

MASTER COUNCIL SURVEY
DOP LGA Survey
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SEPP 15 REVIEW
 MULTIPLE OCCUPANCY (MO) OF RURAL LANDS
 LOCAL GOVERNMENT SURVEY

00034

1. Has Council used SEPP 15 to approve MO development applications within its rural zones? Yes ☒ No ☐

If No, go to Question 2

- (a) Please complete the following Summary of Development Applications approved by Council using SEPP 15 Provision:

YEAR	Number of DAs approved	Total Dwellings	Number of DAs Notified to DOP
1988	7	43	6
1989	5	12	5
1990	3	6	3
1991	3	9	2
1992	5	42	3
1993	2	6	3
TOTAL	25	118	22

- (b) What is the average size in hectares of MO developments approved by Council over the last five years using SEPP 15? (Please tick one box only)

0 - 10 ha ☐ 11-40 ha ☐ 41-80 ha ☒ 81-210 ha ☐ 211-360 ha ☐ >360 ha ☐

- (c) Please list the main themes present in approved MO developments using SEPP 15

Share-farming ☐
 Horticulture ☐
 Permi-culture ☒ *sc*
 Rural-residential ☒
 Rainforest living/preservation ☒
 Tourist-oriented ☐
 Weekend/Holiday Homes ☐
 Other (Please Specify) *Religious* ☒

2. Has Council used SEPP 15 to refuse MO development applications within its rural zones? Yes ☐ No ☒

If No, go to Question 3

- (a) How many MO applications have been refused by Council over the last five years using SEPP 15? 2
- (b) What were the main reasons for refusal of MO development applications using SEPP 15.
Extent of prime ag. land; dwellings on prime ag. land; dispersed settlement; insufficient information re water, effluent disposal, risk and hazard; impacts of adjoining devel't; inadequate site plans

- (c) Is it usual practice for Council to notify DOP of these refusals? Yes ☒ No ☐

3. Does Council have MO provisions within any of its LEP(s) which control the development of MOs in rural zones? Yes ☐ No ☒

If No, please go to Question 4

- (a) Please complete the following Summary of Development Applications approved by Council using its LEP provisions:

YEAR	Number of DAs approved	Total Dwellings
1988		
1989		
1990		
1991		
1992		
1993		
TOTAL		

- (b) What is the average size in hectares of MO developments approved by Council over the last five years using its LEP provisions? (Please tick one box only)

0-10 ha ☐ 11-40 ha ☐ 41-80 ha ☐ 81-210 ha ☐ 211-360 ha ☐ >360 ha ☐

- (c) Please list the main themes present in these approved MO developments using its LEP provisions.

Share-farming ☐
 Horticulture ☐
 Permi-culture ☐
 Rural-residential ☐
 Rainforest living/preservation ☐
 Tourist-oriented ☐
 Weekend/Holiday Homes ☐
 Other (Please Specify) ☐

4. Has Council used its LEP provisions to refuse MO development applications within its rural zones? Yes ☐ No ☐

If No, go to "Instructions" below.

- (a) How many MO applications have been refused by Council over the last five years using its LEP? 1
- (b) What were the main reasons for refusal of MO development applications using its LEP.
Adverse impact on adjoining land use, lack of buffer (separation), lack of information
Also various s90(1) issues / deficiencies

Please attach a copy of your LEP provisions with your completed questionnaire.

Instructions

If you have answered No to all questions above, you need go no further. Please fill in the details at the end and return the questionnaire. Thank you for your assistance.

The following questions relate to all MO development in rural areas regardless of whether they were approved under SEPP 15 or Council's LEP.

5. How many MO development applications are currently before Council which are subject to:

SEPP 15? 1
 Council's LEP provisions?

6. Over the last 12 months, has the number of MO applications: (please tick one)

declined? ☐ remained constant? ☒ increased? ☐

OR were no applications received? ☐

7. Since 1988, Has the rural population in your LGA: (please tick one)

declined? ☐ remained constant? ☐ increased? ☒

If the rural population increased:

(a) can a significant portion of this increase be attributed to MO developments? Yes ☒ No ☐

(b) If the rural population increased, have MOs been more successful than other forms of rural settlement in creating population increase? Yes ☒ No ☐
(other forms of rural settlement have been constrained eg zoning)

8. In Council's opinion, is the minimum allotment size of 10 hectares an appropriate minimum standard? Yes ☒ No ☐

(a) If No, what should the minimum lot size be?

Please explain your reasons.

9. Are the density standards established by SEPP 15 appropriate? Yes ☐ No ☒

(a) If No, what should the standard be? Densities should be halved with higher densities (up to present SEPP standards) only possible if development is clustered and land capability adequate.

(b) Please explain your reasons. Density should be based on environ'l capacity of land, compatibility with adjoining patterns of land use and some degree of relative to existing residential dwelling densities of MOs in LGA

10. What is the predominant dwelling type constructed on MO developments in your LGA? (please tick one)

- * Individual single family dwelling units dispersed throughout site ☐
- * Individual single family dwelling units clustered on one portion of site ☐
- Clusters of expanded dwellings with shared facilities ☐
- Individual expanded dwelling with shared facilities ☐
- Other (please specify) combination of * above ☒

11. Does SEPP 15 conflict with Council's rural planning policy instruments? Yes ☒ No ☐

(a) If Yes, In what way?

Other forms of rural development involving housing are more constrained in terms of location, serviced required etc.

12. Using the following 5-point scale, please indicate how successfully each of the following SEPP 15 Objectives are being met by MOs in your LGA.

	Not Successful				Very Successful
Encourage community based rural settlement;	1	2	3	4	5
Encourage environmentally sensitive rural settlement;	1	2	3	4	5
Enable collective living;	1	2	3	4	5
Enable sharing of facilities and resources;	1	2	3	4	5
Enable pooling of resources;	1	2	3	4	5
Facilitate clustered style rural development;	1	2	3	4	5
Avoid demand for Council/Government services;	1	2	3	4	5
* Avoid subdivision of rural land;	1	2	3	4	5
Increase in rural population;	1	2	3	4	5

* Answer given on basis that MOs are not considered to be de-facto fragmentation.

(a) If the objectives are not being adequately met, why is this the case?

See attached opinion regarding objective 2(c)(iii) no census collector districts in LGA has a declining population.

13. Has the policy resulted in previously illegal rural dwellings being legalised in your LGA?

Yes ☒
No ☐

If No, please explain why?

Partially, some 'illegal' MOs have apparently not sought regularisation due to a past Council policy concerning collection of s94 levies.

14. Using the following 5-point scale, please indicate the relative importance given by Council to each SEPP 15 objective in the assessment of MO development applications?

	Not Important			Very Important	
Encourage community based rural settlement;	1	2	3	4	5
Encourage environmentally sensitive rural settlement;	1	2	3	4	5
Enable collective living;	1	2	3	4	5
Enable sharing of facilities and resources;	1	2	3	4	5
Enable pooling of resources;	1	2	3	4	5
Facilitate clustered style rural development;	1	2	3	4	5
Avoid demand for Council/Government services;	1	2	3	4	5
Avoid subdivision of rural land;	1	2	3	4	5
Increase in rural population;	1	2	3	4	5

15. Have any MO applications received by Council been accompanied by any of the following documentation:

Proposed ownership/occupancy structures Yes ☐ No ☒
Community plans Yes ☐ No ☒
Land Management plans Yes ☐ No ☒
Other (please specify) Yes ☐ No ☐

- (a) In general, have the developments occurred in accordance with these plans/documents?

Yes ☐
No ☐
Not Known ☒

16. In general, does Council feel that they can enforce such plans/documents?

Yes ☐
No ☒

- (a) If No, Please explain why

Inadequate resources.

17. Which of the following should be a requirement of application?

Proposed ownership/occupancy structures Yes ☒ No ☐
Community plans Yes ☒ No ☐
Land management plans Yes ☒ No ☐
Other (please specify) Statement of Environ'l Effects addressing SEPP clauses & s90(1) EPA Act Yes ☒ No ☐

- (a) Please explain your reasons.

Provides Council and community a better opportunity to properly assess DAs and provides some certainty for future occupiers.

18. Compared with other rural residential/living development applications, what level of Council resources is taken up in the determination of each MO development application? (please tick one only)

More than average ☐ Average ☒ Less than average ☐

19. In your opinion, what are the three main advantages of MO developments? (please rank 1 to 3 only with 1 being the biggest advantage).

Alternative lifestyle opportunities 1
Lower cost-rural living 2
Good environmental management (e.g. decreased land degradation)
Improved land management practises (e.g. decreased weed infestations)
Introduction of new forms of agricultural activity 3
Continued use of land for agriculture
Innovative house styles 3
Increased bushfire fighting facilities
Other (please specify) Increases in population, socio-econ and cultural diversity of region.

20. In your opinion, what are the three main disadvantages of MO developments? (please rank 1 to 3 only - with 1 being the biggest disadvantage).

Increased demand for Council services1.....
 Social disruption2.....
 Increased traffic on rural roads2.....
 Interference with traditional agricultural activities
 Lower property values
 Non-payment of rates
 Adverse environmental impact (e.g. increased land degradation)
 Increased bushfire hazard
 Poor land management practises (e.g. increased weed infestations)3.....
 Increased conflict between different land uses
 Adverse effect on water quality
 Poor solid waste disposal practices
 Other (please specify)

21. What is the general community attitude towards MO developments?

Opposed ☐ Neutral ☐ Mixed ☒ Supportive ☐

- (a) If opposed, what are the nature and reasons for this opposition?

.....

22. Have any MO developments received opposition at the time of public notification? Yes ☒
 No ☐
 N/A ☐

- (a) If Yes, what were the main reasons for this opposition?

lack of information in DA, lack of applicants knowledge of subject land impact on roads, adverse effect on water supplies, impact on adjoining properties, conflicts with agricultural uses

- (b) Where the development has been completed, were the concerns realised? Yes ☐
 No ☒ (rarely)

23. In general, what is the attitude of adjacent landowners to MO developments?

Opposed ☐ Neutral ☐ Mixed ☒ Supportive ☐

24. In Council's opinion is the prohibition on subdivision of MO developments necessary to maintain the philosophy behind the SEPP 15? Yes ☒
 No ☐

Subdivision of an MO is a fundamental contradiction to the very concept of multiple occupancy of land. Retaining one lot reinforces the concept of communal ownership and focuses the social and environmental objectives and aspirations of the occupants and also provides a low cost mechanism to provide affordable housing.

25. Could the community living objectives for MO's be achieved by other forms of rural residential development such as:

Standard Subdivision Yes ☐ No ☒
 Strata Title Yes ☐ No ☒
 Community Title Yes ☐ No ☒

- (a) Please explain your reason(s). Subdivision creates an opportunity for "individual ownership" of part of the land, not withstanding other shared facilities may exist. This is contradictory to the concept of all property being vested in the group - a key principle of MOs.

- (b) What implications would such subdivision have locally?

Dramatic increase in unplanned rural settlement because MO provisions do not contain location or amount of MO development.

26. Has Council received repeated requests for the subdivision of existing MO developments? Yes ☐
 No ☒

27. Would Council be receptive to the concept of rezoning existing MO developments to enable their subdivision under community title legislation? Yes ☒
 No ☐

Note: Only if the land complied with Councils Rural Residential Policy

28. Is Council aware of instances where MO applications have been submitted with the intended use being for conventional rural residential purposes rather than communal/community living? Yes ☒ No ☐

- (a) If Yes, What is the main reason applicants have chosen MO over other forms of Land Tenure? (please select one reason only)

Development cost ☒
Fewer legal land management requirements ☐
Avoidance of zoning requirements ☐
Avoidance of minimum lot sizes in planning instruments ☐
Other (please specify) ☐

29. In Council's opinion, does cluster housing offer advantages for environmentally sensitive land management over those offered by dispersed housing? Yes ☒ No ☐

- (a) If Yes, what are the main advantages? (please rank 1 to 3 only).

Limits road construction 3
Avoids land slip
Minimises vegetation clearance 2
Eases servicing 1
Increases fire protection
Other (please specify)

30. Using the following code, please indicate how frequently each of the following community facilities are constructed as part of existing MO developments? (1 = never, 2 = sometimes, 3 = often, 4 = always)

Community shop 2
Play equipment 3
Schools 2
Community hall 3
Artists workshops/gallery 2
Farm buildings 3
Stables 2
Other (please specify)

31. Do you have a Section 94 Plan which enables you to levy contributions on MO developments? Yes ☒ No ☐

- (a) If Yes, What level of Section 94 contributions, if any have been applied to MO sites? (please indicate in \$ per dwelling unit) variable
Most of levy is for rural road \$3,000 - \$6,000
up-grading with charges increasing for more isolated locations

32. Is Council satisfied that, in comparison with other rural residential developments, MO developments adequately contribute towards the cost of funding services and infrastructure? Yes ☐ No ☒

- (a) If No, please explain why.

Rates reflect land value rather than demand for services. A large MO may pay rates little more than a farm with only one family.

33. Is Council satisfied with the current arrangements for levying rates on MO developments? Yes ☐ No ☒ N/A ☐

- (a) If No, please explain why. Rates needs to include additional charge per occupied site on an MO ie a special rate is needed.

34. How many rural residential Community Title subdivisions are located in your LGA? 1

35. How many applications for rural residential Community Title subdivisions in your LGA has Council received in the last 12 months? 0

36. Would Council prefer to: (please select one only)

Introduce a replacement provision in Council's LEP? ☐
Revoke SEPP 15 ☐
Retain SEPP 15 in its present form? ☐
Retain SEPP 15 in an amended form? ☒
Other? (please specify) ☐

- (a) If you would prefer to amend SEPP 15, what changes would improve its operation?

Rework objectives to make practical in intent and application. Rework densities to be based on particular local govt area and land capabilities. (Refer Councils draft DCP for MOs - attached)

37. Do you have any other comments regarding the effectiveness of SEPP 15 for the management of community-based developments on rural lands?

Please refer to Information Council has supplied to Chris Murray (Discussion paper; and various reports).

Thank you for your co-operation. In the event that we require further information or clarification of your responses, please supply a contact name and phone number

Contact Details

Name: Malcolm Scott
 Position: Development Control Planner
 Council: Lismore City Council
 Phone: 066 250 500

Work Copy
Council Review

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SEPP 15 REVIEW
MULTIPLE OCCUPANCY (MO) OF RURAL LANDS
LOCAL GOVERNMENT SURVEY

00034

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TOTAL	25	118	22

- (b) What is the average size in hectares of MO developments approved by Council over the last five years using SEPP 15? (Please tick one box only)

0 - 10 ha ☐ 11-40 ha ☐ 41-80 ha ☒ 81-210 ha ☐ 211-360 ha ☐ >360 ha ☐

- (c) Please list the main themes present in approved MO developments using SEPP 15

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Horticulture ☐
Permi-culture ☒ *st*
Rural-residential ☒
Rainforest living/preservation ☒
Tourist-oriented ☐
Weekend/Holiday Homes ☐
Other (Please Specify) *Religious* ☒

2. Has Council used SEPP 15 to refuse MO development applications within its rural zones? Yes ☐ No ☒

If No, go to Question 3

- (a) How many MO applications have been refused by Council over the last five years using SEPP 15? 2

- (b) What were the main reasons for refusal of MO development applications using SEPP 15.

Extent of prime ag. land; dwellings on prime ag. land; dispersed settlement; insufficient information re water, effluent disposal, risk and hazard; impacts of adjoining devel't; inadequate site plans

- (c) Is it usual practice for Council to notify DOP of these refusals? Yes ☒ No ☐

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Horticulture ☐
Permi-culture ☐
Rural-residential ☐
Rainforest living/preservation ☐
Tourist-oriented ☐
Weekend/Holiday Homes ☐
Other (Please Specify) ☐

4. Has Council used its LEP provisions to refuse MO development applications within its rural zones? Yes ☐ No ☐

If No, go to "Instructions" below.

- (a) How many MO applications have been refused by Council over the last five years using its LEP? 1

- (b) What were the main reasons for refusal of MO development applications using its LEP.

Adverse impact on adjoining land uses, lack of buffer (separation), lack of information. Also various s90(1) issues / deficiencies

Please attach a copy of your LEP provisions with your completed questionnaire.

Instructions

If you have answered No to all questions above, you need go no further. Please fill in the details at the end and return the questionnaire. Thank you for your assistance.

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5. How many MO development applications are currently before Council which are subject to:

SEPP 15? 1
Council's LEP provisions?

6. Over the last 12 months, has the number of MO applications: (please tick one)

declined? ☐ remained constant? ☒ increased? ☐

OR were no applications received? ☐

7. Since 1988, Has the rural population in your LGA: (please tick one)

declined? ☐ remained constant? ☐ increased? ☒

If the rural population increased:

(a) can a significant portion of this increase be attributed to MO developments? Yes ☒ No ☐

(b) If the rural population increased, have MOs been more successful than other forms of rural settlement in creating population increase? Yes ☒ No ☐

(other forms of rural settlement have been constrained eg zoning)

8. In Council's opinion, is the minimum allotment size of 10 hectares an appropriate minimum standard? Yes ☒ No ☐

(a) If No, what should the minimum lot size be?

Please explain your reasons.

9. Are the density standards established by SEPP 15 appropriate? Yes ☐ No ☒

(a) If No, what should the standard be? Densities should be halved with higher densities (up to present SEPP standards) only possible if development is clustered and land capability adequate.

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10. What is the predominant dwelling type constructed on MO developments in your LGA? (please tick one)

- * Individual single family dwelling units dispersed throughout site ☐
- * Individual single family dwelling units clustered on one portion of site ☐
- Clusters of expanded dwellings with shared facilities ☐
- Individual expanded dwelling with shared facilities ☐
- Other (please specify) combination of * above ☒

11. Does SEPP 15 conflict with Council's rural planning policy instruments? Yes ☒ No ☐

(a) If Yes, In what way?

Other forms of rural development involving housing are more constrained in terms of location, serviced required etc.

12. Using the following 5-point scale, please indicate how successfully each of the following SEPP 15 Objectives are being met by MOs in your LGA.

	Not Successful			Very Successful	
	1	2	3	4	5
Encourage community based rural settlement;	1	2	3	4	5
Encourage environmentally sensitive rural settlement;	1	2	3	4	5
Enable collective living;	1	2	3	4	5
Enable sharing of facilities and resources;	1	2	3	4	5
Enable pooling of resources;	1	2	3	4	5
Facilitate clustered style rural development;	1	2	3	4	5
Avoid demand for Council/Government services;	1	2	3	4	5
* Avoid subdivision of rural land;	1	2	3	4	5
Increase in rural population;	1	2	3	4	5

* Answer given on basis that MOs are not considered to be de-facto fragmentation.

(a) If the objectives are not being adequately met, why is this the case?

See attached opinion regarding objective 2(c)(iii) no census collector districts in LGA has a declining population

13. Has the policy resulted in previously illegal rural dwellings being legalised in your LGA?

Yes ☒
No ☐

If No, please explain why?

Partially, some 'illegal' MOs have apparently not sought regularisation due to a past Council policy concerning collection of s94 levies.

14. Using the following 5-point scale, please indicate the relative importance given by Council to each SEPP 15 objective in the assessment of MO development applications?

	Not Important		Very Important	
Encourage community based rural settlement;	1	2	3	④ 5
Encourage environmentally sensitive rural settlement;	1	2	3	④ 5
Enable collective living;	1	2	③ 4	5
Enable sharing of facilities and resources;	1	2	③ 4	5
Enable pooling of resources;	1	2	③ 4	5
Facilitate clustered style rural development;	1	2	3	④ 5
Avoid demand for Council/Government services;	1	2	3	④ 5
Avoid subdivision of rural land;	1	2	3	4 ⑤
Increase in rural population;	1	②	3	4 5

15. Have any MO applications received by Council been accompanied by any of the following documentation:

Proposed ownership/occupancy structures	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Community plans	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Land Management plans	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Other (please specify)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

- (a) In general, have the developments occurred in accordance with these plans/documents?

Yes ☐
No ☐
Not Known ☒

16. In general, does Council feel that they can enforce such plans/documents?

Yes ☐
No ☒

- (a) If No, Please explain why

Inadequate resources.

17. Which of the following should be a requirement of application?

Proposed ownership/occupancy structures	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Community plans	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Land management plans	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Other (please specify) Statement of Environ'l Effects addressing SEPP clauses & s90(1) EPA Act	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

- (a) Please explain your reasons.

Provides Council and community a better opportunity to properly assess DAs and provides some certainty for future occupiers.

18. Compared with other rural residential/living development applications, what level of Council resources is taken up in the determination of each MO development application? (please tick one only)

More than average ☐ Average ☒ Less than average ☐

19. In your opinion, what are the three main advantages of MO developments? (please rank 1 to 3 only with 1 being the biggest advantage).

Alternative lifestyle opportunities	1
Lower cost rural living	2
Good environmental management (e.g. decreased land degradation)	
Improved land management practises (e.g. decreased weed infestations)	
Introduction of new forms of agricultural activity	3
Continued use of land for agriculture	
Innovative house styles	3
Increased bushfire fighting facilities	
Other (please specify) Increases in population, socio-ecan and cultural diversity of region.	

20. In your opinion, what are the three main disadvantages of MO developments? (please rank 1 to 3 only - with 1 being the biggest disadvantage).

Increased demand for Council services 1
 Social disruption
 Increased traffic on rural roads 2
 Interference with traditional agricultural activities
 Lower property values
 Non-payment of rates
 Adverse environmental impact (e.g. increased land degradation)
 Increased bushfire hazard
 Poor land management practises (e.g. increased weed infestations) 3
 Increased conflict between different land uses
 Adverse effect on water quality
 Poor solid waste disposal practices
 Other (please specify)

21. What is the general community attitude towards MO developments?

Opposed ☐ Neutral ☐ Mixed ☒ Supportive ☐

- (a) If opposed, what are the nature and reasons for this opposition?

22. Have any MO developments received opposition at the time of public notification? Yes ☒
 No ☐
 N/A ☐

- (a) If Yes, what were the main reasons for this opposition?

lack of information in DA, lack of applicants knowledge of subject land impact on roads, adverse effect on water supplies, impact on adjoining properties, conflicts with agricultural uses

- (b) Where the development has been completed, were the concerns realised? Yes ☐
 No ☒ (rarely)

23. In general, what is the attitude of adjacent landowners to MO developments?

Opposed ☐ Neutral ☐ Mixed ☒ Supportive ☐

24. In Council's opinion is the prohibition on subdivision of MO developments necessary to maintain the philosophy behind the SEPP 15? Yes ☒
 No ☐

Subdivision of an MO is a fundamental contradiction to the very concept of multiple occupancy of land. Retaining one lot reinforces the concept of communal ownership and focuses the social and environmental objectives and aspirations of the occupants and also provides a low cost mechanism to provide affordable housing.

25. Could the community living objectives for MO's be achieved by other forms of rural residential development such as:

Standard Subdivision Yes ☐ No ☒
 Strata Title Yes ☐ No ☒
 Community Title Yes ☐ No ☒

- (a) Please explain your reason(s). Subdivision creates an opportunity for "individual ownership" of part of the land not withstanding other shared facilities may exist. This is contradictory to the concept of all property being vested in the group - a key principle of MOs.

- (b) What implications would such subdivision have locally?

Dramatic increase in unplanned rural settlement because MO provisions do not contain location or amount of MO development.

26. Has Council received repeated requests for the subdivision of existing MO developments? Yes ☐
 No ☒

27. Would Council be receptive to the concept of rezoning existing MO developments to enable their subdivision under community title legislation? Yes ☒
 No ☐

Note: Only if the land complied with Councils Rural Residential Policy

28. Is Council aware of instances where MO applications have been submitted with the intended use being for conventional rural residential purposes rather than communal/community living? Yes ☒ No ☐
- (a) If Yes, What is the main reason applicants have chosen MO over other forms of Land Tenure? (please select one reason only)
- Development cost ☒
Fewer legal land management requirements ☐
Avoidance of zoning requirements ☐
Avoidance of minimum lot sizes in planning instruments ☐
Other (please specify) ☐
29. In Council's opinion, does cluster housing offer advantages for environmentally sensitive land management over those offered by dispersed housing? Yes ☒ No ☐
- (a) If Yes, what are the main advantages? (please rank 1 to 3 only).
- Limits road construction 3
Avoids land slip
Minimises vegetation clearance 2
Eases servicing 1
Increases fire protection
Other (please specify)
30. Using the following code, please indicate how frequently each of the following community facilities are constructed as part of existing MO developments? (1 = never, 2 = sometimes, 3 = often, 4 = always)
- Community shop 2
Play equipment 3
Schools 2
Community hall 3
Artists workshops/gallery 2
Farm buildings 3
Stables 2
Other (please specify)
31. Do you have a Section 94 Plan which enables you to levy contributions on MO developments? Yes ☒ No ☐
- (a) If Yes, What level of Section 94 contributions, if any have been applied to MO sites? (please indicate in \$ per dwelling unit) variable
Most of levy is for rural road \$3,000 - \$6,000
upgrading with charges increasing for more isolated locations

32. Is Council satisfied that, in comparison with other rural residential developments, MO developments adequately contribute towards the cost of funding services and infrastructure? Yes ☐ No ☒
- (a) If No, please explain why.
Rates reflect land value rather than demand for services. A large MO may pay rates little more than a farm with only one family.
33. Is Council satisfied with the current arrangements for levying rates on MO developments? Yes ☐ No ☒ N/A ☐
- (a) If No, please explain why. Rates needs to include additional charge per occupied site on an MO ie a special rate is needed.
34. How many rural residential Community Title subdivisions are located in your LGA? 1
35. How many applications for rural residential Community Title subdivisions in your LGA has Council received in the last 12 months? 0
36. Would Council prefer to: (please select one only)
- Introduce a replacement provision in Council's LEP? ☐
Revoke SEPP 15 ☐
Retain SEPP 15 in its present form? ☐
Retain SEPP 15 in an amended form? ☒
Other? (please specify) ☐
- (a) If you would prefer to amend SEPP 15, what changes would improve its operation?
Rework objectives to make practical in intent and application. Rework densities to be based on particular local govt area and land capabilities. (Refer Councils draft DCP for MOs - attached)

37. Do you have any other comments regarding the effectiveness of SEPP 15 for the management of community-based developments on rural lands?

Please refer to information Council has supplied to Chris Murray (Discussion paper, and various reports).

Thank you for your co-operation. In the event that we require further information or clarification of your responses, please supply a contact name and phone number

Contact Details

Name: Malcolm Scott
 Position: Development Control Planner
 Council: Lismore City Council
 Phone: 066 250 500

**SEPP 15 REVIEW
MULTIPLE OCCUPANCY (MO) OF RURAL LANDS
LOCAL GOVERNMENT SURVEY**

00034

1. Has Council used SEPP 15 to approve MO development applications within its rural zones? Yes ☒ No ☐

If No, go to Question 2

- (a) Please complete the following Summary of Development Applications approved by Council using SEPP 15 Provision:

YEAR	Number of DAs approved	Total Dwellings	Number of DAs Notified to DOP
1988	7	43	6
1989	5	12	5
1990	3	6	3
1991	3	9	2
1992	5	42	3
1993	2	6	3
TOTAL	25	118	22

- (b) What is the average size in hectares of MO developments approved by Council over the last five years using SEPP 15? (Please tick one box only).

0 - 10 ha ☐ 11-40 ha ☐ 41-80 ha ☒ 81-210 ha ☐ 211-360 ha ☐ >360 ha ☐

- (c) Please list the main themes present in approved MO developments using SEPP 15

Share-farming	<input type="checkbox"/>
Horticulture	<input type="checkbox"/>
Permi-culture	<input checked="" type="checkbox"/>
Rural-residential	<input checked="" type="checkbox"/>
Rainforest living/preservation	<input checked="" type="checkbox"/>
Tourist-oriented	<input type="checkbox"/>
Weekend/Holiday Homes	<input type="checkbox"/>
Other (Please Specify) <u>Religious</u>	<input checked="" type="checkbox"/>

2. Has Council used SEPP 15 to refuse MO development applications within its rural zones?

Yes ☐
No ☒

If No, go to Question 3

- (a) How many MO applications have been refused by Council over the last five years using SEPP 15?

2

- (b) What were the main reasons for refusal of MO development applications using SEPP 15.

Extent of prime ag. land; dwellings on prime ag. land; dispersed settlement; insufficient information re water, effluent disposal, risk and hazard; impacts of adjoining devel't; inadequate site plans

- (c) Is it usual practice for Council to notify DOP of these refusals?

Yes ☒
No ☐

3. Does Council have MO provisions within any of its LEP(s) which control the development of MOs in rural zones?

Yes ☐
No ☒

If No, please go to Question 4

- (a) Please complete the following Summary of Development Applications approved by Council using its LEP provisions:

YEAR	Number of DAs approved	Total Dwellings
1988		
1989		
1990		
1991		
1992		
1993		
TOTAL		

- (b) What is the average size in hectares of MO developments approved by Council over the last five years using its LEP provisions? (Please tick one box only)

0-10 ha ☐ 11-40 ha ☐ 41-80 ha ☐ 81-210 ha ☐ 211-360 ha ☐ >360 ha ☐

- (c) Please list the main themes present in these approved MO developments using its LEP provisions.

Share-farming	<input type="checkbox"/>
Horticulture	<input type="checkbox"/>
Permi-culture	<input type="checkbox"/>
Rural-residential	<input type="checkbox"/>
Rainforest living/preservation	<input type="checkbox"/>
Tourist-oriented	<input type="checkbox"/>
Weekend/Holiday Homes	<input type="checkbox"/>
Other (Please Specify)	<input type="checkbox"/>

4. Has Council used its LEP provisions to refuse MO development applications within its rural zones? Yes ☐
No ☐

If No, go to "Instructions" below.

- (a) How many MO applications have been refused by Council over the last five years using its LEP? 1
- (b) What were the main reasons for refusal of MO development applications using its LEP.

Adverse impact on adjoining land uses, lack of
buffer (separation), lack of information.
Also various s90(1) issues / deficiencies

Please attach a copy of your LEP provisions with your completed questionnaire.

Instructions

If you have answered No to all questions above, you need go no further. Please fill in the details at the end and return the questionnaire. Thank you for your assistance.

The following questions relate to all MO development in rural areas regardless of whether they were approved under SEPP 15 or Council's LEP.

5. How many MO development applications are currently before Council which are subject to:

SEPP 15?	1
Council's LEP provisions?	.....

6. Over the last 12 months, has the number of MO applications: (please tick one)

declined? ☐ remained constant? ☒ increased? ☐

OR were no applications received? ☐

7. Since 1988, Has the rural population in your LGA: (please tick one)

declined? ☐ remained constant? ☐ increased? ☒

If the rural population increased:

(a) can a significant portion of this increase be attributed to MO developments? Yes ☒ No ☐

(b) If the rural population increased, have MOs been more successful than other forms of rural settlement in creating population increase? Yes ☒ No ☐

(other forms of rural settlement have been constrained eg zoning)

8. In Council's opinion, is the minimum allotment size of 10 hectares an appropriate minimum standard? Yes ☒ No ☐

(a) If No, what should the minimum lot size be?

Please explain your reasons.

9. Are the density standards established by SEPP 15 appropriate? Yes ☐ No ☒

(a) If No, what should the standard be? Densities should be halved with higher densities (up to present SEPP standards) only possible if development is clustered and land capability adequate.

(b) Please explain your reasons. Density should be based on environ'l capacity of land, compatibility with adjoining patterns of land use and some degree of relativity to existing residential dwelling densities of MOs in LGA

10. What is the predominant dwelling type constructed on MO developments in your LGA?
(please tick one)

- * Individual single family dwelling units dispersed throughout site ☐
- * Individual single family dwelling units clustered on one portion of site ☐
- Clusters of expanded dwellings with shared facilities ☐
- Individual expanded dwelling with shared facilities ☐
- Other (please specify) combination of * above ☒

11. Does SEPP 15 conflict with Council's rural planning policy instruments? Yes ☒ No ☐

(a) If Yes, In what way?

Other forms of rural development involving housing are more constrained in terms of location, serviced required etc.

12. Using the following 5-point scale, please indicate how successfully each of the following SEPP 15 Objectives are being met by MOs in your LGA.

	Not Successful			Very Successful		
Encourage community based rural settlement;	1	2	3	4	5	
Encourage environmentally sensitive rural settlement;	1	2	3	4	5	
Enable collective living;	1	2	3	4	5	
Enable sharing of facilities and resources;	1	2	3	4	5	
Enable pooling of resources;	1	2	3	4	5	
Facilitate clustered style rural development;	1	2	3	4	5	
Avoid demand for Council/Government services;	1	2	3	4	5	
* Avoid subdivision of rural land;	1	2	3	4	5	
Increase in rural population;	1	2	3	4	5	

* Answer given on basis that MOs are not considered to be de-facto fragmentation.

(a) If the objectives are not being adequately met, why is this the case?

See attached opinion regarding objective 2.(c)(iii)
no census collector districts in LGA has a declining population

13. Has the policy resulted in previously illegal rural dwellings being legalised in your LGA? Yes ☒ No ☐

If No, please explain why?

Partially, some 'illegal' MOs have apparently not sought regularisation due to a past Council policy concerning collection of s94 levies.

14. Using the following 5-point scale, please indicate the relative importance given by Council to each SEPP 15 objective in the assessment of MO development applications?

	Not Important			Very Important	
	1	2	3	4	5
Encourage community based rural settlement;	1	2	3	(4)	5
Encourage environmentally sensitive rural settlement;	1	2	3	(4)	5
Enable collective living;	1	2	(3)	4	5
Enable sharing of facilities and resources;	1	2	(3)	4	5
Enable pooling of resources;	1	2	(3)	4	5
Facilitate clustered style rural development;	1	2	3	(4)	5
Avoid demand for Council/Government services;	1	2	3	(4)	5
Avoid subdivision of rural land;	1	2	3	4	(5)
Increase in rural population;	1	(2)	3	4	5

15. Have any MO applications received by Council been accompanied by any of the following documentation:

Proposed ownership/occupancy structures	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Community plans	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Land Management plans	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Other (please specify)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

- (a) In general, have the developments occurred in accordance with these plans/documents? Yes ☐ No ☐ Not Known ☒

16. In general, does Council feel that they can enforce such plans/documents? Yes ☐ No ☒

(a) If No, Please explain why

.. Inadequate resources ..

17. Which of the following should be a requirement of application?

Proposed ownership/occupancy structures	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Community plans	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Land management plans	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Other (please specify) <i>Statement of Environ'l Effects addressing SEPP clauses & s90(1) EPA Act</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

(a) Please explain your reasons.

Provides Council and community a better opportunity to properly assess DAs and provides some certainty for future occupiers ..

18. Compared with other rural residential/living development applications, what level of Council resources is taken up in the determination of each MO development application? (please tick one only)

More than average ☐ Average ☒ Less than average ☐

19. In your opinion, what are the three main advantages of MO developments? (please rank 1 to 3 only with 1 being the biggest advantage).

Alternative lifestyle opportunities	1
Lower cost rural living	2
Good environmental management (e.g. decreased land degradation)	.....
Improved land management practises (e.g. decreased weed infestations)	.....
Introduction of new forms of agricultural activity	3
Continued use of land for agriculture	.....
Innovative house styles	3
Increased bushfire fighting facilities	.....
Other (please specify) <i>Increases in population, socio-econ and cultural diversity of region.</i>	.....

24. In Council's opinion is the prohibition on subdivision of MO developments necessary to maintain the philosophy behind the SEPP 15? Yes ☒ No ☐

(a) Please explain why Subdivision of an MO is a fundamental contradiction to the very concept of "multiple" occupancy of land. Retaining one lot reinforces the concept of communal ownership and focuses the social and environmental objectives and aspirations of the occupants and also provides a low cost mechanism to provide affordable housing.

25. Could the community living objectives for MO's be achieved by other forms of rural residential development such as:

Standard Subdivision

Yes ☐ No ☒

Strata Title

Yes ☐ No ☒

Community Title

Yes ☐ No ☒

- (a) Please explain your reason(s). Subdivision creates an opportunity for "individual ownership" of part of the land, not withstanding other shared facilities may exist. This is contradictory to the concept of all property being vested in the group - a key principle of MOs.

- (b) What implications would such subdivision have locally?

Dramatic increase in unplanned rural settlement because MO provisions do not contain location or amount of MO development.

26. Has Council received repeated requests for the subdivision of existing MO developments? Yes ☐ No ☒

27. Would Council be receptive to the concept of rezoning existing MO developments to enable their subdivision under community title legislation? Yes ☒ No ☐

Note: Only if the land complied with Council's Rural Residential Policy

28. Is Council aware of instances where MO applications have been submitted with the intended use being for conventional rural residential purposes rather than communal/community living? Yes ☒ No ☐

(a) If Yes, What is the main reason applicants have chosen MO over other forms of Land Tenure? (please select one reason only)

- Development cost ☒
- Fewer legal land management requirements ☐
- Avoidance of zoning requirements ☐
- Avoidance of minimum lot sizes in planning instruments ☐
- Other (please specify) ☐

29. In Council's opinion, does cluster housing offer advantages for environmentally sensitive land management over those offered by dispersed housing? Yes ☒ No ☐

(a) If Yes, what are the main advantages? (please rank 1 to 3 only).

- Limits road construction 3
- Avoids land slip
- Minimises vegetation clearance 2
- Eases servicing 1
- Increases fire protection
- Other (please specify)

30. Using the following code, please indicate how frequently each of the following community facilities are constructed as part of existing MO developments? (1 = never, 2 = sometimes, 3 = often, 4 = always)

- Community shop 2
- Play equipment 3
- Schools 2
- Community hall 3
- Artists workshops/gallery 2
- Farm buildings 3
- Stables 2
- Other (please specify)

31. Do you have a Section 94 Plan which enables you to levy contributions on MO developments? Yes ☒ No ☐

(a) If Yes, What level of Section 94 contributions, if any have been applied to MO sites? (please indicate in \$ per dwelling unit) variable \$3,000 - \$6,000
 Most of levy is for rural road up-grading with charges increasing for more isolated locations

32. Is Council satisfied that, in comparison with other rural residential developments, MO developments adequately contribute towards the cost of funding services and infrastructure?

Yes ☐
No ☒

- (a) If No, please explain why.

Rates reflect land value rather than demand for services. A large MO may pay rates little more than a farm with only one family.

33. Is Council satisfied with the current arrangements for levying rates on MO developments?

Yes ☐
No ☒
N/A ☐

- (a) If No, please explain why.

Rates needs to include additional charge per occupied site on an MO ie a special rate is needed.

34. How many rural residential Community Title subdivisions are located in your LGA?

1

35. How many applications for rural residential Community Title subdivisions in your LGA has Council received in the last 12 months?

0

36. Would Council prefer to: (please select one only)

Introduce a replacement provision in Council's LEP?

☐

Revoke SEPP 15

☐

Retain SEPP 15 in its present form?

☐

Retain SEPP 15 in an amended form?

☒

Other? (please specify)

☐

- (a) If you would prefer to amend SEPP 15, what changes would improve its operation?

Rework objectives to make practical in intent and application. Rework densities to be based on particular local govt area and land capabilities. (Refer Councils draft DCP for MOs - attached)

37. Do you have any other comments regarding the effectiveness of SEPP 15 for the management of community-based developments on rural lands?

Please refer to information Council has supplied to Chris Murray (Discussion paper; and various reports).

Thank you for your co-operation. In the event that we require further information or clarification of your responses, please supply a contact name and phone number

Contact Details

Name: Malcolm Scott
Position: Development Control Planner
Council: Lismore City Council
Phone: 066 250 500

*P. Hammett
Please return*



**SEPP 15 REVIEW
MULTIPLE OCCUPANCY (MO) OF RURAL LANDS
LOCAL GOVERNMENT SURVEY**

00034

1. Has Council used SEPP 15 to approve MO development applications within its rural zones? Yes ☐
No ☐

If No, go to Question 2

- (a) Please complete the following Summary of Development Applications approved by Council using SEPP 15 Provision:

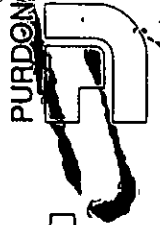
YEAR	Number of DAs approved	Total Dwellings	Number of DAs Notified to DOP
1988			
1989			
1990			
1991			
1992			
1993			
TOTAL			

- (b) What is the average size in hectares of MO developments approved by Council over the last five years using SEPP 15? *(Please tick one box only)*

0 - 10 ha ☐ 11-40 ha ☐ 41-80 ha ☐ 81-210 ha ☐ 211-360 ha ☐ >360 ha ☐

- (c) Please list the main themes present in approved MO developments using SEPP 15

- Share-farming ☐
- Horticulture ☐
- Permi-culture ☐
- Rural-residential ☐
- Rainforest living/preservation ☐
- Tourist-oriented ☐
- Weekend/Holiday Homes ☐
- Other *(Please Specify)* ☐



2. Has Council used SEPP 15 to refuse MO development applications within its rural zones? Yes ☐
No ☐

If No, go to Question 3

- (a) How many MO applications have been refused by Council over the last five years using SEPP 15?
- (b) What were the main reasons for refusal of MO development applications using SEPP 15.

.....

.....

.....

.....

- (c) Is it usual practice for Council to notify DOP of these refusals? Yes ☐
No ☐

3. Does Council have MO provisions within any of its LEP(s) which control the development of MOs in rural zones? Yes ☐
No ☐

If No, please go to Question 4

- (a) Please complete the following Summary of Development Applications approved by Council using its LEP provisions:

YEAR	Number of DAs approved	Total Dwellings
1988		
1989		
1990		
1991		
1992		
1993		
TOTAL		

- (b) What is the average size in hectares of MO developments approved by Council over the last five years using its LEP provisions? (Please tick one box only)

0-10 ha ☐ 11-40 ha ☐ 41-80 ha ☐ 81-210 ha ☐ 211-360 ha ☐ >360 ha ☐

- (c) Please list the main themes present in these approved MO developments using its LEP provisions.

Share-farming	<input type="checkbox"/>
Horticulture	<input type="checkbox"/>
Permi-culture	<input type="checkbox"/>
Rural-residential	<input type="checkbox"/>
Rainforest living/preservation	<input type="checkbox"/>
Tourist-oriented	<input type="checkbox"/>
Weekend/Holiday Homes	<input type="checkbox"/>
Other (<i>Please Specify</i>)	<input type="checkbox"/>

4. Has Council used its LEP provisions to refuse MO development applications within its rural zones? Yes ☐
No ☐

If No, go to "Instructions" below.

- (a) How many MO applications have been refused by Council over the last five years using its LEP?
- (b) What were the main reasons for refusal of MO development applications using its LEP.
.....
.....
.....
.....

Please attach a copy of your LEP provisions with your completed questionnaire.

Instructions

If you have answered No to all questions above, you need go no further. Please fill in the details at the end and return the questionnaire. Thank you for your assistance.

The following questions relate to all MO development in rural areas regardless of whether they were approved under SEPP 15 or Council's LEP.

5. How many MO development applications are currently before Council which are subject to:
SEPP 15?
Council's LEP provisions?

6. Over the last 12 months, has the number of MO applications: *(please tick one)*
- declined? ☐ remained constant? ☐ increased? ☐

OR were no applications received? ☐

7. Since 1988, Has the rural population in your LGA: *(please tick one)*
- declined? ☐ remained constant? ☐ increased? ☐

If the rural population increased:

- (a) can a significant portion of this increase be attributed to MO developments? Yes ☐ No ☐
- (b) If the rural population increased, have MOs been more successful than other forms of rural settlement in creating population increase? Yes ☐ No ☐

8. In Council's opinion, is the minimum allotment size of 10 hectares an appropriate minimum standard?

Yes ☐
 No ☐

- (a) If No, what should the minimum lot size be?

Please explain your reasons.

9. Are the density standards established by SEPP 15 appropriate?

Yes ☐
 No ☐

- (a) If No, what should the standard be?

- (b) Please explain your reasons.

10. What is the predominant dwelling type constructed on MO developments in your LGA?
(please tick one)

- Individual single family dwelling units dispersed throughout site ☐
 Individual single family dwelling units clustered on one portion of site ☐
 Clusters of expanded dwellings with shared facilities ☐
 Individual expanded dwelling with shared facilities ☐
 Other (please specify) ☐

11. Does SEPP 15 conflict with Council's rural planning policy instruments? Yes ☐
 No ☐

- (a) If Yes, In what way?

.....

12. Using the following 5-point scale, please indicate how successfully each of the following SEPP 15 Objectives are being met by MOs in your LGA.

	Not Successful			Very Successful	
	1	2	3	4	5
Encourage community based rural settlement;	1	2	3	4	5
Encourage environmentally sensitive rural settlement;	1	2	3	4	5
Enable collective living;	1	2	3	4	5
Enable sharing of facilities and resources;	1	2	3	4	5
Enable pooling of resources;	1	2	3	4	5
Facilitate clustered style rural development;	1	2	3	4	5
Avoid demand for Council/Government services;	1	2	3	4	5
Avoid subdivision of rural land;	1	2	3	4	5
Increase in rural population;	1	2	3	4	5

- (a) If the objectives are not being adequately met, why is this the case?

.....

13. Has the policy resulted in previously illegal rural dwellings being legalised in your LGA?

Yes ☐
No ☐

If No, please explain why?

.....

.....

.....

.....

.....

14. Using the following 5-point scale, please indicate the relative importance given by Council to each SEPP 15 objective in the assessment of MO development applications?

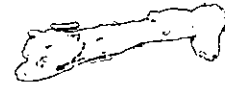
	Not Important			Very Important	
	1	2	3	4	5
Encourage community based rural settlement;	1	2	3	4	5
Encourage environmentally sensitive rural settlement;	1	2	3	4	5
Enable collective living;	1	2	3	4	5
Enable sharing of facilities and resources;	1	2	3	4	5
Enable pooling of resources;	1	2	3	4	5
Facilitate clustered style rural development;	1	2	3	4	5
Avoid demand for Council/Government services;	1	2	3	4	5
Avoid subdivision of rural land;	1	2	3	4	5
Increase in rural population;	1	2	3	4	5

15. Have any MO applications received by Council been accompanied by any of the following documentation:

Proposed ownership/occupancy structures	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Community plans	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Land Management plans	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other (please specify)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

- (a) In general, have the developments occurred in accordance with these plans/documents?

Yes ☐
No ☐
Not Known ☐



16. In general, does Council feel that they can enforce such plans/documents? Yes ☐
No ☐

(a) If No, Please explain why

.....
.....
.....

17. Which of the following should be a requirement of application?

Proposed ownership/occupancy structures	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Community plans	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Land management plans	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other (please specify)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

(a) Please explain your reasons.

.....
.....
.....

18. Compared with other rural residential/living development applications, what level of Council resources is taken up in the determination of each MO development application? (please tick one only)

More than average ☐ Average ☐ Less than average ☐

19. In your opinion, what are the three main advantages of MO developments? (please rank 1 to 3 only with 1 being the biggest advantage).

Alternative lifestyle opportunities	.....
Lower cost rural living	.....
Good environmental management (e.g. decreased land degradation)	.....
Improved land management practises (e.g. decreased weed infestations)	.....
Introduction of new forms of agricultural activity	.....
Continued use of land for agriculture	.....
Innovative house styles	.....
Increased bushfire fighting facilities	.....
Other (please specify) .....	.....



20. In your opinion, what are the three main disadvantages of MO developments? (please rank 1 to 3 only - with 1 being the biggest disadvantage).

Increased demand for Council services	.....
Social disruption	.....
Increased traffic on rural roads	.....
Interference with traditional agricultural activities	.....
Lower property values	.....
Non-payment of rates	.....
Adverse environmental impact (e.g. increased land degradation)	.....
Increased bushfire hazard	.....
Poor land management practises (e.g. increased weed infestations)	.....
Increased conflict between different land uses	.....
Adverse effect on water quality	.....
Poor solid waste disposal practices	.....
Other (<i>please specify</i>)	.....

21. What is the general community attitude towards MO developments?

Opposed ☐ Neutral ☐ Mixed ☐ Supportive ☐

- (a) If opposed, what are the nature and reasons for this opposition?

.....

.....

.....

22. Have any MO developments received opposition at the time of public notification? Yes ☐
No ☐
N/A ☐

- (a) If Yes, what were the main reasons for this opposition?

.....

- (b) Where the development has been completed, were the concerns realised? Yes ☐
No ☐

23. In general, what is the attitude of adjacent landowners to MO developments?

Opposed ☐ Neutral ☐ Mixed ☐ Supportive ☐

24. In Council's opinion is the prohibition on subdivision of MO developments necessary to maintain the philosophy behind the SEPP 15? Yes ☐
No ☐

(a) Please explain why

.....

.....

.....

.....

25. Could the community living objectives for MO's be achieved by other forms of rural residential development such as:

Standard Subdivision	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Strata Title	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Community Title	Yes <input type="checkbox"/>	No <input type="checkbox"/>

(a) Please explain your reason(s).

.....

.....

.....

.....

(b) What implications would such subdivision have locally?

.....

.....

.....

.....

26. Has Council received repeated requests for the subdivision of existing MO developments? Yes ☐
No ☐

27. Would Council be receptive to the concept of rezoning existing MO developments to enable their subdivision under community title legislation? Yes ☐
No ☐



28. Is Council aware of instances where MO applications have been submitted with the intended use being for conventional rural residential purposes rather than communal/community living? Yes ☐ No ☐
- (a) If Yes, What is the main reason applicants have chosen MO over other forms of Land Tenure? *(please select one reason only)*
- Development cost ☐
Fewer legal land management requirements ☐
Avoidance of zoning requirements ☐
Avoidance of minimum lot sizes in planning instruments ☐
Other *(please specify)* ☐
29. In Council's opinion, does cluster housing offer advantages for environmentally sensitive land management over those offered by dispersed housing? Yes ☐ No ☐
- (a) If Yes, what are the main advantages? *(please rank 1 to 3 only)*.
- Limits road construction
Avoids land slip
Minimises vegetation clearance
Eases servicing
Increases fire protection
Other *(please specify)*
30. Using the following code, please indicate how frequently each of the following community facilities are constructed as part of existing MO developments? *(1 = never, 2 = sometimes, 3 = often, 4 = always)*
- Community shop
Play equipment
Schools
Community hall
Artists workshops/gallery
Farm buildings
Stables
Other *(please specify)*
31. Do you have a Section 94 Plan which enables you to levy contributions on MO developments? Yes ☐ No ☐
- (a) If Yes, What level of Section 94 contributions, if any have been applied to MO sites? *(please indicate in \$ per dwelling unit)*



32. Is Council satisfied that, in comparison with other rural residential developments, MO developments adequately contribute towards the cost of funding services and infrastructure? Yes ☐
No ☐

(a) If No, please explain why.

.....
.....
.....

33. Is Council satisfied with the current arrangements for levying rates on MO developments? Yes ☐
No ☐
N/A ☐

(a) If No, please explain why

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34. How many rural residential Community Title subdivisions are located in your LGA?

35. How many applications for rural residential Community Title subdivisions in your LGA has Council received in the last 12 months?

36. Would Council prefer to: *(please select one only)*

- Introduce a replacement provision in Council's LEP? ☐
Revoke SEPP 15 ☐
Retain SEPP 15 in its present form? ☐
Retain SEPP 15 in an amended form? ☐
Other? *(please specify)* ☐

(a) If you would prefer to amend SEPP 15, what changes would improve its operation?

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37. Do you have any other comments regarding the effectiveness of SEPP 15 for the management of community-based developments on rural lands?

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Thank you for your co-operation. In the event that we require further information or clarification of your responses, please supply a contact name and phone number

Contact Details

Name:

Position:

Council:

Phone:

**SEPP 15 REVIEW
MULTIPLE OCCUPANCY (MO) OF RURAL LANDS
LOCAL GOVERNMENT SURVEY**

1. Has Council used SEPP 15 to approve MO development applications within its rural zones? Yes ☐
No ☐

If No, go to Question 2

- (a) Please complete the following Summary of Development Applications approved by Council using SEPP 15 Provision:

YEAR	Number of DAs approved	Total Dwellings	Number of DAs Notified to DOP
1988			
1989			
1990			
1991			
1992			
1993			
TOTAL			

- (b) What is the average size in hectares of MO developments approved by Council over the last five years using SEPP 15? *(Please tick one box only)*

0 - 10 ha ☐ 11-40 ha ☐ 41-80 ha ☐ 81-210 ha ☐ 211-360 ha ☐ >360 ha ☐

- (c) Please list the main themes present in approved MO developments using SEPP 15

Share-farming	<input type="checkbox"/>
Horticulture	<input type="checkbox"/>
Permi-culture	<input type="checkbox"/>
Rural-residential	<input type="checkbox"/>
Rainforest living/preservation	<input type="checkbox"/>
Tourist-oriented	<input type="checkbox"/>
Weekend/Holiday Homes	<input type="checkbox"/>
Other <i>(Please Specify)</i>	<input type="checkbox"/>

2. Has Council used SEPP 15 to refuse MO development applications within its rural zones? Yes ☐
No ☐

If No, go to Question 3

- (a) How many MO applications have been refused by Council over the last five years using SEPP 15?

- (b) What were the main reasons for refusal of MO development applications using SEPP 15.

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- (c) Is it usual practice for Council to notify DOP of these refusals? Yes ☐
No ☐

3. Does Council have MO provisions within any of its LEP(s) which control the development of MOs in rural zones? Yes ☐
No ☐

If No, please go to Question 4

- (a) Please complete the following Summary of Development Applications approved by Council using its LEP provisions:

YEAR	Number of DAs approved	Total Dwellings
1988		
1989		
1990		
1991		
1992		
1993		
TOTAL		

- (b) What is the average size in hectares of MO developments approved by Council over the last five years using its LEP provisions? (Please tick one box only)

0-10 ha ☐ 11-40 ha ☐ 41-80 ha ☐ 81-210 ha ☐ 211-360 ha ☐ >360 ha ☐

- (c) Please list the main themes present in these approved MO developments using its LEP provisions.

Share-farming	<input type="checkbox"/>
Horticulture	<input type="checkbox"/>
Permi-culture	<input type="checkbox"/>
Rural-residential	<input type="checkbox"/>
Rainforest living/preservation	<input type="checkbox"/>
Tourist-oriented	<input type="checkbox"/>
Weekend/Holiday Homes	<input type="checkbox"/>
Other (Please Specify)	<input type="checkbox"/>

4. Has Council used its LEP provisions to refuse MO development applications within its rural zones? Yes ☐
No ☐

If No, go to "Instructions" below.

- (a) How many MO applications have been refused by Council over the last five years using its LEP?

- (b) What were the main reasons for refusal of MO development applications using its LEP.

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Please attach a copy of your LEP provisions with your completed questionnaire.

Instructions

If you have answered No to all questions above, you need go no further. Please fill in the details at the end and return the questionnaire. Thank you for your assistance.

The following questions relate to all MO development in rural areas regardless of whether they were approved under SEPP 15 or Council's LEP.

5. How many MO development applications are currently before Council which are subject to:

SEPP 15?	.....
Council's LEP provisions?	.....

6. Over the last 12 months, has the number of MO applications: *(please tick one)*

declined? ☐ remained constant? ☐ increased? ☐

OR were no applications received? ☐

7. Since 1988, Has the rural population in your LGA: *(please tick one)*

declined? ☐ remained constant? ☐ increased? ☐

If the rural population increased:

(a) can a significant portion of this increase be attributed to MO developments? Yes ☐
No ☐

(b) If the rural population increased, have MOs been more successful than other forms of rural settlement in creating population increase? Yes ☐
No ☐

8. In Council's opinion, is the minimum allotment size of 10 hectares an appropriate minimum standard? Yes ☐
No ☐

(a) -If No, what should the minimum lot size be?

Please explain your reasons.

9. Are the density standards established by SEPP 15 appropriate? Yes ☐
No ☐

(a) If No, what should the standard be?

(b) Please explain your reasons.

10. What is the predominant dwelling type constructed on MO developments in your LGA?
(please tick one)

- Individual single family dwelling units dispersed throughout site ☐
 Individual single family dwelling units clustered on one portion of site ☐
 Clusters of expanded dwellings with shared facilities ☐
 Individual expanded dwelling with shared facilities ☐
 Other (please specify) ☐

11. Does SEPP 15 conflict with Council's rural planning policy instruments? Yes ☐
 No ☐

- (a) If Yes, In what way?

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12. Using the following 5-point scale, please indicate how successfully each of the following SEPP 15 Objectives are being met by MOs in your LGA.

	Not Successful			Very Successful	
	1	2	3	4	5
Encourage community based rural settlement;	1	2	3	4	5
Encourage environmentally sensitive rural settlement;	1	2	3	4	5
Enable collective living;	1	2	3	4	5
Enable sharing of facilities and resources;	1	2	3	4	5
Enable pooling of resources;	1	2	3	4	5
Facilitate clustered style rural development;	1	2	3	4	5
Avoid demand for Council/Government services;	1	2	3	4	5
Avoid subdivision of rural land;	1	2	3	4	5
Increase in rural population;	1	2	3	4	5

- (a) If the objectives are not being adequately met, why is this the case?

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13. Has the policy resulted in previously illegal rural dwellings being legalised in your LGA? Yes ☐
No ☐

i If No, please explain why?

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14. Using the following 5-point scale, please indicate the relative importance given by Council to each SEPP 15 objective in the assessment of MO development applications?

	Not Important			Very Important	
	1	2	3	4	5
Encourage community based rural settlement;	1	2	3	4	5
Encourage environmentally sensitive rural settlement;	1	2	3	4	5
Enable collective living;	1	2	3	4	5
Enable sharing of facilities and resources;	1	2	3	4	5
Enable pooling of resources;	1	2	3	4	5
Facilitate clustered style rural development;	1	2	3	4	5
Avoid demand for Council/Government services;	1	2	3	4	5
Avoid subdivision of rural land;	1	2	3	4	5
Increase in rural population;	1	2	3	4	5

15. Have any MO applications received by Council been accompanied by any of the following documentation:

Proposed ownership/occupancy structures	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Community plans	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Land Management plans	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other (please specify)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

- (a) In general, have the developments occurred in accordance with these plans/documents? Yes ☐
No ☐
Not Known ☐

16. In general, does Council feel that they can enforce such plans/documents? Yes ☐
No ☐

(a) If No, Please explain why

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17. Which of the following should be a requirement of application?

Proposed ownership/occupancy structures	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Community plans	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Land management plans	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other (please specify)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

(a) Please explain your reasons.

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18. Compared with other rural residential/living development applications, what level of Council resources is taken up in the determination of each MO development application? (please tick one only)

More than average ☐ Average ☐ Less than average ☐

19. In your opinion, what are the three main advantages of MO developments? (please rank 1 to 3 only with 1 being the biggest advantage).

Alternative lifestyle opportunities	.....
Lower cost rural living	.....
Good environmental management (e.g. decreased land degradation)	.....
Improved land management practises (e.g. decreased weed infestations)	.....
Introduction of new forms of agricultural activity	.....
Continued use of land for agriculture	.....
Innovative house styles	.....
Increased bushfire fighting facilities	.....
Other (please specify) .....	.....

20. In your opinion, what are the three main disadvantages of MO developments? *(please rank 1 to 3 only - with 1 being the biggest disadvantage).*

Increased demand for Council services

Social disruption

Increased traffic on rural roads

Interference with traditional agricultural activities

Lower property values

Non-payment of rates

Adverse environmental impact (e.g. increased land degradation)

Increased bushfire hazard

Poor land management practises (e.g. increased weed infestations)

Increased conflict between different land uses

Adverse effect on water quality

Poor solid waste disposal practices

Other *(please specify)*

21. What is the general community attitude towards MO developments?

Opposed ☐ Neutral ☐ Mixed ☐ Supportive ☐

- (a) If opposed, what are the nature and reasons for this opposition?

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22. Have any MO developments received opposition at the time of public notification? Yes ☐
No ☐
N/A ☐

- (a) If Yes, what were the main reasons for this opposition?

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- (b) Where the development has been completed, were the concerns realised? Yes ☐
No ☐

23. In general, what is the attitude of adjacent landowners to MO developments?

Opposed ☐ Neutral ☐ Mixed ☐ Supportive ☐

24. In Council's opinion is the prohibition on subdivision of MO developments necessary to maintain the philosophy behind the SEPP 15? Yes ☐
No ☐

(a) Please explain why

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25. Could the community living objectives for MO's be achieved by other forms of rural residential development such as:

Standard Subdivision	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Strata Title	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Community Title	Yes <input type="checkbox"/>	No <input type="checkbox"/>

(a) Please explain your reason(s).

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(b) What implications would such subdivision have locally?

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26. Has Council received repeated requests for the subdivision of existing MO developments? Yes ☐
No ☐

27. Would Council be receptive to the concept of rezoning existing MO developments to enable their subdivision under community title legislation? Yes ☐
No ☐

28. Is Council aware of instances where MO applications have been submitted with the intended use being for conventional rural residential purposes rather than communal/community living? Yes ☐
No ☐

- (a) If Yes, What is the main reason applicants have chosen MO over other forms of Land Tenure? *(please select one reason only)*

Development cost ☐
Fewer legal land management requirements ☐
Avoidance of zoning requirements ☐
Avoidance of minimum lot sizes in planning instruments ☐
Other *(please specify)* ☐

29. In Council's opinion, does cluster housing offer advantages for environmentally sensitive land management over those offered by dispersed housing? Yes ☐
No ☐

- (a) If Yes, what are the main advantages? *(please rank 1 to 3 only)*.

Limits road construction
Avoids land slip
Minimises vegetation clearance
Eases servicing
Increases fire protection
Other *(please specify)*

30. Using the following code, please indicate how frequently each of the following community facilities are constructed as part of existing MO developments? (1 = never, 2 = sometimes, 3 = often, 4 = always)

Community shop
Play equipment
Schools
Community hall
Artists workshops/gallery
Farm buildings
Stables
Other *(please specify)*

31. Do you have a Section 94 Plan which enables you to levy contributions on MO developments? Yes ☐
No ☐

- (a) If Yes, What level of Section 94 contributions, if any have been applied to MO sites? *(please indicate in \$ per dwelling unit)*

32. Is Council satisfied that, in comparison with other rural residential developments, MO developments adequately contribute towards the cost of funding services and infrastructure? Yes ☐
No ☐

(a) If No, please explain why.

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33. Is Council satisfied with the current arrangements for levying rates on MO developments? Yes ☐
No ☐
N/A ☐

(a) If No, please explain why

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Other? *(please specify)* ☐

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