

Damson / Graham

### Grounds for repeal

- 1.0 Small demand,
- 2.0 most mo in N. Coast. (80%),
- 3.0 <sup>once per</sup> ~~No longer~~ <sup>in view of State ing,</sup>  
[ $\therefore$  <sup>need</sup> not subject to an LEPP]
- 4.0 and can be.  
Local Councils should deal with  
~~this~~ <sup>local planning</sup> under LEP provision.  
of LEC

### MO Stats

87% in NC - NCS

Total MO - NCS 280 - having 7000  
(ie Av 35 persons/mo) in 9 Councils

75% under \$20,000 pa income

Av. 15 dwelling/property

'US' MO =  
Persons/dwelling by 3.7

dwelling, say  $600 \times 3.7 = 2220$

245 communities

1/2 containing

1/4

"

1/4

"

3 = 9 dwellings

10 - 19 "

20 - 40 "

O Book Report? 91-92 For press release.  
Pop. Numbin chosen 1890 adults by Di +  
Shells survey. 2300 Shops.

Forwarded - rate notices

RR =  
Village -

MO  $45\% =$  RR. Pop  
 $= 14.8\%$  Rates & pd.

26 - Tintabbe 27%

$412\%$  Rate base.

RR  
#32 Rates concessional  
Gung Rd  
151 Farm

\$138 / ha Village

\$176 / ha RR

\$185 farmers

\$78 MO alth Tintabbe

\$58 a well

\$548 / Rate notice R/R MO  
333 Village.

\$885 farmers

499 R/R

548

~~\$1255~~

MO

rate

notice 432 = MO

\$1211

22

# Summary of pos. questions

MO v ST & CT

Cluster v dispersed

legal structures.

Policy aims

economic self sufficiency / sustainability

low income / no mortgage

decision making / meeting structure

new members / Expulsion.

mediation / dispute resolution

legal frameworks

difficulties - hostilities

Rates <sup>quantity - quality</sup>

Services: elec, water, <sup>quantity - quality</sup> sewage, waste, bus & fire.

Health,

economic issues - 75% under 2000, unemployment

housing

consequences

benefits - quality of life

philosophic underpinning - of Policy Area

Policy Aims

# FAX DOCUMENT FROM PETER HAMILTON

1/50 Paterson Street, Byron Bay, 2481 (066) 858 648 (F/T)

TO: .....R. Dandens.....

FAX No: 03-96457092 DATE: 27-6-95

Number of pages (excluding this sheet): .....8.....

SUBJECT: .....Multiple Occupancy (intentional communities) NSW.....

COMMENTS: .....Information as requested by Graham  
Carter.....

.....Peter Hamilton.....  
.....  
.....  
.....

## DEPARTMENT OF PLANNING

Remington Centre, 175 Liverpool Street Sydney 2000  
Box 3927 GPO Box Sydney 2001. DX 15 Sydney.  
Telephone: (02) 391 2000 Fax: (02) 391 2111

## CIRCULAR NO. B11

(Former DEP circular  
Nos. 144 and 150)

19 December 1990

All City, Municipal and Shire Councils

### STATE ENVIRONMENTAL PLANNING POLICY NO. 15 MULTIPLE OCCUPANCY OF RURAL LAND INCORPORATING AMENDMENT NO. 1

#### Introduction

This policy was gazetted on 22 January 1988 to allow a number of dwellings to be built on a single rural or non-urban holding held in collective ownership.

2. Amendment No. 1 to the policy was gazetted on 23 November 1990 to incorporate changes considered appropriate in the light of experience with the policy's operation. The amendments are detailed later in the circular, as are minor amendments made by three local environmental plans gazetted up to the date of this circular.

3. The commencement of clauses 7(b) and 7(c) of Amendment No. 1 is delayed until 23 January 1991 to allow councils time to adjust to the changes introduced and the requirement to include advice on section 149 certificates in accordance with the attached Ministerial notification. From 23 January 1991, this circular supersedes all previous advice.

#### What is multiple occupancy?

4. Multiple occupancy is a type of rural development where a group of people, not necessarily related to each other, live on a single property in several dwellings.

5. These people usually have the desire to:

- \* live as a community and build a number of dwellings in a rural setting on unsubdivided land as their main place of residence;
- \* manage the land for communal purposes in an environmentally sensitive way; and
- \* pool their resources to develop communal rural living opportunities.

■ Contact: Research Branch

■ Our reference: 83/10203/7

6. Farming is not necessarily intended as the primary source of income.
7. Various forms of legal organisation are possible. However, subdivision of the land, including strata subdivision under the *Strata Titles Act 1973*, or subdivision under the community titles legislation which was introduced in NSW on 1 August 1990, is not. Legal titles giving separate entitlement to a small part of the land plus the sharing of common land have been shown to be a form of subdivision and are prohibited under the multiple occupancy policy.
8. Multiple occupancy entails the sharing of the land and communal ownership of the whole land-holding. People, often on low incomes, may either pool their resources to purchase land collectively or purchase a share in an existing community. They may seek approval from the local council to build and/or occupy either a dwelling or part of an expanded house. This form of community rural lifestyle can be achieved and sustained at a much lower cost than separate, conventional urban or rural residential situations. It is the rural equivalent of people sharing a house in an urban area.

#### Where does the multiple occupancy policy apply?

9. The policy applies to many local government areas in the coastal and tablelands parts of New South Wales, but it excludes the Newcastle, Sydney and Wollongong areas and the ACT and Kosciusko subregions. The municipalities and shires where it applies are listed in Schedule 1 to the policy.
10. Multiple occupancy is excluded from national parks, nature reserves, areas zoned for environment protection and coastal protection, and areas where more than 80 per cent of the land has slopes in excess of 18 degrees. A range of environmentally-related criteria must be met before development approval can be granted under the policy.
11. Multiple occupancy is also not permitted on prime crop and pasture land, and the development must be designed to minimise impact on existing agriculture. Furthermore, multiple occupancy cannot be approved on blocks where more than 25 per cent of the land is prime crop and pasture land.

#### What area of land is needed for multiple occupancy?

12. The minimum area for a multiple occupancy approval under State Environmental Planning Policy No. 15 is ten hectares. A formula determines the number of dwellings permissible. On ten hectares, four dwellings are allowed; on 200 hectares, 51 are possible; and a maximum of 80 dwellings are possible on blocks of 360 hectares or more.
13. Multiple occupancies on smaller blocks may be allowed, provided there are good planning grounds for such approval.

### Types of housing on multiple occupancy properties

14. Housing arrangements on multiple occupancy properties vary from dispersed single-family dwellings to clusters of expanded houses where groups of buildings function as a dwelling-house, with shared facilities such as kitchens and bathrooms (figure 1).

15. 'Clustered' and 'dispersed' settlements are two forms of development (figure 2). The clustered form is generally preferred because it minimises the impact of development and construction, facilitates a single services corridor and encourages community living.

### Non-residential development

16. Under the multiple occupancy policy, schools, community facilities and workshops could also be permitted as long as they are intended primarily to serve the needs of people living on the land and are minor in scale.

### Existing developments

17. Some existing multiple occupancy-style developments have been created without development consent. Often they have been in areas where there were no local planning controls to deal with multiple occupancy. Some of these developments may not meet all the conditions laid down in the policy. The Department of Planning is available to advise both people in this situation and local councils to help them to comply with planning provisions.

### How to apply for multiple occupancy

18. People interested in multiple occupancy should make a development application to their local council. The council may approve the proposal, subject to it meeting the planning provisions specified in the policy and being in an appropriately zoned area.

19. When more than four dwellings are intended, a map showing the characteristics of the land and the proposed development must be included. In these cases, the council will advertise the proposal for public comment before determining the application.

20. If the property consists of several parcels of land, these should be consolidated when the development application is made.

### Amendment No. 1

21. Five amendments are made to SEPP No. 15 under Amendment No. 1:

- (1) the minimum number of dwellings permitted is raised from two to three. This prevents the unintended use of the policy to allow detached dual occupancies in rural areas;
- (2) tourist development in the form of multiple occupancy becomes permissible on land covered by the policy where tourist development is already

permissible in the zone under the provisions of another environmental planning instrument;

- (3) Cowra Shire Council is added to the schedule of councils included in the policy (Schedule 1) while Eurobodalla Shire Council is excluded from the policy with the exception of the Deua Valley;
- (4) clarification is given that the policy does not repeal the multiple occupancy clause (viz. clause 29) of Hastings Local Environmental Plan 1987;
- (5) references to repealed environmental planning instruments are omitted from Schedule 3 to the policy.

22. The increase to three for the minimum number of dwellings permitted in a multiple occupancy development is intended to reinforce use of the policy to promote farming and rural land uses generally. The original intention of the policy was not to allow detached dual occupancy such as would be found in urban areas. This latter type of development relies on the existing availability of physical infrastructure and community services.

23. Multiple occupancy in the form of tourist development of any particular type is no longer prohibited under the policy in a zone where that type of tourist development is permissible under another planning instrument. It is anticipated this change will have economic benefits through the generation of additional income from some multiple occupancy developments.

24. Cowra Shire Council is added to the schedule of councils to which the policy applies. The council made a written request for its inclusion. Eurobodalla Shire Council, upon its request, has been excluded from the policy with the exception of Deua Valley. Eurobodalla Rural LEP 1987 continues to provide scope for multiple occupancy within the Rural 1(c) Zone within Eurobodalla Shire.

25. SEPP No. 15 was previously amended by Nambucca LEP (1986) (Amendment No. 8), Wingecarribee LEP 1989 and Hastings LEP 1987 (Amendment No. 10) to exclude respectively Nambucca, Wingecarribee and Hastings Shires from operation of the policy. As a result of amendments, these three shires no longer appear in Schedule 1 to the policy. Schedule 3 has also been updated so that it does not include repealed planning provisions. Each of the three councils now has its own LEP provisions for multiple occupancy.

26. Attached are copies of:

- \* explanatory notes on the contents of the policy as amended;
- \* the Minister's notification of advice to be included with respect to the policy in a certificate issued under section 149(2) of the *Environmental Planning and Assessment Act 1979*;
- \* notes on and a copy of the Minister's revocation of a Direction by the former Minister for Environment and Planning which had limited contributions for



services and community facilities in a multiple occupancy development to a set figure per dwelling;

- \* the amended *SEPP No. 15: Multiple Occupancy of Rural Land*;
- \* a copy of *SEPP No. 15: Multiple Occupancy of Rural Land (Amendment No. 1)*.

27. Councils should note clause 2(2) of Amendment No. 1 which delays the commencement of clauses 7(b) and (c) of the amendment until two months after the date of its gazettal. This will provide councils with time to adjust to the altered provisions for minimum number of dwellings and tourist development.

28. Any enquiries on *SEPP No. 15: Multiple Occupancy of Rural Land (Amendment No. 1)* should be addressed to the department's Research Branch or the appropriate regional office.

Figure 1: an expanded house

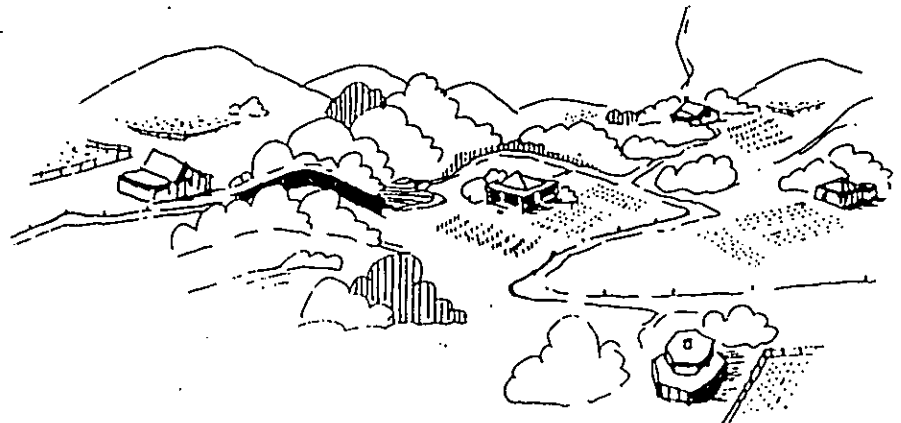
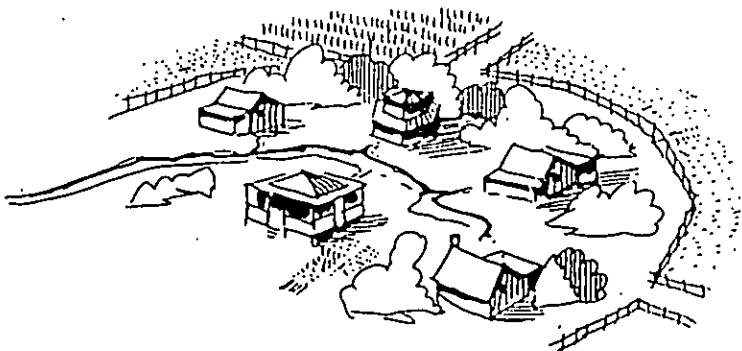
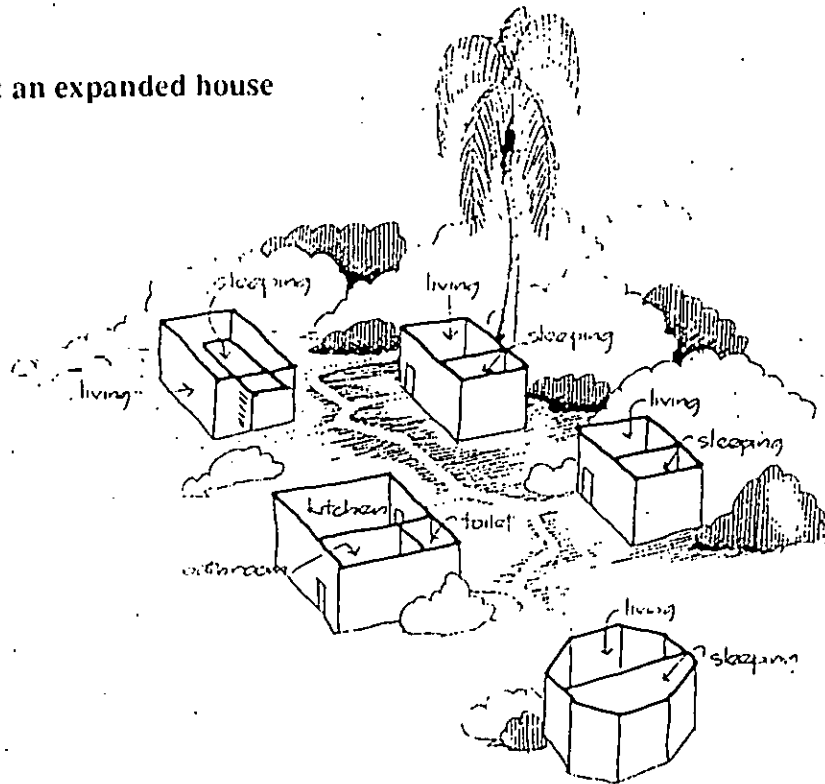


Figure 2: clustered and dispersed development

**THE POLICY (Gazetted 22 January 1988;  
as amended on 23 November 1990.)**

**Citation**

1. This Policy may be cited as State Environmental Planning Policy No. 15 - Multiple Occupancy of Rural Land.

**Aims, objectives etc.**

2. The aims, objectives, policies and strategies of this Policy are -

- (a) to encourage a community based and environmentally sensitive approach to rural settlement;
- (b) to enable -
  - (i) people to collectively own a single allotment of land and use it as their principal place of residence;
  - (ii) the erection of multiple dwellings on the allotment and the sharing of facilities and resources to collectively manage the allotment; and
  - (iii) the pooling of resources, particularly where low incomes are involved, to economically develop a wide range of communal rural living opportunities, including the construction of low cost buildings; and
- (c) to facilitate development, preferably in a clustered style -
  - (i) in a manner which both protects the environment and does not create a demand for the unreasonable or uneconomic provision of public amenities or public services by the State or Commonwealth Governments, a council or other public authorities;
  - (ii) in a manner which does not involve subdivision, strata title or any other form of separate land title, and in a manner which does not involve separate legal rights to parts of the land through other means such as agreements, dealings, company shares, trusts or time-sharing arrangements; and
  - (iii) to create opportunities for an increase in the rural population in areas which are suffering or are likely to suffer from a decline in services due to rural population loss.

## Objectives of

### THE BODHI CHURCH

1. To be a community of friends.
2. To encourage the flowing of spiritual understanding and freedom through:-
  - right understanding,
  - right thought,
  - right speech,
  - right action,
  - right livelihood,
  - right effort,
  - right mindfulness,
  - and
  - right concentration.
3. To collectively and individually abstain from:-
  - killing living beings,
  - taking what is not freely given,
  - false speech,
  - sexual misconduct,
  - and,
  - substances which intoxicate and confuse the mind.
4. To experience ourselves and each other in wholeness and community:-
  - through birthing and dying,
  - learning and growing,
  - sheltering and providing,
  - celebrating and sorrowing.
5. To be responsible to each other for these sacraments, and for all our lives as one family.



# Department of Planning

10 NOV 1994

Remington Centre  
175 Liverpool Street, Sydney 2000  
Box 3927 G.P.O. Sydney 2001  
DX 15 Sydney

To All SEPP 15 Review Respondents

Telephone : (02) 391 2000 Ext:  
Fax No : (02) 391 2111

Contact :

Our reference :

Your reference : G93/00210

## REPEAL OF STATE ENVIRONMENTAL PLANNING POLICY NO. 15 - MULTIPLE OCCUPANCY OF RURAL LANDS

The Department advised councils in September, 1993 that the Minister for Planning had undertaken to review State Environmental Planning Policy No. 15 - Multiple Occupancy of Rural Lands. In response to the findings of the review, the Minister has determined that SEPP 15 will be repealed. This will take effect from 1 December 1994.

Consultants were engaged to conduct the review which assessed the extent and impact of the Policy's use and the adequacy of provisions within the Policy. The review is now complete and a copy of the Summary Report prepared by the consultant is attached for your information.

The review has established that there is an ongoing but very small demand for multiple occupancy (MO) development across New South Wales. Annual use of the Policy has declined significantly since its introduction and the demand for new MO development would seem to be diminishing. Additionally, the majority of MOs (approximately 80%) are located on the North-Coast of New South Wales. Therefore, in terms of the extent of its use and the range of its application, the Policy is no longer servicing a State-wide need.

Section 73 of the Environmental Planning and Assessment Act, 1979 provides that the Director shall regularly and periodically review SEPPs to ensure the objectives of the Act are being achieved. Objective (b) of Section 5 of the Act promotes the sharing of responsibility for planning between appropriate levels of Government. The review has indicated that MO development is now more appropriately dealt with at the local level. To ensure objective (b) is achieved the responsibility for controlling MO development is being transferred to local government.

Similarly, it is implicit in section 37 of the Act that the subject of a SEPP be a matter of significance for environmental planning for the State. The review has demonstrated that MO development is clearly no longer an issue of State significance and should not therefore be the subject of a SEPP.

#### TRANSITIONAL PROVISIONS

State Environmental Planning Policy No. 42 - Multiple Occupancy of Rural Land (Repeal) has been prepared to repeal SEPP 15 and to introduce appropriate transitional provisions. SEPP 15 will be repealed as of 1 December 1994 however development applications for MO may be lodged with councils under SEPP 15 until 30 November 1994. Councils may assess these and any other current applications using the provisions of SEPP 15 until 31 January 1995.

Councils wishing to provide for ongoing MO development in their area are encouraged to prepare an amendment to their environmental planning instrument to ensure appropriate provisions are in force prior to, or as close as possible to, the end of January 1995. If specific provisions are not introduced, no development standards will apply and allowable applications will be subject only to assessment under Section 90 of the Act - Matters for Consideration.

The Summary Report accompanying this letter contains suggested alterations to the SEPP 15 provisions. These alterations are a result of consultation with local councils, Government authorities, MO residents and other interested parties. The Report also recommends a number of actions to assist with the implementation of any new MO policy or provisions adopted by council. The Department encourages councils to adopt these actions as well as the existing SEPP 15 provisions and suggested amendments.

If further information is required please contact the Department's Regional Manager for your council's area.



E Smith  
Secretary

October, 1994

**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.

---

#### NOTES

#### TABLE OF PROVISIONS

1. Citation
  2. Aims, objectives etc.
  3. Commencement
  4. Definition
  5. Land to which this Policy applies
  6. Repeal
  7. Transitional provision
-



	m-o-dA.	Drilling later Approved (1)	2-9	10-19	20-40						
(2)	1	3	0			32	128			0	
	2	2	0			33	18		0		
	3	2	0			34	3	0			
	4	4	0			35	3	0			
	5	3	0			36	2	0			
	6	6	0			37	7	0			
	7	4	0			38	24			0	
	8	6	0			39	14		0		
	9	3	0			40	3	0			
	10	6	0			41	4	0			
	11	27			0	42	5	0			
	12	2	0			43	2	0			
	13	7	0			44	2	0			
	14	6	0			45	10		0		
	15	9	0			599	28	9	8	(=45)	
	16	19		0		90	62	20	18	=100%	
	17	27			0						
	18	16		0							
	19	57			0						
	20	40			0						
	21	4	0								
	22	8	0								
	23	4	0								
	24	3	0								
	25	27			0						
	26	13		0							
	27	7	0								
	28	35			0						
	29	2	0								
	30	11		0							
	31	10		0							

(2) Say (3) as presumable  
does not incl 1 hour  
not neg. approval

(1) NB May not be built.

(03) 5279044 Has arrived much

Damien Carinch

4 Graham

"Done by law"

3CR Self

6.0 - 6.30 Thurs

Legal Services

3/5

Call 5.45 - 5.30

first speaker -

monthly  
eye examination  
logging

SRK - re communal

topics: Street dir in MOU ST & CT.

clusters / dispersed

legal structure

access econ self suff.

low income, no mortgage.

the decision making / meeting sh  
proportion / removal.

dispute need

legal framework

1988. Gazette

difficulties - hostile by Gov

Rates re scapegoating

Council or services - water elec sewage etc.

health & safety, water qual.

Economic issue dope warawra / "cannibals"  
on benefits

self sufficiency as lifestyle

mental illness

Graham had thought

philosophy underlying

No of mo. in state & region.

philosophy of Bodhi - Aims.