



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

19.1.94

Regional Manager,
Mr. Trevor Prior,
Department of Planning,
P.O. Box 6, Grafton, NSW, 2460

Dear Trevor Prior,

Re: REVIEW OF SEPP-15:
DRAFT MULTIPLE OCCUPANCY SURVEY FORM

OVERVIEW

We enclose herewith our comments on the proposed MO Survey Form along with suggestions of possible supplementary questions, and a bibliography of selected readings, see Attachments "A", "B", "C" and "D".

We see this review as being, not just a review of MO development, but also about the efficacy of SEPP-15 as enabling legislation.

We view that the situation in respect to the draft MO Survey and assisting consultants, are inadequate for the following reasons:-

1. The brief has inadequacy terms of reference, and, does not provide for a staged contract or a pilot sample survey.
2. The MO Survey Form is deficient in not providing a rigorous and appropriate set of questions.
3. The appointment of a consultant who appears to be inexperienced in this form of development, and, not familiar with the appropriate phrasing of questions and options, to achieve a reasonable response rate. (See Attachment "A").

For these reasons we recommend that the present Survey be terminated or deferred, pending a reexamination.

While we appreciate the courtesy extended to us by the Department and the consultant, nevertheless we feel very much as being observers of the process. We would prefer to be part of the process.

We draw to your attention the "Conclusions" in Attachment "A".

We list below details in support of our conclusions.

MO SURVEY FORM

For our comments on the Draft MO Survey Form, see Attachment "A".

.2.

MEMBERS OF PARLIAMENT

As it seems both Don Page M.P. and Bill Rixon M.P. were at least, partly instrumental in triggering this review, we ask if the consultants have sought comment from the members on questions of concern to them?

We draw to your attention that Don Page M.P. stated (ABC Radio 18.1.94) that a reason for this Review was lack of equity in rating and that there would be community consultation on the Report, before the Minister made any decision.

PROCESS

We have long supported and commended the Department for the manner, thoroughness and thoughtfulness with which the Department prepared the Policy.

As you are aware, we have gone out of our way to make ourselves available to assist both the consultants and the Department in this Review. Many have devoted a deal of time, energy and money in this regard.

If the Minister comes to make a decision which erodes the Policy in any way we must be examining in detail the basis on which the decision was made.

We offer these comments in the spirit of being "constructively critical".

We do not see this as a polarised situation, but rather one where "we jointly" have a problem to be addressed.

We see the lack of experience by staff of the MO form of development, as probably being the root cause of the condition underlying the inadequacies in the present survey, and, we see an appropriate educational programme as being the answer to this problem.

We accept some responsibility in this regard.

We appreciate that there has been a major turnover of staff since the Policy was introduced and that your new staff have not had the opportunity of a refresher course and little if any field experience, in this form of development.

To this end we recommend the following two educational components for your consideration.

a. THAT A CERTIFIED COURSE ON MO BE ESTABLISHED

We have taken steps to explore the possibility of there being established a special course on MO administration at the Lismore TAFE College. Our investigations to date look promising.

In essence we see that this would be an annual course tailored to meet the needs of professional planners, from the Department (on a state basis), from local councils, consultants, and those bureaucrats from the many Governments that are now consulted in connection with new MO D.A's.

The course to include the history and philosophy of MO's, a review of all relevant legislation that bears on MO (ie. not just

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planning law). The course would include practical work, involving tours of inspection and a residential component on one or more MO's on a billet basis.

Those successfully completing the course to be awarded an appropriate certificate of proficiency in MO planning, monitoring and administration.

We would look to your Department funding or underwriting such a course. We will be in touch with you at a latter date in this regard. At the appropriate stage we would look to the Department becoming a "partner" in the design aspects of the course material to be included.

and b. That a DEPARTMENTAL MANUAL on MO Development be produced.

Such a Manual being designed to familiarise;

- (i) new staff (departmental and council etc), on the nature of MO development, criteria for evaluation, monitoring of D.A's, SOE reporting and the like,

and (ii) new MO applicants in what is expected of them in preparing an MO D.A. and assistance in how to achieve this.

(We would be happy to consider being engaged on a professional basis to assist in preparing such a Manual. I would refer you in this regard to the "Low Cost Home Building Handbook" published by the Department some years ago, as a model in this regard. We view that the extensive sales of this publication, suggests the need for a companion publication addressing the issues of the day).

Pending our formal proposal to the Director we would appreciate it if you would note these propositions as a potential item for consideration in your next budget.

NEW APPROACH

In a fresh approach to the MO surveys we suggest that consideration be given to:-

- a. Requiring that the Survey Form clearly provides the objective or reasons, for the inclusion of each question or bracket of questions.

We submit that it is only with this information that it is possible to effectively evaluate the responses and draw conclusions.

- b. Including a structural process involving the MO community at all stages of the review.
- c. Providing for the project to be staged (with evaluation applying at the end of each stage and subsequent stages not proceeding until the former stage is fully analysed and evaluated).

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- d. Including a pilot survey of a sample selection of communities.

Providing a "phone option" might be considered in addition to the "mail option" as a way of improving the response rate.

In this regard communities could be invited to nominate a particular person to respond to the survey by phone. After the survey form has been issued for a period of days, the consultant to phone the contact and fill in the form with their replies.

- e. Addressing the reliability of one member of a community answering for the community.

COUNCIL SURVEY FORM

Though we have not included, at this time, any detailed comment on the Council Survey Form, this should not be taken as an endorsement of the Form.

Notwithstanding this many of the comments made in respect to the MO Survey Form, apply equally to the Council Survey Form.

As the Council Survey Form has set the pattern for questions in the MO Survey Form we are faced with a virtual fait accompli.

We submit with respect, that the inadequacies and weaknesses in the survey forms are such that any review based on this data will be seriously compromised.

COUNCIL SURVEY REPORT

We are given to understand that no synthesis or conclusions are made in the Draft Report by the consultants and that the Report amounts to little more than a statistical compilation. Are we to understand from this, that it will be the Department who will be drawing conclusions after testing for the reliability and appropriateness of the replies given by councils?

EXAMINATION OF REVIEW PROCEDURE

Having in mind the legislative's objective to provide opportunity for public involvement and participation in the planning process, we are saddened that we have not had opportunity to make any comment on the design of the council Survey Form.

That the consultants are endeavouring to do the best they can within their budget is no excuse. The fundamental problem stems it seems, from a failure to appoint a consultant experienced in MO development and in conducting surveys related to this form of development.

Our motivation in suggesting that additional questions be considered (such as detailed in Attachments "B", "C", and "D"); is in part, that the survey should have the widest possible application (eg. by councils, and community groups).

In addition many, if not all such questions are now to be addressed in the annual SOE Report and hence your survey has the potential to assist others

In this regard, for example those councils who are unlikely to conduct their own MO survey.

In regard to a review of the legislation, we ask what steps if any, have been taken to determine if the prohibition of subdivision, as detailed in Aim 2(c)(ii), has been the subject of concern to any council, at any time?

What steps do councils take at the time of considering a DA to ensure that this clause prevails? What precautions are taken, such as to require a caveat on the title, to ensure that it does not subsequently occur?

In regard to community settlement, we would like to see included questions directed to quantifying the extent to which settlement (from the point of view of lifestyle and housing) would not have occurred, but for SEPP-15.

MONITORING THE POLICY

We ask that the review includes a detailed report on the process and extent of the Department's monitoring of DA's, as provided under Clause 12 of the Policy.

CONCLUSIONS

The draft MO Survey Form contains inadequate and inappropriate questions.

Within the Policy the forms that multiple occupancies have taken are many and contain many internal variations.

This diversity we contend may be taken as a mark of the success of the enabling legislation.

We recommend that the whole basis on which the survey has been established, including the terms of reference of the brief, the absence of a pilot survey, the absence of a staged contract and the choice of the consultant, are all such that these should be reexamined.

We note that many of the questions in the proposed MO Survey follow those in the Council Survey. It is in our view, a sad reflection on the Department in not having addressed these adequately at the time of approving the Council Survey Form.

As it is our wish to continue to work constructively with the Department we seek, that serious attention be directed to the above matters as a matter of urgency and in particular, that the inadequacies to which we have drawn attention be acknowledged and the consultancy brief suspended before the Department is further compromised.

Failing this we ask that the present target of the MO Survey being circulated in the first week of February be deferred, to give sufficient time to address the suggestions and comments made above.

We contend that SEPP-15 is not the appropriate legislation under which to address any issues relating to rating of MO's.

COPYRIGHT

We note that the consultants have attached a copyright to both the survey forms.

We query the appropriateness of this practice, especially having in mind that some of the questions appear to have been lifted from other surveys without acknowledgement. Is it to be understood that if a council wished to lift a question from this survey for their own use, that they would have to seek permission from the Consultants or the Department?

Any notion that the approval of use, would be a mere formality, is not acceptable in principle.

We recommend that no copyright be attached to the survey forms.

INVITATION TO VISIT

It has been brought to our attention that a staff member of a particular council, expressed that he was hesitant to approach communities (for his educational benefit) because he had not been "invited".

In case this ever arises in regard to members of your Department, please be assured that you and members of your staff have a standing invitation to contact us with a view to an inspection, and if desired, billeting on an MO.

BELLINGEN M.O.A.G.

The Bellingen Multiple Occupancy Action Group have asked us to advise you that they fully endorse the contents of this letter and that they will be forwarding to you their own submission hopefully within a matter of days. (In this regard they are aware of your proposed target dates).

GENERAL

For your information we will be forwarding a copy of the enclosed material to the consultants. As the Lismore Council is planning to conduct their own survey of MO's in their area, we will also be sending them a copy of this material.

We await your reply to the questions raised above.

Thanking you in anticipation.

Yours sincerely,

Peter Hamilton

Peter Hamilton
for the Pan-Com M.O. Review Collective

CHECKLIST OF THEMES AND INDICATORS
FOR CONSIDERATION IN PREPARING ANNUAL SOE REPORTS
IN RESPECT TO MO SETTLEMENT

PREAMBLE

STATE OF THE ENVIRONMENT ANNUAL REPORTING BY LOCAL GOVERNMENT

The Local Government Act 1993 requires councils to prepare annual reports on the "state of the environment" (SOE) and to this end requires the Environment Protection Authority (EPA) to prepare guidelines for the preparation of these reports. These guide lines are contained in "SOE REPORTING BY LOCAL GOVERNMENT: Environmental Guidelines", 1993.

The first SOE Report is to be made by May 1994.

The guidelines set out "themes" and "indicators" to be considered. The Act requires that there be community consultation in preparing these reports.

In both the statewide MO review being conducted by the DOP, and, the MO survey being prepared by the Lismore City Council, it would appear to be appropriate that consideration be given to using the "themes" and "indicators" outlined in the above publication on the grounds of efficiency, viz to avoid unnecessary duplication by council staff and repetitive returns by MO communities.

The following is a checklist of "themes" and "indicators" that are seen to have relevance to the "state of MO settlement" and hence may be found to be useful in preparing questions in any review of MO. (It is to be noted that any particular "indicator" may apply to more than one "theme" area).

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NOTES. (1) Headings in bold type are those used in the EPA
Guidelines on SOE Reporting by councils).

(2) The SOE "indicators" in this checklist have been
selected on the basis of possible relevance to MO
settlement. Some have rephrased and/or amplified.

1.0 AREAS OF ENVIRONMENTAL SENSITIVITY

- 1.1 Are there areas on the property which you considered are
"environmentally sensitive" and the community takes
steps to protect or conserve?
- 1.2 Does the community engage in reforestation of native
trees on the property?
- 1.3 Are there creeks, rivers (shared), springs, dams, bores
or the like on the property?
- 1.4 Is the quality of water held as being a valued natural
resource?
- 1.5 Are steps taken to attain the highest possible level of
the quality of the water, and, that natural water
sources are not polluted by eg sewerage, toxic chemicals
or the like?
- 1.6 Have steps been taken to verify if there are any
Aboriginal sites of significance on the property?
- 1.7 Is there a pressure to erode sensitive environmental
areas by, for example, clear felling of trees, or over
grazing?

Unique landscape or vegetation

- 1.8 Are there areas on the property which you consider have
unique features, or are unique vantage points, or,
contain unique vegetation?
- 1.9 Is there a bushfire management plan for the property?

2.0 BIODIVERSITY

Wildlife and Habitat Corridors

- 2.1 Are there wildlife habitats and corridors on the
property?

2.2 If there area feral animals on the property does the community have a policy re containing or eradicating such animals?

2.3 Does the community have a policy on weed control and management?

Threatened species of flora and fauna

2.4 Are there rare and/or endangered species of flora and/or fauna on the property?

3.0 WASTE AND POLLUTION

Waste Management Policy

3.1 Does the community foster alternative forms of sewerage disposal and the reuse and recycling of materials?

3.2 Does the community have its own garbage disposal area?

4.0 ENVIRONMENTAL RESTORATION PROJECTS

4.1 Have any members of the community been involved in restoration activities or in a Landcare group?

4.2 Are there areas of old growth forest on the property?

4.3 Is the land considered to be degraded and if so, what rehabilitation or restoration has been undertaken?

5.0 HUMAN ACTIVITIES AND CHARACTERISTICS

Demographic

5.1 Demographic data; (population, ethnicity, age, economic status, dwelling occupancy density, employment, trend in growth rate, and the like)?

Human impact on the rural environment

5.2 Impact on air quality, noise and the like. Use of chemical fertilisers, contaminated sites, waste disposal sites, heritage sites and the like. Visual impact of the development from vantage points outside the property?

Energy efficiency

5.3 Level of energy generation (solar, wind, water organic etc)?

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- 1.5 Are steps taken to attain the highest possible level of
the quality of the water, and, that natural water
sources are not polluted by eg sewerage, toxic chemicals
or the like?
- 1.6 Have steps been taken to verify if there are any
Aboriginal sites of significance on the property?
- 1.7 Is there a pressure to erode sensitive environmental
areas by, for example, clear felling of trees, or over
grazing?

Unique landscape or vegetation

- 1.8 Are there areas on the property which you consider have
unique features, or are unique vantage points, or,
contain unique vegetation?
- 1.9 Is there a bushfire management plan for the property?

2.0 BIODIVERSITY

Wildlife and Habitat Corridors

- 2.1 Are there wildlife habitats and corridors on the
property?

2.2 If there are feral animals on the property does the community have a policy re containing or eradicating such animals?

2.3 Does the community have a policy on weed control and management?

Threatened species of flora and fauna

2.4 Are there rare and/or endangered species of flora and/or fauna on the property?

3.0 WASTE AND POLLUTION

Waste Management Policy

3.1 Does the community foster alternative forms of sewerage disposal and the reuse and recycling of materials?

3.2 Does the community have its own garbage disposal area?

4.0 ENVIRONMENTAL RESTORATION PROJECTS

4.1 Have any members of the community been involved in restoration activities or in a Landcare group?

4.2 Are there areas of old growth forest on the property?

4.3 Is the land considered to be degraded and if so, what rehabilitation or restoration has been undertaken?

5.0 HUMAN ACTIVITIES AND CHARACTERISTICS

Demographic

5.1 Demographic data; (population, ethnicity, age, economic status, dwelling occupancy density, employment, trend in growth rate, and the like)?

Human impact on the rural environment

5.2 Impact on air quality, noise and the like. Use of chemical fertilisers, contaminated sites, waste disposal sites, heritage sites and the like. Visual impact of the development from vantage points outside the property?

Energy efficiency

5.3 Level of energy generation (solar, wind, water organic etc)?

Land type

5.4 Degree to which the land is utilised within its capability?

CHECKLIST OF THEMES AND INDICATORS
FOR CONSIDERATION IN PREPARING ANNUAL SOE REPORTS
IN RESPECT TO MO SETTLEMENT

PREAMBLE

STATE OF THE ENVIRONMENT ANNUAL REPORTING BY LOCAL GOVERNMENT

The Local Government Act 1993 requires councils to prepare annual reports on the "state of the environment" (SOE) and to this end requires the Environment Protection Authority (EPA) to prepare guidelines for the preparation of these reports. These guide lines are contained in "SOE REPORTING BY LOCAL GOVERNMENT: Environmental Guidelines", 1993.

The first SOE Report is to be made by May 1994.

The guidelines set out "themes" and "indicators" to be considered. The Act requires that there be community consultation in preparing these reports.

In both the statewide MO review being conducted by the DOP, and, the MO survey being prepared by the Lismore City Council, it would appear to be appropriate that consideration be given to using the "themes" and "indicators" outlined in the above publication on the grounds of efficiency, viz to avoid unnecessary duplication by council staff and repetitive returns by MO communities.

The following is a checklist of "themes" and "indicators" that are seen to have relevance to the "state of MO settlement" and hence may be found to be useful in preparing questions in any review of MO. (It is to be noted that any particular "indicator" may apply to more than one "theme" area).

CHECKLIST OF THEMES AND INDICATORS FOR CONSIDERATION IN
PREPARING ANNUAL SOE REPORTS IN RESPECT TO MO SETTLEMENT

- NOTES (1) Headings in bold type are those used in the EPA
Guidelines on SOE Reporting by councils).
- (2) The SOE "indicators" in this checklist have been
selected on the basis of possible relevance to MO
settlement. Some have rephrased and/or amplified.

1.0 AREAS OF ENVIRONMENTAL SENSITIVITY

- 1.1 Are there areas on the property which you considered are
"environmentally sensitive" and the community takes
steps to protect or conserve?
- 1.2 Does the community engage in reforestation of native
trees on the property?
- 1.3 Are there creeks, rivers (shared), springs, dams, bores
or the like on the property?
- 1.4 Is the quality of water held as being a valued natural
resource?
- 1.5 Are steps taken to attain the highest possible level of
the quality of the water, and, that natural water
sources are not polluted by eg sewerage, toxic chemicals
or the like?
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