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Rates revision

Last week's Council meeting approved a three-category rating structure for Lismore – residential, farmland (75 per cent of the residential rate) and business (110 per cent), based on land valuations. Special rates or sub-categories no longer apply. Details, including the appeal process, will be given in the April installment notices and a special circular will be mailed to other ratepayers.

Activist Paul Recher coun-

ters that farm rates should really be lowered to 'stop the urbanisation of our shire and maintain land for crop production'. He urges a covenant to dissuade people from claiming lower rates and then subdividing.

In 15 years, every apricot orchard was under the bitumen sprawl of San Jose, California; in 30 years, every Long Island, NY (160km x 50km) potato farm disappeared; and how long did it take the expansion of the Western suburbs of Sydney to eliminate the truck farms that used to feed fresh vegies into Sydney? Lismore is heading down the same path. As we approach the increasingly over-populated 21st Century, we have a moral tion.

same path. As we approach the increasingly over-populated 21st Century, we have a moral and an economic imperative to maintain our horticultural land that's available for crop production.

A solution that would guarantee preservation of agricultural land in our shire in perpetuity is to lower the current farmland rate.

But any farmland ratepayer who wants to receive the low rate must sign a covenant stating that for every year one receives

farmland rating, two years of paying general rates must elapse before rezoning to sub-divide

will be considered.

This covenant agreement separates those farmers who want to maintain agricultural land in perpetuity from those who look to rezone and sub-divide as their rightful superannuation policy.

This agreement solves the problem of the increasing urbanisation of our shire and the subsequent political pressure to

bring farmland rates in line with urban rates by assuring fair dinkum farmers of a secure lower rate base through time. It also guarantees the ambience and aesthetics that a rural

landscape brings to the enjoyment and quality of life for all residents and visitors.

A vigorous bi-partisan approach is required to enact the necessary parliamentary changes to allow Council to institute this policy.

Paul Recher, Dorroughby

now increase farmland rates to alleviate the burden on other ratepayers accelerates the wellestablished and little understood phenomenon of being 'rated out'.

For Lismore City Council to

Rates wrangle

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Ratepayers take stand on planning issues

Alstonville plateau planning issues have figured prominently in Alstonville and District Ratepayers and Citizens' Association discussions in the past year.

In his report to be presented to Tuesday's annual meeting, the president. Dr Paul Earner. said there had been strong support for the village concept of urban growth on the plateau.

The association had made a submission to the Department of Planning's Draft North Coast Urban Planning Strategy reinforcing this view and calling for a moratorium on rural cluster developments.

"The issue of the increasing number of rural cluster developments on the whole of the North Coast is one of the more urgent issues that will face not only the association but local

government and the Department of Planning in the next 12 months." Dr Earner said.

"It is hoped the department's North Coast Draft Urban Planning Strategy will confront this issue."

He said that a submission also had been made to Ballina Shire Council's Draft Development Control Plan No 1 Urban Land which called for the exclusion of the villages of Alstonville and Wollongbar from State Environmental Planning Policy 25 (dual occupancy).

"SEPP 25 allows for a greatly reduced block size to be legally subdivisable to allow for multiple dwellings," he said.

"This, in turn, allows the village population to increase markedly beyond present proiections."

Dr Earner also reported on the greater police presence in the district.

He said that after several years of discussions with the Police Department and State Government, a public meeting was called by the association last November.

It was addressed by police representatives and Member for Ballina, Don Page who, a month later, announced the appointment of a second police officer to Alstonville.

"This has proved very beneficial in maintaining a greater police presence in the Alstonville area, especially at night and weekends," he said.

The annual meeting is at the Alstonville Leisure and Entertainment Centre at 7.30 pm on Tuesday.

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The Planning Solution ..



Multiple Occupancy -Dinosaur in our Time

An article by the Nimbin District Ratepayers and Progress Association

In recent months, both the NSW Government and Lismore City Council have focussing attention on Multiple Occupancy; the NSW Dept of Planning by way of a Review of SEPP 15; and Lismore City Council by undertaking the preparation of a DCP for Multiple Occupancy. inception, the SEPP 15 or Multiple Occupancy on Rural Lands has been an anomaly in the planning process, because it complies with virtually none of the other regional and local planning instruments. The development of MOs on rural lands can occur on any rural land in the Lismore City Council area; hence we find residential development occurring in areas that would not normally be deemed appropriate, and often adjacent to agricultural or horticultural Despite its name, SEPP 15 it is pursuits. anything but planning.

Although the Government review is still under way, Lismore City Council has determined its policy regarding Multiple Occupancy at the April 19 Council meeting by approving a DCP for Multiple Occupancy. It is appropriate to examine the "usefulness" of the Multiple Occupancy concept, particularly with regard to its impact on both the environment and existing social structures. Indeed Council notes in its comments at the beginning of the DCP that under Section 90, it has a "duty of care" and is committed to "ensuring that development, including multiple occupancy, demonstrates it is environmentally and socially responsible and sustainable."

The Nimbin District Ratepayers and Progress Association has, for some years now, actively questioned the appropriateness of continuing the MO type residential model, and has particularly questioned whether the MO model of development is able to demonstrate that it meets the criteria outlined above. So what is socially responsible and sustainable development?

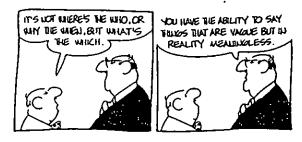
Firstly, we believe that, in order to meet the criteria of being socially responsible and sustainable, there is a need to determine whether the development is contributing equitably or is a burden to the rest of the community. Is it "paying its own way", or being subsidised by the rest of the residential, farming and commercial community.

In recent years, Lismore City Council has changed the point in the development process where MOs are required to pay Section 94 contributions. Previously, as for other forms of development, MOs were required to pay these contributions at the time of DA approval. This was changed and now the DCP requires that these contributions be paid at the time of the Building Application approval. The argument presented for this change relates to the cost burden imposed on the applicants at the early stage of development of the MO, as this impedes the espoused objective of providing opportunity for low cost housing. glance, this change appears reasonable; however, it needs to be looked at in the light of current experience regarding the submission of Building Applications by MO residents.

Although the Council admits that their records in this area are poor, and they are unable to provide even reasonably accurate information, the commonly held view is that at least 50% of dwellings on MOs in the Lismore City Council area have never submitted a Building Application, and an even greater percentage have not paid any contributions. In fact, there may be only a handful of MOs that have complied with both their development conditions and paid contributions due. There is a need to question whether this is socially responsible. Presumably the Section 94 contributions are levied for a cogent reason, so why is one form of residential development allowed to consistently shirk its -social

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Yes Minister

Have you tried to close and purchase a Crown Road lately? CaLM officers process the application to a certain point but will not proceed with the final closure because they are unsure how the "Mabo" Legislation affects the application.

The Secretary of the Country Surveyors Association tried to have an officer from CaLM address their Easter meeting. He rang Sydney Head Office and was told by a senior officer that he did not have an interpretation of the legislation so he should ring the Prime Minister's Department. They did not know how it was to be applied and suggested that he contact the Attorney General's Office. They were also unsure of the interpretation and suggested Aboriginal & Torres Strait Islander's Commission may be of assistance. The CaLM officer then rang the Commission who did not have any ideas, and suggested the Prime Minister's Department!

Needless to say, there was no officer from CaLM available to address the Country Surveyors.

A Plea For Support

With the adoption of the enabling clause to the L.E.P. which will allow rural-residential development in specified locations, attention has been focused on the Section 94 levy for rural roads. Based on the current method of calculation, levies per lot of \$35,000 to \$50,000 in extreme cases and of the order of \$10,000 in the majority are a major impost on potential developments.

Now is the time for all concerned to join together to lobby Council to reduce the Road Levy to an amount that is fair to the developers but will also contribute a worthwhile sum to Council's road improvement program.

Potential developers in the Nimbin area have joined together and pledged a sum of \$1 per acre owned and intended for development. to the Developers' Association to pay for the preparation of a comprehensive submission to change the rural road levy. Contributions from the NimplanII group will amount to about \$3,000.

As most member consultants have clients who intend or wish to develop rural land in the future then joining this fighting fund should allow for a well presented, factually researched case with possible suggestions for an alternative method of calculation that will arrive at an acceptable contribution rate. If asked, most clients would have no objection to helping fund this cause, particularly if the cost can be shared at \$1 per acre of land owned.

For further details, contact Geoff Lawson of Nimbin Real Estate. Phone 891305.

responsibility to the rest of the community? We have estimated that the illegal dwellings in the Nimbin district alone account for, at today's prices, more than \$500,000 in foregone revenue for Lismore City Council.

The only point at which the Council can apply any sanctions is at the DA approval point, and at no time afterwards if MO residents, as experience highlights, have no concern for building approval of their dwellings. Given that Council planning staff are fully aware of these facts it was surprising to find no mention of them in any of the supporting documents that accompanied the DCP. The DCP was presented to Council with no social impact study of any kind and we believe this to be totally unacceptable.

One other area where the general community is subsidising MOs is in the area of rates. In the Feb/March 1994 edition of the Nimbin News, Harry Neville, Co-ordinator of the Pan Community Council uses a creative accounting approach attempting to show that over a 40 year period, a 40 share MO pays nearly double the rates of a farmer on the same sized land. His major assumption is that the MO will pay \$80,000 in Section 94 contributions!! Being generous, and accepting this assumption, the farm household will pay \$29,000 per head over the period while the MO residents will pay \$1400 per head, a comparison that Mr Neville failed to point out.

More realistically, if the MO is compared with a 40 lot rural-residential subdivision, the rural-residential will pay 4.5 times as much in rates as the MO, or \$6500 per head. With the rating scales being collapsed into only 3 categories, the latter comparison equates more closely with an urban situation, although with higher land valuation, urban could be expected to pay more. Hence, a single parent on social security benefits renting an urban dwelling will be contributing more to Council revenue through their rental payments than an employed professional living on an MO. This is hardly social equity. All sectors of the rural, urban and commercial community are significantly subsidising MOs through the current rating structure.

We believe that Lismore City Council has lost control over Multiple Occupancy development and seems unconcerned that the

nexus between population and rateable property is being distorted with each MO approved.

Using figures released recently by Lismore City Council in their draft Section 94 Report, we were able to calculate the MO population in the Nimbin District. We have been surprised to find that nearly 50% (49%) of the population in the Nimbin District lives on MOs with about 160 illegal dwellings in this area alone. As these dwellings have not paid Section 94 contributions, and the MO population pays little per capita in rates, the income derived by Lismore City Council from the MO population is demonstrably inadequate to cover the demands that are placed on Council services and facilities. This MO population while representing 50% of the total Nimbin District population, comes from a rate base which is only 8% of the rate notices in the area. Whether rates are determined on a property value basis, or derived from special rates (as is the garbage rate) the current rates system is unable to establish an equitable nexus between population and rate base regarding Multiple Occupancies. . .

The argument that MOs require less infrastructure is also questionable. Billen Cliffs has recently requested that NRE reticulate power through the community, the question here will be who pays? Whilst it may once have been true that MOs put less pressure on roads and other infrastructure, the present day incidence of MO car ownership and demand for community services refute this. MO residents are very vocal in the identification of community "needs" but are not as quick to support rate reform so that they can contribute their fair share of the costs. Given the significant discrepancy in rate contribution per person from MOs when compared with all other forms of development, Lismore City Council will need to prepare thorough forward financial plans taking into account this rate subsidy before they conclude whether Council can afford more MOs in the future.

In view of the large number of "illegal dwellings" that Council has tacitly permitted to exist on MOs, and their poor track record in the area of compliance, the Council is failing in its "duty of care" to both existing and future residents of MOs as well as the ratepayers of

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the Council area. As society becomes increasingly litigious, the likelihood of a major case being lodged against Council on the basis of dereliction of duty also increases; and with the size of compensation being awarded by the courts, all ratepayers should be concerned that Council meets its obligations in this area. A few years ago, a resident from a Nimbin MO successfully sued Council when a mudslide came down the hill and damaged their house. Even though the house had not been approved by Council, compensation was still awarded. Ignorance has never been a legal defence, particularly in areas of duty of care, and due diligence.

Secondly, the question of environmentally responsible and sustainable development needs to be addressed. At present, MOs appear to be able to be established on virtually any rural land in the Council area, irrespective of the surrounding agricultural industries... hardly be claimed to be responsible, nor in keeping with planning principles, when long standing agricultural enterprises themselves with hostile residential development on their boundaries. Farmers have had to contend with concerted campaigns to cause them difficulties; anything from complaints about farm machinery, and spraying practices to damage to irrigation systems and vandalised gates and fences. responsible planning.

Until quite recent times Council has had a very poor track record in addressing the environmental conditions placed on MOs in the DA. Mostly, the attention paid to drainage, ground water pollution, effluent disposal, land slippage and bushfire management is well below the standard required of more conventional developments. Policing of the conditions imposed has an even poorer track record. Many breaches are ignored and MOs take on the status of sacred cows; with cries of victimisation whenever scrutiny is suggested.

There are far more social implications regarding MOs than space permits me to discuss; many of these will only become apparent with the passing of time and the aging of MO residents. Some which have recently come to light are "eviction" with no compensation, enforced poverty due to the non-

transferability of shares in many instances and the lack of a ready market for the dwelling. A ready market requires both a buyer to pay fair market price as well as a source of finance to meet the price. These conditions rarely exist for established MOs. One outcome of this situation has been that the owner moves away and the property is simply rented out and there are now a number of MOs which are almost entirely occupied by tenants who have an unknown commitment to the original objectives of the MO. Either of these situations are clearly outside the objectives of SEPP 15. The long term social consequences of MO development highlight their lack οf sustainability.

Nimbin and District Ratepayers and Progress Association believe that Council should apply for an interim exemption from SEPP 15 until they have

- undertaken a full audit of the current status of all MOs in LCC area regarding compliance with DA conditions, BA Approvals and payment of Section 94 contributions; and
- assessed the future financial implications of current rate inequities before they are prepared to support continued MO development.

The Public Service Coffee Set ..





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