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COMMUNITY TITLE OR COMMUNITY CHAOS

Environmental management, community development and governance in rural residential developments established under Community Title

By

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Acknowledgements

This project began in 1996. The field work was undertaken between mid 1996 and mid 1997. Work and community commitments have meant that it has taken me until now to finish writing the thesis. However, I feel that the issues raised in this thesis are as relevant today as they were in 1996, if not more so.

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Abstract

This thesis contends that; in mainstream rural residential development around the Australian Capital Territory, use of community title guidelines for sub-division should consider social processes and environmental considerations along-side economic imperatives and interactions.

Community title is a form of land tenure that allows for private freehold ownership of land as well as community owned land within the one sub-division. In New South Wales, community title was introduced in 1990 under the *Community Land Development Act 1989 (NSW)* and the *Community Land Management Act 1989 (NSW)*. Since the introduction of community title, upwards of one hundred and fifty developments, ranging from just a few blocks to the size of small suburbs, have been approved throughout the state. The original aim of community title was to provide a legal framework that underpinned theme-based broad-acre development. Theme-based development could include a Permaculture© village, a rural retreat for like-minded equine enthusiasts, or even a medieval village.

Community title is also seen as an expedient form of land tenure for both developers and shire councils. Under community title, a developer only has to submit a single development application for a multi-stage development. This can significantly reduce a developer's exposure to risk. From a shire council's perspective, common land and resources within a development, which would otherwise revert to council responsibility for management, becomes the collective responsibility of all the land owners within the development, effectively obviating council from any responsibility for management of that land. Community title is also being touted in planning and policy as a way of achieving 'sustainable' environmental management in new sub-divisions. The apparent expediency of community title has meant that development under these guidelines has very quickly moved beyond theme-based development into mainstream rural residential development.

Community title effectively provides a framework for participatory governance of these developments. The rules governing a community title development are set out in the management statement, which is submitted to the local council and the state

government with the development application. A community association, which includes all lot owners, manages the development. Unless written into the original development application, the council has no role in the management of the common land and resources.

This thesis looks at the peri-urban zone around one of Australia's fastest growing cities – Canberra, whose population growth and relative affluence is impacting on rural residential activity in the shires surrounding the Australian Capital Territory. Yarrowlumla Shire, immediately adjacent to the ACT, has experienced a 362 percent increase in population since 1971. Much of this growth has been in the form of rural residential or hobby farm development. Since 1990, about fifteen percent of the development in Yarrowlumla Shire has been community title. The Yass Shire, to the north of the ACT, has shown a forty five percent population increase since 1971. Community title in that shire has accounted for over fifty percent of development since 1990. The thesis case study is set in Yass Shire.

The major research question addressed in the thesis is; does community title, within the context of rural residential development around the Australian Capital Territory, facilitate community-based environmental management and education? Subsidiary questions are; what are the issues in and around rural residential developments within the context of the study, who are the stakeholders and what role do they play and; what skills and support are required to facilitate community-based environmental management and education within the context of the study area?

To answer the research questions I undertook an interpretive case study, using ethnographic methods, of rural residential development near the village of Murrumbateman in the Yass Shire, thirty kilometres north of Canberra. At the time of the study, which was undertaken in 1996, the developments involved had been established for about four years. The case study revealed that, as a result of stakeholders and residents not being prepared for the management implications of community title, un-necessary conflict was created between residents and between residents and stakeholders. Community-based environmental management issues were not considered until these issues of conflict were addressed and residents had spent

enough time in the estates to familiarise themselves with their environment and with each other.

Once residents realised that decisions made by the community association could affect them, there developed a desire to participate in the process of management. Eventually, earlier obstacles were overcome and a sense of community began to develop through involvement in the community association. As residents became more involved, the benefits of having ownership of the community association began to emerge.

However, this research found that management of a broad acre rural residential development under community title was far more complicated than any of the stakeholders, or any but the most legally minded residents, were prepared for.

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