

Prob 26.1.94

be nating
of 110 is to be reviewed why not
1/ Mobil Home Parks. eg 200
families. ? (reviewed) (A)

2/ Unsubdivided flats. (they could
be strataed)?

NB 19 land value is an land as zoned
net density.

(A) In Dymun 80 families paying total
\$1500 in rates pa.

Review

Rob 26-1-94

Re mo system in Byron

This was Ryan's trap (at time when Rob was a councillor)

viz that reduced density apply in steep lands.

Apparently Ryan wanted to undermine (or incl) possibility of having mo in 1(d) land.

In Byron alternative is 1(a) & 1(b) novel.

He normally incl in DA a statement of intent by the funding member. Council after region and of course that 2cii is not to be contravened, but not that data be provided. Rob stresses the idea of offering this (when available) as good practice & procedure to have councils request it.

(Rob has done 15 mo's in his)



PAN-COMMUNITY
COUNCIL
P.O. BOX 102,
NIMBIN 2480

20th March 1995

Mr Bob Carr
Opposition Leader
Parliament House
Macquarie Street
Sydney 2000

Dear Mr Carr,

Re: the Reintroduction SEPP 15

Our group established in 1989 is the current peak organisation for multiple occupancy (MO) communities replacing the Rural Resettlement Task Force with which you dealt as the Minister for Planning in the last Labor Government.

Pan Community Council believes SEPP 15 that you introduced to satisfy the demand for MO has been most successful and has stood the test of time well.

The communities that you visited 5 years ago, Bodhi Farm and Dharmananda are flourishing. They are beginning to move into their second generation with young adults leaving school and deciding their futures, including the possibility of expanding their own community or setting up new communities, hence our great concern over the action of the National Party's Webster in repealing SEPP-15.

We understand that your Shadow Minister for Planning Pam Allen brought Robert Webster's decision to repeal SEPP-15 to your attention in October last.

Following discussions, in particular with Janelle Saffin and north coast candidates Trevor Wilson, John Maxwell and Veronica Black we are delighted and appreciative of your party's commitment to reinstate SEPP-15 should your party come to power in the forthcoming election.

We consider Webster's review of MO to be factually flawed and totally lacking in "procedural fairness" and we believe it may be in breach of administrative law especially if the original SEPP-15 was a cabinet decision.

Robert Webster's decision to withdraw SEPP-15 was couched in terms of MO not being a state wide issue and that it was rightly a decision for Local Government.

Lismore Council's recent decision **not** to incorporate MO into its LEP highlights the predicament caused by the repeal of this policy. We believe that the Lismore Council decision was not based on any substantive grounds, but on the prejudiced views held by a number of the Councillors.

If the Labor Party is returned to government we will contact your Minister for Planning with suggestions regarding the upgrading of the policy in the light of our experience since you introduced the policy.

Thanking you again in appreciation of your past contribution in facilitating MO and wishing you well for your election to government.

Yours sincerely,

Simon Clough
for Pan Community Council

Summary of Department of Planning Review of SEPP 15

1. Early in 1993 we heard that the Department of Planning (DOP) had sent out a brief to 4 or 5 consultants for a review of SEPP 15. Our investigations showed that the review was at the Minister's direction. None of the consultants asked to tender had any experience of MOs.
2. We subsequently learnt that both the local National Party members had lobbied for this review having themselves been lobbied by Real Estate Agents and other interests. The Real Estate Agents were keen to see subdivision of MOs allowed.
3. The brief to consultants included consideration of the repeal of SEPP 15. We were assured by the Regional Manager at Grafton that this was purely routine and that there was no suggestion that repeal was being seriously considered.
4. We wrote to the Minister expressing our concern about the review and in particular the fact that none of the consultants had any MO experience. Nonetheless a Canberra based consultant with no MO experience was appointed.
5. Pan Community Council (Pan Com) offered the Department of Planning (DoP) Regional Manager and the consultant full cooperation including inspections of MOs. The consultant declined to inspect any MO on the grounds that it was not included in the budget for the study. At no stage did they inspect an MO.
6. Pan Com asked to comment on the draft survey of MOs. When we received a copy we considered it to be seriously flawed and made many suggestions for its improvement. These were mainly accepted by the DoP.

2 #16.2.95

Pan Community
Council
C/- Simon Clough
phone 066 886217
fax 066 886193

Dear Trevor,

Hope your day with Bob Carr was rewarding!
Following is the material that Peter Hamilton one of our Pan Com members prepared for the Byron Council debate on MO.

From a brief reading of David Broyd's report I'd like to make some comments:

1) Pan Com believes that it is a fundamental democratic and legal right that people that are to be affected by a change should be consulted about the nature of that change and its implications. One of the main reasons we are so dissatisfied with Webster's decision on Multiple Occupancy is that it happened without consultation. Its not clear to me from Broyd's report if he consulted with MO residents or not, but it seems that he did not. Because of this Pan Com would like to see a process where MO members are consulted even before any possible changes go on public exhibition. MO resident's can have their interest severely affected by the removal of MO provisions. It can limit the expansion of their community and prevent their children on reaching adulthood from living on any MO community.

2) I don't understand the difficulty with s94 contributions re MOs. In Lismore these are simply calculated by a formula and each dwelling pays its contribution as it is built.

3) I am very suspicious about the comments in the report about land use on MOs. Very similar comments have been made in Lismore and when they were examined by Council officers it was established that there was in fact no difference between MOs and other rural properties. So I would be interested on the basis of Mr Broyd's comments.

4) Yes it his difficult to get loans for MO properties especially mortgage finance, though personal loans are often available. However people who choose to live on MOs are well aware of this fact and "cut their cloth accordingly". Community Title is an option to people who wish to have independent legal title and therefore have access to housing finance, but the option of MO should be available to those who do not want independent title and are more concerned to live more like an "extended family".

5) The comments from the Condong developer show very clearly that MO is not suitable for his purposes. MO was never designed for developers it was designed for people who wish to establish communities not create new avenues for development.

One of the critical issues in this whole debate is that MO can't be replaced with Community Title for the following reasons:

a) CT does no give a community any control over who lives there. Membership will be determined by the highest bidder for a dwelling. For many people the essential element of a community (MO) is that the person is compatible with the other community members.

b) Of its nature CT must be far more expensive than MO because people are getting independent legal title.

Pan Com believes that MO is not incompatible with CT, both should be available under appropriate planning controls. MO should be preserved as a choice for perhaps a small group of people who choose to forego legal title for the opportunity to build a low cost home and live in a community as the MO policy intended. In fact considering Tweed has averaged one MO DA a year one wonders why MO is attrcting so much attention, should n't it simple be allowed to continue as an option for people who wish to live in this way.

Regards,

Simon Clough

6.3.95

Simon.

When typed I suggest you might consider getting a comment on the draft from Janelle, and any suggestions from her on what is the best way of forwarding it to ensure that Bob gets to read it personally.

eg. • to be forwarded by Janelle - either direct or via Pam Allen, with a cover note by Janelle?

• Janelle to supply a cover letter for you to attach - and send this either direct to Carr or Allen?

• other?

I suggest, whichever way is adopted, that it be FAXed with original posted in confirmation.

It may be that Janelle has a FAX "hot line" to Carr?

I suggest that copies be sent to Trevor, John M, Veronica, Janelle. I'll send copy to Doris for Craig.

Jonathan's case - v - LCC is listed for March 27-30 inclusive in the Ballina Court House before a Judge (not yet appointed).

Peter.

DRAFT.

6.3.95

[Pan Com letterhead]

Mr Bob Carr

Opposition Leader

via Mr Pam Allen

Shadow Minister for Planning } (?)

Parliament House

Sydney 2000.

Dear Bob Carr,

Re: Reinstatement of SEPP-15 Multiple Occupancy

The Pan Community Council (Pan-Com), was established in 1989 to act for Multiple Occupancy (MO) communities, primarily in the north coast region of the State. Pan-Com replaces the Rural Resettlement Task Force with which you dealt at the time you were Minister for Planning and Environment.

Since its inception Pan-Com has been well pleased with SEPP-15 as a planning instrument.

The particular communities that you visited some five years ago, Bodhi Farm and Dharmananda, continue to flourish. Children born on these communities are now in the process of completing High School and deciding their futures.

We understand that your Shadow Minister for Planning has brought to your attention that Mr Webster repealed SEPP-15 in October last.

Following discussions with Janelle Saffin in Murrumbidgee, and north coast candidates, John Maxwell, Veronica Black, Trevor Wilson and Craig?
we are delighted and appreciative of your

party's commitment to reinstate this policy if your - party comes to form the government following the forthcoming election.

In the News Release issued by Mr Webster in reporting SEPP-15 he stated that local councils would need to introduce enabling provisions in their local LEP if they wished to facilitate a continuation of the community form of housing.

The Lismore City Council which now has some 60 mo communities, considered and rejected this proposition.

While there is even one remaining local council that discriminates against community family settlement we are strongly of the view that there is need for a state wide policy.

If the Policy is to be reinstated we will contact your Minister for Planning with suggestions regarding the upgrading of the Policy in the light of our experience since its introduction by yourself.

Thanking you again in appreciating for your past contribution in facilitating mo and wishing you well for your election to government.

Yours etc.

DRAFT

Pan Can Letterhead
Letter to Webster

6-3-95

Dear Minister Webster,

Re: SEPP-15 MO.

Following your discussion in person on (date) with Mr Bill Kidd of our Council, we wish to accept your offer for our Council to place before you further facts and considerations relevant to your reconsideration of the repeal of SEPP-15.

You will appreciate that this matter is of wide ranging significance to our members and may take our Council some weeks to collate and present this information in a suitable form for your consideration.

We acknowledge and thank you for your offer to which we shall respond.

Yours
etc.

6.3.95

Simon.

When typed I suggest you might consider getting a comment on the draft from Janelle, and any suggestions from her on what is the best way of forwarding it to ensure that Bob gets to read it personally.

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via Mr Pam Allen
Shadow Minister for Planning } (?)
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Thanking you again in appreciating for your past contribution in facilitating me and wishing you well for your election to government.

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We acknowledge and thank you for your offer to which we shall respond.

Yours
etc.

ATTENTION: Ian Cohen
DRAFT DRAFT DRAFT. Not for circulation. For background info. only.

On Pan Com Letterhead 23 November 1994

Mr. Bob Carr,
Opposition Leader,
Parliament House,
SYDNEY, 2000

Dear Bob Carr,

Re: REPEAL OF SEPP-15 MULTIPLE OCCUPANCY

The Pan Community Council (Pan-Com), was established in 1989 to act for Multiple Occupancy (MO) communities, primarily in the north coast region of the State. Pan-Com replaces the Rural Resettlement Task Force with which you dealt at the time you were Minister for Planning and Environment.

Since its inception Pan-Com has been very happy with SEPP-15 as a planning instrument.

There are now some 251 approved MO's in 20 of the 67 councils covered by the Policy. These MO's house a total population of about 7000 people. Most of the MO's are located in the North Coast region of the State

The Bodhi Farm and Dharmananda communities, that you visited near seven years ago, continue to flourish. Children born on these communities are now in the process of completing High School and deciding their futures.

On 13 October last, without any warning or public consultation Minister Webster announced the repeal of SEPP-15 Multiple Occupancy. (See Attachments "A").

For a Summary of the extraordinary events leading up to this repeal, see Attachment "C".

As you will see from this Summary it raises serious questions of "procedural fairness" and may well breach the principles of Administrative Law, especially if the original SEPP-15 involved a Cabinet decision!

In mid 1993 The Department of Planning (DOP) engaged a consultant to carry out a statewide review of SEPP-15. The Consultant found that:-

- (i) there is little demand for MO, and,
- (ii) that MO is not a suitable matter for a statewide SEPP as 80% of MO's are located in the north coast of the State (2).

Our organisation categorically refutes this contention.

(a) We consider that the Survey results show that there is a small, but steady demand for MO's, and that the number of councils which have MO's is

increasing!

The number of MO's we submit, matches the demand and in doing so, achieves the optimum relationship!

(b) If Minister Webster was to repeal all SEPP's which did not have "a statewide application" (stated as a ground for repeal in the News Release), then to not be discriminatory, this should for example include repeal of:-

SEPP-9 Group Homes, SEPP-10 Retention of Low Cost Rental Accommodation, SEPP-12 Public Housing, SEPP-14 Coastal Wetlands, SEPP-12 Tertiary Institutions, SEPP-30 Cattle Feedlots.

Unfortunately there are still some councillors who are strongly opposed to the MO form of settlement.

Minister Webster states in his News Release, that, "local councils will need to prepare provisions in their local plans for MO."

Despite the Lismore City Council having the most MO's in its area, at its meeting on 15th November 1994, a motion to amend the local LEP to permit future MO development in appropriate rural locations, was **OVERWHELMINGLY REJECTED!**

Needless to say, there was no public consultation in this process!

In summary we consider that the Policy has been repealed for expedient and political reasons, and not for social and professional planning reasons.

In the light of this we submit, that a statewide Policy is still needed to enable the availability of this type of low impact settlement, with its low cost (mortgage free) self help housing, and, the freedom to adopt a family lifestyle of ones own choice.

While any vestige of prejudice prevails there is just as much need for a SEPP MO Policy today, as when it was introduced by yourself in 1988.

Some people have expressed concern about the rating of MO's. Though rating was not part of the Review brief, the consultant makes some very superficial comments about MO rating. No opportunity has been given for us to respond constructively to such questions.

We hold that if the rating system is to be reviewed, then it should encompass all forms of development, including caravan and mobile home parks, company title units, dual occupancies, flats and MO etc.

REQUEST

We ask that if you attain government at the forthcoming election, you will commit the Government to reinstate the SEPP-15 Policy, for the reasons outlined above.

MARGINAL ELECTORATES IN THE NORTH COAST REGION

MO continues to be part of the high rate of settlement in the north coast area generally. We consider that this new settlement is an important factor in the north coast electorates becoming marginal.

The ALP candidates in the north coast, Trevor Wilson in Murwillumbah, John Maxwell in Lismore, Veronica Black in Ballina and Bruce Criage in Coffs Harbour, have all indicated their support for MO.

FAMILY COMMUNITIES IN THE "INTERNATIONAL YEAR OF THE FAMILY"

Many well established MO communities now consider themselves to be an extended family, or in the case of large communities, to be a cluster of extended families. Such bonding is seen as being a lifelong commitment.

The Ministers action in repealing SEPP-15 is we believe an attack on the Premier's acceptance of and support for, there being a wide diversity of family lifestyle in NSW, especially in this, the "International Year of the Family"!

INVITATION

Should you be again be visiting this area in connection with the forthcoming election, we would appreciate the opportunity of arranging an inspection of a member Multiple Occupancy.

Should you wish further information in respect to any of the above matters, we would be happy to supply same, and if desired can arrange for a representative to meet you in Sydney.

We would also appreciate the opportunity of making personal contact with you in this area, if you will be visiting this area in connection with the election.

Thanking you again in anticipation for your further support.

We await your reply.

Yours sincerely,

.....
Simon Clough J.P.

For and on behalf of Pan Community Council Coordinators:

Eddie Buivids ... (Architect), Rob Doolan (Planner),
Peter Hamilton .. (Architect-Planner), Simon Clough (TAFE Teacher),
Diana Roberts ... (Councillor, Lismore City Council).

SUMMARY OF THE DEPARTMENT OF PLANNING, STATEWIDE REVIEW OF SEPP-15
=====

The following is a summary of the events leading up to the repeal of the SEPP-15 Policy.

1. Early in 1993 we heard that the Department of Planning (DOP) had privately invited some five consultants to tender, to conduct a survey and prepare a report on the application of SEPP-15 throughout the State.
2. Our subsequent investigations revealed that this Review was instigated at the direction of the Minister.

On interviewing both Don Page M.P. and Bill Rixon M.P., we were advised by them that they had lobbied for the Review, having themselves been lobbied by Real Estate Agents, developers and others.

(The Real Estate Agents were keen to see that subdivision of MO's be allowed).
3. The brief to the consultant included consideration of repeal of SEPP-15. We were assured however, by the Regional Manager at Grafton that this was purely routine review and that there was a no implication that repeal was seriously contemplated.
4. We wrote to the Minister expressing our concerns about the review and in particular the fact that none of the consultants invited to tender had any experience of the MO form of development. Nonetheless a Canberra based consultant was appointed!
5. On appointment of the consultant, Pan-Com offered the DOP and the consultant our full cooperation and extended an invitation to arrange an inspection of MO's.

The consultant declined to inspect any MO on the ground that the cost of so doing was not included in the budget for the Review! At no stage did they inspect an MO!
6. Pan-Com asked to be able to comment on the draft of the Survey planned to be sent to all MO's.

When we received a copy of this draft we viewed it to be seriously flawed and made many suggestions for its improvement. These were mainly accepted by the DOP!
7. We asked the DOP, that when the consultants Report was completed, that we be given a copy with time to comment, before any

recommendations were made on the Report. THIS WAS DENIED.

As our constituents stood to be affected by the Report, we submitted that we were entitled to be heard, and, provided with an opportunity to rebut any false assertions should these be found in the Report.

8. We were advised by the Regional Manager that if any amendments to SEPP-15 were proposed to be made, that such amendments would be placed on public exhibition for comment.

The Regional Manager further indicated that the Department's Executive viewed that there should be no change in the Policy and that if it was proposed to make a change that:

- (i) the consultant's report would be available before any amendment was made, and,
- (ii) there would be a public exhibition of the proposed amendment.

9. Without any warning or public consultation the Minister announced repeal of SEPP-15 on 13 October 1994. (See Attachment "A"). The repeal was Gazette three days latter (See Attachment "B").

It is worthy of note in this regard, that in the consultant's main Report it is recommended that if an amendment was to be made that:

- (i) there be a public exhibition of the proposed changes, and,
- (ii) there be a two year period of transition from SEPP-15 to local government control of MO. (It is generally held that an amendment of an LEP, takes between 12 to 15 months).

In the Summary Report to the Minister however, the consultant DROPS the suggestion of a public exhibition, and, suggests that the transition could be carried out in one month without "any adverse impact on either councils or MO's". (See SEPP-42, Attachment "B").

Minister Webster has made the situation even more difficult by scheduling the three months transition, to fall over the Christmas/ New Year period!

The repeal has, as may be expected, some adverse impacts on existing MO's. Dharmananda the community of which I am a part, has been rushed into making land use decisions for the future, which we saw as being an evolutionary process.

Other communities are very concerned about the need to vary their development consent to make provision for their children. I am aware of four communities that have been affected in this way.

In the case of the Lismore City Council, the difficulty has been compounded because the Council left it to 12th. November to advertise that the deadline for any new MO Development Applications would be

1st December 1994

END

.3.

1st. December 1994.

End

(To be added)

While we support that councils should have a high level of autonomy in the delivery of services, this should not be at the expense of the denial of the basic freedom of association in a family lifestyle of the individuals choice.

Following a discussion between Pam Allen and Craig Knowles
(Chairman: Backchurch Policy Committee) they supported
Jenelle Saffin's request for the Party to support mo.
Jenelle says she has issued a Press Release to
the media re this, ~~but we have not yet seen it.~~
(Jenelle has now left for USA.) *See attached.*
Hope your tour is going well.

Regards
Peter

news release



minister for planning
minister for housing

13 October 1994

CHANGES TO MULTIPLE OCCUPANCY PLANNING

Following an independent review of the State policy on multiple occupancy of rural land, Minister for Planning and Minister for Housing, Robert Webster, today announced he would move for its repeal.

In future, local councils will need to prepare provisions in their local plans for the assessment of multiple occupancy applications.

Mr Webster said the use of the policy (*State Environmental Planning Policy No. 15 - Multiple Occupancy of Rural Land*) had declined since its inception in 1988, to the point where it no longer had a statewide application.

He said the Environmental Planning and Assessment Act 1979 specifies that State policies can only apply to matters of State significance.

"The review, undertaken by Purdon Associates, found that about 80 per cent of multiple occupancies are located on the North Coast," Mr Webster said.

"It is clear that in terms of the extent and range of its use the policy is not now serving a State need."

The Minister said he would seek to make a new policy which would introduce transitional provisions, enabling applications to be lodged with councils under SEPP 15 until 30 November 1994.

"The new SEPP would mean that councils may assess multiple occupancy applications, using the provisions of SEPP 15, until 31 January 1995," Mr Webster said.

"If councils have not prepared their own provisions by then, applications will be assessed using the matters outlined in section 90 of the Act," Mr Webster said.

end.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
STATE ENVIRONMENTAL PLANNING POLICY No. 42—
MULTIPLE OCCUPANCY OF RURAL LAND (REPEAL)

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Planning and Assessment Act 1979, has been pleased to make the State environmental planning policy set forth hereunder in accordance with the recommendation made by the Minister for Planning.

ROBERT WEBSTER MLC Minister for Planning.

Sydney, 19 October 1994.

Citation

1. This Policy may be cited as State Environmental Planning Policy No. 42—Multiple Occupancy of Rural Land (Repeal).

Aims, objectives etc.

2. The aims of this Policy are:

- (a) to repeal State Environmental Planning Policy No. 15—Multiple Occupancy of Rural Land; and
- (b) to allow a period of 2 months after the repeal of that Policy for the determination by a council of development applications made before the repeal concerning development to which that Policy applied.

Commencement

3. This Policy commences on 1 December 1994.

Definition

4. In this Policy, "SEPP 15" means State Environmental Planning Policy No. 15—Multiple Occupancy of Rural Land.

Land to which this Policy applies

5. This Policy applies to the land to which SEPP 15 applied immediately before its repeal.

Repeal

6. SEPP 15 is repealed.

Transitional provision

7. (1) A council may, at any time before 1 February 1995, determine a development application made to it before 1 December 1994 as if SEPP 15 had not been repealed by this Policy.

(2) Such a development application, if not determined before 1 February 1995, is taken to have been determined on that date by the refusing of consent.

(3) The Land and Environment Court may hear and dispose of an appeal made against a determination of a council pursuant to SEPP 15, or this Policy, as if SEPP 15 had not been repealed by this Policy.

END

~~Draft~~ Draft for your comment. Please contact Simon
or myself ASAP. Thanks. Peter

1.

Pan Com Letterhead
Mr. Bob Carr,
Opposition Leader,
Parliament House,
SYDNEY, 2000

17 November 1994

Dear Bob Carr,

**Re: REPEAL OF SEPP-15
MULTIPLE OCCUPANCY**

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Since its inception Pan-Com has been well pleased with SEPP-15 as a planning instrument.

The particular communities that you visited some five years ago, Bodhi Farm and Dharmananda, continue to flourish. Children born on these communities are now in the process of completing High School and deciding their futures.

On 19 October last, without any warning or consultation Minister Webster announced the repeal of SEPP-15 Multiple Occupancy. (See Attachments "A" and "B").

For a Summary of the events leading up to this repeal, see Attachment "C".

As you will see from this Summary of the MO Review, it is totally lacking in "procedural fairness" and we believe may be in breach of Administrative Law, especially if the original SEPP-15 involved a Cabinet decision!

Our organisation refutes the contention in the consultant's report that:

- (i) there is no demand for MO, and,
- (ii) that MO is not a suitable matter for a statewide SEPP as 80% of MO's are located in the north coast of the State.

If Minister Webster was to repeal all SEPP's which did not have "a statewide application" (as stated in the News Release), then to not be discriminatory, this should for example include repeal of SEPP-

(add these)

.....

We consider that the Survey results show that there is a small, but steady demand for MO's, and that the number of councils which have MO's is increasing!

ATTENTION: Graham Irvine (to be collected.)
1.

Pan Com Letterhead
Mr. Bob Carr,
Opposition Leader,
Parliament House,
SYDNEY, 2000

17 November 1994

*Graham: Draft for comment.
Please contact Liam or
myself ASAP. Thanks
Peter*

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(add these)

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We consider that the Survey results show that there is a small, but steady demand for MO's, and that the number of councils which have MO's is increasing!

Simon. I see that this should fit comfortably on 3 pages. and I suggest you space out to fill 3 pages. I found the typeface & spacing used in your draft difficult to read. P.

Simon. DRAFT. I have sent copies to Graham, Di and Denis for comment with request to contact you or myself ASAP. Peter

Pan Com Letterhead
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Opposition Leader,
Parliament House,
SYDNEY, 2000

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The particular communities that you visited some five years ago, Bodhi Farm and Dharmananda, continue to flourish. Children born on these communities are now in the process of completing High School and deciding their futures.

On 19 October last, without any warning or consultation Minister Webster announced the repeal of SEPP-15 Multiple Occupancy. (See Attachments "A" and "B").

For a Summary of the events leading up to this repeal, see Attachment "C".

As you will see from this Summary of the MO Review, it is totally lacking in "procedural fairness" and we believe may be in breach of Administrative Law, especially if the original SEPP-15 involved a Cabinet decision!

Our organisation refutes the contention in the consultant's report that:

- (i) there is no demand for MO, and,
- (ii) that MO is not a suitable matter for a statewide SEPP as 80% of MO's are located in the north coast of the State.

If Minister Webster was to repeal all SEPP's which did not have "a statewide application" (as stated in the News Release), then to not be discriminatory, this should for example include repeal of SEPP-

(add these)

.....

We consider that the Survey results show that there is a small, but steady demand for MO's, and that the number of councils which have MO's is increasing!

Pan Com Letterhead
Mr. Bob Carr,
Opposition Leader,
Parliament House,
SYDNEY, 2000

17 November 1994

Dear Bob Carr,

**Re: REPEAL OF SEPP-15
MULTIPLE OCCUPANCY**

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(add these)

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We consider that the Survey results show that there is a small, but steady demand for MO's, and that the number of councils which have MO's is increasing!

Unfortunately there are still some councils who are strongly opposed to the MO form of settlement. (Some councillors in private, even boast that they have no MO's in their council area! Intending MO applicants naturally avoid attempting to settle in these council areas).

At the meeting of the Lismore City Council on the 15th November 1994, a motion to amend the local LEP to permit future MO Development Applications, **WAS OVERWHELMINGLY REJECTED!**

In summary we consider that the Policy has been repealed for expedient and political reasons, and not for social and professional planning reasons.

In the light of this we submit, that a statewide Policy is also still needed to enable the availability of this type of low impact settlement, with its low cost (mortgage free) self help housing, and, the freedom to adopt a family lifestyle of ones own choice.

While any vestige of prejudice prevails there is just as much need for a SEPP MO Policy today, as when it was introduced by yourself in 1988.

There are for some, an issue about the rating of MO's, along with other forms of development such as caravan and mobile home parks, company title units, dual occupancies and flats etc.

Though rating was not part of the Review brief, the consultant makes some very superficial comments about MO rating. No opportunity has been given for us to respond constructively to such questions.

We hold that if the rating system is to be reviewed, then it should encompass all forms of development.

REQUEST

We ask that if you attaining government at the forthcoming election, you will commit the Government to reinstating the SEPP-15 Policy, for the reasons outlined above.

MARGINAL ELECTORATES IN THE NORTH COAST REGION

We consider that the high rate of settlement in the north coast area along with the MO settlement, is an important factor in the trend of the north coast electorates becoming marginal.

The ALP candidates, Trevor Wilson in Murwillumbah, John Maxwell in Lismore and Patricia Black in Ballina, have all indicated their support for a statewide MO policy.

FAMILY COMMUNITIES IN THE "INTERNATIONAL YEAR OF THE FAMILY"

Many well established MO communities now consider themselves to be an extended family, or in the case of large communities, to be a cluster of extended families. Such bonding is seen as being a lifelong commitment.

There are those of us who see the Ministers action in repealing SEPP-15 as being an attack on the Premier's acceptance of and support for, there being a wide diversity of family lifestyle in NSW, especially as this is the "International Year of the Family".

INVITATION

Should you be again be visiting this area in connection with the forthcoming election, we would appreciate the opportunity of arranging an inspection of a member Multiple Occupancy.

Should you wish further information in respect to any of the above matters, we would be happy to oblige, and, if convenient to you could arrange for a representative to meet you in Sydney.

Thanking you again in anticipation for your further support.

We await your reply.

Yours sincerely,

.....
Simon Clough
Coordinator, Pan Community Council.

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ATTACHMENT "C"

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SUMMARY OF THE DEPARTMENT OF PLANNING, STATEWIDE REVIEW OF SEPP-15

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The following is a summary of the events leading up to the repeal of the SEPP-15 Policy.

1. Early in 1993 we heard that the Department of Planning (DOP) had privately invited some five consultants to tender, to conduct a survey and prepare a report on the application of SEPP-15 throughout the State.
2. Our subsequent investigations revealed that this Review was instigated at the direction of the Minister.

On interviewing both Don Page M.P. and Bill Rixon M.P., we were advised by them that they had lobbied for the Review, having themselves been lobbied by Real Estate Agents and other interests. (The Real Estate Agents were keen to see that subdivision of MO's be allowed).

3. The brief to the consultant included consideration of repeal of SEPP- 15. We were assured however, by the Regional Manager at Grafton that this was purely routine review and that there was no implication that repeal, was seriously contemplated.

4. We wrote to the Minister expressing our concerns about the review and in particular the fact that none of the consultants invited to tender had any

experience of the MO form of development. Nonetheless a Canberra based consultant was appointed!

5. On appointment of the consultant, Pan-Com offered the DOP and the consultant our full cooperation and extended an invitation to arrange an inspection of MO's.

The consultant declined to inspect any MO on the ground that the cost of so doing was not included in the budget for the Review! At no stage did they inspect an MO!

6. Pan-Com asked to be able to comment on the draft of the Survey planned to be sent to all MO's.

When we received a copy of this draft we viewed it to be seriously flawed and made many suggestions for its improvement. These were mainly accepted by the DOP!

7. We asked the DOP, that when the consultants Report was completed, that we be given a copy with time to comment, before any recommendations were made on the Report. THIS WAS DENIED.

As our constituents stood to be affected by the Report, we submitted that we were entitled to be heard, and, provided with an opportunity to rebut any false assertions should these be found in the Report.

8. We were advised by the Regional Manager that if any amendments to SEPP-15 were proposed to be made, that such amendments would be placed on public exhibition for comment.

The Regional Manager further indicated that the Department's Executive viewed that there should be no change in the Policy and that if it was proposed to make a change that:

- (i) the consultant's report would be available before any amendment was made, and,
- (ii) there would be a public exhibition of the proposed amendment.

9. Without any warning or consultation the Minister announced repeal of SEPP-15 on 19 October 1994. (See Attachments "A" and "B").

It is worthy of note in this regard, that in the consultant's main Report, it is recommended that if an amendment was to be made that:

- (i) there be a public exhibition of the proposed changes, and,
- (ii) there be a two year period of transition from SEPP-15 to local government control of MO. (It is generally held that an amendment of an LEP, takes between 12 to 15 months).

In the Summary Report however, the consultant DROPS the suggestion of a public exhibition, and, suggests that the transition could be carried out in one month without "any adverse impact on either councils or MO's". (See SEPP-42, Attachment "B").

Minister Webster has made the situation even more difficult by scheduling the three months transition, to fall over the Christmas/ New Year period!

The repeal has, as may be expected, some adverse impacts on existing MO's. Dharmanada the community of which I am a part, has been rushed into making land use decisions for the future, which we saw as being an evolutionary process.

Other communities are very concerned about the need to varying their development consent to make provision for their children. I am aware of four

communities that have been affected in this way.

In the case of the Lismore City Council, the difficulty has been compounded because the Council has chosen not to advertise that the deadline for any new MO Development Applications, is 1st. December 1994.

End

Don Cohen & Bob Brown seeing
Coke & Tam Allen 24-11-94 =
Sgd.

18/11/94

Send Cristleth
to Hla Hill

and to W. Fisher for use to
Bobby in his party.

Simon has spoken to both
re this evening, for their use/
lobbying

Summary Refs re Pundon Report for Canhatta

Vol 1 My notes re Pundon Report -

PI2 SEPP-15 applic to 63 Councils in NSW 67 Councils
+ 4 Councils have crimp proof with their LEP (SEPP & LEP)
applies

Since 1988 have been some ²³⁰ 107 MO approved (in 14 LGAs) 107
with ^{a further} 31 app under LEP's (in 6 LGAs) 31
PI3-14 with majority in NC. 138

housing a total population of about 7000

PI4 (1750 people)
Most of these MO's are located in the NC.

MO applicable in 67 LGAs in the NSW. (63 ^{under} ~~in~~ SEPP-15
+ 4, ^{using} LEP)