ie gravelled) negotiable by two-wheel drive traffic.

note: most communities surveyed did not feel the need for flood-free access.

6. Density of population

- overall density should be 1 person per ha or 5 has per dwelling, as recommended by the DEP

- within this guideline the clustering and general placement of dwellings should be undertaken with great care, subject to constraints of

- general topography
- number of people to be housed
- economic base / livelihood of the community

- further exploration of this aspect of MO needs to be done and it is recommended that a code be drawn up by an advisory body in conjunction with council

note: to date alternative settlers have tended to aim for low cost housing with minimum environmental impact and this should be encouraged.

7. Water supply

- in this high rainfall area water is not a constraint to settlement. Adequate storage facilities should be provided using conventional rural methods (tanks, dams etc)

note: no need was seen for reticulated water supply from Council mains

8. Sewerage & sullage

- these should meet the requirements of the State Health Regulations
- earth closets are considered acceptable, no closer than 3m to water
- gravel drains should be constructed for grey water courses
- a group should provide for its own adequate garbage disposal

9. Bushfires

- MOs should be encouraged to construct fire shelters for their populations
- current literature available on bush fires and building in rural areas should be consulted when buildings are being planned

note: all existing communities provide members for the local fire brigades, this should be encouraged in the case of new communities being established. In this respect the additional population allowed by MO can be an important resource to assist with fire control in the shire.

10. Section 94

- we urge council to undertake the socio-economic survey necessary to assess needs within the shire so that Section 94 contributions can be determined.

note: this contribution need not necessarily be money. At the MO seminar there was much support to the idea of people contributing labour (eg for a community hall) or even land (eg for a roadside picnic area)

additionally rural communities have traditionally operated on the basis of self help. It is also important to realise recognise that MO community needs in this area may be quite different from conventional rural communities and perhaps be even less expensive.

PTO

In conclusion:

there are areas (for example siting of dwellings, rating of MO) which require further work and for this reason have not been included in this set of recommendations. Discussions with Council are also an important factor here, and we welcome any opportunity to work with Council members on these issues.

MOAG 1.8.83

* FOOTNOTE/ addendum

The whole situation relating to the location of Multiple Occuancy in this shire is now in a confused state, due to Council's attempts to change Study Map 19a after it had been placed on public exhibition. Our submission has been written using Map 19a (as originally exhibited) as its information base.

Our comments on location would need to be revised drastically, should any changes to this map be confirmed.