

PO Box 212
NIMBIN NSW 2480
Ph: (066) 897 427

Hi MASTER
Graham

7 April 1994

The Officer-in-Charge
Department of Planning
GRAFTON NSW 2460

Attention Miss Knight

Dear Madam

I am writing to you concerning the review of Multiple Occupancy Policy being conducted. I was interviewed by Chris in Lismore recently, but have felt sufficiently strongly to have spent this Easter writing this following "submission", based on my experiences in the hope that they might have some practical and beneficial effect on future policy. I am certain our problems have not been unique.

Our biggest delay initially was the lack of good legal advice and of a clear structure. In this we were greatly hampered (from within) by charismatic tribal leaders with less than any sense of social responsibility.

The next most effective way to subvert our development was to deny the group finance. This has been solely from a levy which is voted on annually. This has been an easy game for the artistic who cannot possibly afford to pay more than \$5.00 per week for somewhere for their family to live. Or for those who have lived with the comforts and advantages of more urbane life.

Even this year when the company planned to submit a D.A. to Council and when most of the items and costs were on the agenda for the meeting, this self same active, subversive influence prevailed and he spent no finance, therefore no D.A. Good one Mister Chairperson. Fortunately, it was called to the people's attention and they responded. Things do go wrong in communities - a source of legal advice was bad.

Definitely our biggest problem has been that the council has been far too lenient in not enforcing the building or zoning regulations. A lot of the above would have been avoided. We have existed here "illegally" for 12 years. Although we have plans to submit a D.A. again soon, I know that some communities do not. The council's response is that they do not have the staff (to enforce building codes etc). People are not going to volunteer to pay their section 94 contributions or put in toilets or erect buildings if Council is going to let them continue to live in caravans and buses. Too bad for the kids, but Dad can drink a bit more piss. It is a big shame to see such influences at work in such a beautiful environment.

The next biggest problem (with the legislation) I see is the forms of title. Our shareholders have \$1.00 share in a non-liability company which owns the land and gives us the right to a home site of up to 3 acres. The company may even issue a lease if the council approves our D.A. I do not think this gives people any security. At the moment, if someone falls behind in their payments to the Company, the Company has the right to order them to sell their \$1.00 share, within 12 months or the company will do it for them. (I would like to believe that our group may change this last provision). I have been here 12 years. I have a home and a nursery business and a \$1.00 share in a company which could (and does try to) make arbitrary demands. Such as asking me to disconnect my nursery from the water in the middle of the drought.

I think the single MOST VITAL and IMPORTANT change to the legislation or its implementation is that shareholders should have control of the equity in their own homes/shares. otherwise they are not going to build homes. When I mention "community Title" to our shareholders the response is usually "we haven't got the money to survey the site", which is patently not true, if it was required, we could budget for it.

I think its vital for shareholders to have access to cheaper finance rates available from banks on property mortgages, for housing and business loans and for medical and legal expenses etc. It is very unAustralian not to own your own home. Without this access to bank finance, I feel a lot of people like myself and many I know run the risk of languishing in rural poverty traps for the rest of our lives. Thanks for letting us participate in this new and novel way of living.

If this next "economic recovery" is going to be sustainable, it must reach and come from the country and the people with productive potential that are moving to these areas in increasing numbers.

In this sense (numbers) it is a very successful policy, but if we can't get finance, people will struggle over housing and not be productive. And if people can't even afford flyscreens to stop the mosquitoes biting the children, the whole area will just end up a diseased, slummy backwater.

The third point concerns the environmental integrity of the legislation. Who is going to determine if a development is "environmentally sensitive" or not. This is a very real problem. Our community presents perhaps 120 acres of common land complete with land slips, gullies, weeds and forest which has never since "we" have owned it, been assessed or managed in anyway. We are submitting a D.A to council when we (still) do not have a management policy among ourselves; not even for the fire reduction aspects of our D.A.

To be precise 'caring' for the land takes money and effort. People will continue to avoid this in the future as they have done in the past, if they can.

We have a deed of agreement between ourselves as members of this company which is a bit of a fossil in part and it specifically forbids "hormonal sprays" or the deposition of any rubbish or any form of pollution on the common land and this has been used as the basis for not providing me with a lease, unless I forgo all chemical use. It would also preclude the use of chemicals in control of fruit and vegetable crops and cattle grazing. We have 40 acres of "pasture" which in conjunction with neighbouring lantana/eucalypt area are a high fire hazard. These areas would traditionally have to be slashed and grazed and would provide some income in surplus of their maintenance.

Similarly, we have 6-800 hardwood trees suitable for timber or bush poles now. We also have a lot of shareholders who need buildings and timber. We have enough trees to cut 50 trees a year for 15 years. Even if we didn't plant another one we would have more trees at the end of it. We had a young child who lived in a caravan here who died. You can never prevent tragedy. Nor do I imply fault or blame when I know there was none, but to still have children living in buses and caravans when any rational exploitation of the environment could help provide housing, income for farm development and a fire safe neighbourhood.

The point is that these (forestry, grazing, horticulture, orcharding) are all traditional rural activities. Are such activities to be allowed on M.O.'s? Are M.O.'s going to be allowed, who do not allow such activities but who DO NOT provide "alternatives" (besides neglect) to management?

I feel such activities need to form the basis of any management policy and members should not have their rights and obligations to participate in rural Australia terminally handicapped, subverted, ridiculed and actively persecuted by people who have had and have no intention of committing any time or effort in or thought into the local environment and seek to prohibit others from doing so. Its just somewhere cheap to park the car when overseas and never mind the land slip out the back door that could consume 20 dead cars.

If M.O.'s have management policies which preclude such 'traditional' rural practices, how else are they going to produce income for landcare and regular fire reduction. The legislation forbids "uneconomic development". Does this mean that we do have to show a plan for income either from such traditional sources or "alternatives?"

It will be a shame if a movement of settlement back to the rural environment does not develop a real sense of its environmental and economic basis. In our situation, 2/3rd of each shareholders equity is pooled into this "collective 100 acres" which is not managed and it doesn't seem at all "correct". If it was managed in any manner at all beside total neglect it could only be a whole lot better.

Our Chairperson managed the Rainbow Restaurant in Nimbin. He told me so himself. To overcome the problem of people dealing drugs he put a notice on the wall telling people not to deal drugs in the restaurant. And lol people did not deal drugs in the restaurant. Similarly, we can give the Council a piece of paper which says "we are an environmentally sensitive development" and I am afraid they will rubber stamp it and that will be that.

I have developed and maintained 8-10 acres of commons about my share as a fire reduced zone. Last year I had a fire accidentally spring up and come within 10 minutes of spreading into the 'Communal Jungle' from where it would have become very spectacular and voracious on its way into the Mebbin State Forest from whence it could go quite a way in all sorts of directions, including the World Heritage National Park, a bit further out the back. The 40 or so acres of pasture on this property have not been regularly slashed since we have been here, nor ever slashed in its entirety.

There is also the question of erosion and land slips. Our property was maintained as pasture (in the '50's). As the weeds, trees and vines have grown, the grass cover has disappeared and the intermittent water courses are undercutting the sub-tropical clay soils causing slips and erosion. "We" have spent \$250 over 12 years on two small pieces of erosion along the 1-3 km of our main water course which has 4ft high sheer banks. There are another 1.8km of intermittent water courses which have slips along each side of them that have never been mentioned, looked at, thought about or costed.

Humans do have an impact. They bring their cars, their pets, their vermin, their weeds. What criteria can the Council have that will separate the real from the phoney so that the humans will have a beneficial effect. I find 3 acre homesites (chosen at random) scattered over 150 acres less than ideal.

The next point I am concerned with is again related to land management. Our land is currently zoned rural 1A, and I believed I was purchasing a piece of rural land where I would be able to pursue a rural occupation. (After I built my home). To this end I established a nursery growing palm trees and I have prepared perhaps 1.5 acres of common land for this purpose, as well as the shade houses etc. on my own "homesite". When I approached the company (some time after now) for a lease on this area of the common that I am using I was required to agree to use "no chemicals". This is impossible, both financially, physically and temporally impossible, as I have to compete with other nurseries who do use herbicides to spray their paths etc. I really use very little and the run off does not directly enter any water course. Basically its a method to close my business because someone else wants to open an organic herb farm and he wants the entire property to be chemical free so he can register his organic herb farm. In my case, I could hire (and clear) some land from a neighbour (possibly) but is a very intimidatory example for anyone wishing to develop any rural activity.

That finally brings me to an end of my comments. I hope someone there can make sense/use of it, as its taken quite some time and a few re-writes. I would also like some feedback as I am very alarmed at our form of title and general state of management.

If I could briefly summarise the problems as I see;

- 1) Councils haven't enforced building/zoning codes (our council Tweed)
- 2) All people should have title and security to their homesites. (Our members who argued loudest against giving "evil banks" access to our precious land now has best access to bank finance. The people that have lived here don't).
- 3) That developments not only look and sound ecological but that they are practically implemented.
- 4) Retention of rural industries, traditional or otherwise, to give developments some financial base.
- 5) Consideration to further subdivision where warranted by need.
- 6) Discourage dispersed housing formats or else large numbers of people will live on each share.

If you have got this far, thanks for the time and perhaps I could hear from someone there about what our group can do about our title and structure.

Yours sincerely

Roy Carmichael

I cannot see how we are going to keep our 4km of fencelines and 3km of road drain free of weeds without chemicals.

The next point concerns the possibility of subdivision, which the policy does not allow at this stage. I think our property is a really good example of a property which should be allowed a further sub-division to render it manageable. Briefly, our block was part of a dairy farm which was subdivided into 5 pieces (the maximum allowed). One requirement of council was that a bitumen road frontage be provided as access to each block. To make sure this was to be as short as possible, our block was shaped thus:

Land Drawings

with 3 shares down the front next to the bitumen road with the rest beginning some 1.3km away in a different valley in different water courses. It is not surprising that some "small irritations" have marred our community life, when people who live next to the bitumen road have to contribute to the upkeep of over 2.8km of roads, plus a large water system, bridges, fences and paddocks they rarely get to see let alone "participate" in.

It is not as if any additional shares would be created nor that the minimum size (18 hectares) infringed nor the land resold at a profit. The same people would live there. No matter what the real and enduring social bond may be between our shareholders it is absurd to expect people to co-operate with things that don't concern them. The shape of our block of land is absurd. It is partly a planning mistake in that the majority of our shareholders don't have access at the bitumen road. If the developer had designated our major access as being where it really is, we would most probably have had a bitumen road all the way. We may have had to pay a bit more but we would have had to watch over 30 cars die on the local roads in the last 10 years. And the shape of our block of land would have been different. Our neighbours would have lived next door instead of in the next neighbourhood. I'm sure many other communities may be in similar situations and do actually need to subdivide themselves to retain workable control.

The final point I would like to make is concerning "extended dwellings". We have one person here with an "extended dwelling unit". To me it looks very much like two separate architectural monstrosities, one of which is usually inhabited by guests and or tenants. We have an area allowing for 17 shareholders - 17 house sites. If we all "extend" our dwelling houses in like manner, we only have 34 families and then people start putting another "extension" on. I think this aspect of the legislation has the greatest potential for abuse and has the potential for a planning disaster.

Brief
Item 2 of Brief

1.00

- a) Provide precise details of those "canals" who are finding that the provisions of SEPP-15 are too specific & do not address their particular needs. Give details.
- b) In the light of the growing population in the LCC areas, ^{part in rural areas,} Objective 2 (iii) of SEPP-15 seems inappropriate.
- c) Other "problems" as with alleged mis-use of the policy have been conveyed to the Dept. Give details.
- d1 "Dev of m.o.s for speculative purposes" comment
- d2 attempts to subdivide existing or app dev. have the potential to undermine Dept & Canal policy.
- e. Following representations from Canals & local members, the Minister has undertaken to review the policy who, Give details.

Q DOP

who proposed the options in the Brief?

DOP & Minister, other?

Did the options come from

a) the Minister

b) DOP Grafton office

c) other source

As a routine review of SEPP-15

What our policy is there, if any, that the
Grafton office DO initiate, a standards
review, rather than a Regional review?
& ^{adverse details} documentation detailing / describing the
chain of events & command that has brought
about this Review.

- 7 -

to the other party such notice to expire on 31 December of the year in which it is given provided such notice may not be given until the year 1990.

SIGNED with the authority of and)
 for and on behalf of AUSTRALASIAN)
MECHANICAL COPYRIGHT OWNERS)
SOCIETY LIMITED in the presence of)

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 SIGNED with the authority of and)
 for and on behalf of)
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 in the presence of)

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.....
 (CDSA:1133U)

List all doc
please supply copies of
~~relevant~~ ~~key~~ ~~document~~
relevant material & list
of a summary of other ^{rele} ~~valua~~
if necess we will consider
with your priv, inspecting
such material with

agree to ~~provide~~ ^{obtain}
to copies of selected
material

1) Send under sep. Cover note. Send copy of letter to Consultant
ENVIRONMENTALLY FRIENDLY

Re: State Review of LEP-15

Dear Trevor Pinner

Further to our phone conversation on 24th last in connection with your advice to Councils of the State Review of LEP-15 (in this case your correspondence to LCC of 12 Oct 93) this is to ~~not~~ ^{confirm} (your ref ---)

1. a) to confirm our ^{involvement} concern as an interested party in the Review being what is sometimes referred to as a "peak" organisation of M.O's, and, being specifically cited in the consultant's brief, as a ~~of~~ party to be consulted.

and 1. b) to confirm our request for copies of all the material following material stemming from the above letter of 24 Oct 93.

In respect to para 2:

2. a) ~~Details~~ of which "several" Councils have included provisions in their LEP?

2)

2.1 Which Councils "are experiencing difficulties with the administration of the Policy"?

2.2 Please supply copies of all material documenting the basis for making this statement.

3.0 In respect to para 3.

3.1 Which DAs for "speculative purposes" have been received, and since the Policy was introduced, or if this information is not available, then "recently"?

3.2 Please supply copies of all material documenting the basis for making the statement in 3.1.

3.3 All material documenting "attempts to subdivide existing mo's".

3.4 All material documenting the "questioning of the appropriateness of the policy, and, the objectives (presumably the policy)"

4.0 In respect to para 4;

4.1 All material documenting "representations from local members of Parliament

4.2 — — — — —
from "residents".

4.3 — — — — — the "concerns of the Minister" In particular that doc. which ^{may} indicate that the Minister personally sought this review or the

alternative.

4.4 ^{The Depts} Criteria used in determining the ^{Policy} "adequacy" ^{of the provisions} or otherwise, ~~of the Policy~~

4.5 The Dept criteria in determining the "relevance" of the Policy.


5.0 In resp to para 5;

5.1 The basis for stating that an "LEA" provision can more accurately reflect the needs of indiv LGA's "?

5.2 If it has been found to be the case, as seems implied in the para, that STPP-15 is deficient in some way, then details are sought of these deficiencies, be they perceived or actual.

By way of introduction this is to confirm that we wish to support & contribute to the Depts review of mo

It is our considered opinion that for the Review to be ^{successful} a cost efficient exercise, that the proposed Mo survey be a relevant and holistic picture of mo from a social, econ & env point of view.

4) 
To this end we enclose for you with a
copy of sub to the LCC in the Revised.

This it will be seen, covers ^{the} many issues
seen by the US Council as being relevant.

MO Review

Tell Langham association
with Rob Ponder

no (H) number
tel 207 546 66 (W)
MO. Sandy Gray + Col Jones
friends of Chris Ponder

40

2/12/93 Malcolm Scott - Background
With Council for 3 yrs.

Worked at Glen Innes for many years. Originally
on the Town Planner, but this with departure of
staff, came to include, Community Housing
under LG & CHP.
Prepared LEP for Council

Academic - Arts, major in Geography, then Dip in Urban
v Reg. Planning
was in the catering service (after graduation) for
8 years as a "cook".

LG & CHP erected a cluster of 5 passive
solar, self contained, houses.

Reviewed by Wendy Sarkisian

Open by Frank Walker. Got 5 star rating
(Col J. may have date)

Malcolm not aware of any write up on this
or equiv elsewhere.

To Gabriel. D.P.

We are approaching you now, least it looks

MO Review

Senior with Bill Riman.

Advised him of counter agreement.

Wants status to submission to Webster.

His energy - in Kyogle - was in Central Gate

70 low income people not together

being disorganised

to shop 6 times pd.

Associative - all these people - MO

SEPP-15 can satisfy his concerns

Developers ripping off

Had been taking REA & Page.

Dev. Using as default subdivision.

Ray & Gundy.

Planning Council

density

how far from shop

how regularly do people go to clubs
of zones. re 9.94

what skills & abilities of people - no
re emp, self emp etc. - what do they
do.

Housing - not just physical but social
saw as d as 'idyllic' because higher
density.

Strong family man. (extended) bond.
2 generations 2 sets grandparents.

- o medium + large
- o old & new
- o non categorized

For style / type of community see Lummus
— Zabolochi

- a) Old' = before SEPP-15
- b) new = since SEPP-15

Amey Council record of handling DA's
 Δ on merit
 Δ not on merit, i.e. bias

Amey Council staff recommendations
 w. Council's acceptance/rejection of the rec.

i.e. political v. planning attitudes vis-a-vis the
 legislation.

Balling case could be seen as a 'model' DA
 which staff rec'd & Council refused.

Commonly held (outside Balling it would be
 war in the Court). The app did not appeal
 & the whole community went to another state.

What is needed is a manual to assist dep
 staff & Council staff with background in
 handling & monitoring DA's.

Mo's evolve at different paces & diff phases.
 - circum of each case -
 There are a wide range of factors accounting
 for this - personality, money, climate, flag,

21
(on back of it)
Experience, skills, aims, commitment, belief system
realistic & unrealistic targets in a given time frame

Generally held end of 2nd paragraph is the relevant
time frame to evaluate ^{quality of} success of mo

DA's that did not proceed (ie withdrawn)
of Widdowells

Develop a set of ϕ addressing this
Lond Com did address wide range of factors
but not the bureaucratic component

With hindsight what learnt by all concerned.

eg
'elite selection' involves more than just physical
properties, finance, social factors etc but
also sympathy or otherwise of the decision
makers. (In the case of Londcom network
standing it was outside jurisdiction of DEP)

Ref to mtg in cafe - Lis

Ass with Cel J & YAG etc

Invite Webster to insp. and/or Page

Insp mo's ABay for cl.
Re population ^{control}

A condition of DA could incl a self regulation of
population, eg if this threshold exceeded
then DA ceases.

eg reproduction > say 3 / per couple

Compare this with non mo.

Leave choice as to how this min is arrived at

to the MO (which is where it should be)

This & only this, is the way to address S-90 in the long term.

Or if this threshold, exceeded then it suggests a greater levy (eg for state school/bus road subsidy) will be benefited not otherwise provided for in S 91 - S 94.

If GOP can't handle this in a MO situation what basis/trape of doing this in a fractured urban area?

Could MO be the testing/research area for survival of our species on the planet?

of mo to visit

MO

Challenges for Consultants in how the selection
of mo to visit is to be made. — (4 to 5 why)
How are results to be analysed/synthesised
or 6 case studies with no conclusions

If random the sample is too small to be
representative (Catalane stat sig)

look at before/after survey BRIEF
potential - Knoc-Barber study

Scott is using this. Rob has a
copy & may do likewise?

Beck to have a Dept Review of
administration of SEPP-15.

Incl training of staff.
refresher courses

○ annual stats/status return.

○ Criteria/admin procedure by staff
on receipt of ^{copy} DA from Council
(approved & rejected)

○ Produce a manual/plan for
guidance of all concerned

○ To meet req of EPA - Env Audit.

- Consider the spirit of SEPP-15 is to
monitor. (ought not be necessary to spell
out admin details)

If they fail to respond the go to Ambassador

Gallia Council prides itself on not
having any m.o.

Is this not a reason for a state
wide policy (was ~~wide~~ restriction at the time)
viz to ^{contribute to} ~~secure~~ diversity of settlement patterns
& housing options.

(no mortgages on land & bld.)
voluntary simplicity
One of the benefits of this level of
commitment (see & en) is that
it goes hand-in-hand with a
high(er) "quality of life".

- Set Pardon^{& Chris} to visit in Jan to:
- inspect (+ familiarise)
 - using of already budgetted for trip after.
 - work a face to face census or survey form material.

To satirical Brief for Review
of Urban development.

In letter to D&P refer to
proposed TAFE Centre (further
discussion details)

Suggest to ~~DO~~, that they
ought to have been
maintaining MO DA's as they
came in.

If they do not have staff
experienced in STPP-15 to do
this, then they should consider
employing a Consultant, as regular,
who does ^{have wide experience}
^{in the Dept of Balanced Systems}
of MO, to do this for the Dept.

25/1/93

Pan Com

KINVESTON

In Kingston. (just returned to US)
May attend S.22 meeting tomorrow
re Briefs 2 & 3.

Does not have brief.

me to post / he prefers to his home
address - as if to his Council office,
he can photocopy relevant
if file on mo Review.

Do

Contact your Travel Agent or Tasmanian Travel Centre.

Valid 17 January - 27 March 1994.



NEW SOUTH WALES GOVERNMENT

DEPARTMENT OF PLANNING

Community Comment on Multiple Occupancy Review

The Department of Planning is currently reviewing the State-wide policy applying to multiple occupancy development on rural lands. The review will assess the current adequacy and relevance of the provisions within State Environmental Planning Policy No 15, which was introduced in June 1988 specifically to provide guidelines for multiple occupancy development.

As the policy has been in operation for over five years, the department is assessing the extent of its use throughout the State and the impact of that use. As part of the review, six local government areas have been selected for closer study. Shoalhaven, Byron, Lismore, Kyogle, Kempsey and Bellingen local government areas are those chosen.

The department and its consultants are calling for input from local residents to assist with the review. A survey questionnaire has been prepared for completion by residents of multiple occupancy developments. Residents are urged to contact the department, or its consultant, to register an address by Friday, 11 February to assist with distribution of the survey.

Landowners adjoining multiple occupancy developments as well as elsewhere in the local government area are also invited to make a submission. Written responses can be sent to:

Department of Planning
Northern Regions-Office
PO Box 6
Grafton, NSW 2460

To register an address for survey distribution, or to obtain further details, please contact:

Leigh Knight
Department of Planning
Northern Regions Office
(066) 42 0622

or

Brenton Dickins
Purdon Associates Pty Ltd
(06) 257 1511.

an
electr
The
duction
from one fifth
twentieth. If
ers are helped
utility, say by an
front loan of half
cost of a new efficient

Water

Resources

Streamwatch Co

North Coast — 2

Co-ordinate the "Water Reso
environmental education p
schools on the North Coast river

Essential: Appropriate tertiary
Natural Resources, Science.
Education, or other relevant
verbal/written commun
Demonstrated ability to work
community groups in an
Sound knowledge of water
issues. Knowledge of com
potential application in school
motivation/project organi
licence. Total remuneration
to \$41,760 p.a. comprising
— \$39,267), empl
superannuation and lea

Inquiries: Laurie M
Learmonth (02) 895

Applications
Regional D
Resources
Grafton

Equi