

'A' SECTION

DIVISIONAL MANAGER-PLANNING SERVICES' REPORT

**SUBJECT/FILE NO.:** MULTIPLE OCCUPANCY LOCATIONAL OPTIONS  
(MRS:LM: S/523, S/285)

**PREPARED BY:** Development Control Planner - M R Scott

**REASON:** Council's resolution (April 5, 1994) that a report be submitted on multiple occupancy locational options in Council's area.

**OBJECTIVE:** To advise Council of locational options.

**CORPORATE PLAN REF:** Function: Strategic Planning  
Strategy: 1  
Action: (j)

**PROGRAMME BUDGET REF:** Page: D2

CONTENT

**1 Information/Background:**

Council at the Ordinary Meeting held on April 5, 1994 after consideration of the following Notice of Motion to that meeting:

*"That Council seek exemption from SEPP 15 - Multiple Occupancy and introduce its own planning control for multiple occupancy in Council's LEP."*

resolved:

*"That a report be submitted on multiple occupancy locational options in Council's area."*

The following report considers locational options in terms of:

- historical context, ie what locational criteria have been used in the past and occurs now;
- multiple occupancy demand and supply by examining the characteristics of multiple occupancy approvals;
- existing multiple occupancy locations;
- Council's current position as related to other forms of rural housing, ie rural residential and detached rural dual occupancy;
- the 2020 Strategic Planning process including the broad hectare land capability studies and State of Environment Report, and
- the State Government current review of SEPP 15.

Council should recognise, as it has done with rural residential and detached rural dual occupancy, that multiple occupancy provides for a legitimate form of rural lifestyle and housing and that there is a demand, albeit small, for this form of development. In keeping with Council's corporate objective of providing a housing choice it should be acknowledged that this style of development should be permitted within appropriate locations of the City of Lismore.

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## DMPS REPORT - MO LOCATIONAL OPTIONS

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### 2 Demand/Supply:

It is presently difficult to gain an accurate estimation as to the demand for multiple occupancy. The following tables derived from Council computer records indicate for the period 1980-1994, the numbers of multiple occupancy applications dealt with by Council and the current status of multiple occupancy approvals by Council of those 23 properties approved via the introduction of the State Government Multiple Occupancy Amendment to Interim Development Order No. 1 - Shire of Terania, in February, 1980.

TABLE 1:

	NEW		ADDITIONAL SITES		REFUSAL
	No. Appln.	House Sites	No. Appln.	House Sites	
Pre-1980	1	45			
1980					
1981	2	23	1	12	1
1982			1	20	
1983	2	41			
1984	3	65			1
1985					
1986	1	11			2
1987	3	18			
1988	8	44			
1989	5	11			1
1990	5	15			
1991	3	9			
1992	4	26			
1993	2	6	2	3	1
1994					2
TOTAL	39	314	4	35	8

NOTE: EXCLUDES: 2 properties of currently unknown status.  
Billen Cliffs - 128 lots approved 1982 as MO - since strata titled.

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Table 1 shows the approved number of new multiple occupancies and number of sites. Also shown is the number of applications for additional sites and number of refused applications. For the period pre-1980 (from 1978 on) to date Council has approved 39 applications for multiple occupancy, creating some 314 approved sites; an additional 4 applications, creating some 35 additional sites on approved multiple occupancies (total Council approved sites - 424). Eight (8) applications have been refused.

General averaging of these figures suggests that there are 2-3 applications for multiple occupancies per year.

Since 1990 Council has approved a total of 56 dwelling sites on 14 new and existing multiple occupancies. The largest application approved was Nimbin Rocks Co-op. (16 sites); followed by Adama (14 sites) and the Ananda Marga Community (5 sites). The remainder have been smaller - 3-4 site developments.

TABLE 2:

STATUS OF IDO APPROVED MULTIPLE OCCUPANCIES			
Council consent	10	No. sites	118
No Council consent	13	No. sites	To be determined in survey and inspections
<b>TOTAL</b>	<b>23</b>		<b>118</b>

Table 2 shows the status of the 23 multiple occupancies approved by the Clause 13A amendment to IDO No. 1 - Shire of Terania. Of those multiple occupancies approved by the IDO, ten have subsequently submitted applications to Council creating a total of 118 sites. It is not possible at this time to determine whether or not these sites are additional to or were existing at the time of the amendment to the IDO. The inspection and survey process will clarify this. Table 1 does not include MO dwellings which have been erected without approval. Identification of illegal dwelling is currently underway.

In summary, Council has within the local government area some 62 multiple occupancies of varying sizes (2-80+ sites), comprising approximately 432 approved dwelling sites. Although it is acknowledged that a multiple occupancy application, particularly for proposed larger communities (10+ sites), may create some interest and at times controversy, the number of new applications and approved dwelling sites is not significant in the context of either the total number of development applications received by Council or development applications for rural residential forms of development.

### 3 Historical Context:

The amendment to IDO No. 1 - Shire of Terania in February 1980 permitted the multiple occupancy use of some 23 properties at that time used for that purpose, and multiple occupancy use of rural land in the general rural zone 1(a) within the Parishes of Boorabee, Bungabee, Jiggi, Nimbin, Hanging Rock, Terania and Whian Whian.

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## DMPS REPORT - MO LOCATIONAL OPTIONS

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This "retrospective" approval of 23 properties and enabling provisions for multiple occupancy use of rural land was carried through into the provisions of IDO No. 40 - City of Lismore gazetted August, 1980. IDO No. 40 was subsequently amended at the time SEPP No. 15 was gazetted in January, 1988. At this time multiple occupancy use of rural land was then permitted, generally on rural lands subject to land capability and suitability criteria and an optimum/maximum density formula.

The attached Map No. 1 shows the approximate location of the approved multiple occupancies and the area in which they were permissible at the time of the amendment to the Terania Shire IDO No. 1.

Presently multiple occupancy is permissible, with the consent of Council, in all rural zones subject to meeting performance criteria expressed as objectives and land capability assessment criteria in SEPP No. 15 and consideration of issues under Section 90 of the Environmental Planning and Assessment Act.

Council now has in place DCP No. 20 - Multiple Occupancy which clearly establishes information and documentation to be supplied with NEW development applications for multiple occupancy development.

#### 4 - Locational Criteria:

As previously indicated, SEPP No. 15, Section 90 and the DCP lead Council and the applicant into a land capability based assessment process for multiple occupancy.

The following is a list of criteria that is and should be applied when considering multiple occupancy forms of development. (The list is not exhaustive and not in order of preference.)

- a) Ensure development does not:
  - prevent future urban or village expansion;
  - sterilise future extractive or mineral resources;
  - conflict with existing and future intensive use of agricultural lands and preserve prime agricultural land;
  - adversely impact on water supplies in the locality.
- b) Avoid areas of:
  - high bush fire risk;
  - steep or unstable land;
  - flood prone lands;
  - ecologically sensitive lands which may contain wildlife habitat and/or endangered flora or fauna;
  - significant natural and scenic beauty;
  - areas of Aboriginal significance.
- c) Encourage development where there are already similar land uses in the locality.
- d) Considers the availability and standard of public road access to the land.  
**NOTE:** Council's road counts currently suggest that on average multiple occupancies generate approximately half the traffic generated by conventional rural residential developments.
- e) Encourage applicants/developers to develop appropriate mechanisms for community decision making, social bonding and conflict resolution.

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## DMPS REPORT - MO LOCATIONAL OPTIONS

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- f) Consider the broader social and economic impacts (positive and negative) as relate to distance to and availability of services such as:
  - education;
  - commercial centres - shops, banks, etc.;
  - public halls, sports and recreation facilities;
  - bush fire services;
  - transport;
  - social and cultural contributions to centres of population within the local community and region.
- g) Encourage development along a total catchment management or locality strategy.
- h) Consider and recognise the philosophical basis for multiple occupancy, as permitting:
  - alternative lifestyle, be it for rural retreat, land sharing, religious, cultural, agricultural or other purposes;
  - land sharing and a communal or collective form of ownership, ie not all persons in society may wish to individually own a lot/parcel, etc of land;
  - construction of low cost housing and use of non-grid energy systems.

### 5 Locational Options and Land Planning Mechanisms to Achieve Options:

In keeping with the locational criteria indicated above a number of locational options are available to Council to consider.

Council should note that issues like rating equity are not directly related to land use planning decision making. Although it is recognised that planning decisions impact on number of individual rateable properties and Council's rates revenue and expenditure, it is considered essential that Council address this matter through the appropriate rating mechanisms of the Local Government Act 1993.

Council should bear in mind that existing multiple occupancies are likely to remain as such, and that Council should now be prepared to work with these and future communities to redress and balance perceived problems.

The locational options are open and are as follows:

- a) Status quo.

**COMMENT:** This option currently permits multiple occupancy in all rural zones and is subject to the management controls of SEPP No. 15, S.90 of the Environmental Planning and Assessment Act, Lismore LEP 1992 and DCP No. 20.

This is Council's current position which was to be reviewed when the current State Government initiated review of SEPP No. 15 is complete.

- b) Contain multiple occupancy developments in particular localities.

**COMMENT:** This option would contain and permit multiple occupancy to specific areas which could be for example similar to that initiated at the time of the amendment to the Shire of Terania IDO No. 1.

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The above options are not listed in any order of preference. The Planning Services Division on the basis of:

- \* the relatively small number of applications received by Council for multiple occupancy use of land;
- \* the recent adoption of a comprehensive guidelines and policy document to manage the form of development;
- \* the soon to be finalised broad hectare land capability/suitability study;
- \* State review of SEPP No. 15;

is of the opinion that status quo in terms of location options be maintained for the time being.

Council staff have now commenced the process of post development control inspections of all approved multiple occupancies in the local government area. This process is to involve on-site inspections of all multiple occupancies and checking compliance with development consents issued. This assessment will address matters such as water supply, effluent disposal, fire protection, payment of levies, access provision, location and number of dwellings, building approvals, Section 94 Contributions and other matters addressed in the issued consent. This exercise will coincide with the Council survey of multiple occupancies which will utilise and build on that information previously used in the report titled "Findings of a Survey of Attitudes of the Dweller of Multiple Occupancies" by S Barker and S Knox 1985. By using this report as a benchmark Council can make a comparative assessment of the growth, development, impacts and characteristics of multiple occupancy in the City.

### FINANCIAL SECTION N/A

### OTHER DEPARTMENT COMMENTS Not requested.

### CONCLUSION

The above report briefly identifies several locational options for multiple occupancy development in Council's area. A process of public consultation would, without doubt, refine the locational options identified and/or identify additional options and alternative means of "tackling" this sensitive issue. At this time it is premature to proceed with defining particular location or locational criteria for multiple occupancy, given the pending finalisation of the State Government review of SEPP No. 15 and broad hectare land capabilities analysis of the local government area as part of the 2020 Strategic Plan. These studies will provide information which will be of assistance in further defining locational criteria and options.

### Declaration:

'I hereby declare, in accordance with Section 459 of the Local Government Act, that I do not have a pecuniary interest in the matter/s listed in this report.'

Such an approach might also use the development strategies adopted by Council for rural residential and detached dual occupancy. A multiple occupancy development concept is permissible in these areas, however it is considered appropriate that such forms of development may utilise the Community Titles Act and comply with the requirements of the LEP and DCP.

The planning strategy appropriate in this situation would be to seek exemption from SEPP No. 15, amend the LEP to provide for multiple occupancy and prepare a map appended to the DCP which describes lands potentially suitable for multiple occupancy development. The soon to be completed broad hectare analysis which considers land capability in the local government area would be of use in this respect.

- c) Contain multiple occupancy developments in particular locations and within a particular zone, eg 1(a) General Rural Zone.

**COMMENT:** This option is essentially the same as that described above with an exclusion to use of land zone 1(r) Riverland and 1(b) Agricultural Zone. This would restrict residential use of agricultural land and possibly minimise potential for land use conflict with existing and future intensive agricultural uses. This option restricts multiple occupancy development which may have significant agricultural focus. It is envisaged that where land the subject of a development application for multiple occupancy use is either within a 1(b) zone or contains greater than 25% prime agricultural land, it may be considered, subject to a demonstrated commitment to productive use of that agricultural land.

- d) Prohibit further multiple occupancy use of rural land.

**COMMENT:** As previously indicated to Council (September, 1993) this option is not considered viable or practical nor have sufficient arguments been presented in the consultation processes to support an outright prohibition of multiple occupancy. This position fails to recognise the economic, social, cultural and environmental diversity and value of people who choose to live a communal based lifestyle.

- e) Attempt to provide a specific zone for MO development based on land assessment, land use and planning issues.

**COMMENT:** This option would be based on a land capability/assessment criteria land use survey and recognise the various planning issues and typical locational criteria identified in section 4 of this report.

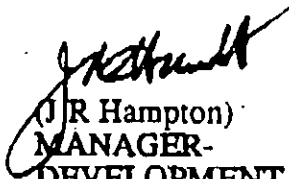
This option would necessitate an amendment to the LEP instrument and maps. The delineated area may either be way of a land use zone permitting MO use of land or designation of a mapped hatched area or locality in which MO development is permissible subject to specified requirements, eg minimum land area, dwelling densities. MO's would then not be permissible outside this identified area. A clause dealing with MO's would be inserted in the LEP and Council exempted from SEPP No. 15.

**RECOMMENDATION (PLAN85)**

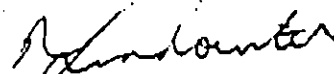
- 1 That Council not proceed, for the time being, with designating locational criteria for multiple occupancy development until such time as the completion of the:
  - a) 2020 Strategic Plan broad hectare land capability studies, and
  - b) State Government Review of SEPP No. 15.
- 2 That Council at the completion of the above studies prepare and exhibit a public consultation discussion paper on locational options for Multiple Occupancy development and seek community input as to the preferred locational options and land use planning mechanisms to achieve that option.



(M R Scott)  
DEVELOPMENT  
CONTROL PLANNER



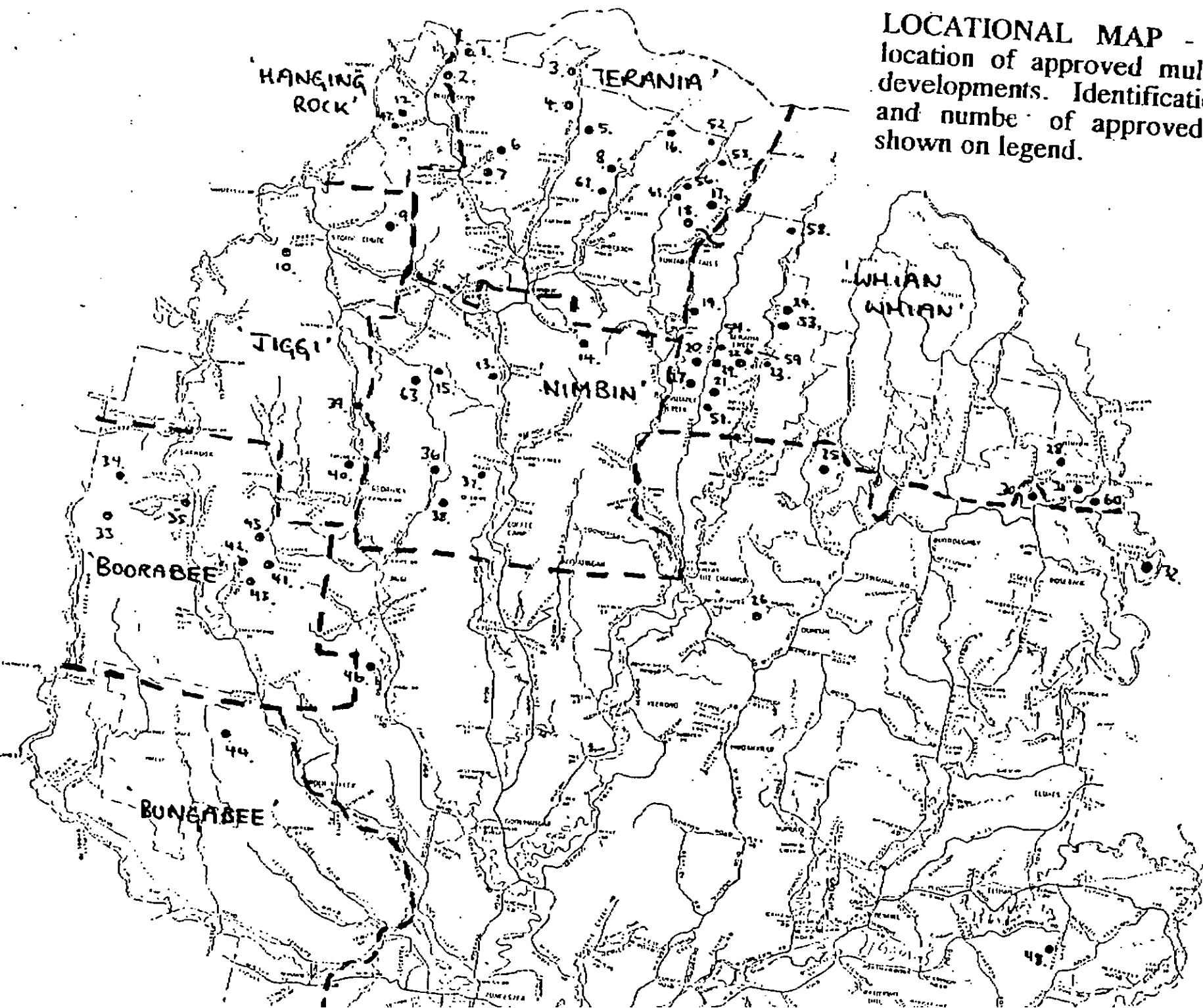
(J R Hampton)  
MANAGER-  
DEVELOPMENT CONTROL

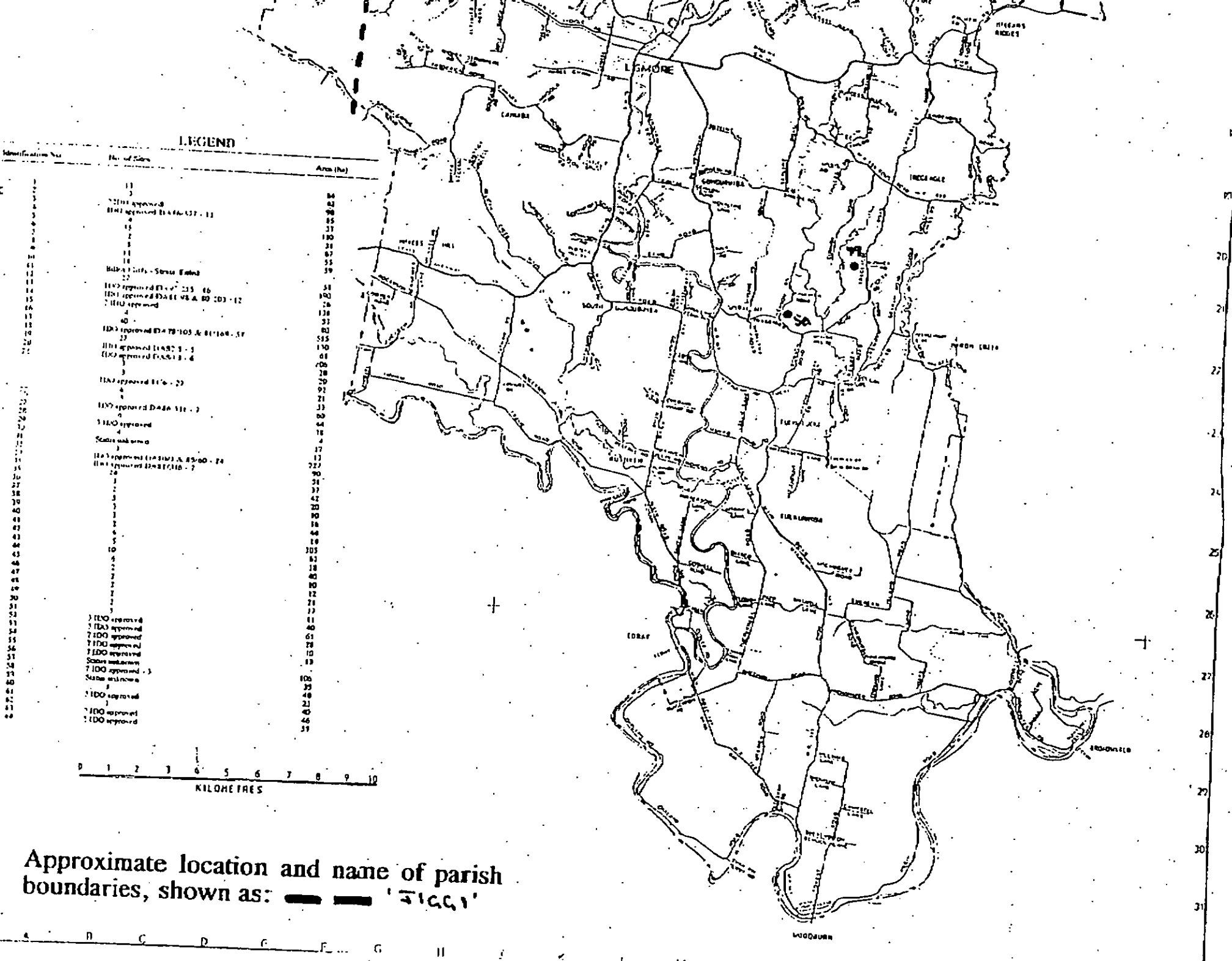


(N Juradowitch)  
DIVISIONAL MANAGER-  
PLANNING SERVICES



LOCATIONAL MAP - shows general location of approved multiple occupancy developments. Identification number, size and number of approved dwelling sites shown on legend.





4/8/94 Malcolm Scott

1/ Location areas

He is speaking with Graham Wrenko  
as their planner re "Locational Criteria".  
Should it incl social factors.

To have outline to Nick next Tues

Deadline for Council Meeting of June 7 is 31 May

2/ Inspecting

Letter about to be posted to all MOR & ParCs  
for meeting to discuss insp.

Survey questions to be based on Barker/Knox  
study

All IDO & SEPP-15 approved MO.

Student planner appointed to help - he will  
prob do the 2,3 MOR & Malcolm will do

74 mo's  
 will prob. proceed on a <sup>geographic</sup> sector basis  
 will be looking at planning aspects  
 but this incl illegal bld.

He says Bld insp would then prob neg on  
 bld as existing dwg. If not up to  
 bld standards, then question remains  
 as to what would happen.

He personally wants to put certain  
 myths to bed.

To incl comment from adjoining owners.

Nick appears to not app. how difficult  
 & time consuming this process will be.

No time limit set as yet. (Could go to next  
 year & be an election issue)

Has been pressure from some Councilors.

He now has a map identifying all mo's

Would like to have a meeting  
 if sees illegal would invite to occupy to  
 formalise.

It is not to be equated with a "need inspection"  
 report.

N.B. So called 'illegal mo's' is better described as illegal  
 bld & illegal subdivision - not mo. as per  
 may/would not be approved.

To inspect all 60 mo's ie SEPP & IDO. = 60

16/3/94

LEC MO. Review

State/Federal

- Segregation → Anti-discrimination board  
→ Contrary to ECOP's legal opinion.

○ Strategy

- Set Council to set legal opinion on areas criteria that would be legal + illegal?

- C/Ja Faith. for experience re Anti-discrimination law options

- Prob to write up outline <sup>and</sup> on case for local, ECOP's.

- Combine with SOE reporting (cost efficiency) (cf discussion with Kennedy) (agreement)  
Apparently was budget item for transfer/implementation of 2000 into Corp management.  
(See SOE file)

0 Dis. view re inspection - do <sup>samples</sup> big - ~~middle~~  
small no.

0 illegal septic generally (not just  
mo)

1.5/5/94

Di

How is business paper delivered to Village? Does not know  
R/ Cal Cooper.

Is it possible for Precinct to get free DP's?  
Does not know. Try Cal Cooper or get back to Di.

- 1/ Survey & inspection to be carried out of all  
moss (ref - earlier strategy)
- 2/ locational areas options - due to go to first  
meeting in May. This means must be  
completed in next few weeks.

Di / Mon - work -  
Wed - Tues - home

17.4.94 MORE Meeting at Ravi

Tony B, Eddie, self, Graham, Simon, Rob, Ros, Di (slapping Coff)  
I reported on

- ✓ • status with Chief Murray
  - ✓ • Next - critique of draft & final reports
  - ✓ • Advice of Danbee (proposed copyright issue)
  - ✓ • DoP would not accept change (equality) to DoP
- Progress of public debate v. letting sleepers dogs lie  
(Rob the latter)

Verbal concern to have a 'contingency' plan in place,  
whatever happens

I see as social issue, & can be contained to this  
if we take the initiative. (this not to be confused  
with necessarily supporting that this should be  
pursued.)

I advised I would not be making direct input to this.

Echo & NS to be targeted to run say bi-weekly Bulcon  
col. (of ratepayers) + human interest copy.

Simon reported that Page said he had been lobbied by  
REA. & implied that the review was a way of  
getting backing from DoP that sub did not  
app.

Stated Crowther + Muldoon got Nick to refuse Jaggi DA.



Case made that CT & MO were cost effective  
forms of settlement compared with infrastructure  
costs to Council of farmland dev & Rural Res

Di thinks Croxson is behind Stan W

Suggested as contingency - if Di about to be rolled  
to make that Wick get advice from Anti  
Dis. Board that what is proposed does not  
breach legislation

Di gave me her copy of AS 3959 - Bushfire.

Simon reported that valuers in Value General Dept to  
address valuation as relating to policy of "low  
income".

Simon speculates that Page could attempt to modify  
the "valuation directions" for MO making their  
land value higher which results in automatic  
flow on from higher rates.

The Segregation issue, main concern of the day  
(this could have electoral consequences)

no - Segregation

locational aspects

for a tr. of op. immediately:-  
black/yellow.

ethnicity:

wealth:-

> \$100,000 pa, <

nationality:

- Italian/Chinese

employment:

employee/employee/unemployed

age:

, retirement village

religious belief:

(Christian, muslims) Hindus/Jehs

land ownership:

landlords/tenants.

mental health:

physical & mentally handicapped, etc.

family status:

married/single & /wife &

body <sup>modification</sup> identification:

circumcised/uncircumcised

hair

long/short.

and take to anti discrimination board

## Rating-

- Bodhi. \$1000 for gravel to upgrade Walker Rd.  
Ret kept no 5, 94.
- Church - no notes rel. school, place of worship.

- Ask Stan w (directly) the question in  
Council / in NS? what criteria does he wish  
to segregate
- <sup>etc</sup> Be to introduce criteria resolution as basis for "located  
ideas".
- Ben Owen to approach Anti Discrim Board to if no pay -  
(the ambassador)
- -

Simon, suggesting possibly  
voluntary road maintenance  
in lieu of vol. rates, but  
no support for this, in part  
that folk don't subscribe to  
principles & would not respond.  
Would be a fizzle.

12/4/94

Services

Strategy

Get Elan Wilson to

a) withdraw or change his  
resolution to criteria only  
or report on optional threat and  
criteria

b) fully inform Nick <sup>q Stan</sup> (& Valisoleu)  
(consult Karally & Rohde) now of  
our strategy

The selection was way that  
the committee did not speak  
land. He is to let me or Di know  
as soon as possible.

Malcolm

Q When the opinion expected.  
how presented.

7. P Is there evidence that  
wood owned by Hunter?

He purchased it  
as surplus from  
land.

Q no DCP map.  
"local area options"

6

Dr. apda

Extracted and DCP

no DCP

9999 DA

10/24/94

Rob.

He was advised by Malcolm yesterday 'Re map' to be attached to Draft DEP.  
(Not confirmed)

\* of with Malcolm.

Criteria in rural her land.  
(speculation) bucking.  
prime of  
slope.  
all 'Evaluation Manual'!

12/14/94 Di not aware of map to be with DEP

13/4/94 no. "localised options" to go  
to 2nd meeting in May to 17 May.  
→ to talk next week ideas.

Options LEP  
Local (IA) land.

Graham & Nick. Malician to  
no quarter

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oDAP:- Jim Clark.

o Reply or CT? - <sup>this</sup> Council re mo Jonathan.

Council solicitor views land on 2nd CT not  
spec. Draw attch to 'Jules'.

ol excluded.

N  
Namurce let size 46h  
Hastreg.

S. 64



Remin  
Sun - he meeting at Carson's  
birthday. Sun re strategy  
on MO. re Stan Wilson  
R/Liam.

Eddie will pick me up 10:15 am  
unless he hears from me.

## Rob Local Politics

The "United Shire Group", were not a party. They  
simply "endorsed" candidates as ind or groups.

Current groups (who may choose to stand on  
ticket)

Need to cover "middle" (political/practiced/  
business people) ground.

There may be a place to form a new sep party.

Strategy to this end -

- relate with merchant groups

- p & c.

- local interest groups

aged / sport / cultural. etc  
(see Echo for these)

Someone in POS is developing a 3D model  
village as model 'rural dev.

(He does not know who)

Targeted in Broken Hill - Tjofra - ex-convict  
area.

Re (NO Areas) Malcolm Scott

12/9/95. I advised him of Jim Clark's view that no location regeneration was likely to be approved

& if Council sought advice from Grafton on this - they would not act or comment on a speculative (this involves suggesting issues which might be considered - outside of what he mentioned viz an in Policy, esp not in Tenants  
any. sensitive  
bush fire etc.

The Dept takes a dim view of planning proposals like this which generate from a Councillor!

*Prefer to  
Discuss with  
Di on Sun.*

**CITY COUNCIL - ORDINARY MEETING HELD APRIL 5, 1994**

*22 Type-h  
Sun.*

- 3 Federal Ministers for Transport to seek additional funds for our road network.  
That Council undertake to make an assessment by comparison to the Council areas of this Council's share of road grants/funding.  
(Councillors Irwin/Roberts) (94-2807: S/384)

**Exemption from SEPP15 - Multiple Occupancy**

Formal notice having been given by Councillor Wilson it was moved that Council seek exemption from SEPP15 - Multiple Occupancy and introduce own Planning control for multiple occupancy in Council's LEP.  
(Councillors Wilson/Larsen)

A FURTHER MOTION WAS MOVED that the report on DCP 20 be considered in conjunction with the Notice of Motion.  
(Councillors Wilson/Baxter)

At the request of the mover and seconder the NOTICE OF MOTION was WITHDRAWN.

At the request of the mover and seconder the FURTHER MOTION was WITHDRAWN.

- 244/94: **RESOLVED** that a report be submitted on Multiple Occupancy locational options in Council's area.  
(Councillors Wilson/Baxter) (94-2044, S/523, S/285)  
**Voting against:** Councillors Carson, Roberts, Irwin and Gallen.

*To go to meeting of  
17 May*

**MATTER OF URGENCY:**

- 245/94 **Development Application - McDonalds Restaurant**  
**RESOLVED** that this matter be admitted to the Business Paper as a Matter of Urgency.  
(Councillors Carson/Irwin)

The Mayor ruled this matter to be of great urgency.

- 246/94 **RESOLVED** that the Development Application submitted by McDonalds be determined by Council in view of the large number of submissions received in opposition.  
(Councillors Carson/Irwin) (D94/104)

**SUSPENSION OF STANDING ORDERS:**

- 247/94 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matters:-

- \* **Divisional Manager-Engineering Services' Report - Lismore Aerodrome -  
Reconsideration of Commencement of Runway Extension and Other Works**

This is Page No 4 of the Minutes of the Ordinary Meeting of the Lismore City Council held on April 5, 1994.

GENERAL MANAGER

MAYOR