

Pan Community Council

"Building Intentional Communities"

DISSUCUSSION PAPER ON THE DRAFT SEPP-15

For endorsement.

Pan Com:-

- welcomes the exhibition of Draft SEPP-15,
- supports councils introducing MO provisions into their respective LEP's provided they are not less favourable than the requirements in the SEPP,
- does not support councils being exempt from the SEPP unless and until the Department has received acceptable Draft LEP provisions,
- favours, where councils choose not to provide MO provisions in their LEP, that provision be available for an MO DCP or equivalent under the SEPP,
- recommends that where a council provides for MO in their LEP that an MO DCP also be provided. (The Lismore City Council Draft MO DCP-20 1994 is suggested as a basis for such a DCP),
- supports the Department publishing a "Rural Land Sharing Community Manual" to assist potential new settlers and council staff unfamiliar with this form of development. Such a Manual to be produced in close consultation with MO organisations, MO residents and professionals involved in preparing MO DA's,
- that as a generalisation the MO SEPP, LEP's and DCP's wherever possible address itself to "performance" outcomes rather than "prescriptive" legislation,
- In general the wording of the Draft SEPP policy be retained except in matters of principle or policy.

REASON: # The existing wording in general has successfully stood the "test of time".

To confine our negotiations to policy matters of principle.

- Other?

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ANTONY MCCARDELL (Ph.D)
PARADISE VALLEY
CROFTON RD
N 31N NSW 2480
Tel. (066) 881182

Peter Hamilton
1/50 Paterson St
Byron Bay NSW 2481

Tel/Fax (066) 888848

March 5, 1987

Dear Peter

Having lived on an MO since 1981, I would like to make some observations on the workability, or otherwise of MO's familiar to me in the Nimbin area and ask that you take these into consideration in Pan Comm's SEPP15 submission to the State Government. If it's not appropriate to include them in the SEPP15 submission because of time or political constraints, at least they ought to be considered for the MO manual.

MO's that I have seen have on the whole been good custodians of the land they occupy. They don't routinely burn off, creating more erosion problems, nor do they poison the soil with agricultural chemicals. There is often a commendable degree of reforestation on steep and vulnerable land.

However there are many instances of unsustainable practices that have arisen from ignorance BEFORE the occupants had time to experience the realities of MO living and which have become burdens later on. Some at least of these practices could perhaps be lessened by having certain checks built in to SEPP15.

One of the biggest problems I have seen with MO's and one that has caused many people to leave their MO's is that of unmanageability and unsustainability i.e. "black holes in the system" which demand continual input of money and energy to maintain. I am speaking here from experience on my own MO. Let me say at this point that the infrastructures of the society at large also contain many "black holes", but I believe that we as MO'ers ought to start to know better and set a good example to the rest of the community.

MO's are often very distant from town, incurring enormous travelling time and vehicle costs, contributing greatly to greenhouse emissions and demanding continual and expensive in house road maintenance, the very opposite to the vision of environmental harmony and appropriate technology that their occupants aspire to. This is "black hole" number one. SEPP15 ought to allow multiple occupancy close to regional centres to lower vehicle costs, and on farms (more on farm later). Quite a few people I know who have lived on MO's (some up in Lismore, Byron Bay or some other rural or urban centres) because of travelling and vehicle costs, and the effects of poor roads. One friend at Nambidgee community near Lillian Rock found herself in constant poverty getting her vehicle re-registered each year because of the effects of the long drive on dirt roads into Nimbin and the direct damage caused. She eventually moved south near Sydney.

In an ailing rural economy farmers should be allowed to pool resources by building on shared land and by sharing resources. I am told by Councillor Diana Roberts (personal communication (9/2/97) that the reason the authorities don't want dwellings near prime agricultural land is that they are concerned that inhabitants will be affected by the spraying of hazardous chemicals. Why can't SEPP15 contain a restriction on these chemicals in the case of MO developments on farms? There are a growing number of people who want to farm in a more environmentally friendly manner anyway. Also there should be a major concern to protect prime agricultural land from suburban subdivision. The loss of huge areas of rich soil in the Alstonville area to suburban development is a good example of this sort of mismanagement.

MO's often cover a large amount of land, requiring vast road and ongoing energy requirements which are initially grossly underestimated. The occupants are merely mimicking the habits of the rural society at large in believing we need to live on large amounts of land. For the future, however, we should learn from the mistakes of the past. When finances are already stretched these costs can create poverty and work traps which many struggle with for years to overcome. Clustered development should be insisted upon where possible, not merely stated as "preferable" as in SEPP15 2(c). Correspondingly the former access roads to dwellings need to be maintained in top condition and specially economical in their construction ie. no longer than they need to be.

Dwellings should be strongly discouraged on or near steep land. This has created huge and unforeseen infrastructure maintenance problems as well as grief for the occupants in more than a few living instances. SEPP15 7.1(g) precludes "slopes in excess of 18 degrees...on more than 80% of the land". This could be extended to require that dwellings and home improvement area (the general area comprising the cluster) be connected where possible by access roads on slopes less than 18%. Diana Roberts told me (9/2/97) that my own community, because of its steepness and potential erosion problems, would not have a DA passed for it today by Lismore Council if SEPP15 were still in effect. I can truthfully say that the legacy of developing this steep site still affects us from year to year as we spend thousands on concreting access roads and bridges in or near steep areas.

SEPP15 11.2 gives a formula for density of development (allowed number of dwellings). This formula is flawed in that it does not take into consideration the ration of useable to unuseable dwelling site land on an MO. Hence it does not highlight the need to place dwellings on suitable sites. The formula should apply to the actual amount of useable land for dwelling sites and access roads. Occupants carrying the dream of a "hideaway in the hills" don't realise in advance how dearly they may have to pay for this dream later on when they build their dwellings on steep or unsuitable sites with a "good view" out of sight of their neighbours. This relates back to my comments on the desirability of clustered development. I was interested to note that at the Pan Com meeting on February 9 at the Channon Hall Diana Roberts echoes similar thoughts.

Building sites facing the winter sun should be encouraged so that maximum use can be made of the sun's energy for hot

water, energy efficient dwellings and gardens, thus lessening the dependence of fuel and the electricity grid for heating.

In regard to the above two points there could be something like the McHarg Exclusion Technique used in permaculture to identify suitable dwelling areas by progressively excluding unsuitable ones.

We must get away from the idea that MO's are only appropriate on marginal, cheap and poorly accessible land. For a whole variety of reasons we need to put MO's on an equal footing with other forms of development so that the wider community can see people from all walks of life moving towards a more sustainable and less socially fragmented future.

Finally I would like to communicate to you Russell Anderson's comments and my own about your annotations to the proposed new form of SEPP15. Russell was in favour of an alternative name to "Multiple Occupancy" reflecting a more social approach. His words were: "Yes, I agree with a name change. We should think of a good one." I support it also but with some caution. I will comment on the two possibilities you have put forward:

1) Intentional Community - "Community" suggests something large which is not necessarily the case and might scare Councils with the prospect of the countryside being swamped with MO's and their inhabitants. "Intentional" suggests that the community be focussed on a specific intention which may also not be the case.

2) Expanded Family - "Family" is a very loaded word meaning different things to different people. Some people on MO's would not consider their MO to be a family, certainly not in the normal usage of the word. There are some to whom "family" has a negative connotation because the nuclear family and families in general have contributed much that has gone wrong with the world.

We need to be careful that a new word does not sound too "precious", nor too glib. I think Multiple Occupancy was a good name because it was neutral. However it has now acquired connotations which are not so neutral, even negative in the eyes of some. Maybe we should brainstorm a name at a meeting.

These are a few of my thoughts. Please use anything that might be useful to Pan Com's submission.

Regards,

Pritam



Trevor Pinn

4/1/97

Re Deathbridge request for 2 days of meeting in Grafton.

He spoke with Luan Lhy. The only commitment is that the Dept a few weeks ago wrote to Councils (possibly only those who joined with Deathbridge) advising that the Dept was prep. for an officer to address the respective Councils. No one has taken up this offer as yet.

There is no proposal to hold 2 x 1 Day meetings/workshop/consultation.

If such a request is made would it be Trevor or someone from Sydney? It would be from Syd.

Dawn advised of above.

She is to c/p & get back to me.

0 Down Sat 7pm see how
Mr. to be no meeting ^{deathridge} ^{who said}
in Grafton DURS

○ end of Month.
1 day staff.

1 MO
TR/DUP. Trevor 4/2/97

Strategic Planning Dept. 3/8/97
Dennis Burke - Coffs Dept. 518-103

Dept. Strategic Planning - Pauline McKenzie

{ For Caravan Park data - see ABS
+ houseboats etc.
O. Graham to cp?

Jim Gallagher as resource for housing data

The only publication is "Northern Region Housing
Assistant Plan" - "Current" edition copy being sent free
via post

Available from Peter Murphy - Dept. Planning
& Communication 066-501-315 (Coffs) (A)

Dennis inquired re media coverage of SEPP-15
re the rating issue. I explained a "heat up"
& cited examples. He said he knew of other
example beyond those I cited eg permanent
mobile home, Co owned flats, viz Aboriginal
settlements & Mission where there may be many
house on one lot.

In Kyogle Council at Woodhony there are 22
dwellings on 1 lot each being charged sep.

rates. He agrees with me that this is illegal!

(A) The above contains data on Housing Commissioner
waiting list & LGA prior to 1991-2

It includes a "Housing Stress" Index made up
of some 9 criteria & LGA ranking

3/2/97

(NSW) Home Purchase Assistance Authority (HPAA)
 1800-806-653 > 02-9256-2666

This set up to deal with the aftermath of termination of "Home Fund". HPAA formed in 1993.

Handles mortgage adjustment associated with former Home Fund. It now advises on various purchase arrangement available but does not itself loan money.

At one stage people purchasing govt homes could "sell" back to the authority & "rent" back the same house.

In response to my question as to whether or not they were involved in discussion re proposed Council changes to the Council-State Housing agreement he said No

3/2/97

Craig Wilson (Joint Chairperson of Co)
North East Community Housing Co (his)

Not to be confused with the North East
Coop Housing Society (his) which is a Housing
Coop no longer making new houses
the last funding for same has been
terminated!!

He attended the Housing Alliance Task Force on Housing which
I attended

In carrying out this mission on housing provision for
mentally disadvantaged people I advised
him, of my thesis & at his request, sent
an extract.

To be collected

FAX DOCUMENT FROM PETER HAMILTON

1/50 Paterson Street, Byron Bay, 2481 (066) 858 648 (F/T)

✓
TO: Dorin Hart.

FAX No: DATE: 30-1-97

Number of pages (including this sheet): 1

SUBJECT: SEPP-15

COMMENTS: Your Mayor Sue? has approached
Cr. Di Roberts (and apparently all north coast
Councils) that she is planning to invite DUAP
to hold say a 2 day Conference on the
reintroduction of SEPP-15. To be held
centrally eg Grafton. One day with
Councillors and Council Staff and the
second day with community reps and
individuals. We support this but consider that it
is highly unlikely that the Dept will accept.
I see it as being useful in that the Dept. would
have to get down to the nitty gritty of getting
a "knowledgeable" person to represent the Dept!

Any further light that you can throw on this
action would be appreciated.

Regards
Peter

*Peter: Sent to Pan Com for info
Graham:*

Copy

John Morrison

Secretary

Pretty Gully Co-operative Ltd.

P.O. Box 74

Uki, NSW 2484

Phone (066) 797034

The Manager

Planning and Design Branch

Department of Urban Affairs and Planning

Box 3927 GPO

Sydney NSW 2001

Re: draft SEPP 15

Sir,

On reading the draft SEPP 15, I noticed a serious problem in the Aims Of Policy, specifically 2 (c) (ii).

2 (c) (ii) excludes the use of DEEDS OF AGREEMENT to provide exclusive use and enjoyment Rights of dwellings and home improvement areas. This part of the Policy seriously inhibits the financial viability of young families investing in the construction of dwellings.

Banks and other lending institutions will not lend without security, usually in the form of a mortgage over privately owned 'real' estate. Deeds of Agreement have in the past, been partly successful at overcoming this difficulty. Though usually at personal loan interest rates instead of those enjoyed by someone building on freehold land.

9 (1) (a) defines what is necessary to ensure successful management of a Multiple Occupancy development, however the application of 2 (c) (ii) is an impediment to that management and ultimately the financial viability of M.O.s

I would suggest the deletion of 2 (c) (ii) in its present form to be rewritten;

2 AIMS OF POLICY

This Policy aims:

- (a)..... ✓
- (b)..... ✓
- (c) (i)..... ✓

(ii) in a manner that does not involve subdivision, strata title or any other form of separate land title; excepting

.....2/

RE: DRAFT SEPP 15

'DEEDS OF AGREEMENT' between the body corporate Title holder and shareholders defining Home Improvement Areas and granting exclusive use and enjoyment rights of allocated area including rights of resale under the same terms and conditions, and

(iii) to create.... ✓

To adequately address the matters raised in 9, it would appear necessary that the Title holder of the land should be a 'body corporate' either as a registered company or registered co-operative with the participants being financial shareholders, the shares being linked by 'Deed of Agreement' to a particular home improvement area.

While some participants may view their dwelling as their principle residence for life, others will need to move due to changes of circumstance like health, employment, further education etc.

Unless they are able to sell their dwelling and improvements at market or near market value, they will be severely disadvantaged when they re-establish in the 'freehold world'

Without acceptable security, banks will not lend so sellers of dwellings in M.O. developments are limited to buyers who are 'cashed up' and not in need of bank assistance. This causes houses to be severely under valued in comparison to similar on freehold title.

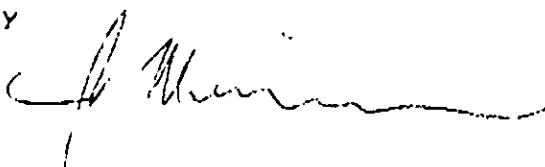
Draft SEPP15 appears intended to encourage the development of 'low-cost, affordable rural living opportunities', but as the cost of constructing dwellings is largely determined by the Building Code of Australia, the phrase 'low-cost' could be deleted. The only stage that 'low-costs' are involved are in the initial land acquisition and infrastructure instalment, after which as participants settle all dwelling and home improvement costs are equal or higher than elsewhere in the community.

The imposition of clause 2(c)(ii) in its present form precludes access to finance and thereby creates a significant obstacle to the success of the policy.

Yours sincerely

John Morrison

9th March 1997



Darin

- John Finlay, Grafton DUAP, will be at Bellingham Mon am.
- Hanabys contact is Darnes (Planner) - Bellingham.

SEPP-15

17-1-97

Jim Clark (in absence of Theodor Prion)
 Looking extent (if any) of Grafton involvement
 in review of SEPP-15.

They are not involved. All submissions
 forwarded to Syd.

As example questioned legal validity of DCP
 to SEPP as per Bellingham. He said
 it may have been that someone
 from the Council sought their advice
 & if so they would have prefaced it with
 advice that "they do not give legal
 opinion".

I acknowledged this & asked what if a Council
 introduced a DCP which they considered
 was illegal would they not act to
 stop it or draw attention to the fact
 that it may not be so.

He replied no if coastal management DCP
 alleged by an environmentalist did not
 or could not work. He agrees it could
 not work. They could not get into such
 legal interpretation as it could consume
 all their time.

It is up to the Council or the public
 raising in The Court.

2.1

It is reasonable to point this out
this should then generate a legal
opinion from HO or a barrister or
Crown Solicitor on this.

The Parliamentary Counsel, - the ^{cost legal} ~~Parliamentary~~
Drafting advisor checks all ~~okay~~
Doc. & should have or would have
pointed this out.

He thinks a deliberate decision has been made to handle it in London because of the involvement of ^{some of the} Members of Parliament in this region to get¹ rid of the Policy in the first place.

The motivation to keep Grafton out of the review has been made as a way of keeping the local politicians out of the review.

The desire to put on exhibition rather than just restate it was a political decision.

Is there any guarantee that it will be gazetted following exhibition? No - none.

There is strong opposition, politicians & Councils.

Re the cover sheet advising that the Executive Council has made the Policy - no reference to it as a Draft Policy

He was aware of this, it is not uncommon, & he has no explanation for it.

#

See Friday 02-9391-2249

On her position.

Confirms that she is likely to be handling submissions.

She is under Susan May who is under Roger Elliott as head of Planning & Design.

She confirms that their legal office would probably give opinion on the DEP-ETPP issue.

There is an option to get Counsel advice also.

Susan away until 27 Jan.

Have received a number of sub & phone inquiries.

draft of the proposed Policy

his

throughout Arch.

Lisa Yates

his

of

at this meeting

Alan away to 9 Feb.
R/ Bill

to recommend the provision for
MOs in selected areas.

Note. The Govt has not No guarantee can be assumed.
The draft
The sub of this draft does not bind the
Govt to introduce gazette this Policy.

FAX DOCUMENT FROM PETER HAMILTON

1/50 Paterson Street, Byron Bay, 2481 (066) 858 648 (F/T)

TO: Russell

FAX No:

DATE: 16-1-97

Number of pages (including this sheet):

SUBJECT: SEPP-15

COMMENTS: Draft is fine.

Herewith paragraph requested.

I also have some other small
comments on your draft. Would you
please ring me re these. Thanks

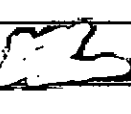
Peter

Bald

Extremely important is the Government Release of
SEPP-15 for Comment.

In accordance with the Government's Electoral
promise to reinstate the State Environmental
Policy for Multiple Occupancy (SEPP-15) a
Draft of this Policy has been placed
on public exhibition for comment.

His Honor Council has already requested
that if the Policy is to be reinstated
that there be a twelve month moratorium
before it becomes effective.

Par Com is looking to make a group
submission and your suggestions for 
inclusions in this and your energy to bring
this about is invited.

Personal and individual community

Submissions are also invited to be sent direct to the Department.

Submissions are to be made by 14th March.

For a (free) copy of the Draft contact
the Dept. Urban Affairs & Planning - Grafton
phone (066) 420-622 or FAX (066) 420-640

#

28/11/96

Janelle: call to Glavin.

- Knowles has confidentially said he will be making public announcement on Fri or Mon. re SEPP-15 going on exhibition (presumably straight away or date to be advised, & presumably for 6 weeks)
- Gabrielle is identified as the sticking point.
- Knowles appears to have gathered strength to take action of Iron Gate S.110.
- There will be a press release.
- Army Woods also has been exposing Rogers unknown. Senior will contact him.
- Senior leaving Sun for 2 wk retreat.

25/11/96

Susan Ship, Acting Manager
Planning & Design Branch
DVAD Syd. DIC - SEPT-15?

(D) 02-9391 - 2326

She says her lips are sealed &
agreed to have someone call me
from the Ministers Office.

28/11/96 Still no word from Ministers
office but understands it is "imminent."

28/11/96 Susan in response to my msg for
FAX of Press Release was that informed
that there is a letter to Dan Com pending
date (& she will FAX this to me) & that
it is not clear that a PR will be
released at this time. "A PM
may not follow for a week or two!"

Graham leaving noon
at his place find back
Jan evening to Sydney on
his place.

Graham Leaving. Mon on Tues.
12 Dec Back 20th.

~~Sept~~
1 with Derek Aro of Uni
re Law 'victimologist'
Re stolen photograph compensation.

In Syd. for leave 12-13 Syd.

Simon
Jenelle.

0292307235

~~3/12/96~~
for says Jenelle was a dancer
some 3 weeks it was to be
"next Indict"!!!

- The Minster determine the format of the instrument & direct the D-G to have an SEPP prepared.
- He has ^{now} given this direction* to do this with minor amendments.
- ✓ When it is ready to be put on exhibition there will be a press release.
- I am giving you "somewhat privileged information". She appreciates that & have been waiting to find out if the Minister has made a decision.
- Request to wait for exhibits and the T.R. accompanying the exhibits target date before was
- unlikely to be involved in evidence of sub. Grafton will be involved but not under the supervision.

Susan Sky 4/13/96

~~1054~~
11054 A.

- ① a revised version of SEPP is to be placed in exhibition RRP and this is expected to be before long.
- ② The "revision" at this time is described as "minor" ~~and that it will~~ ^{be} essentially be a "restatement"
- ③ The exhibition period will be 3 months following which there will be an examination of ~~submissions~~ ^{the exhibit}. In the course technically the Minister has directed the Dir Gen to have the SEPP prepared
- ④ In the normal course of events the SEPP would that be proclaimed. ^{there is} No indication as to how long this process may take.

MEMORANDUM

To: Pan Com MORE

From: Peter Hamilton

Date: 5.12.96

The Department has advised as follows.

- The Minister has directed the Department to place a revised version of SEPP-15 on public exhibition.
- It is expected that this will occur before Christmas.
- The nature of the "revision" was described as "minor" and that it will be essentially "as is".
- The exhibition period will be three months following which there will be consideration of the submissions received. There is no indication as to how long this process may take.
- The Minister will be issuing a Press Release when the Draft SEPP goes on public exhibition and not before.
- This information was given to Pan Com in view of our correspondence and concern re the reinstatement over the past two years and was described as "somewhat privileged information" with the request to wait for the official Press Release before commenting on the proposal.

###

MASTER

very nice.

(Technically the Minister determines the format of the instrument and directs the SG to have an SEPP prepared.)

After May 12 noon