

**Feb 28, 2025**

"I was invited to talk about my experience in 1979 when Lismore City Council retaliated for my involvement in the Terania Creek forest blockade by putting a demolition order on my (illegal) house. My 10-minute presentation on <https://vimeo.com/1064973891/02ed424686> starts at 22'35"

HERE'S THE TEXT OF MY PRESENTATION:

After building the Forest Meditation Centre near The Channon, 20 of the participants in the first meditation retreats we organised there put in \$1000 each to buy land nearby to build a community to live in nature and be caretakers of the meditation centre. In 1977 we bought 40 Ha of forest about a km from the centre sloping down to Tuntable Creek and called it Bodhi Farm

By the time that we took part in the Terania Creek blockade in August 1979 which would lead eventually to the Nightcap and a string of other national parks from the Border Ranges to Barrington Tops, we had built houses and gardens and had 8 babies. These houses had been built without any permissions from the local Council.

They knew we were there but hidden away, no complaints from the neighbours, not hurting anyone. I think perhaps they secretly admired us pioneering like their grandparents had when the N Coast was first being settled.

However Terania Creek changed all that and a few weeks after the blockade began the building inspector arrived with demolition orders on the 16 homes we had built by then including mine. The first 6 of the slides show my house in various stages of construction, the rest other of the Bodhi homes.

These demolition orders were because we had breached the zoning laws which allowed only one dwelling on such a piece of land and there were similar demolition orders at Tuntable and other communities. We fought hard to protect our homes of course including putting ourselves on the waiting list for Housing Commission accommodation – if they knocked down our houses perhaps we would be housed at public expense. This was eventually resolved by the State Government creating Multiple Occupancy Zoning such that it was no longer illegal to build several houses on a single subdivision. Council's 16 demolition orders on our houses at Bodhi Farm were dropped and there were acts of parliament individually and retrospectively legalizing each of our houses. Terry McGee will tell us more about this shortly

Council then sent in the Building Inspector to check each of the houses, this time from the point of view of the Building Regulations.

It seemed to us that he had been instructed not to push any of us into a corner – by this time they had seen us win the logging struggle at Terania Creek and the home-birth stoush with the Nurses Registration Board and having just lost the zoning battle they had no appetite for initiating another conflict.

But they needed to re-establish their authority so I think they asked the building inspector not to insist on anything that would force us to resist again. He went from house to house calling for another floor joist here or a rafter there but nothing that we couldn't easily comply with.

However when he got to my house he found that our loft bedroom had a sloping ceiling that was 2m high at one end but only 1'20" at the other. He also saw that our living room only had 3 walls. The 4<sup>th</sup> side which abutted the forest had been deliberately left open. He said that the regulations require 4 walls. We refused to build one. He came up with a compromise: we should call the bedroom a storage loft on our plans, no ceiling height restrictions there, and we should call our living room a veranda.

I said "That means our house would become 2 verandas back to back with a storage loft?". Yes, he agreed, but in this case there'd be no reason for him to issue a demolition order. We refused, and in due course we received the demolition order.

Once again we appealed.

Murray Wilcox QC was at that time the President of the Australian Conservation Foundation and we had got to know him through our campaign to stop rainforest logging. When he heard of what had happened he offered to act in our defence at no expense to us, he would be paid via Legal Aid, a tiny fraction of his usual fee.

When Council heard that we had a QC acting in our defence they felt obliged to employ their own QC for no mere barrister would dare to stand up against “top silk”.

The case was heard in the Land and Environment Court, an arm of NSW’s Supreme Court.

When Murray was cross-examining the Building Inspector he wanted to know why the height of Mr Seed’s bedroom ceiling was anyone’s business (Paul Landa, Minister for Planning and Environment, had asked the same question when he had toured Bodhi Farm to assess the situation in October 1979). The hapless Building Inspector didn’t know.

Murray also asked: “So, let me get this straight ... are you telling us that Mr Seed must have 4 walls or else he is to have none?”

The Building Inspector sadly agreed that this was his understanding of the regulations.

“So why would it be so important for Mr Seed to have a 4<sup>th</sup> wall?” he asked.

The Building Inspector wasn’t sure but he thought it might be because the rain could come in, or dust, and the kiddies might get sick or perhaps because a 4<sup>th</sup> wall would keep out the vermin.

Later, when the opposing QC was cross-examining me he followed up on this point.

“Mr Seed, what about vermin?”

“Vermin?” I replied, “What do you mean”

“Well” he said “:Creatures could enter your house because there’s no door, not even a wall to put a door into”.

“O creatures!” I replied, “certainly creatures visit me, thats why I didn't build a 4th wall” and I waxed eloquent about the lizards and the tiny bats that flew through hunting insects.

“Sometimes” I said “the potoroo even comes visiting, rummage through our compost bin”

“Potoroo?” he said “What’s a potoroo?”

“Why it’s a cute little Marsupial!”

He seemed to get quite excited by the thought “You mean a little marsupial comes to visit your house?”

“Yes” I replied “That’s why I don’t want another wall.”

Later, in his summing up, Murray Willcox returned to this subject.

“And as to the question of vermin...”: he paused adjusting his glasses to the tip of his nose for effect and looking slowly around the courtroom... “Which some of us prefer to think of as ‘wildlife”.

People started giggling, the elderly judge with her blue rinse hair hid her mouth behind her hand.

The demolition order was dismissed and the house stands to this day.