

Submission to
State Environmental Planning Policy
Review 2015

Proposed repeal of

SEPP 15
Rural Landsharing
Communities

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EXECUTIVE SUMMARY

This submission opposes the proposed repeal Australia's only planning provision (SEPP 15 Rural Landsharing Communities) allowing local residents to form "intentional" neighbourhood communities such as ecovillages which aim to provide opportunities for truly ecologically-sustainable living.

SEPP 15 should not be repealed until similar provisions are incorporated in the Standard LEP.

The proposal to prohibit rural landsharing communities, other than in exceptional circumstances, is not adequate. ("With its proposed repeal, no new rural landsharing communities will be permitted unless the local environmental plan provides for one.")

To respond to the terms of the review:

- **Superseded:** To the extent that SEPP 15 has been superseded by regional plans, standard LEPs and strategies, these policy changes have not been made in the context of the proposed State-wide repeal of SEPP 15, and there has not been opportunity prior to this for comment or for any consultation about this.
- **Integration:** The proposal does not integrate SEPP 15 aims and opportunities either into the broader NSW planning policy or into local plans.
- **Time and money:** The proposal with respect to SEPP 15 does not address the issue of saving planners, the industry or the community time or money navigating the planning system. Indeed, the proposed change can be anticipated to substantially increase the complexity and expense of establishing rural landsharing communities for planners, the industry and communities alike.
- **Protections:** In relation to SEPP 15, it is not true to claim that its "protections ... have either been implemented elsewhere in the NSW planning system or will be amended and transferred to a local plan or another SEPP".

The proposed repeal of SEPP 15 is not just a matter of administrative simplification or complexity, but a major planning policy change, which should be treated separately as such.

Abandoning aims, opportunities and protections

The Co-operative Living Information Service is a non-profit voluntary web-based service (www.coopliving.info) that supports existing and forming landsharing communities and their members, and people wishing to join or form them.

Among the reasons this submission opposes the proposed repeal of SEPP 15 are that the proposal:

- Represents a major policy change
- Ignores the aims of SEPP 15, which are just as relevant, pressing and socially beneficial today as they were when they were first introduced
- Reduces housing choice and neighbourhood diversity in rural areas
- Reduces opportunities to provide badly-needed affordable housing

- Denies opportunities for truly sustainable environmental living
- Denies freedoms of association and lifestyle which should be retained in a democratic society
- Creates a greater financial burden (by requiring amendments to LEPs) for those low-income people wishing to form rural landsharing communities, contrary to the aims of SEPP 15
- Removes a provision that has true social merit in the context of global environmental and financial crises

New and more flexible neighbourhood design is increasingly being recognised around the world as being necessary in response to climate change and resource depletion in an increasingly-crowded world.

Far from reducing these opportunities, the NSW Government should be expanding opportunities for landsharing communities outside urban areas.

With as many as half the adult population now living in single adult households, collective property ownership of a single allotment provides for flexible home and neighbourhood design, as well as social contact and neighbourhood support not available in houses and units isolated from each other. It has the potential to provide affordable housing at no cost to government.

The application of landsharing and collective ownership extends well beyond alternative lifestyles and should be encouraged for the development of residential villages for a range of circumstances, including for the elderly, for students, for young families and for people with high support needs in both rural and urban environments.

Superseded, but not integrated and retained

Unfortunately, the discussion paper statement that "SEPP 15 has been largely replaced by rural settlement strategies ... and the ... new standard instrument LEPs" is misleading. While these changes have largely left the SEPP 15 aims and opportunities inoperable, it is not true to suggest that these strategies and instruments provide an alternative means of meeting the SEPPs aims and providing similar opportunities. In fact, the reverse is the case. Those changes have served to inhibit or prohibit future rural landsharing communities and reduce opportunities to meet the aims, for example, of providing low-cost housing.

The examples given of Byron and Shoalhaven clearly demonstrate this. Their provisions are designed not only to prevent further affordable landsharing for primary residences, but to demutualise and subdivide existing landsharing communities into expensive individual private allotments. The provisions in Lismore severely restrict the possibility of achieving the aims of SEPP 15, such as providing affordable housing through landsharing.

Compounds the complexity and expense

Similarly, it is misleading to suggest there is little demand for rural landsharing communities. The Co-operative Living Information Service fields a substantial number of inquiries from people interested in forming or joining rural landsharing communities, many of whom are single people.

The reasons for the low uptake have less to do with lack of demand than with the difficulties and impediments placed in the way of those wishing to establish landsharing communities.

A range of factors have conspired against the "uptake" of opportunities under SEPP 15. As well as the effects of the new rural settlement strategies and standard LEPs, these reasons include ambiguous and conflicting related laws and regulations; inconsistency, ignorance and misunderstanding (and sometimes plainly oppositional attitudes) of regulators with their implementation and administration of SEPP 15 and related provisions; and the lack of standard templates, systems and support services (planning, administrative and financial - as exist with private individual home ownership) to facilitate their formation.

Submission: Retain the policy

If this SEPP is to be repealed, it should be replaced with provisions that do not prohibit collective ownership or management of local neighbourhoods. The provisions should ensure it is not difficult or expensive to establish principal residences on this basis, and should ensure flexible legal structures can be adopted across NSW.

For example, the Standard LEP should contain "residential village" (or something similar to the Victorian definition which permits collective ownership by the residents) as a mandatory consent use in all rural zones and urban residential zones to ensure that such a use cannot be prohibited in any municipality in NSW. The burden, financial and administrative, of initiating the incorporation of such provisions in LEPs should not rest with the low income people that the provision is designed to assist.

Alternatively, NSW could adopt a residential density approach, similar to Western Australia, where ownership and management structure is not relevant - but environmental impact and social benefit is.

While it can be acknowledged that not all SEPP 15 developments have come close to achieving the aims of the policy, this is not grounds for abandoning the policy in its entirety. The Department and the Government should be working with the longer-established communities and the Co-operative Living Information Service to examine how the aims of the policy might be more successfully achieved, and how the formation of rural landsharing communities can be facilitated.

The discussion paper has not given the planning grounds for prohibiting rural landsharing communities or making them so difficult and expensive to establish that the uptake will remain very low. Nor has it given grounds for abandoning the aims of SEPP 15. Apart from pejorative terms like "outdated" and "superseded", the discussion paper has not revealed the Department's reasons for its objection to SEPP 15. It is hard to make a full and meaningful submission without second-guessing this reasoning.

Conclusion

SEPP 15 should not be repealed until equivalent provisions are incorporated in the Standard LEP or a full consultation about alternatives is held with stakeholders (including existing and forming communities and the Co-operative Living Information Service) or preferably both.

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