

COLUMN 1

COLUMN 2

COLUMN 3

EXISTING "CODE" PROVISION

SUGGESTED AMENDMENT

REASON

CITY OF LISMORE

CITY OF LISMORE

MULTIPLE OCCUPANCY CODE

MULTIPLE OCCUPANCY
COMMUNITIES ON FARMS

Suggest title could be more explicit and use words from the Terania I.D.O.

There is no provision for a "code" in the Environmental Planning and Assessment Act. The appropriate mechanism is making a Development Control Plan under S.72 of the Act in accordance with Clauses 19 - 25 of the Regulations. This enables the document to have status as a head of consideration when deciding development applications under Section 90.

ADOPTED BY COUNCIL ON 8th AUGUST, 1980

DEVELOPMENT CONTROL
PLAN UNDER SECTION
72 of the E.P. & A.
ACT 1979

DATE OF ADOPTION

R.R.T.F. file under R.R.T.F. Submissions

OFFICE COPY
RURAL RESETTLEMENT TASK FORCE

GENERAL POLICY FOR THE DETERMINATION OF
APPLICATIONS FOR APPROVAL OF MULTIPLE
OCCUPANCY OF RURAL FARMS KNOWN AS
MULTIPLE OCCUPANCY CODE

FOR MULTIPLE OCCUPANCY
COMMUNITIES ON FARMS (ALSO KNOWN
AS "HAMLET DEVELOPMENT")

Include reference to popular terms
for ready comprehension.

PREAMBLE

Replace existing clause reference by: Update reference

This Code applies to land within the City of Lismore referred to in (Clause 13A of Interim Development Order No. 1, Terania) on which development for residential purposes comprising permanent dwelling or living accommodation may be carried out with the consent of Council.

"Clause 15(1) of Interim Development Order No. 40, Lismore."

M1 THE AIMS & OBJECTIVES OF THE CODE

Reword 1.01 as:

1.01 To encourage the proper management, development and conservation of natural and man-made resources including agricultural land, natural areas, forest, minerals, and waters for the purpose of promoting the social and economic welfare of the community and a better environment.

1.01 To provide for multiple occupancy on farms whilst meeting environmental, social and other objectives in the E.P. & A. Act as set out in 1.02 to 1.05 following:

1.01 renumber 1.02

1.02 " 1.03

1.03 " 1.04

1.04 " 1.05

1.05 " 1.06

1.06 delete "their lifestyles or"

1.02 To encourage the promotion and co-ordination of the orderly and economic use and development of land.

1.03 To encourage the protection, provision and co-ordination of communication and utility services.

1.04 To encourage the protection of the environment.

1.01 - 1.05 The objectives 01 to 04 are general objectives of the Act. They are only objectives here insofar as they relate to Hamlet Development. Objective 01 should put the rest in context. Many of the objectives of the Act are not really met by a development control plan, so that existing 1.01 - 1.05 could be deleted leaving new 1.01 only.

New 1.06 (Old 1.05)

'Intrusion into lifestyle' is a matter for civil law enforcement. Planning law relates to the use of the land. This whole provision could be deleted as it appears to be discriminatory.

OFFICE COPY
RURAL RESSETTLEMENT TASK FORCE

1.05 To protect existing land owners against unreasonable intrusion on (their lifestyle or) their use and enjoyment of their land.

a separate building which is a component of an expanded dwelling house

DEFINITIONS

2.01 For the purposes of this Code and any application for approval by Council under the Code, the meanings ascribed to various words and phrases by the Local Government Act, 1919, as amended, or the Environmental Planning & Assessment Act, 1979, shall apply (unless inconsistent with the text of the Code).

~~DELETE~~ "unless inconsistent with the text of the Code".

The "code" cannot override definitions in Acts.

Bring into line with E.P. & A. Act provisions.

2.02 The following words and phrases shall have the particular meanings ascribed to them hereunder.

~~AMEND~~ "Code" to "Development Control Plan".

OFFICE COPY
RURAL RESETTLEMENT TASK FORCE

2.03 LIVING UNIT The area of a building occupied by a single family usually consisting of parents and their children who live and act in accordance with the conditions maintained by the accepted head of the family.

D.H. or E.P.A.

~~REPLACE~~ 2.03 with:

"2.03 DWELLING UNIT an area of a building or buildings occupied by a group of individuals who live and act in accordance with conditions accepted by the group."

This covers the traditional family group as well as the extended family and group living situation of many hamlet dwellers. The present definition in 2.03 only refers to a nuclear family situation.

2.04 MULTIPLE OCCUPANCY The occupation of expanded or individual buildings on a clustered or dispersed basis by a group or groups of individuals with an ownership interest in the entire parcel of rural land (at density levels in excess of that permitted by the environmental planning instrument (being one dwelling for each parcel together with approved worker dwellings)).

2.04 ~~DELETE~~ "at density worker dwellings"

2.04 ~~REWORD~~: "MULTIPLE OCCUPANCY. The occupation on a clustered or dispersed basis of rural properties in common ownership, by means of individual buildings or expanded houses."

The density levels are permitted by I.D.O. 40 and cannot therefore be described as being in excess of the IDO provisions.

The rewording follows Circular 44 and makes it clear that the "clustered or dispersed basis" refers to the land.

2.05 PERCEL OF LAND All the land owned by a group of people or body seeking approval to the multiple occupancy of land in accordance with This Code. ADD "2.07 EXPANDED HOUSE A group or cluster of buildings which together function as a dwelling house, ~~dwelling unit or class 1 building.~~"

This concept is suited to an arrangement where several physical structures (living units) together perform the function of a traditional dwelling house and so is appropriate for use in the hamlet situation. It also accords with definition 2.04.

2.06 PUBLIC ROAD NETWORK The public roads that have been constructed to Council's standards and are maintained by Council for the benefit of the public.

AREA OF PARCEL

3.01 The minimum area of land on which multiple occupancy may be approved shall be 40 hectares.

3.02 The land subject to approval for multiple occupancy shall be that contained in one portion or lot of an area in excess of 40 hectares.

3.03 Where land consists of several portions or lots, Council may grant approval for the use of the land for multiple occupancy conditional upon the consolidation of the various lots into one single parcel prior to the development being carried out.

OFFICE COPY
RURAL RESETTLEMENT TASK FORCE

M4 OWNERSHIP

4.01 The land to which a multiple occupancy application refers shall be owned in its entirety in common by at least two-thirds of all adult persons residing on the land or by co-operative or other approved corporate body of which the residents of the land are shareholders.

4.02 The articles of association, deed, 4.02 DELETE of agreement or trust document binding the various persons comprising the ownership group is to be in a form and manner approved by Council.

This goes beyond the requirement of the I.D.O. or Circular 44. An applicant must demonstrate 4.01 and this is enough.

4.03 A caveat in the name of the Council is to be placed on all the land in the parcel preventing the disposal of any part of the parcel by direct sale or subdivision without the written consent of Council.

4.03 DELETE "A caveat preventing the"

INSERT "When land is approved for multiple occupancy the I.D.O. prevents"

The I.D.O. already prohibits such sale or subdivision but a caveat is an extra unnecessary expense which discriminates against m.o. users. It is apparently not possible for old system title.

4.04 The owners as nominated on the application form shall be responsible for all commitments and obligations to Council and shall receive on behalf of all owners and tenants any notices issued by Council in respect of the parcel of land.

OFFICE COPY
RURAL RESETTLEMENT TASK FORCE

4.05 All applications for development in accordance with the approved control plan shall be made jointly by the owners and the resident who will occupy the building.

M5 APPLICATIONS

5.01 All applications for approval of multiple occupancy shall be accompanied by a plan showing the full extent of the parcel to which the application applies and detailing thereon the overall concept including the location of dwellings, other buildings, areas to be used for home gardens, agriculture, re-forestation, access tracks, water supply facilities and any other special

5.01 DELETE "the location of dwellings" and ADD "the specification of areas within which dwelling units or expanded dwelling houses will be located."

The appⁿ should similarly specify areas for other buildings.

Definitions changed as per earlier comments. If Council is prepared to assist flexibility by approving areas within which a dwelling may be sited, then this should be made clear. ~~It~~ This will avoid the need for further development approval when later buildings are sought, as long as they are in approved

5.02 The plan referred to in 5.01, should the application be approved, become the development control plan for the development.

5.02 DELETE "development control plan will for",
INSERT "approved scheme guiding"

This has a specific and different meaning in the E.P. & A. Act and the suggested wording avoids it.

5.03 The application shall also be accompanied by a statement setting out the aims and objects of the owners and a detailed submission setting out the various environmental factors which will be affected by the development, what action is proposed to be taken to ensure protection of the environment and what development proposals and land use controls are envisaged to ensure compliance with the various requirements of this Code.

5.03 INSERT after "aims and objectives of the owners" the words "in relation to the use of the land"

It is beyond the I.D.O. to require any other such information and this should be clear.

5.03 DELETE "this code" add "this Development Control Plan"

In line with new legislation - see comments on title page.

OFFICE COPY
RURAL RESETTLEMENT TASK FORCE

5.04 All applications for approval of multiple occupancy shall be advertised at least once in a newspaper circulating in the district advising that details of the application may be inspected at the Council's offices for a period of twenty-eight (28) days and that within that period any interested person may inspect the plans and written submission attached to the application.

Possibly
5.04 DELETE "28 days"
INSERT "14 days" or "21 days"

A provision requiring advertising should be put in the I.D.O. and not here. 28 days is a long period when Council is required to deal with an application in 40 days overall. Clause 10(3)6 of the Model Provisions provides 14 days for other advertised development - why not adopt the same here?

5.05 Within the period nominated in the advertisement, Council will receive representations in support or in objection to the proposal.

26 CONSENT

6.01 At the expiry of the period nominated in 5.04 Council may at a suitable meeting consider the application. ~~DELETE~~ "may"; INSERT "will"

Council is required to deal with an application.
N.B. The E.P. & A. Act requires that applications be dealt with in 40 days (S.96(1)(a)).

6.02 In determining the application Council ~~shall~~ have particular regard to the following matters in addition to those matters set out in Section 90 of the Environmental Planning & Assessment Act, 1979.

6.02 ~~DELETE~~ "in additionAct 1979".

The matters listed can only expand on Council's interpretation of Section 90 - they can't be additional to Section 90, which is a complete list of heads of consideration. This reflects the status of the Development Control Plan - it is subordinate to the deemed Local Environmental Plan (I.D.O. 40) which is in turn subordinate to the Act.

6.02 (a) the suitability of the land for the purpose having in regard its character, area, location, capacity to accommodate additional population and to its relationship generally to adjoining lands, community facilities and services and also existing and future land use in the locality;

(b) the environmental quality of the development assessed with particular reference to the following factors together with any other factors that Council considers relevant - 6.02 (b) ~~DELETE~~ "together withconsiders relevant" INSERT "together with any other factors which affect the environmental suitability of the land"

Council is bound to limit its consideration to matters in the policy, the Act, or the I.D.O. (see Section 15(3) of I.D.O.)

- (i) the vista seen from any public road
- (ii) the existing and proposed use of the principal part of the parcel;
- (iii) the use of adjoining lands;

OFFICE COPY
RURAL RESETTLEMENT TASK FORCE

- (iv) the effect of the proposed development on surface runoff and soil erosion;
- (v) the effect of the proposed development on the silvicultural use of the land;
- (vi) the likelihood of natural stream pollution and
- (vii) agricultural suitability.

(c) the effect on the continued existing use of the adjoining lands;

(d) the implications for adjoining property owners who have made representations to Council; and

(e) the degree of compliance with the requirements of this Code, the Local Government Act and Ordinances or Regulations of Council.

(e) ~~DELETE~~ "Code"; INSERT "development control plan".
Possibly delete whole section?

As before.

People must comply with Acts and Ordinances, can we really accept degrees of compliance, and then judge between one applicant and another?

M7 ACCESS

7.01 That part of the access track from the constructed public road network to the boundaries of the parcel shall have a surface suitable for travel by conventional motor cars in all weathers.

7.02 All living units must be sited so as to have reasonable access.

7.02 What is "reasonable access"?

OFFICE COPY
RURAL RESETTLEMENT TASK FORCE

M8 DENSITY OF OCCUPATION

8.01 Development of the parcel shall not exceed the following densities -

- (a) the total number of living units shall not exceed the ratio of one unit for each two hectares of the total parcel; and
- (b) the density of living units within a radius of 55 metres (an area of approximately 1 hectare) centred on the location of the proposal shall not exceed four existing units.

8.01 DELETE

New 8.01 INSERT "Applicants must demonstrate that as a result of their proposals the density of occupation will not exceed that reasonably required to house one person per hectare of the holding".

The I.D.O. sets out the density of occupation as one person per hectare maximum. This document cannot introduce a different control (dwellings per hectare). If Council wants to use dwellings per hectare it should seek to amend the I.D.O. The provision under (b) prevents clustering which may be environmentally desirable in some cases. The whole of 8.01 should be removed and the rewording adopted. There are mechanisms for using different controls and the Department can advise on this.

M9 SERVICES

9.01 Approval of a multiple occupancy development proposal cannot be inferred as placing any obligation on Council to provide or support applications for community facilities such as:

- improvements to the public road network;
- water or sewerage services;
- electricity supply;
- telephone facilities;
- post office or mail services;
- community hall;
- sporting or recreational facilities;
- shops;
- bus services;
- schools;
- baby health or medical clinics;
- library.

OFFICE COPY
RURAL RESETTLEMENT TASK FORCE

M 10 APPROVAL OF BUILDINGS

10.01 Following the approval to use certain lands for a multiple occupancy development, application shall be made to Council for development approval of all buildings other than those used solely for agricultural purposes.

10.02 All applications shall be in conformity with development control plan approved by Council unless prior consent to the amendment of the control plan has been granted.

10.03 Buildings shall conform to the respective requirements of this Code and the Ordinances under the Local Government Act.

10.01 DELETE. Substitute:
"Applicants will need to submit an application for development (planning) approval and building (Local Govt. Act) approval. These may be done together providing all information is included."

10.02 DELETE. Substitute:
"Where there is an existing development approval, building applications should comply with the development approval. If they do not, an amendment or extension of the development approval must be sought."

"Approval to use lands" is the same as "development approval". Only one application should be required.

To make the distinction between D.A. and B.A. approval clear and indicate an amended D.A. is needed if a B.A. goes beyond it. However, if there is an existing D.A. for the land, only a B.A. is needed.

M 11 FIRE PROTECTION

11.01 Adequate fire breaks shall be provided to protect each living area aimed to prevent the escape of any fire from the area.

11.02 Each building shall have an area surrounding it not being less than 5 metres in width kept clear of weeds, vegetation or flammable material except for cultivated gardens.

11.03 The occupiers of each building shall maintain adequate fire fighting facilities.

11.02 Amend to read "each building shall have an area surrounding it kept clear of flammable material."

Where is the basis for specifying such details?

OFFICE COPY
RURAL RESETTLEMENT TASK FORCE

12 WATER

2.01 Adequate water supply shall be available to each building used as a living unit.

12.01 ~~DELETE~~ "building used as a living unit" INSERT "expanded house".

sub house or expanded house.

A single source of supply to each expanded house is only needed. Where there are communal facilities there is no need for further supply points.

2.02 A piped water supply shall be available to each kitchen fed from an approved source.

What is an "approved source"?

2.03 Reserved supplies of water for fire fighting purposes shall be maintained in suitable tanks or dams.

13 DRAINAGE

13.01 Sullage and septic systems in conformity with the relevant requirements of the Health Department shall be provided for each building used as a living unit.

13.01 ~~DELETE~~ "septic"; INSERT "sewerage".

13.01 For "building" substitute *house or* "expanded house".

Not only septic systems meet Department of Health requirements - in some areas cesspits are adequate, certainly in the basalt soils of the Lismore area. One such system per expanded building is adequate.

13.02 No sullage or septic effluent absorption trench shall be located within 10 metres of any water course.

Is this standard invariable?

13.03 No sullage water shall be discharged direct onto the ground without passing through adequate grease traps or other suitable facilities approved by the Health Department.

OFFICE COPY
RURAL RESETTLEMENT TASK FORCE

M 14 BUILDINGS

14.01 No buildings shall be located within 50 metres of any perennial water course.

14.01 This distance could vary with soil and site conditions. It might be varied if applicants can prove there would be no adverse environmental effect.

14.02 No buildings shall be erected without prior development and building approval having been obtained from Council in writing.

^{dwelling}
No houses or expanded dwelling houses
As per 14.01

1. Bldgs for ag. use do not require consent in Council rural zones

Ag. use do require Bldg approval.

Such an order is subject to appeal.

This is a Council option, not an option for applicants.

14.03 Any building erected without having first obtained the necessary approvals or in contravention of an approval shall be subject to an immediate demolition order and prosecution (maximum fine \$200 plus \$20 per day for each continuing day). They have the option of evoking the provisions of Section 317B of the Local Government Act by which an illegally constructed building may, as an option to demolition, be brought up to the required standards.

14.03 ~~DELETE~~ "immediate"

14.03 ~~DELETE~~ "They have required standards".

14.04 While ever a demolition order or prosecution is pending against the owners of a multiple occupancy farm, Council reserves the right to refuse to consider any further applications for development of the parcel.

14.04 ~~DELETE~~

Council is bound to consider any application submitted to it.

14.05 No temporary buildings, tents, caravans or the like shall be erected on the land without prior issue of a movable dwelling permit and compliance with any conditions contained therein.

OFFICE COPY
RURAL RESETTLEMENT TASK FORCE

14.06 All buildings used for residential purposes shall have self contained facilities in accordance with the requirements of the Local Government Act Ordinance.

14.06 DELETE "buildings" and INSERT "dwelling units and expanded houses".

It is not ^{under} necessary to require such facilities for individual buildings if they ~~don't~~ function as a dwelling unit.
part

15. LOCATIONS

Insert a description and map of areas where the policy applies.

Useful to make the document a complete information source.

16. RESTRICTIONS

No land approved for multiple occupancy can be subdivided or used for a hotel, motel, caravan park or any other type of holiday, tourist, or weekend residential accommodation.

Useful to draw attention to restrictions in I.D.O. 40

17. BASIS FOR THIS DEVELOPMENT PLAN

The details of this Development Plan have been adopted by Council following a process of Public Exhibition and comment. They conform to the provisions of the relevant environmental planning instruments:

Provides a complete reference to aid and expand comprehension. The public exhibition allows people to comment on provisions which will affect them.

- (a) deemed Local Environmental Plan: City of Lismore I.D.O. 40 gazetted on 29/8/80;
- (b) State Planning Authority Circular Nos. 35 & 44 referred to in Minister's Direction under Section 117 of the E.P. & A. Act, 1979, as made on 27/8/80

OFFICE COPY
RURAL RESETTLEMENT TASK FORCE

RURAL RESETTLEMENT TASK FORCE
SUBMISSION TO KYOGLE SHIRE COUNCIL RE MULTIPLE OCCUPANCY CODE

The Rural Resettlement Task Force (RRTF) is a North Coast non-profit community organization which seeks to assist the development of Multiple Occupancy (M.O.) particularly for low income people.

This submission does not address itself to the specific proposed provisions of the Code but rather to the urgent necessity for Council to finalise approval of a Code which should be generally acceptable to all sections of the Community as well as the Department of Environment and Planning. In reaching its decision we respectfully request Council to take careful consideration of the following points:

- 1) M.O. is a legitimate form of housing for all sections of the community supported by State and Federal governments including the Prime Minister and senior Cabinet ministers;
- 2) M.O. is a rural use of land which, generally speaking, maintains and often enhances the rural character of the land and agricultural production. Claims about increased fire risk to neighbours are not sustained by facts. To our knowledge no fire has ever started on and escaped a M. O. property on the North Coast.
- 3) Acceptance of a Code by Council will help to control and regularize development of M.O. in this Shire. Your attention is drawn to the example of Co-ordination Co-op Ltd. at Tunttable Falls, generally regarded as the largest and perhaps most 'infamous' M.O. property. Here over 100 Council approved dwellings have been constructed to date with a total replacement value in excess of \$1,000,000.
- 4) It is not within the powers of Council as the consenting authority to pass judgement on the dietary, religious or philosophical beliefs of community members except in so far as such considerations might effect the environment or social amenity of the area as defined by the laws of this State.
- 5) Council's role should be to seek to bring all sections of the community together and not to create or promote divisions within it. It should seek to assist all sections of the community whether they are young or old, rich or poor. In any event stereotyped representations of all M.O. residents being young, long haired vegetarians are not supported by facts.
- 6) It has been put to us that hundreds of residents in this Shire are waiting for Council to approve a Code so they can submit development and building applications. There is a financial incentive for this to occur because many residents will qualify for the new Home Ownership Assistance Scheme Grants once Council approval is forthcoming. This will serve to both provide good housing for those concerned and will provide an influx of funds and business activity in this Shire amounting to hundreds of thousands and possibly millions of dollars.
- 7) Any undue delays in acceptance of the Code will only cost the entire community dearly through environmental and civil litigation and much more importantly through social alienation and frustration of large sections of the community.
- 8) Social problems sometimes associated with M.O. such as unemployment, use of drugs and homelessness are in fact not created by M.O. but lessened by it. Councils have a role to play in assisting the 2,000,000 Australians in this country who are living below the poverty line.
- 9) It is not the function of Council to attempt to control or discourage population drift to this area. In fact most Councils seek to promote it and decentralization is a State government policy. This population influx has and continues to keep many rural North Coast villages 'alive and well' with business and service activity. Many schools, hospitals, halls, surgeries and post offices 'owe' their continued existence to this population drift to village areas.

To conclude we request that Council give urgent and sympathetic consideration to approving a M.O. Code acceptable to all sections of the community.

25 Oct. 1983

Dave Lambert
Secretary
P.O. Box 26
Nimbin 2480.

Rural Resettlement Task Force
P.O. Box 62, NIMBIN N.S.W. 2480
23rd October 1984

The Hon. F.J. Walker Q.C., M.P.,
Minister for Housing
Parliament House
Sydney, N.S.W. 2000
Attention; Dick Persson

Dear Minister,

Enclosed you will find a submission
for a grant to assist the Rural Resettlement Task
Force with its ongoing administrative expenses.

Your support in this matter would
greatly assist the Association with its aims of
assisting low cost rural resettlement.

Thank you for your consideration,
Yours faithfully,

Dave Lambert, Secretary

RRTF File under:

RRTF

Submissions

Rural Resettlement Task Force
P.O. Box 62, Nimbin, N.S.W. 2480
Tel(066)891 430

Application for Grant to cover Administrative Costs

History

In early 1983 a number of individuals and Nimbin Neighbourhood Centre made representations to the N.S.W. Minister for Housing and the Chairman of the Land Commission of NSW (LandCom) to become involved in the provision of low cost Multiple Occupancy (M.O.) housing.

These representations led to a public meeting + seminar held in Nimbin on June 18th 1983 with Jane Miknius and Robin Reed representing LandCom + the NSW Land Co-ordination Unit. This meeting agreed to form the Rural Resettlement Task Force (RRTF) and to make further representations to various Government Departments.

A subsequent meeting approved a Constitution (Appendix A) and elected a steering Committee to manage the Association's affairs between general meetings. The RRTF is willing to amend this constitution consistent with the suggested rules for Charitable Institutions recommended by the NSW Department of Services if this is required for funding.

The Need for a Representative Association for Multiple Occupancy.

In recent years the development of M.O. has become beset by a relatively large number of legal, political and financial impediments. The legal difficulties are the result of incompatible legislation and Councils delaying full implementation of M.O. These legal difficulties are well highlighted by two publications by Scott Williams of the Australian Rural Adjustment Unit (University of New England) titled Low Cost Rural Resettlement and The Report; as well as in the Feasibility Study released by LandCom.

The financial impediments have largely arisen from the the sky-rocketing of local land prices and the legal and other difficulties that have prevented lending institutions from advancing mortgage funds for M.O. developments.

Nimbin Neighbourhood Centre presently has some 200 applications on file from those wishing to join M.O. properties. Of this number 82% had savings of \$1000 or less and only 13% had savings of \$5000 or more. Of the surveyed applicants for the LandCom M.O. Pilot Project, 94% were on Social Security Benefits or similar income from other sources. None of these applicants presently owned their own home and many required housing as a matter of urgency.

OBJECTIVES of the RRTF as set out in its Constitution (Appx 1)

- a. To assist in making land available for sustainable lifestyle rural communities.
- b. To assist resettlers in establishing such communities.
- c. To provide an on-going and widely based information and policy group for study, evaluation and analysis and other work for government departments, agencies and other interested bodies.
- d. To provide workshops, seminars, and the dissemination and exchange of information of value to potential resettlers.
- e. To make representations on appropriate matters.
- f. To recommend to Government departments and agencies appropriate consultants and work groups for specific resettlement tasks, and
- g. To stimulate the growth of similar affiliated bodies to assist rural resettlement in other areas.

COMMUNITY AND GOVERNMENT LIASON

The RRTF has been involved in commenting on Lismore Council's Rural Study and their M.O. Code. In addition to our work with Lismore City Council and LandCom, the RRTF is in fairly continuous liason and consultation

with the following offices:-

Prime Minister's Office

Dept of the Attorney General

Dept of Education and Youth Affairs

Dept of Housing and Construction

NSW Dept of Housing

NSW Dept of Local Government

NSW Dept of Environment and Planning

NSW Attorney Generals Office

Australian Rural Adjustment Unit

Australian Association of Sustainable Communities.

Nimbin and Lismore Neighbourhood Centres and Youth Refuges

Local Youth and Welfare, + social workers

Lismore, Kyogle, Murwillumbah CYSS's

Local aboriginal groups, and Homebuilder Associations

North Coast Community Tennancy Scheme

FUNDING

During the past year the RRTF has received donations from Sustainable Settlement Planners and from several existing M.O. Communities amounting to several hundred dollars. This money has been spent (virtually as soon as it was received) on paper, postage, photocopying and telephone costs to promote and carry out the Association's objectives. The Association is currently in debt for about \$200 to two of its members and finds itself in the unenviable position of being unable to afford to advertise for further donations. Recently the Nimbin Homebuilders Association donated a MicroBee Computer to the RRTF, however a printer will have to be purchased in future for it to function as a word processor.

It is proposed that the Ministry be requested to provide a grant to meet the Associations most basic administrative requirements on an annual basis. This would allow the Association to carry out its objectives without the constant worry and constraint imposed by

insufficient funding. It would enable the Association to publish a newsletter for intending and existing M.O. Communities on a quarterly basis which would in turn give the Association the opportunity of seeking further support from them.

The general need for some government assistance to organisations such as the RRTF is acknowledged in LandCom's Feasibility Study (S .4.4,1 and 2) and by the Australian Rural Adjustment Unit, - The Report (pp37-40)

Proposed Budget

Newsletter	450
Photocopying	200
Paper + Office supplies	300
Postage	150
Publications	150
Telephone	200
Rental Media Centre, 1 day/week	260
Petrol, travel money	400
P.O. Box rental	25
Registration under proposed Assn. Incorp'n Act 75	
	<u>\$2,210</u>

Conclusions

This coming year is important for the general future of M.O. as the Dept of Environment & Planning is drafting a State Environmental Planning Policy of M.O. , while many Councils are finalising their Local Environmental Studies and subsequent preparation of Local Environment Plans. These policies will greatly shape and influence the direction of M.O. for many years to come.

It is suggested that this funding would be a cost-effective method to assist and promote low cost rural resettlement. This in turn would reduce the need for more expensive social and housing initiatives in large urban centres.

Dave Lambert (Secretary)

CONSTITUTION OF THE RURAL RESETTLEMENT TASK FORCE

1. NAME The name of the Association shall be the Rural Resettlement Task Force (RRTF)
2. OBJECTIVES These shall include:
 - a. to assist in making ~~available~~ available for sustainable lifestyle rural communities,
 - b. to assist resettlers in establishing such communities,
 - c. to provide an on-going and widely based information and policy group for study, evaluation and analysis and other work for government departments, agencies and other interested bodies,
 - d. to provide workshops, seminars, and the dissemination and exchange of information of value to potential resettlers,
 - e. to make representations on appropriate matters,
 - f. to recommend to government departments and agencies appropriate consultants and work groups for specific resettlement tasks, &
 - g. to stimulate the growth of similar affiliated bodies to assist rural resettlement in other areas.
3. MEMBERSHIP Shall be open to persons or groups interested in rural resettlement.
4. PRINCIPLES Any affiliated consultancies seeking RRTF endorsement must recognise their commitment to the on-going research and information exchange base of the RRTF, and the overall aims, objectives and policies of the RRTF Association.
5. Where possible, the RRTF will seek to create employment for persons in the immediate local area in the development of projects.
6. GENERAL MEETINGS The business of the Association shall be conducted at General Meetings.
7. STEERING COMMITTEE A steering committee elected annually at a General Meeting shall co-ordinate activities between meetings. The Committee shall elect a Convenor, Secretary and Treasurer from their membership. Any payment of committee members shall be as determined by a General Meeting.
8. A RRTF member who has a monetary or pecuniary interest in any professional consultancy dealing with rural resettlement

8. Continued.. Any elected Steering Committee member who decides to accept such a consultancy must immediately place his/her resignation before the Steering Committee, a replacement shall be elected at the next General Meeting.
9. ALTERATIONS TO CONSTITUTION a 3/4 majority at a General Meeting will be necessary to change this constitution.
10. DISSOLUTION In the event of dissolution of the Association any remaining funds and assets shall be given to a community based organisation having a like minded objective.

Standing Orders

1. A quorum of the Steering Committee shall be 40% of those elected to the Committee.
2. That all decisions at all meetings of the RRTF shall be made by consensus ("Consensus" here meaning the absence of dissent) if possible. If consensus is not achieved the matter shall be tabled to the next meeting or in the event of urgency, a 3/4 majority shall be considered sufficient.

16th July 1983

RRTF, P.O.Box 62,
Nimbin 2480

RURAL RESETTLEMENT TASK FORCE
QUOTATIONS

"We in the established conventional community should not perceive a recognised and assisted minority alternative community as any threat. On the contrary, it would be infinitely more likely to contribute to a harmonious society than the burgeoning of a disaffected body of unemployed to whom society feels it has discharged its obligation by the signing of a dole cheque".

(The Hon. R. Hawke, A.B.C. Boyer Lecture, 1979)

"I hope that by the inclusion of these provisions in the (F.H.O.S.) legislation, we will be helping Multiple Occupancy homebuilders significantly. It is the Government's intention that though the First Home Owners Scheme as many eligible people as possible will be assisted into home ownership".

(The Hon. Chris Hurford, Minister for Housing & Construction, 17 October, 1983).

"Multiple Occupancy is recognised by the State Government as an appropriate form of home ownership and the former Planning and Environment Commission issued Circular 44 to encourage it as a permissible use in rural areas".

(The Hon. F.J. Walker Q.C., M.P. Minister for Housing, 27 January, 1984)

"...the Land Commission has had to discontinue its interest in the Mt. Lindsay property as a pilot Multiple Occupancy project. This was due to the fact that Kyogle Council, after public meetings decided to only permit Multiple Occupancy in that part of the shire known as Old Terania. This area does not include Mt. Lindsay".

(Land Commission, 21 May 1984)

"You may be assured that the Government appreciates the need for various forms of housing including the provision of low cost housing".

(The Hon. T. Sheahan LL.B., M.P. Minister for Planning and Environment 2 July, 1984)

"I will discuss the matter with Mr. Sheahan from the point of view that it is now many years since Multiple Occupancy was approved, and that it might be time to review what has happened to determine if there are any problems which were not envisaged, and which can now be rectified."

(The Hon. K. Stewart M.P. Minister for Local Government, 3 August, 1984)

"Latest estimates by university researchers are that there are in excess of 60,000 people presently living what has been known as an alternative lifestyle. A substantial proportion of these people are living illegally and the reason for this lies squarely at the doorstep of the three tiers of government . . . Only some 8 shires on the entire east coast of Australia presently permit this form of land tenure (called Multiple Occupancy)".

(Scott Williams, "Sustainable Rural Resettlement: The Report". Aust. Rural Adjustment Unit, University of New England. Armidale, 1984)

Nimbin 'droogs' may be kibbutz founders

In Nimbin, in what has become known as the rainbow region, the lush strip between the coast and mountains of northern NSW, a new import of unemployed people are known as "droogs".

Eleven years after the Aquarius Festival prompted hundreds of people to start communes in the area, some of the older and often middle-class "hippies" are displaying similar prejudices to the farmers and townspeople, who first objected to their presence.

But it is these unemployed people, unable to buy shares in the established communes, who could be candidates for the kibbutz-style farms that the Prime Minister, Mr Hawke, touted at the International Labour Organisation convention in Geneva last year.

And in an unusual turnaround, governments and even some councils are listening to the advice of the original commune-dwellers.

Rather than putting Mr Hawke's idea on the shelf, the Federal, NSW and other State governments are actively looking at the proposal to create such "hamlets", as they are known in Nimbin-speak, or "sustainable rural communities" in government-speak, as one way of tackling unemployment.

Much of the success of these new-style communes hinges on local government attitudes to multiple occupancy — community-style development on farm or bush land by people who have pooled their resources.

Many of the people who support the concept of communes are lobbying the NSW Government to issue a State Environment Planning Policy to allow multiple-occupancy development throughout the State, which would mean greater flexibility in the number of houses that could be built on a piece of land.

It is this principle that shire councils, particularly on the coast, are attempting to come to grips with.

The councils want to ensure they can still receive the rates owing to them and have a clear idea of what their obligations are in regards to roads and services.

In the meantime, the Federal Government is looking at legal aspects to ensure more flexibility by local and State government in this area.

One body that is actively involving itself in the concept of settling unemployed people and pensioners on the land is the NSW Land Commission.

A group of Nimbin people, who call themselves the Rural Resettlement Taskforce, approached Landcom last year about setting up a multiple-occupancy pilot project.

The department last year considered a 165-hectare project on the Richmond River, which was good agricultural land and cheaper than the mountainous but popular Nimbin area.

The property purchase fell through when the Kyogle Shire decided to allow multiple occupancy only in the

east of the shire, towards the Terania Creek region.

Landcom is presently looking for other land that might be suitable and its study on the policy issues involved, to be issued soon, investigates what role it could have in this form of development.

A member of the taskforce, Mr Dave Lambert, lives in a house he built at Lantana Island part of one of the first communes in the Nimbin area.

He grows fruit and vegetables on his land but said many people relied on pensions and unemployment benefits. Some people on other Nimbin communes worked in Lis-

the once-dying Nimbin had discovered.

Mr Terry McGee found Tunttable Falls around the time of the Aquarius Festival.

Now living and working at the Nimbin Bush Factory, a butter factory converted into a media/arts centre, he acts as a consultant helping establish 1984-style communes or hamlets. He finds the properties and the people to buy shares and form a community as well as negotiating with the council about roads, water and services.

According to Mr McGee the safest approach from the Government if it is to become involved in establishing communes is to help groups of people, who have gained council approval for a particular property.

Since Mr Hawke's initial statements several Federal Government departments have been looking at the



Nimbin, in the "rainbow region" ... newcomers find it difficult to buy shares in established communes.

more, about 45 minutes away by car.

But it is almost impossible for new people to buy shares in these communes — even if they had the money. And it is as equally difficult to get out of them.

In most cases shareholders are not allowed to sell their houses if they decide country life is no longer for them, even though they may now be worth about \$40,000.

One woman who put up 10 candidates to replace her on her commune has still not had one accepted by the community.

Mr Lambert said about 200 people, including skilled tradesmen, teachers and nurses, showed interest in the Landcom scheme in the first week it was mooted.

The idea was that after Landcom found the land, approved applicants could buy shares of about \$5,000 each. Landcom saw the availability of the first home buyer grant, worth about \$7,000, as crucial for the success of the project.

The houses would have been in hamlets, built by individuals and they would have been able to sell them. They also would have had a testing period before buying a share.

Mr Lambert thought that these communes would become better accepted when locals came to see the financial benefits of getting 200 extra people into the area, as the locals of

whole question of "local employment initiatives" — aimed at long-term employment and ways to change legislation that could impede these sort of projects.

The assistant secretary of the youth programs branch of the Department of Employment and Industrial Relations, Mr Nick Schouten, said: "All the legislation is geared to the traditional way of doing things."

For example, the Department of Social Security was investigating whether the money earned by a commune-dweller may impinge on his social security benefits, or whether an unemployment recipient on a commune was breaking the rules because he was not actively looking for work.

Community attitudes also needed to be tackled — one of the reasons why the first Landcom experiment did not work.

Although the Government has been inundated with information it hasn't yet decided whether it will assist or not and there is no program of support in the next Budget.

A lecturer at the Northern Rivers College of Advanced Education, Mr Maurie Ryan, sees the most likely candidates of the government-backed communes as rural children rather than the hard-core unemployed city children.

He said that many retired farmers had said they would love to become involved.

'Viable' commune scheme released

Despite extraordinary legal, financial and planning constraints, communal lifestyles have increased in popularity in the Far North Coast in the past 10 years.

This, in turn, has become a nagging headache for local government councils such as Tweed, Byron, Lismore, Ballina and Kyogle.

These councils are operating without established formal planning controls permitting multiple-occupancy developments.

In an attempt to overcome problems created because of government policy lagging behind the demand for multiple occupancy, the Nimbin-based Rural Resettlement Task Force lobbied the State Government to request that the NSW Land Commission establish a pilot multiple-occupancy project on the North Coast.

The Minister for Housing, Youth and Community Services and Aboriginal Affairs, Mr. Walker, supported in principle the establishment of a pilot project by the Land Commission and he requested the preparation of a feasibility study into all aspects of implementing such a project.

A multi-disciplinary team of 'Sustainable Settlement Planners' was hired to investigate the feasibility of 'sustainable rural communities that offer a viable alternative lifestyle'.

The team consisted of a project coordinator and planning adviser, Mr. Rob Doolan, of the Byron Shire; an engineer, Mr. Denis Fulford, of Bangalow; a market analyst, Mr. Bob Hirst, of Sydney; an education program planner, Ald. Mac Nicolson of the Lismore City Council; solicitor Mr. Tony Pagotto, of Lismore; and a financial analyst, Mr. Shann Turnbull, of Sydney.

Social aspects

Their report, covering the social aspects of community formation, planning considerations, legal issues, financial structures and Government policy initiatives for multiple-occupancy

developments, has been released.

According to the report, multiple-occupancy generally refers to the co-operative purchase and shared use of rural land. It involves a number of purchasers combining their financial resources and, by whatever legal means they choose, becoming joint owners of a single land parcel.

An understanding is adopted by multiple-occupancy dwellers that property management and maintenance responsibilities, including establishment and running costs, are shared by the owners in a co-operative manner rather than as individuals.

The advantages of this type of lifestyle relate to cost as well as social cohesion. The report states that the purchase price of shares in multiple-occupancies relates directly to the land cost and number of shareholders.

Share prices

Surveys of existing communities show that the shares range from \$4000 to \$10,000, depending on location — generally based on their distance from the coast.

While comprehensive statistics on multiple-occupancy in North-Eastern New South Wales are not available, the planners estimate that there are about 96 multiple-occupancies in the Richmond/Tweed sub-region, covering an area from Tweed Heads to Ballina and Kyogle.

In the absence of any provision within the local councils' planning guidelines to permit multiple-occupancy as a legal form of land tenure, 34 of the 96 communities are legal, and the remaining 62 are illegal. It was estimated that in total, 1500 people were living on these properties.

These developments have led to a major Federal Government involvement in investigating the potential role of rural self-sufficient communities in response to

a continuing trend of long-term unemployment.

In their feasibility study, the planners recommend that the Land Commission should purchase the land, obtain the appropriate zoning and development approvals, develop the land to a basic standard, then sell the land to a formally constituted corporate organisation.

Cheap land

They say that the project should make land available at the lowest practicable price to people seeking ownership in a rural multiple-occupancy lifestyle.

The report recommends training, management and selection programs and skills workshops to assist the success of the communities.

The skills workshops would include training in consensus decision-making, communications, legal management, house design, survival skills, permaculture, soft technology, fire prevention, child-care, mechanics, tool-making, animal husbandry and small business management.

In considering the selection process for the communities, the planners investigated a number of existing communal farms.

They found that a common mistake among a group of friends who had formed a community was to assume that there was no need to set out a clear management and legal structure with an agreed-upon decision-making process from the outset.

The planners recommended that an initial small number of people establish a core group which then selects the remainder of the community, according to common ideals and aspirations, skills and age.

Hamlet groups

From the community, hamlet groups of about 20 people would be established, with each hamlet having autonomy over a particular section of residential land,

while common land, agricultural land and wilderness would be managed by the community.

New members would be chosen from a waiting list according to certain criteria, and would be required to spend six to 12 months on the property before being accepted as a shareholder, in a two-way process to assess compatibility.

While the communities are aimed at catering for young, unemployed people, it is recommended that a cross-section of people of all ages, skills and experience be participants.

It is unlikely that any significant income would be derived from the communities in the formative years, and the planners see unemployment benefits and other Governments benefits being the staple source of income initially.

They see the community development as having permanent positive effects on the economy of the locality by way of increased use of service facilities.

The planners recommend that no single State or Federal agency co-ordinate multiple-occupancy. Planning issues, finance and legal issues would be dealt with by individual agencies.

As an initial policy change, they recommend the enactment of a 'Community Titles' Act, and amendments to the Companies Code.

They envisage a 'Community Titles' Act would enable the issuing of separate titles to participants in the project for land occupied exclusively by them.

Secure tenure

This would enable individual participants to freely mortgage their 'title' or 'interest' and would provide greater security of tenure.

Briefly, land tenure arrangements for the community would include freehold title to all the land occupied by the community, mortgages and selling of land only on a consensus basis, and leases for all land privately used or occupied.

For the individual, arrangements include decision-making voting rights for permanent members over the age of 18; home-owners may obtain a pro-rata share in the community's land and a lease over their home site; home-site leases would qualify for First Home-owners Scheme grants; home-site leases would provide adequate security for conventional housing loans.

Home-site leases could be sold at any time at any price, but shares associated with the lease must be purchased from the community.

This would allow the community to control entry and to capture back the capital gains created in the community

to pay off any community mortgage and create buy-back reserves. It also allows the home-owner to capture back the cash and 'sweat' equity invested in the home-site.

The planners detail arrangements that can be made to provide publicly available private-sector finance on normal terms without any special Government intervention.

The report details a workable legal structure for multiple-occupancy projects, considering an individual's security of tenure and equality between members of the community to be of principal importance.

The planning adviser for the Sustainable Settlement Planners, Mr. Rob Doolan, said that the multiple-occupancy study was 'potentially one of the most constructive initiatives that any government could undertake with current changing trends in employment and household formation patterns'.

Embryonic stage

"We acknowledge that considerations for multiple-occupancy still are at an embryonic stage, but the only way to assess the success of this form of lifestyle is to give it a realistic chance," he said.

Mr. Doolan said that, traditionally, governments had addressed major issues of unemployment and housing independently.

"Our study addresses many issues at the same time at little cost to the Government," he said.

"The study was modelled on existing successful communities that have been operating for 10 to 15 years, and which grew, despite enormous constraints and opposition.

"This is a positive step in alleviating problems associated with unemployment, housing and alienation. There are few choices left."

Building rules now 'up in air': Council

The Lismore City Council will ask the State Government to provide local councils with clearly-defined guidelines for applying Ordinance 70 building standards to multiple-occupancy developments.

The approach will be made immediately through the Minister for Local Government, Mr Stewart, who will be asked to urgently clarify the responsibilities of councils when dealing with commune-style projects.

Mr Stewart will be supplied with a list of questions relating to multiple-occupancy building standards, in the hope that he can provide the council with answers when he visits Lismore next Thursday.

The questions were drawn up by Ald W G Blair, in response to the NSW Land and Environment Court decision not to uphold demolition orders issued by the council on two multiple-occupancy residences at Bodhi Farm, The Channon.

Ald Blair incorporated the questions in a lengthy motion adopted by the council on Tuesday night concerning the findings handed down by a court assessor, Mrs Judith Fitz-Henry.

Mr Stewart is expected to visit three multiple-occupancy communities in the Lismore district next Thursday as part of a three-day familiarisation tour of the Northern Rivers.

Pilot project

He also has asked the Lismore council to arrange a meeting with the Nimbin-based Rural Resettlement Task Force, which wants the NSW Lands Commission to establish a pilot multiple-occupancy project on the North Coast.

The task force claims that Government policy on low-cost housing is lagging behind the demand for multiple-occupancy development.

Ald Blair moved that a copy of Mrs Fitz-Henry's judgment be forwarded to Mr Stewart, and that he be asked to furnish the council with replies to several questions, including:

- Has his department completed its examination of the handbook, Low-Cost Country Housing, released by the Department of Environment and Planning more than a year ago.

(The booklet outlines a minimum set of building standards for the construction of low-cost homes and ancillary facilities from a variety of materials, including mud bricks and recycled timber and galvanised iron sheeting.

(The relaxed building regulations were drawn up by the Department of Environment and Planning after an inquiry in 1980 by a committee comprising representatives of the School of Architecture at Sydney University and local government.

(Two members of the committee were Ald Blair, the then Mayor of Lismore, and a senior officer of the council's health and building department, Mr W Sherring.)

- If so, does the Minister endorse the booklet as an acceptable interpretation of Ordinance 70, to be used as a guide by local government and builders for multiple-occupancy development.

- In regard to the Bodhi Farm court appeals, does the Minister agree that the Lismore council's requests for improvements to the two buildings were reasonable and in accordance with the requirements of Ordinance 70.

- If so, does he consider that the council was hasty, unreasonable or acted illegally in issuing notices of demolition.

- If not, will he advise the council on how it should interpret Ordinance 70 in regard to exterior walls and mezzanine floors.

- As Ordinance 70 is an expression of Government policy on building standards supervised and enforced by local government, would the Minister issue a bulletin advising councils how to act in interpreting Ordinance 70 in respect of multiple-occupancy developments.

- Would the Minister permit legal officers of his department to comment on the assessor's judgment, and its implications for building standards in multiple-occupancy developments.

The council is at a loss as to why the court, in lifting the demolition orders, upheld its right not to issue Section 317A certificates for the two residences.

A certificate is issued only if, in the opinion of the council, a building complies with all ordinances and any plans and specifications approved by the council.

Certificate refused

The council refused to issue certificates for the two Bodhi Farm residences because their owners failed to complete work required by the council.

A major fault shared by the two buildings, in the opinion of the council, was that they were provided with only temporary exterior walls.

The council also was concerned that the mezzanine floor of one residence was being used as a sleeping area, even though the ceiling height was insufficient.

Ald Blair said it was vital that the council get some indication from the Minister, in light of the judgment, of its responsibilities in supervising and enforcing Ordinance 70.

"If bulletins are released advising local government to make certain liberal interpretations of Ordinance 70 in special cases, that is okay," he said.

"But that information should come from the authority which drew up the appropriate regulations.

"Ordinance 70 is an expression of Government policy on building standards, and it is our responsibility to enforce that Government policy.

"If there is to be a general liberalisation of that policy in any respect, then the Minister should issue local government with advisory bulletins outlining those particular matters."

Urgent need

Ald Blair said that the Minister needed to provide the council with urgent answers to its questions if it was expected to enforce Ordinance 70 standards.

"One of the great difficulties has been that most of the work (on low-cost housing guidelines) has been done by the Department of Environment and Planning," he said.

"They have been the ones who have been giving the decisions and advice in this matter.

"But in reality, Ordinance 70 has nothing to do with the Department of Environment and Planning.

"It is the responsibility of the Department of Local Government, and councils are directly responsible to that department in the administration of Ordinance 70."

Ald B J Spash asked if the court judgment would alter the council's interpretation of Ordinance 70 in respect of multiple-occupancy.

The city health surveyor, Mr J S Douglass, said that there would be no change, so far as he was concerned.

"We will have to interpret multiple-occupancy applications in exactly the same way as we have in the past, even though we have been defeated on it," he said.

"It still is the only reasonable and sensible way to interpret Ordinance 70 in respect of this form of development."

Mr Douglass was concerned about a statement by Mrs Fitz-Henry that multiple-occupancy housing was unlikely to become a State-wide fashion.

"That is exactly what builders have been complaining about in the past — that there is one set of building standards for people out there (multiple-occupancy communities) and another set of standards for the rest of the community," he said.

Ald J F Crowther: "What you are saying Mr Douglass is that in the case of a house with a lot of trees round it, it could have a lower building standard?"

Mr Douglass: "You could build a house without walls if you wanted to."

Ald R N Hepburn: "Yeah, in the middle of Goonellabah."

Mr Douglass: "Well, why not."

Ald A M Nicolson, a trustee of Bodhi Farm who launched the court appeals, said he supported Ald Blair's motion because the matter certainly needed further clarification.

Each-way decision

"The court decision was a bit each-way, and has definitely left a situation in which no one is really clear on how to move from here on," he said.

"I can certainly appreciate the dilemma of the building department in determining how to interpret the judgment in the future.

"We (Bodhi Farm residents), as a result of this court case, would like to have seen the adoption of the Low-Cost Country Housing booklet, produced for this form of development.

"I also disagree strongly with this notion that keeps popping up that there is one law for one group of people and another law for another lot of people. That really is a lot of bunkum."

Ald Nicolson said there already were several different types of land zonings, including commercial, residential and rural zonings, where different rules applied.

In raising a point of clarification, Ald Hepburn said there appeared to be a misunderstanding on the difference between zonings and Ordinance 70.

Ald Hepburn: "Ordinance 70 covers how a building should be built. It does not say what type of building should be built, which is what a zoning does."

Ald Nicolson: "Nevertheless, so far as I am concerned, the court judgment was made within the law.

"Some people may not agree with it, but it is still the one law and it applies to everyone equally.

"Personally, I have had enough of this 'one law for one lot of people and another law for another lot of people' business. You hear this all the time, and it is just not true."

The council also resolved on Tuesday night to send copies of the Land and Environment Court judgment to the Local Government Association of New South Wales, its legal advisers and other North Coast councils involved in multiple-occupancy developments.

The confusion on building laws

THE consternation of the Lismore City Council over the future of its building regulations, following the ruling against its demolition order on two multiple-occupancy residences at Bodhi Farm, The Channon, is understandable.

Where does the council go from here?

It has a responsibility to ALL ratepayers to uphold building standards as laid down in the council's by-laws. The standards are there to protect everyone.

Without them, sub-standard structures could be the basis for slums of the future.

The council decided on the demolition orders only after patient handling of the issue, and had no alternative when the buildings did not meet the required standards.

An assessor of the New South Wales Land and Environment Court, Mrs Judith Fitz-Henry, ruled against the demolition orders but upheld the

council's right not to issue a Section 317A certificate for the two structures. These certificates are issued only if buildings comply with council ordinances and any plans and specifications approved by the council.

The assessor's ruling is a strange contradiction.

The buildings in this case had only temporary external walls, and the ceiling height in a mezzanine sleeping area was too low, under the provisions of the ordinance.

The council's problem now is whether the ruling means that any builder can go his own way in the future.

The City Health Surveyor, Mr Douglass, appears to think so. Asked in the council meeting by the Mayor, Ald Crowther, whether a house with a lot of trees around it could have a lower building standard, Mr Douglass replied: "You could build a house without walls if you wanted to."

When an alderman suggested this could be done 'in the middle of Goonellabah', Mr Douglass said: "Well, why not?"

There can be no double standards. There is a desperate need for low-cost housing, but the whole community must be protected against lowering of building standards that could turn cities into shanty towns.

The council has some very pertinent questions to put to the Minister for Local Government, Mr Stewart, when he comes to visit three multiple-occupancy communities in the Lismore district next Thursday.

Mr. Stewart must lay down guidelines for the council's responsibilities in the future.

If these mean throwing away the book on building standards, citizens will have good reason to protest in no uncertain manner.



A MESSAGE FROM HIS WORSHIP THE MAYOR

LEGAL AID

It seems to me to be a most unfair and unjust state of affairs when one group of people are unable to have access to legal aid to defend themselves, whilst another group, those initiating the action, in this case, can get access.

I refer to a case presently being heard in the Land and Environment Court in which the Lismore City Council cannot qualify for legal aid under the present criteria in spite of the fact that the Council represents all the Ratepayers in Lismore. It is not a Body apart, it is indeed the Ratepayers — represented by elected Aldermen. But the protagonists in the case, also a group of local Ratepayers have qualified — Why? How?

Why are they different from the rest?

How can a system be so one-eyed?

A further disturbing aspect is that the case is taking on all the trappings of a never-ending saga. There seems to be no end to the new material being brought forward and thus the expense goes on — and on and on, for Council and the Ratepayer.

A decision will ultimately be reached, however, but it is cold comfort to know that, win, lose or draw, Council — the Ratepayers — will be the losers financially.

Regards,

ALDERMAN JOHN CROWTHER,
MAYOR.

Northern Star 31 July 1983

THE NORTHERN STAR, WEDNESDAY, JULY 25, 1984.

Minister to inspect existing communities

The Minister for Local Government, Mr Stewart, next week will inspect three multiple-occupancy communities as part of a three-day familiarisation tour of the Northern Rivers.

The communities to be visited by Mr Stewart — the Co-ordination Co-operative, at Tuntabla Falls, Bodhi Farm, at The Channon, and Billen Cliffs, at Larnook — are in the Lismore City Council area.

Mr Stewart will be accompanied by the Secretary of the Department of Local Government, Mr Howard Fox, and other senior members of his staff.

The tour will begin next Wednesday with visits to Grafton and Casino. It is understood that the Minister also will call on the former Member for Clarence and Cabinet col-



MR. STEWART

league, Mr Don Day, at his Maclean home.

After lunching with Casino Municipal Council aldermen and senior staff, the Minister will attend a meeting of Far North Coast councils at the Casino RSM Club.

His party then will travel to Lismore for a dinner organised by the Lismore City Council.

On Thursday, Mr Stewart will meet representatives of the Lismore council, before inspecting the three multiple-occupancy communities.

Task force

The Minister also has asked the council to arrange a meeting with the Nimbin-based Rural Resettlement Task Force.

A spokesman for the council said yesterday that Mr Stewart had specifically requested a meeting with the group to discuss matters related to multiple-occupancy development.

At the conclusion of his Lismore itinerary, Mr Stewart will travel to Murwillumbah, for an afternoon meeting with representatives of the Tweed Shire Council.

Building rules now 'up in air': Council

The Lismore City Council will ask the State Government to provide local councils with clearly-defined guidelines for applying Ordinance 70 building standards to multiple-occupancy developments.

The approach will be made immediately through the Minister for Local Government, Mr Stewart, who will be asked to urgently clarify the responsibilities of councils when dealing with commune-style projects.

Mr Stewart will be supplied with a list of questions relating to multiple-occupancy building standards, in the hope that he can provide the council with answers when he visits Lismore next Thursday.

The questions were drawn up by Ald W G Blair, in response to the NSW Land and Environment Court decision not to uphold demolition orders issued by the council on two multiple-occupancy residences at Bodhi Farm, The Channon.

Ald Blair incorporated the questions in a lengthy motion adopted by the council on Tuesday night concerning the findings handed down by a court assessor, Mrs Judith Fitz-Henry.

Mr Stewart is expected to visit three multiple-occupancy communities in the Lismore district next Thursday as part of a three-day familiarisation tour of the Northern Rivers.

Pilot project

He also has asked the Lismore council to arrange a meeting with the Nimbin-based Rural Resettlement Task Force, which wants the NSW Lands Commission to establish a pilot multiple-occupancy project on the North Coast.

The task force claims that Government policy on low-cost housing is lagging behind the demand for multiple-occupancy development.

Ald Blair moved that a copy of Mrs Fitz-Henry's judgment be forwarded to Mr Stewart, and that he be asked to furnish the council with replies to several questions, including:

- Has his department completed its examination of the handbook, Low-Cost Country Housing, released by the Department of Environment and Planning more than a year ago.

(The booklet outlines a minimum set of building standards for the construction of low-cost homes and ancillary facilities from a variety of materials, including mud bricks and recycled timber and galvanised iron sheeting.

(The relaxed building regulations were drawn up by the Department of Environment and Planning after an inquiry in 1980 by a committee comprising representatives of the School of Architecture at Sydney University and local government.

(Two members of the committee were Ald Blair, the then Mayor of Lismore, and a senior officer of the council's health and building department, Mr W Sherring.)

- If so, does the Minister endorse the booklet as an acceptable interpretation of Ordinance 70, to be used as a guide by local government and builders for multiple-occupancy development.

- In regard to the Bodhi Farm court appeals, does the Minister agree that the Lismore council's requests for improvements to the two buildings were reasonable and in accordance with the requirements of Ordinance 70.

- If so, does he consider that the council was hasty, unreasonable or acted illegally in issuing notices of demolition.

- If not, will he advise the council on how it should interpret Ordinance 70 in regard to exterior walls and mezzanine floors.

- As Ordinance 70 is an expression of Government policy on building standards supervised and enforced by local government, would the Minister issue a bulletin advising councils how to act in interpreting Ordinance 70 in respect of multiple-occupancy developments.

- Would the Minister permit legal officers of his department to comment on the assessor's judgment, and its implications for building standards in multiple-occupancy developments.

The council is at a loss as to why the court, in lifting the demolition orders, upheld its right not to issue Section 317A certificates for the two residences.

A certificate is issued only if, in the opinion of the council, a building complies with all ordinances and any plans and specifications approved by the council.

Certificate refused

The council refused to issue certificates for the two Bodhi Farm residences because their owners failed to complete work required by the council.

A major fault shared by the two buildings, in the opinion of the council, was that they were provided with only temporary exterior walls.

The council also was concerned that the mezzanine floor of one residence was being used as a sleeping area, even though the ceiling height was insufficient.

Ald Blair said it was vital that the council get some indication from the Minister, in light of the judgment, of its responsibilities in supervising and enforcing Ordinance 70.

"If bulletins are released advising local government to make certain liberal interpretations of Ordinance 70 in special cases, that is okay," he said.

"But that information should come from the authority which drew up the appropriate regulations.

"Ordinance 70 is an expression of Government policy on building standards, and it is our responsibility to enforce that Government policy.

"If there is to be a general liberalisation of that policy in any respect, then the Minister should issue local government with advisory bulletins outlining those particular matters."

Urgent need

Ald Blair said that the Minister needed to provide the council with urgent answers to its questions if it was expected to enforce Ordinance 70 standards.

"One of the great difficulties has been that most of the work (on low-cost housing guidelines) has been done by the Department of Environment and Planning," he said.

"They have been the ones who have been giving the decisions and advice in this matter.

"But in reality, Ordinance 70 has nothing to do with the Department of Environment and Planning.

"It is the responsibility of the Department of Local Government, and councils are directly responsible to that department in the administration of Ordinance 70."

Ald B J Spash asked if the court judgment would alter the council's interpretation of Ordinance 70 in respect of multiple-occupancy.

The city health surveyor, Mr J S Douglass, said that there would be no change, so far as he was concerned.

"We will have to interpret multiple-occupancy applications in exactly the same way as we have in the past, even though we have been defeated on it," he said.

"It still is the only reasonable and sensible way to interpret Ordinance 70 in respect of this form of development."

Mr Douglass was concerned about a statement by Mrs Fitz-Henry that multiple-occupancy housing was unlikely to become a State-wide fashion.

"That is exactly what builders have been complaining about in the past — that there is one set of building standards for people out there (multiple-occupancy communities) and another set of standards for the rest of the community," he said.

Ald J F Crowther: "What you are saying Mr Douglass is that in the case of a house with a lot of trees round it, it could have a lower building standard?"

Mr Douglass: "You could build a house without walls if you wanted to."

Ald R N Hepburn: "Yeah, in the middle of Goonellabah."

Mr Douglass: "Well, why not."

Ald A M Nicolson, a trustee of Bodhi Farm who launched the court appeals, said he supported Ald Blair's motion because the matter certainly needed further clarification.

Each-way decision

"The court decision was a bit each-way, and has definitely left a situation in which no one is really clear on how to move from here on," he said.

"I can certainly appreciate the dilemma of the building department in determining how to interpret the judgment in the future.

"We (Bodhi Farm residents), as a result of this court case, would like to have seen the adoption of the Low-Cost Country Housing booklet, produced for this form of development.

"I also disagree strongly with this notion that keeps popping up that there is one law for one group of people and another law for another lot of people. That really is a lot of bunkum."

Ald Nicolson said there already were several different types of land zonings, including commercial, residential and rural zonings, where different rules applied.

In raising a point of clarification, Ald Hepburn said there appeared to be a misunderstanding on the difference between zonings and Ordinance 70.

Ald Hepburn: "Ordinance 70 covers how a building should be built. It does not say what type of building should be built, which is what a zoning does."

Ald Nicolson: "Nevertheless, so far as I am concerned, the court judgment was made within the law.

"Some people may not agree with it, but it is still the one law and it applies to everyone equally.

"Personally, I have had enough of this 'one law for one lot of people and another law for another lot of people' business. You hear this all the time, and it is just not true."

The council also resolved on Tuesday night to send copies of the Land and Environment Court judgment to the Local Government Association of New South Wales, its legal advisers and other North Coast councils involved in multiple-occupancy developments.



in this issue). Ian Factor, of the N.S.W. Earth Building Forum, and Robert Rich, of Moora Moora Co-operative, told of their experiences in this field.

Then came the session that many of the participants had come for. Peter Nassau of the Division of Building Control talked about the implications of the new Victorian Building Regulations for owner builders, which come into force on the 1st of May.

Since these regulations are likely to become uniform throughout Australia we thought it might be of value to give some examples of the constructive innovations to be introduced which will be helpful to owner builders.

Introduction of "performance-oriented requirements" gives increased scope for innovation and for acceptance of alternatives at municipal level, such as mud brick construction, alternative roof drainage methods etc.

The requirement for a house to have an area of not less than 55 m² has been omitted.

The requirement for fixed outlet ventilation to rooms has been omitted.

Rooflights may be used in lieu of windows as an acceptable means



From left: Hon. Ian Cathie, Min. of Housing, Prof. Allan Rodger, Fac. of Architecture Melb. Univ. Laurie Schneider, Experimental, Bldg. Station N.S.W. John Archer, Debbie Richards, owner builder

of providing the required natural light to both habitable and non-habitable rooms.

Airlocks are required in a house only to separate a sanitary compartment from a kitchen.

Except for sanitary compartments there are no requirements for minimum room widths.

Provisional building approvals have been introduced to allow for the granting of a building approval with requirements relating to on-site rectification of minor deficiencies in application documents.

Certificates of Occupancy may be granted in stages thus permitting parts of a building still under construction to be occupied.

Minimum ceiling height provisions are more flexible and deregulatory.

Roof drainage requirements are more flexible due to the performance-oriented approach.

More options are provided for the installation of solid fuel burning appliances due to the performance oriented approach.

Outbuildings less than 6 m² (e.g. small garden sheds) are excluded from the Regulations.

Councils may by by-law permit the construction of more than one house per allotment and they may also vary this by-law in individual circumstances.

While everyone was enthusiastic about the possibility at long last of some constructive changes in the regulations, it was pointed out that the powers of approval or otherwise were vested in the building surveyor and the Council.

Questions from the floor began around this point, and also about the lack of legal provision for temporary housing, an important issue in country areas where rental housing near proposed building sites is often unobtainable or non-existent.

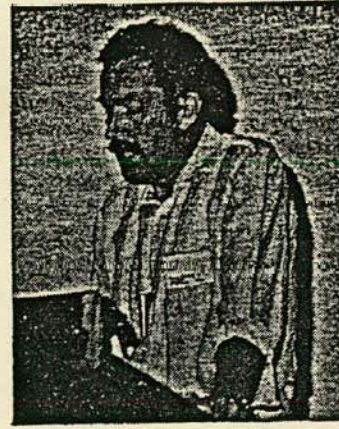
Jeff Mackay, the city engineer from Maryborough (Vic) continued the discussion, talking about the problems that existed at local government level in the policing of

regulations. He also pointed out that while it was possible that some building surveyors could use their additional powers under the new regulations to make life difficult for owner builders, the same power in the hands of sympathetic administrators could also result in a much more constructive and relaxed situation.

He was followed by representatives of the Maffra/Avon and the North Riding (Orbost) Owner Builders Associations, who talked about the experiences of their members. While the Maffra/Avon Association had, after some effort, established good channels of communication with their shire council, the North Riding Association had had the opposite experience. Representative Bob McIlroy described a situation where the council appeared to be committed to a policy of inflexibility enforcing the law regardless of the human cost involved.

After lunch, while some

Ted Howard, owner builder, Ramesh Manandhar, Architect, Eugene Kneebone. Gen. Manager, Housing Service, Manfred Dobrow Architect/owner builder.



VIC. BUILDING RECS CHANGE³

With respect to other services provided by Councils we note that no Council has made public an itemised financial statement by way of evidence that those living on Multiple Occupancies are disproportionately calling on such services. In the absence of such evidence, and from our experience, we are of the view that Multiple Occupancy residents are not disproportionately calling on such services. With respect to the Lismore Council in this regard, attention is drawn to the provisions in their Multiple Occupancy Code that:

"Approval of a Multiple Occupancy development proposal cannot be inferred as placing any obligation on Council to provide or support applications for community facilities such as:

- * improvements to the public road network;
- * water or sewerage services;
- * electricity supply;
- * telephone facilities;
- * post office or mail services;
- * community hall;
- * sporting or recreational facilities;
- * shops;
- * bus services;
- * schools;
- * baby health or medical clinics;
- * library."

To date Councils seem unwilling to appreciate the income benefits flowing to Councils and the community at large from rural resettlement and that Multiple Occupancy communities form but a small portion of this resettlement. In the Lismore area not only is a differential rate applied to Multiple Occupancies, but also the land values have risen disproportionately. The multiplier effect of these two factors alone means that the Council is receiving a "double" revenue from Multiple Occupancies. In addition to this, Council stands to gain further funds by virtue of the per capita grant system. This extra grant is not, we suggest, accompanied by a proportional infra-structure cost to the Council.

In this regard we see that Councils may yet come to vie with one another for Multiple Occupancy development because of the direct and indirect cost benefits to the Council, rather than the present situation where the trend is to inhibit or prevent resettlement by oppressive levies, taxes, rates and costly conditions attached to development applications.

We note that attempts to place onerous costs for development approval under s. 94 of the Environmental Planning and Assessment Act (E.P. & A. Act) on applicants where they are "economically disadvantaged" is neither supported by case law nor in accordance with the provisions of Circular No. 23 issued by the Department of Environment and Planning.

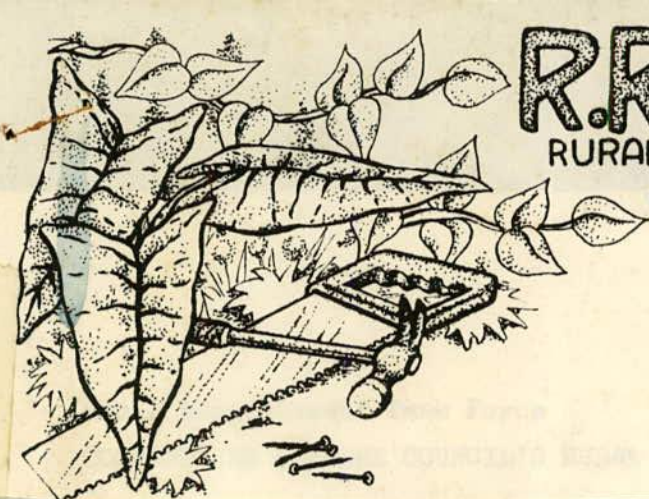
Apart from the financial aspects detailed above, we submit that it is not in the public interest to levy disproportionate rates on Multiple Occupancy residents or that the excessive charges be attached to development approvals since such charges will restrict Multiple Occupancy housing to the relatively affluent and hence increase the burden on the State to provide low income housing.

The nexus between rating and a planning policy to permit Multiple Occupancy on a State wide basis.

No doubt you see as we do, that at one level the question of rating is independent of and separate from planning issues. With the support of the Premier we are currently canvassing support for a State wide policy to facilitate the implementation of the Governments policy on Multiple Occupancy as an acceptable form of rural resettlement.

In our discussions to date with officers of the Department of Planning and Environment, one of the so called "difficulties" given for delaying the introduction of such a policy has been the "rating" issue. To this end the confirmation sought above (Request 1) will, we trust, be helpful in allaying any fears that your colleague, the Minister for Planning and Environment may have in this regard.

Dave Lambert, Secretary RURAL RESETTLEMENT TASK FORCE
PO Box 62, NIMBIN NSW 2480 (066) 86 6231 2nd August, 1984



RR.T.F.

RURAL RESETTLEMENT TASK FORCE
P.O. BOX 62 NIMBIN 2480 N.S.W.



COMMENTS RE LISMORE COUNCIL'S RURAL STRATEGIES STUDY

Note: The council document is hereafter referred to as the "Study". Our comments are generally restricted to issues related to Multiple Occupancy (M.O.).

P.45, Para. 6: The Order permitted (rather than "restricted") M.O. in this area and Councils were encouraged to permit it in rural areas.

P.45 Para.7: Cooperatives are registered under the "Cooperation Act".

P.45, Para 8: Circular 44 does not refer to M.O. as an "experimental form of land settlement" but rather that the D.E.P. "supports M.O. of rural properties in common ownership as an appropriate form of settlement in rural areas...intended to accommodate a wide range of lifestyles". The Circular does not state that "people are to live in a communal or clustered basis" but rather that "housing arrangements on M.O. properties may vary from dispersed single family dwellings to clusters of expanded houses".

P.45, Para. 9: It is suggested that in most rather than "some" instances M.O. has enabled a lower investment in home ownership.

P.46, Para. 3: We do not accept that there is any correlation between involvement in full time agriculture and a demand for community services.

P. 62, Para. 6: Feijoa, sapodilla, white sapote, wampee and longan might be more accurately described as "sub-tropical" and these should be able to be grown anywhere citrus can be successfully cultivated. Rambutans are very tropical and it is highly doubtful that they could be successfully grown in this Shire.

P.71, Table 1: The figures for Nimbin Central School do not include secondary school enrolment.

P.81, last line: It is suggested that State Forests and National Parks are an effective protection rather than "barrier" to development.

P.83, Hobby Farming: It has been suggested by Council's Strategic Planner that this section contains the criteria used for M.O. zoning. It is our view that M.O. should have been considered separately and that these criteria for Hobby Farms are not applicable to M.O. because:

- 1) M.O. housing can be clustered so as to avoid land constrained by slope, fire risk, etc. This is not so with conventional subdivision as boundaries are usually in straight lines, often governed by limitations of road and creek frontage.
- 2) The objectives, lifestyle and social requirements of both forms of settlement are different from each other.
- 3) Regarding the so-called "preferred areas" for Hobby Farms/M.O. we would make the following comments:
 - a) Proximity to villages: Such factors should be considered at the D.A. stage rather than in the initial delineation of areas appropriate for M.O. The need for community facilities and access to them will vary substantially with the type of M.O. development, e.g.:
 - i) A large community like that at Tuntabla Falls could choose to provide itself with many of its own services, e.g. Pre-School, Primary School, Fire Brigade, vehicle repair facilities, general store, hall, sporting grounds, doctor.
 - ii) A rural retirement village would require good access to health care, shopping and other community facilities; and hence might prefer to locate themselves as close to town as possible.
 - iii) A small M.O. community on a large acreage would have a population density similar to or lower than normal subdivision activity.
 - iv) See also "Objections Based on Location of the Zone" which follows.

- b) Scenic Protection: This need not be a constraint if buildings and main centres of activity are located on areas of the property which do not interfere with the vista. Careful planning can often overcome any constraints.
- c) Septic Tanks: These are not always appropriate or desired on a M.O. community. Pit toilets can meet Dept. of Health standards and it is hoped that some forms of composting toilets will soon be approved by the Department.
- d) Low Agricultural Potential: M.O. should not be restricted to poor agricultural land. The use or misuse of land should be considered at the D.A. stage. This Study (p. 46) acknowledges that "marginal farming lands have not always been able to provide production to allow communities to become self-sufficient in food production".

The Australian Rural Adjustment Unit (The Report, p.60) recommends that "...the possibility of agricultural production should not be arbitrarily taken away from those who choose an S.R.R. lifestyle..."

The LandCom Feasibility Study recommended:

"Good Agricultural Land - To date the majority of M.O.'s have located in generally degraded, steeper forested land with little potential for agricultural uses. A preferable criteria for establishing rural co-operative communities is to locate sites within areas of good agricultural land thus adding to their potential economic base and future economic viability. The addition of a labour resource with shared capital set up costs, increases the likelihood of realizing the potential of prime agricultural land. ...agriculturally based developments should be permissible in agricultural protection zones (subject to the advice of the Dept. of Agriculture)".

P. 87, Hobby Farm/M.O. Zone: It is the RRTF's view that a State Environmental Planning Policy (SEPP) should be introduced which would make M.O. permissible on most rural lands and allow each Development Application to be considered on its merits. The present zoning concept proposed by the Study is strenuously objected to on the following grounds:

Objections based on shortcomings of the Study

- 1) The Study (and Appendix A) fails to take account of a S.117 (2) Direction by the Minister, numbered G2(ix), which requires that a "draft L.E.P. shall have regard to ...Circulars 35 and 44 - Multiple Occupancy on Farms (this should be permissible, subject to a number of guidelines)". The Study fails to analyse the implications of its recommendations and fails to show cause why M.O. should now be restricted to an area of about 5% of the Shire.
- 2) The Study on page 46 makes no adverse comment about the effect of M.O. on the environment, yet it suggests that M.O. in excess of 10 houses should become Designated Development. The Study fails to take account of and justify the S.117(2) Ministerial Direction, numbered G14 which directs that "draft L.E.P.'s shall not identify development as 'designated development' unless it is likely to have a substantial impact on the environment".
- 3) The Study on page 45 acknowledges that "...the remote valleys of the Nimbin area, the mild winter climate, and the availability of then relatively cheap farm land provided the ideal conditions for the development of multiple occupancies".

The Study fails to show why these conditions are no longer ideal and how Council intends to improve these conditions by constricting the M.O. zone from about 33% to 5% of the Shire.

Objections based on the use of constraints

- 4) The constraints imposed by scenic protection, slope, fire risk, etc. can best be considered at the D.A. stage under S.90 Heads of Consideration of the E.P.A.^{act}. In most cases, proper planning and siting of buildings in appropriate unconstrained areas of the property can overcome any problems.

- 5) In other cases, the constraints can be overcome by appropriate engineering design and works, fire fighting facilities, etc.
- 6) The areas excluded because of constraints such as slope, fire risk, etc., often contain individual properties not so constrained.
- 7) In other cases, individual properties can contain large parts or areas of unconstrained land.

Objections based on the size of the zone

- 8) At the present time, M.O. is permissible in the old Terania Shire which represents about 33% of Lismore Shire. The Study proposes to reduce this area to about 5% of the Shire. A substantial portion of this proposed zone is already subdivided into concessional lots.
- 9) The proposed zone is restricted to Class 3 and 4 agricultural land. A wide range of land quality options should be available for M.O.
- 10) The proposed Zone does not provide a range of land options (considering criteria other than agricultural potential) to cater for the potential diversity of M.O. groups, e.g. an (elderly) retirement village, religious community, ecology research group, aboriginal group, kibbutz-style commercial agriculture.
- 11) Restricting a form of home ownership to a small zone invariably leads to a feeling of "ghettos" and both old and new settlers in this zone will be so labelled with unfortunate social consequences.
- 12) A quick survey of local real estate agents could only locate one or two properties for sale in the proposed zone in excess of 40 ha. The effect, whether intended or not, of the proposed zoning is to end M.O. in Lismore Shire as it is known today.
- 13) A high demand for land restricted to a small artificially defined zone will lead to a further distortion of land prices in the area. At the moment, this distortion is readily apparent as agricultural farm land in Kyogle Shire (but outside the old Terania area) is one-fifth the price of comparable local properties.

Objections based on the location of the Zone

- 14) It would appear that 25 out of 27 existing legal M.O. communities are located outside the proposed zone. This would preclude their expansion or the development of other communities on adjoining properties. It is suggested that this situation borders on the absurd!
- 15) A significant number of new or intending M.O. communities are located outside the proposed zone and they are unable or unwilling to lodge a D.A. before the L.E.P. is finalized. The reasons for this state of affairs are numerous but in most cases the intending applicants are unable to afford the risk and costs of applying for M.O. status as this Council has imposed costs and conditions in excess of \$100,000.00 on the last three M.O. Development applications. It might be surmized therefore that these intending communities will not lodge a D.A. pending the hearing of court challenges on recent Council conditions, the issue of the SEPP or their winning the lottery!
To exclude these people from the possibility of becoming legal in the future has important social ramifications not considered by the Study. To demolish the homes of these people at some future date would create a social, legal and political crisis of unprecedented proportions.
- 16) The land in the zoned area is among the highest priced land in the Shire at \$2000/acre and the future cost will follow the market price for 10 ha lots. This will restrict M.O. to very well off people.
- 17) The proposed location of M.O. next to existing villages, brick veneer subdivisions and intensive "non-soil" agriculture (e.g. piggeries) is a recipe for social conflict.

- 18) The proposed zone is located away from National Parks, State Forests and the upper catchments of creeks and rivers which will deny future M.O. communities the resources of pure, running (often gravity fed) creek water.
- 19) The location of the zone away from the National Park fails to foster and expand the role that existing M.O. communities have played in acting as a buffer zone for the Park. Such buffer zones promote biological diversity, act as wildlife corridors and enlarge the gene pool. They help reduce the damage caused by "traditional" annual burning-off practices since more labour and capital intensive methods can be adopted to reduce the fire risk and extinguish any outbreaks.
- 20) The proposed zoning will be used to further price and condition M.O. out of existence, e.g. conditions will be imposed for sealed roads, piped town water, septic tanks as well as building materials and standards so that they blend in with the surrounding brick veneers as opposed to modest dwellings blending in with nature as demonstrated in the recent Bodhi Farm court case!

Objections based on supposed need for services

- 21) The Study does not take account of existing villages or community facilities outside the Shire, e.g. Barkersvale, Uki, Wadeville, Cawongla and Kyogle. Nor does it consider the possibility that such facilities could be constructed in new areas in conjunction with a M.O. community, e.g. as at Tuntabale Falls.
- 22) The Study's concern about having to provide M.O. with services is not documented. Council has not been asked to construct new halls; rather existing and under-utilized ones were made more viable. We doubt that a M.O. community will ask Council to construct baby health clinics, swimming pools or public toilets in outlying areas for them. The only increase in service which the Study indirectly links to M.O. is a request by the Tuntabale Falls School for the Bookmobile Library Service. (Council receives a per capita grant from the State to provide library services).
- 23) The Study's concern about road costs associated with M.O. is not documented and does not take account of main roads maintained by the State, grants made on a per capita basis and on the length of roads. We would also point out that M.O. road users pay petrol taxes like all other members of the community.

Objections based on the overall public interest

- 24) It is our view that the proposed zoning has statewide ramifications with respect to M.O. and that both Council and the D.E.P. should consider them.

If the Council "at the forefront of M.O. development" can reduce the land permissible for M.O. from 33% to 5%, then other Councils will at best follow suite and in some cases will restrict M.O. to even smaller areas for even flimsier reasons!

It is our view that the Study, by default, is in itself, a strong argument for the proposal that an SEPP is urgently required to implement the intent of Circular 44 on a uniform statewide basis.

Furthermore, the SEPP should restrict Council's ability to exclude M.O. from rural areas except for relatively small areas where compelling reasons can be advanced for the exclusion which can be sustained by critical analysis.