

DEPARTMENT OF URBAN AFFAIRS
AND PLANNING

Governor Macquarie Tower, 1 Farrer Place, Sydney. 2000.
Box 3927 GPO, Sydney 2001. DX 15 Sydney

Telephone: (02) 9391 2000 Fax: (02) 9391 2111.

To all Schedule A Councils

1 April 1998

**STATE ENVIRONMENTAL PLANNING POLICY NO.15
RURAL LANDSHARING COMMUNITIES**

Note: This letter replaces Circular B11 issued on 18 December 1996.

INTRODUCTION

I am writing to advise you that State Environmental Planning Policy No. 15 - Rural Landsharing Communities (the SEPP) will be gazetted and commence operation on 9 April 1998. The SEPP makes permissible, the development of rural or non-urban land for Rural Landsharing Communities in local government areas listed in Schedule 1 of the Policy, with council consent. Development and management of the land must be environmentally sensitive and sustainable.

BACKGROUND

The Policy reinstates the former SEPP 15 -- Multiple Occupancy of Rural Land with amendments in an updated form. The previous Policy was repealed on 1 December 1994. Local government was given control of multiple occupancy. Since then local government has not generally made provision for multiple occupancy development.

The Government aims to enable multiple occupancy development in the nominated areas. To implement this aim a draft SEPP was advertised in Sydney and country newspapers and placed on public exhibition for comment between December 1996 and April 1997. The Department and Minister took into account comments made during the exhibition when finalising the SEPP.

WHERE THE POLICY APPLIES

The Policy applies to councils listed in Schedule 1 excluding land listed in Schedule 2. A significant exclusion is land declared to be a special area or an outer catchment area under the *Water Board (Corporatisation) Act 1994*.

Should councils listed in Schedule 1 make provisions that provide the same opportunities as SEPP 15 for Rural Landsharing Communities then they may apply for exemption from the operation of the SEPP.

ASSESSMENT AND MANAGEMENT

The consent authority when assessing development under the Policy must consider the locational and management criteria in clauses 9 and 10. The purpose of the criteria is to make development under the Policy sensitive to the environment and sustainable.

Contact: Regulatory Reform
Branch
■ Our reference: S95/00998

A site analysis and management plan must be provided by the applicant and considered by council. Matters to be included by the applicant in a site analysis are in Schedule 3.

SUBDIVISION

Development carried out under the Policy must remain on a single land title and the land and buildings cannot be subdivided into any type of separate title.

SEPP 15 GUIDELINES

The Department is preparing Guidelines on SEPP 15 development for use by both applicants and councils. The aim of the Guidelines is to encourage a high standard of development under the Policy.

A copy of the Guidelines will be provided when available. The Guidelines will provide information on key environmental issues. They will detail the consultation and approval process and also provide advice on site selection and preparation of a statement of environmental effects.

Where rural settlement guidelines or strategies apply such as the *Guidelines for Rural Settlement on the North Coast of NSW*, or the *Lower South Coast Settlement Strategy*, they should also be taken into account by councils and applicants when considering a proposal for a Rural Landsharing Community.

RELATIONSHIP TO OTHER PLANNING INSTRUMENTS

The Policy does not override other SEPPs. The applicant and council must consider any relevant SEPPs in the assessment of a Rural Landsharing Community development. If an inconsistency arises between SEPP 15 and regional environmental plans or local environmental plans, SEPP 15 prevails.

SEPP, S149 CERTIFICATES & NOTES

A copy of the SEPP and explanatory notes are at attachment A. *Overleaf.*

The Minister's notification for S149 certificates is at attachment B.

FURTHER QUESTIONS

For further advice on State Environmental Planning Policy No. 15 - Rural Landsharing Communities, please contact the Department's Regulatory Reform Branch or Regional Offices.



T. Robins
Acting Secretary

Attachment A - 1

**STATE ENVIRONMENTAL PLANNING POLICY NO. 15
- RURAL LANDSHARING COMMUNITIES**

EXPLANATORY NOTES


CONTENTS OF THE POLICY

PART 1 -- PRELIMINARY

Clause 1 gives the name and number of the Policy

Clause 2 states the aims and objectives of the policy. It also repeals SEPP No. 42 -- Multiple Occupancy of Rural Land (Repeal).

Clause 3 identifies the land to which the policy applies. This clause works by listing the councils to which the policy applies in Schedule 1 and then excludes specific areas or zones. These exclusions are listed in Schedule 2.

 **Clause 4** contains definitions of some terms used in the policy. Subclause 4(2) states that a council may treat two or more dwellings as a single dwelling if it is satisfied that because of the sharing of cooking or other facilities (and any other relevant matters) the dwellings comprise a single household.

Clause 5 explains the relationship between this policy and another environmental planning instrument. If there is any inconsistency between this policy and a regional environmental plan or a local environmental plan then the provisions of this policy will prevail to the extent of that inconsistency.

Clause 6 repeals SEPP 42 in its entirety. SEPP 42 repealed SEPP 15 Multiple Occupancy of Rural Land. Repealing SEPP 42 does not mean that the former policy is reinstated.

Clause 7 permits the development of rural landsharing communities with council consent for the purposes of 3 or more dwellings, within rural and non-urban zones, subject to specified criteria.

Subclause 7(2) enables council to consider development in accordance with this Policy regardless of whether or not it may consent to an application for carrying out that development pursuant to any other environmental planning instrument.

Subclause 7(3) confirms that the requirement of subclause 7(1)(b), being land proposed for a rural landsharing community having an area of not less than 10 hectares, in no way authorises the subdivision of land for such development.

Clause 8 requires all development for the purposes of a rural landsharing community (as defined by clause 7) to be advertised in accordance with section 84, 85, 86, 87(1) and 90 of the Environmental Planning and Assessment Act 1979. This includes notification, exhibition and advertising of the proposal as well as the making and consideration of submissions.

Clause 9 sets out those matters councils must consider, as of relevance, to a proposed rural landsharing development.

Attachment A -2

These matters are comprehensive and include consideration of strategic planning, heritage (including Aboriginal heritage), water resources, resources of coal, sand, gravel, petroleum etc., separation of land uses, visual impact, flooding, bushfires, landslip, erosion, acid sulfate soils and their potential impact on people, property and land, vegetation including protection and reafforestation, waste disposal, availability of services, public road access, location of buildings, proposed means for establishing land ownership and dwelling rights and environmental and community management to ensure the aims and objectives of the policy is met.

Subclause 9(2) states that council cannot consent to an application for a rural landsharing community unless it considers a site analysis (as described in Schedule 3) accompanied by a written statement explaining how the proposal has regard to the site analysis.

Clause 10 states that council cannot consent to an application for a rural landsharing community unless an applicant submits a management plan for the development which makes adequate provision for water, waste and bushfire management, the prevention, control and management of soil erosion, flora and fauna management, including the control of noxious weeds and noxious animals and the provision and maintenance of roads, fences and services.

Clause 11 explains the density formula for a rural landsharing community.

Clause 12 prohibits the subdivision of land under the *Local Government Act 1919* and under the *Strata Schemes (Freehold Development) Act 1973*. Subclause 12(2) provides a specific list of exceptions to this clause. An essential feature of the Policy is its prohibition on any form of title or rights to land being created or transferred as a result of consent being granted under this Policy.

Clause 13 requires council to notify the Secretary of the Department, of its determination of an application for a rural landsharing community, within 30 days.

Clause 14 suspends s37 of the *Strata Schemes (Freehold Development) Act 1973* and any agreement, covenant or instrument that may impose restrictions on certain development of the land for a rural landsharing development.

Subclause 14(2) states that pursuant to section 28 of the Act, the Governor approves of the suspension provided in clause 14(1) and that the Minister administering section 37 of the *Strata Schemes (Freehold Development) Act 1973* concurred in writing.

Schedule 1 relates to clause 3(1) of the policy and lists councils to which the policy applies.

Schedule 2 relates to clause 3(2) of the policy and excludes lands listed in the Schedule from the application of the policy.

Schedule 3 relates to clause 9(2)(a) of the policy and lists those matters to be considered in the preparation of a site analysis.

Attachment B - 1

Attachment B - 1

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 1994

I, the Minister for Urban Affairs and Planning, pursuant to item 3 of Schedule 4 of the *Environmental Planning and Assessment Regulation, 1994*, notify each Council specified in Schedule A below, in relation to land to which State Environmental Planning Policy No. 15 -- Rural Landsharing Communities applies, that it specifies the matter in Schedule B below in a certificate issued under section 149 of the *Environmental Planning and Assessment Act, 1979*.

Minister for Urban Affairs and Planning

Sydney 30 December 1997

SCHEDULE A

Armidale	Eurobodalla	Nundle
Ballina	Evans	Nymboida
Barraba	Glen Innes	Oberon
Bathurst	Gloucester	Orange
Bega Valley	Goulburn	Parry
Bellingen	Grafton	Port Stephens
Bingara	Great Lakes	Quirindi
Blayney	Greater Taree	Richmond River
Bombala	Guyra	Rylstone
Casino	Inverell	Scone
City of Greater Cessnock	Kempsey	Singleton
City of Greater Lithgow	Kyogle	Tallanganda
City of Maitland	Lake Macquarie	Tamworth
City of Shoalhaven	Lismore	Tenterfield
Coffs Harbour	Maclean	Tweed
Cooma-Monaro	Manilla	Ulmarra
Copmanhurst	Merriwa	Uralla
Cowra	Mudgee	Walcha
Dumaresq	Mulwaree	Yallaro
Dungog	Murrumbidgee	
	Muswellbrook	

SCHEDULE B

State Environmental Planning Policy No. 15 -- Rural Landsharing Communities aims to encourage and facilitate development of rural landsharing communities to collectively manage land in an environmentally sensitive and sustainable manner and to provide for low cost housing. The Policy establishes criteria for rural landsharing community development, matters for council consideration, environmental considerations, site analysis and management requirements for development proposed under the Policy.