

## **PLANNING PROPOSAL 20 – Permit Community Title Subdivision of existing Multiple Occupancies & prohibit establishment of new Rural Landsharing Communities**

### **Simplified Version**

#### What is proposed?

Multiple Occupancies (also known as Rural Landsharing Communities and MO's) involve the construction of multiple dwellings on a single parcel of land within the rural areas of the Shire. There are in the order of 31 approved MO's in the Shire, with permission to construct around 200 dwellings on those various land parcels.

Planning controls do not currently permit individual dwellings on those MO's to be subdivided off. They must all remain on the one property.

This planning proposal aims to permit individual dwellings or approved dwelling sites in an existing MO to be subdivided off using "Community Title" legislation. Community Title subdivision is similar to Strata Plan legislation, where property owners own an individual lot, but are also responsible for the collective management of common property, with affairs relating to the common property governed by a designated body.

In order however to make the necessary change to permit subdivision, it is necessary that Council also makes a decision to prohibit the establishment of any new Rural Landsharing Communities in the Shire. These are currently permissible with development consent in rural zones in the Shire.

#### Why are we doing it?

The planning proposal responds to concerns that have been expressed to Council that people cannot secure finance to build on, or buy into, an MO development because lending institutions view the lack of title to the dwelling (which is imparted by it being on its own lot rather than on a communally owned lot) as a lending risk.

From the perspective of Council, permitting subdivision of existing MO's will also provide the opportunity for Council to levy rates for each dwelling on the MO that is subdivided. At the moment, the rating system does not permit Council to levy one set of rates for

each dwelling upon a parcel of land. The rate is levied based upon the unimproved value of the land parcel meaning that an owner of similar land next door to an MO, with only one dwelling on it, will pay essentially the same basic rate as the MO with 10 dwellings on it.

This will effectively allow Council to fund infrastructure works through the creation of additional rateable assessments, with no actual increase in development potential.

The endorsed Bellingen Shire Local Housing Strategy 2020-2040 also foreshadowed this Planning Proposal via *Action 8.3 – Community Title Subdivision of existing Multiple Occupancies (MO's)*.

The decision to prohibit the establishment of any new Rural Landsharing Communities in the Shire needed to be made, temporarily at least, because of a legal technicality which would have prevented the subdivision provisions being enacted for as long as any new Rural Landsharing Communities remained permissible with development consent. It will however be possible for Council to review this decision as part of the completion of a Rural Lands Strategy for the Shire and this was explicitly provided for in the resolution of Council that supported proceeding with Planning Proposal 20.

#### What do I do if I want to make a submission to Council about this matter?

Council is seeking public feedback on this matter from 13 August 2022 to 12 September 2022.

Submissions should preferably be emailed to [council@bellingen.nsw.gov.au](mailto:council@bellingen.nsw.gov.au) using the Reference Planning Proposal 20 – Submission.

Written submissions should be addressed to;

The General Manager

Bellingen Shire Council

PO Box 117

BELLINGEN NSW 2454

If you do send written correspondence, please ensure that you provide an email contact to ensure that Council can contact you in a timely manner regarding any subsequent consideration of this proposal by Council.

Who can I talk to if I have questions about this?

For further details please contact Daniel Bennett on 6655 7300 between 8.30am – 4.30pm, Monday to Friday.

What happens next?

Council will consider any submissions that are received during the public exhibition period. A report will then be prepared that the elected Council will consider which will include a recommendation as to whether the proposal should be supported and finalised.

People who made a submission will be notified when it gets reported back to Council and may request to speak at the Council Meeting.

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