him Pole.

Unit 1, 50 Paterson Street, Byron Bay, 2481

18.10.94

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

Dear Trevor Prior,

Re: Ministerial Move to Repeal SEPP-15, Multiple Occupancy

- 1. Following our recent conversation this is confirm our request for copies of the following:
 - a. M.O. News Release of 13.10.94 regarding SEPP-15 (the Policy),
 - b. Executive Summary with all attachments thereto,
 - c. The Purdon Report,
 - d. The "further advise" (to the Purdon Report) referred to in the Executive Summary,
- e. Any such other reports that relate to the above.

This is to confirm that David Mutton has undertaken to forward to me, copies of items 1, 2 and 1 above.

I am advised that the Purdon Report is being printed for distribution.

As a number of our constituent members are anxious to read this report, I would be obliged if you would advise me of the release of this Report as soon as it is available.

2. You may recall our conversation in December last when I sought copies of correspondence, memos, directives and the like between your Head Office, the Ministers Office and/or local members of Parliament and your Branch, regarding the introduction of a review of the Policy.

As sought by you this is to formally request copies of all such documents to and from your Branch relating to the introduction of this Review.

I leave to your discretion at this time, what you select to include in this material.

In due course, we may seek your approval for one of our members to peruse other relevant material in this regard.

Should you consider any of this material to be Departmentally "sensitive", we are happy to seek this formally under the provisions of the FOI Act.

If this should be necessary, I would appreciate it if you would forward to me a Departmental Claim Form for this purpose.

3. As mentioned to you we are in the process of preparing a formal proposal to the Minister to "stay" the move to repeal the Policy.

I shall contact you further in this regard.

Without prejudice to our view that the Policy should not be repealed, we submit that from a professional planning point of view, it would be appropriate in the circumstances of the case, that the existing Regional Environment Plan (REP) retain the provisions regarding M.O. development.

As my understand is that the proposed amendments to the REP are still being considered at the Parliamentary level, please accept this as a formal request for the existing provisions to be retained in the REP.

4. I would appreciate it if you would forward the material requested above, to me at the nominated address.

Thanking you in anticipation.

Yours Sincerely,

Peter Hamilton (For the Pan-Com M.O. Review Collective)



Department of Planning

NORTHERN REGIONAL OFFICE

Mr P Hamilton
Pan-Community Council
1/50 Paterson Street
BYRON BAY NSW 2481

N.S.W. Government Offices 49 Victoria Street, Grafton 2460 P.O. Box 6, Grafton 2460

Telephone :(066) 42 0622 Ext:

Fax No. :(066) 42 0640

Contact:

Our Reference: G93/00210

Your Reference:

2 5 OCT 1994

Dear Mr Hamilton

RE: SEPP 15 - MULTIPLE OCCUPANCY

I refer to your letter of 18 October 1994.

- 2. I understand, in relation to the list of documents requested with your letter, that:
 - (i) items (a), (b) and (d) will be forwarded from the Department's Head Office. Please advise if these documents are not received;
 - (ii) copy of Purdon Report (item (c)) is enclosed;
- 3. Also enclosed are:
 - (a) copy of SEPP 42 (gazetted 21 October 1994);
 - (b) a Freedom of Information Claim Form. This form may be used for your own purposes should you wish to seek any other information on the matters which concern you.
- 4. The Department does not intend to retain the provisions in the North Coast Regional Environmental Plan, 1988, which required Council's to provide for multiple occupancy in their local environment plans. This provision is proposed to be removed from the REP by amendment 2. However, the provision remains in force pending gazettal of amendment 2.
- 5. In this regard, the Department is proposing to write to North Coast Councils, suggesting that their local plans include provisions which permit multiple occupancy proposals to be considered.
- 6. I trust this information satisfies your enquiries.

Yours faithfully

Trevor Prior Manager

(Northern Regions)

lit File.

2 Sept 1994

Mr. Trevor Prior, Regional Manager, Department of Planning, 49 Victoria Street, GRAFTON, 2460

Dear Trevor Prior,

Re: State Review of SEPP-15 Multiple Occupancy

As discussed on the telephone, I enclose herewith a copy of our letter to the Minister for your information.

Yours Sincerely,

Peter Hamilton for the MO Review Collective

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

30th August 1994

Mr Robert Webster Minister for Planning Parliament House Macquarie Street Sydney

Dear Mr Webster,

Our organisation represents the interests of many Multiple Occupancy (MO) communities especially in the North East of the state. We were very much involved in the process of information gathering for the recent state wide review of multiple occupancy carried out by your Department (assisted by Purdon & Associates).

Our Council is concerned as we have not heard a word about the report for some months. Our concern stems from the fact that is more than a planning matter for us, it could seriously affect our homes, land and way of life. We are particularly worried that changes to SEPP 15 could affect the opportunity for people in the future to establish co-operative rural communities where residents can build low cost homes.

It would seem that there are two possibilities for pursuing the report:

- 1) That the report and possible amendments to SEPP 15 be released together, or
- 2) That the report be released now prior to any possible amendments.

As Minister for Planing could you please follow the second of these options to ensure maximum community consultation as per the E.P.A.? We would appreciate a period of 2 months for public comment.

Yours sincerely

Simon Clough

Sime Clough

Co- ordinator

The Council of the City of Lismore

Eouncil Chambers 43 Oliver Avenue, Goonellabah, N.S.W.

TELEPHONE (066) 25 0500 FACSIMILE (066) 25 0400

P.O. BOX 23A, LISMORE, 2480 DX 7761

ALL COMMUNICATIONS TO GENERAL MANAGER

IN REPLY PLEASE QUOTE

MRS:MR: S/523 94-7932



CONTACM SCOtt-250565

Planning Services

September 28, 1994

Pan Community Council PO Box 102 NIMBIN 2480

Attention: Peter Hamilton

Dear Sir

COUNCIL'S REVIEW OF MULTIPLE OCCUPANCY PROCEEDING OF MEETING JULY 21, 1994

- 1. Thank you for forwarding the finalised Minutes of the July 21, 1994, meeting. Council's Planning Services Division recognises that record as an accurate record of the meeting and agreed outcomes.
- 2. Your advices and comments concerning use of S102 of the Act and cl 47A1(a) of the Regulation and privacy and confidentiality are noted.
- 3. For your information Council's Development Control Planner, Malcolm Scott, has visited some 14 communities to-date and has received invitation from 14 other communities to undertake inspections and/or discuss matters during amnesty.

A brief information report is to be presented to Council's Policy and Resources Committee at its meeting of October 11, 1994.

Should you have any further enquiries regarding this matter, please do not hesitate to contact Mr Malcolm Scott at Council's Administration Centre, Oliver Avenue, Goonellabah, on telephone 250500, between the hours of 8.30am and 10.00am, Monday to Friday.

Yours faithfully

CM Cooper ACTING GENERAL MANAGER

per: WA

PH File



7.9.94

Attention Nick Juradowitch.

General Manager, Lismore City Council, P.O. Box 23A, LISMORE 2480

Dear Nick Juradowitch,

Re: Council Review of Multiple Occupancy, Proceedings of Meeting of 21 July 1994

As discussed I enclose herewith "Proceedings of the Meeting of 21 July 1994" between ourselves and Council.

- 1. In respect to Item 1.1(c) re amendment of conditions of consent pursuant to s.102, I draw to your attention Regulation 47A1(a) which enables Council to dispense with the need to require a fee for a variation of a condition of consent.
- 2. In respect to Item 4.0 re "without prejudice" inspections and confidentiality of information obtained for planning purposes under the Planning Act, I draw your attention to the following statements:-
 - (a) "[It is a] basic privacy principle that where information is provided for a specific purpose, it should generally be used only for that purpose"

Privacy Committee of NSW, Annual Report 1992, p19.

and

(b) In respect to the Council making the MO Address list available to any person, other section of Council or, other authority, we draw your attention to the Privacy Committee's statement:

"The Privacy Committee is totally opposed to any suggestion that address information be made publicly available, irrespective of the department or agency



which holds it, the purpose for which it was collected or the person by whom it is sought".

ibid. p.21

3. As has been expressed previously our members view "confidentiality" as being a sensitive issue. In this regard I draw your attention to the statement that:-

"the surveyor/inspector should explain to an informant the procedures being taken to protect confidentiality"

"Survey Guidelines: Guidelines for Surveys and Research", NSW Privacy Committee, Publication 42 (Revised), 1979.

While we appreciate the sensitive way in which you have respected these principles, we place on record for the benefit of those who follow you, that any deviation from these principles will be seen by our Council to be a breach of the Privacy Act.

In appreciation of your conduct of the MO inspection process.

I would appreciate your acknowledgement of receipt of this correspondence.

Yours Sincerely,

Peter Hamilton

For and on behalf of the M.O. Review Collective.







PAN COMMUNITY COUNCIL

PROCEEDINGS OF MEETING WITH THE LISMORE CITY COUNCIL

Re: COUNCIL REVIEW OF MULTIPLE OCCUPANCY

21 July 1994

Abbreviations

DA: Development Application

EP&A Act: Environment Planning and Assessment Act

DCP-20: Development Control Plan No. 20 for MO.

"determination": The DA approval with "conditions of consent".

BA: Building Application

BCA: Building Code of Australia SOE: State of the Environment

1.0 INSPECTION PROCESS

- Amendment of conditions of consent. 1.1
 - (a) Where mutual agreement is reached to amend a condition of consent that this be formaslised by utilising the provisions of s.102 of the EP&A Act.
 - (b) As far as possible, all conditions that are to be amended, are to be dealt with in one s.102 Form (viz. Form 5).
 - (c) Where Council initiates a proposed amendment to a condition of consent, that no fee be charged.

Relationship to legislation other than the EP&A Act and, other Departments within the Council.

- (a) As described in Council's letter to all MOs on 19 May and 4 July 1994, the planning inspection will relate exclusively to the EP&A Act and the DA conditions of consent viz.
 - "... the inspection is only in respect of consent issued in accordance with the EPA Act. It is not proposed to undertake inspections for compliance re health and building requirements."

- (b) Where a condition of consent requires work to be carried out on a Council road, Malcolm Scott will check the Council road files to see that the work has been carried out.
- (c) Where a condition of consent requires certain bushfire measures to be provided, Malcolm Scott will inspect work carried out in this regard.
- (d) The bushfire provisions in DCP-20 MO, will be used as a guideline where these may be an appropriate alternative to those in the determination.

It is understood that following recent amendments to the Bush Fire Act Council proposes to introduce a city wide Bush Fire Management Plan. As any future requirements of MO settlement in this regard will be dealt with at a latter time, same will not form part of the planning inspection.

Council undertakes to prepare a "Model Bush Fire Management Plan".

- (e) As noted in the above Council letters to all MOs, inspections will be confined to planning issues and will not included matters under other legislation eg. sewerage matters under the Health Act, building under the Building Code of Australia or bushfire matters under the NSW Bushfire Act, unless specifically dealt with as a condition of consent.
- 1.4 Pan-Com relationship to site inspections.

 Pan-Com does not wish to have a representative present during inspections.

2.0 BUILDING ISSUES

- 2.1 Houses
 - (a) Where a building has been erected on a DA approved building site, but no BA has been submitted, that the applicant be invited to regularise this situation by applying for registration under the BCA.
 - (b) Where there is a cluster of structures (including temporary dwellings etc), that the location and use of these be examined in the context of the "expanded house" provisions.
 - (c) If the number of existing permanent houses (where an "expanded house" is deemed to be one house), exceeds the number of DA approved building sites, that the DA applicant be invited to regularise this situation by applying for amendment of the determination.

2.2 Sundry Inspection Issues

- (a) That the proposed inspections will not involve the physical counting of people on the property.
- (b) That inspections will be carried out by Malcolm Scott and Scott Turner.
- (c) That the "appropriateness of a condition" (Council letter of 13 May 1994) is to be taken to mean, what is considered by Malcolm Scott to be "reasonable" in the circumstances of the case.

(d) That Council places on the record that it cannont impose more stringent conditions of consent than those listed in the determination.

3.0 MEDIATION

In the event of negotiation not resulting in a mutually acceptable agreement that Council argees in principle to refer the matter to mediation.

Notwithstanding this agreement, it is not considered likely that recourse to mediation will be necessary.

4.0 "WITHOUT PREJUDICE" INSPECTIONS

- (a) It is agreed that "without prejudice" inspections means that no written notes or photographs, be placed on an official Council file except:-
 - (i) where it relates to an application for "Modification of Conditions (Form 5), or notification to the applicant of the registration of same, and,
 - (ii) where the parties mutually agree and confirm that the material be placed on the file.
- (b) That ever care be taken to ensure that privacy is respected and sustained and that information collected for planning purposes is not available for use by other sections or departments of Council, by other Government Departments or the public.

That every care be taken to ensure that notes etc, are not filed in any manner which may enable them to be available for inspection via for example FOI legislation or by subpoena.

(c) The Planning Manager advised that if the Mayor requested a file via the General Manager, he would be obliged to supply same.

It is the Planning Manager's understanding that a property owners file is not available for public inspection except with the owners consent.

5.0 MO REVIEW IN THE CONTEXT OF THE CITE-WIDE REVIEW

That there be no inspections prior to Council adoption of the proposed Plan of Management for a city-wide inspection of all development. It is expected that this Plan will be submitted to Council for adoption on 16 August 1994.

6.0 PROPOSED SURVEY

- (a) A survey is to be carried out at a latter time. This is to be considered in the context of:-
 - # the findings of the State-wide Review,
 - # the Council 2020 Social Atlas, and
 - # the annual SOE Survey Report.

It is seen that this strategy will enable a comparison to be made between MO settlement and other forms of rural settlement.

- (b) When it is decided to conduct a survey:-
 - # that the "trialing" of a pilot sample, is accepted as a principle.
 - # that Pan Community Council will be invited to comment on the design, collection and evaluation of the survey.
- (c) Council is aware that there are those on MO's and in the community with professional skills and experience in conducting social surveys. (The Nimbin Skills Survey 1993, is noted as a model in this regard).

7.0 s.94 ISSUES

If a condition of consent requires an external road to be upgraded, and before this work is carried out, the road is upgraded by others (eg. in connection with subdivision development on the same road) then it is seen that the relevant DA condition has been met.

The test in such cases being, "Is the external road of a standard to provide a reasonable means of access"?

Roads (both external and internal) will be inspected on the same basis as that for other forms of rural settlement.

8.0 THE INTERNATIONAL YEAR OF THE FAMILY

That Council is cognizant of, and sensitive to the fact that many MO communities relate to themselves as one, or, several extended families.

9.0 COUNCIL DECISION TO MEET WITH NEIGHBOURING COUNCILS RE MO SETTLEMENT

It is the understanding of the Planner Manager that the Council decision to meet with neighbouring councils re MO, relates to a proposed meeting of councillors only.

As at this date, the Planning Manager has no direction regarding involvement in the proposed joint meeting with neighbouring councils.

10.0 GENERAL

10.1 Time frame for inspections

- (a) It is expected that the two planning staff allocated to carry out the inspections will be doing so in conjunction with other office responsibilities.
- (b) It is expected on average that one inspection (of an hour or so) will be conducted per week. Hence the Council is looking to the inspections being carried out over a period of some thirty to forty weeks from commencement.

10.2 Time re compliance

(a) Where there is a agreement to "regularise" a condition of consent, the time in which to comply if applicable, may also be part of the agreement.

Such a time constraint will only be applicable where the original determination (if any), required a sequential development.

(b) Depending on the circumstances, it is appreciated that once an MO development has been commenced, there is no set time limit for its "completion".

10.3 Diversity of MO development

- (a) It is noted that considerable variation may exist in the forms and stages of MO development, both from a environmental and social point of view, and, that this diversity will be respected as a chosen "family lifestyle".
- (b) It is noted that Pan-Com does not necessarily speak for all MO settlers.
- 10.4 Caravans, temporary dwellings, sheds etc.
 - (a) It is recognised that the use of a caravan by a family member of a household does not require approval.
 - (b) That the use of caravans (other than in (a) above), temporary buildings, sheds etc is a matter for the Building Department of Council, and is not a matter for planning consideration.
 - 10.5 Variation of standards

The use of SEPP-1 and Cl. 1.5.2 of DCP-20 MO is noted for possible use in varying standard, where applicable.

10.6 Review Report

That Pan-Com be afforded the opportunity to comment on the draft of preliminary and the final Review Report to Council with sufficient time for consideration of any comments or suggestions.

PROPOSED AGENDA FOR PAN-COM MEETING WITH LISMORE CITY COUNCIL ON 21 JULY 1994

ISSUES (In proposed priority order)

1.0 ISSUES RELATING TO THE INSPECTION PROCESS

A. 1.1 Process of "inspection" and "negotiation",

 $u \not A$ abla 1.2 Process involved in changing existing conditions of consent.

 $\mathcal{V}_{\mathcal{B}}$ 1.3 Circumstances when "mediation" may be appropriate.

2.0 "WITHOUT PREJUDICE" INSPECTIONS

2.1 What constitutes "without prejudice" inspection?

Y D 2.2 Proposed engagement of a consultant to ensure "privacy".

> D 3.0 The MO Review in the context of the city wide review.

J 4.0 The time frame for the commencement and completion of the inspections and for compliance?

JAS 5.0 Relationship to matters other than those under the EPA Act, eg. building, health, bushfire, s.90, DCP-20 MO, etc.

6.0 PROPOSED MO SURVEY

6.1 Why a survey at this time?

F 6.2 "Trialing" viz. a pilot of a selected sample.

6.3 Opportunity for Pan-Com input into proposed MO Survey Form viz. the purpose and range of data to be collected and evaluation of pilot sample.

ALAB 7.0 Possible Pan-Com involvement in the evaluation and mediations but not in the site inspections.

8.0 Finalisation of proposed Council letter to MO neighbours.

9.0 s.94 Situations for example, where an MO approved by Gazette or under IDO 40, now wish to construct a new building?

10. The International Year of the Family.
"Building communities that care".

11. Joint meeting of local Councils re MO issues (as per Policy and Resources Committee resolution of 5.7.94. In Council Minutes of 19.7.94).

12. Further meeting/s? Date, time, venue, topics?

→ 13 Other?

PANCON 32

1/ 50 Paterson St., Byron Bay, 2481, 19.7.94

By FAX & Pages.

Re: Pan-Com Meeting with Council 3.30pm Thursday 21 July 1994

This is to confirm previous communication that our meeting with the Council will take place at 3.30pm on Thursday July 1994, at the Council Chambers.

Please be at the Council Inquiry Counter at 3.30pm SHARP. If you are delayed ask at the Counter for directions to the meeting room.

It is aimed to finish the meeting at 4.45pm (with extension to 5.00pm if necessary).

The second letter from Council re inspection arrangements has been sent to all MO's. If you do not have a copy of this please contact the Secretary of your community or myself. The contents of this letter, are central to the meeting discussion.

As the agenda has the potential to be time consuming, every effort should be made to confine discussion so that all items are at least raised.

If it becomes clear that a particular item will require further time, it is suggested that this be addressed by arranging for a follow up discussion with those concerned.

In the spirit of there being meaningful consultation between the Council and ourselves, it is my view that if there are unresolved issues, that we have no hesitation in seeking further time to discuss same and, that if this be the case, that no inspections commence until an agreed later date.

I would appreciate it if folk would volunteer to present a section of the agenda of your choice. If you would like to do this, please ring me to arrange same.

Volunteer to take minutes for our use, would be appreciated.

"Nimbin News" will be including material on the inspections. Simon is preparing copy for this. Please contact Simon if you have material for consideration. The deadline is this week.

Regards,

Attending:

Tony Belton, "Tuntable", 891424 Sandor Von Kontz, "Tuntable", 891550 Diana Roberts, "Pinpuna", (h) 891648, (w) 891648 Rob Doolan, "Jagera", 895301 Eddie Buivids, "Barjuma", 853426 Graham Irvine, "Moondani", 891666 Peter Hamilton, "Bodhi Farm", 858648 Simon Clough, "Dharnamanda", 886217

Apologies: Deiter Dambiec, "Anada Rainjana", 213911

PAN-COM BRIEFING NOTES MEETING WITH LISMORE COUNCIL 21 JULY 1994

The following notes are based in part, on a preliminary discussion of the draft agenda, with Malcolm Scott.

AGENDA ITEM

COMMENTS AND POSSIBLE QUESTIONS

- 1.1(a) QUESTIONS:
 - Will an inspection be of those particular aspects which the MO community wishes to address, or, is it proposed to inspect everything, eg. ALL buildings, roads, dams, etc etc.?
- (b) If it becomes necessary to "negotiate" a situation, who will this "negotiation" be conducted with, eg. the dwelling occupant, the resident members, or community organisation?
- (c) Is it expected that negotiation where relevant, would happen during the inspection or latter?
 - $\sqrt{(d)}$ How much time has been allowed for the planning inspection of each MO?
 - (e) How much time and how many occasions is Council prepared to return to an MO to meet the convenience of residents?
- √ (f) What criteria will be used to assess the "appropriateness" of existing consent conditions? (See Council letter & July, Item 4).
 - what purpose is crycu in reviewing the "consistency" of exitting condition of consent with DCP-20 MO. (LCC letter is July; Item 4).
- 1.2 COMMENT: Malcolm has stated that where a "negotiated" agreement is reached that it be "formalised" by amending the DA "condition of consent". This to be processed using s.102 of the EPA Act on Form 5 "Modification of Consent Granted". This form to the signed by or on behalf of the DA applicant. This would then be registered by Council, and the applicant notified accordingly.

(Copies of Form 5, will be available from Malcolm or myself).

- $\sqrt{1.3}$ Will "mediation" be available if necessary?
- / 2.1(a) COMMENT: Malcolm has said that what "without prejudice" means for him, is that "he does not say anything to any member of Council".

 This includes NOT putting any written record/notes or photos etc on file.
 - QUESTION (for the record): Is it agreed that no written material or photographs flowing from the inspection will be placed on any Council file except where;
 - (i) An application is made for "Modification of Consent Conditions" (Form 5), or,
 - (ii) The parties mutually agree to the material being filled.
 - 2.2 *COMMENT: "Privacy" law indicates that where data is collected for a stipulated purpose (eg in our case, data relating solely to the EPA

Act), it cannot be conveyed to, or used by, others in a different context (in our case eg. by officers acting under the Health Act, Building Code of Australia, Bushfire Act etc).

/3.0 COMMENT: Nick J. has advised the Council that he will be presenting a proposed Plan of Management for the inspection of ALL urban and rural development (other than MO) to the Council meeting of 16 August 1994.

> It is my view that no MO inspections should commence until we see what Council adopts in this regard. Council may not agree to the proposed Plan of Management, in which case I would want to consult Che tookings of members as to whether or not, they view that inspection of MO's under such circumstances should be held to be a discrimination against MO's.

COMMENT: It is my view inspections should not commence until:-[/(a) We are happy with the draft letter to be sent to all MO neighbours.

(b) We are happy that the Plan of Management for the inspection of ALL development in Lismore does not discriminate against MO.

That the inspection and amnesty periods of twelve months commence from the date of the first MO inspection.

QUESTIONS:

- When is it anticipated that the MO planning inspections will be completed? (or "How long is it anticipated inspections will take from the commencing date?").
- Where agreement is being sought in respect to compliance, will the time for compliance be negotiated on a case by case basis?
- 5.0 COMMENT: The Council letter of 8 July to all MO's (this being the second letter re the inspections) states that;

"... the inspection is only in respect of consent issued in accordance with the EPA Act". It is NOT proposed to undertake inspections for compliance re health (eq sewerage) and building requirements." (My emphasis).

QUESTION:

- (a) Are the requirements of DCP-20 MO to be considered as falling under the EPA Act for the purpose of the planning inspections?
- Is it the case that building, health (eg sewerage) and bushfire issues and the like, will NOT be the subject of review in the inspection process?
- Key speaker: Graham.
 - Why a survey at this time in the light of;-
 - \checkmark (a) pending report of the State-wide survey,
 - (b) pending Council 2020 Social Atlas,
 - the SOE requirement for annual surveys of such data,
 - the anticipated survey return rate and the cost/energy/time factors in conducting the survey?
- 6.2 "Trialing" recommended as a "learning" process, eg. effectiveness/relevance of the process and time factor as being a cost/energy effective process.

QUESTION: Would it not be more cost and energy efficient to conduct a survey with the benefit of the findings after the Statewide survey, and the 2020 Report etc. have been received?

6.3 COMMENT: Pan Com seeks to be consulted in the preparation of any MO survey form and the evaluation of the results. If this is accepted in principle then reasonably Pan-Com needs to have time to consult members and prepare a reply.

QUESTION: Pan-Com appreciates the opportunity that has been extended to it to contribute to the proposed survey form and requests that this includes the evaluation of the data?

7.0 COMMENTS:

(a) Pan-Con in my opinion should not be involved in the site

√ inspections for the reason that it may influence, or be seen as possibly influencing, the process.

A community may choose to "engage" a particular person or "consultant" to act for them at the inspection.

- (b) I believe Pan-Com can make a contribution in the evaluation of the inspection process.
- (c) In the event of "mediation" occurring, I also believe Pan-Com could and should consider being a party to the mediation process.

Participation in same to be decided on a case by case basis.

8.0 / COMMENT: The proposed Council letter to MO neighbours is a sensitive matter and the wording is all important.

Notwithstanding that in the Council letter to Pan-Com of 13 May 1994 which states that it is proposed to contact adjoining neighbours, no reference to this is made in the Council letter of §4 July, to all MO's.

- / QUESTION: Is it still proposed to contact MO neighbours?
- COMMENT: If it is, such a letter should examine the "relationship of land uses". It should not be stated or implied that there is necessarily a "conflict" as there are cases where there is sharing and mutual support.
- 9.0 In principle where an early DA condition of consent specified a s.94 contribution with no provision for indexing, then this figure should prevail even when paid over time.
 - J Other situations will need to be examined on a case by case basis.
- 10.0 /Pan-Com has accepted Council's offer of 13 May to attend "meeting/s" (plural) with the Council.
 - ✓ If time should preclude all items on the agenda being dealt with at this meeting, arrangements should be made to finalise these matters.

2.7.94 Waleulun Scott Re Tripection Process

On droff Descurring Check hist for meeting

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We one not prepared to act as thehalf of individual members.

Mediation. In vois of exercise moderation policy if a real difficulty arrives that court the resoluted, then we expect that this look to their triggling the mediation frocess.

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and further that her defluences very deaute This difference is accessed & whiled. Is the term community is used enterplantly the southity of the Community"/ Family "is seen to be the board building black of our slams my

and always have. In our case it is recorded as such in our writter documentation.

This is paired here as a matter of principle.

Par Com has taken up this usine with the Dat in respect to the state never of 5000-15.

In this contect that any amendments to the Policy buries with secretary the impact on family-communities as a life style.

copy of DCP pert to all (with my letter) is defective, a "botch" Ho "Conditions of consat" not included!!

(This set in Waleslan's ababa) He will and me expy of betoked capy and a This is further ground why unpection should not about outil levely thing is in place. Remising consent conditions a still writing of Turkey Crech - now well Laury law court 2 hawle Rd - IN you this etc. I am to fet back to him ne survey

UNCIL - MEETING HELD JULY 12, 1994

POLICY SECTION

DIVISIONAL MANAGER-PLANNING SERVICES' REPORT

SUBJECT/FILE NO .:

POST DEVELOPMENT APPROVAL

INSPECTIONS

OF

MULTIPLE OCCUPANCY DEVELOPMENT

(MRS:MR: S/523, S/285)

PREPARED BY:

Development Control Planner - Mr M Scott

REASON:

Requested by Council to keep it advised of the review of existing

multiple occupancies.

OBJECTIVE:

To advise Council of progress.

CORPORATE PLAN REF:

Strategic Planning/Development Control Function:

Strategy:

Action: (i)

PROGRAMME BUDGET REF:

Page:

D2

CONTENT

Information:

- Attached to this report is a copy of the finalised "second letter" to all known Lismore Council or Terania Interim Development Order approved multiple occupancies. This letter was not, as report to Council in the Policy and Resources Business Paper of June 14, sent at that time due to negotiations concerning its content and the pending finalisation of the process of amendments to the Multiple Occupancy DCP (refer report to Council July 5).
- The second letter briefly explains the purpose and clarifies the intention of the review and inspection process. Also enclosed with that letter is a copy of the relevant development consent and documentation from Development Application files for MO's approved by Lismore Council. In respect of MO's approved by Terania Interim Development Order (IDO) a copy of the IDO schedule is provided. IDO approved MO's that have made application/s to Council to increase residential sizes are provided with the schedule and a copy of consents. Of slight inconvenience is that the above information is only as good as the Records Department of the day, two DA files at present have not been located. A copy of the amended DCP is also to be enclosed with the letter.

Public Notice of the twelve (12) month amnesty commencing June 4, 1994, has been placed in Council's Newsletter in the Northern Star of June and will be run again in July and August. The review and amnesty have received some editorial and feature article interand publicity in both recent copies of the Northern Star and Lismore Echo.

Council's staff are aware that Pan Community Council have discussed the review and inspection process at recent meetings. Council's staff have also indicated a willingness to attend a Pan Community Meeting to discuss the matter further.

This is page \(\frac{1}{\cupsilon}\) of the Business Paper comprising portion of minu Resources Committee Meeting held on July 12, 1994.	tes of a Policy and

LISMORE CITY COUNCIL - MEETING HELD JULY 12, 1994

DIV. MANAGER-PLANNING SERV. REPORT-POST DEV. APPROVAL INSPECTIONS- 2

- Any timetable/schedule at this point will be very dependent upon response from MO's. It is proposed that inspections on invitation will commence as response is made and continue to September/October (2-3 months), this will also be dependent on the statutory work load of Council (DA's), staff leave etc. By November it is proposed to again write to those MO's who had not contacted Council to initiate consultations. This will occur over the period November 1994 to January 1995 (3 months). The target dated for completion of inspections and some form of major report to Council by June 1995. It is hoped to have finalised consultations with all Council known MO's by the expiration of the amnesty.
- As Council will be aware this stage of the review has concerned many people. It is 5. important that the review/inspections/consultations not be or be seen (well as much as possible) as a "witch hunt" or discriminatory etc. For this reason, and in order to establish a process of dignity which respects privacy and civil rights and to minimise emotive or other wise divisive debate and sensationalisation, it is proposed to utilise the delegation of the Development Control Unit to amend or vary any existing Development Consents where that amendment is generally consistent with Council's Development Control Plan No. 20. Where issues of a financial nature greater than \$100,000 are involved arrangements shall be considered in concurrence with the General Manager.

Where no Development Consent exists or where Terania IDO approved developments have substantially increased in size without approval from February 1980 and those developments have existed for some time it is proposed again to utilise the delegation of the DCU to deal with the matter, unless significant public objection to development application is received.

Only where no reasonable compromise can be reached or where an illegal development is recently established (say 3 years) and should be advertised in accordance with SEPP No. 15 and Council DCP is it proposed to report directly to Council, in all cases.

It is felt that these broad parameters will give a degree of direction and certainty whilst respecting private confidence and encourage and facilitate participation in the review and inspection process. If all goes to plan this matter will hopefully reach some finality by, or around the time the Broadhectare Capability Studies State Government Review of SEPP No. 15 and Council's own survey up-dating the 1985 Barker/Knox report is concluded.

FINANCIAL SECTION N/A OTHER DEPARTMENT COMMENTS

Comments not sought for purposes of this up-date report.

Declaration: 'I hereby declare, in accordance with Section 459 of the Local Government Act, that I do not have a pecuniary interest in the matter/s listed in this report."

RECOMMENDATION (PLAN113)

That the report be received and adopted as the broad framework within which to undertake the review inspections and finalisation of issues arising out of the amnesty.

(MR Scott).

DEVELOPMENT CONTROL

PLANNER

J Hampton)

MANAGER-DEVELOPMENT

CONTROL

(N Juradowitch)

DIVISIONAL MANAGER-PLANNING SERVICES

This is page of the Business Paper comprising portion of minutes of a Policy and Resources Committee Meeting held on July 12, 1994.

GENERAL MANAGER

MAYOR

COBA OMITA

Mr Scott-250565

MRS:MR: S/523

Planning Services

July 4, 1994



Dear Sir/Madam

COUNCIL'S REVIEW OF MULTIPLE OCCUPANCY DEVELOPMENT

1. I am writing to clarify the intent of Council's letter of May 19, 1994, and provide your community with more information on Council's review process. Several Multiple Occupancy Communities, and the Pan-Community Council have expressed concern that the notice did not sufficiently reflect Council's resolution of September 7, 1994 (see below).

Please be assured it was, and remains, the intention of the Council to utilise the inspection process as a suitable time to identify issues/problems and consent conditions of common concern and to initiate a process of consultation to review the appropriateness of those requirements and resolve issues of an outstanding nature.

2. The attached summary briefly describes Council's review process to-date:

As mentioned in the letter of May 19, 1994, Council has now adopted a Development Control Plan for Multiple Occupancy Development in the local government area. A copy of the DCP is enclosed.

It is suggested that, where relevant, Communities which have found difficulty in complying with Council conditions of development consent, use this document to evaluate existing circumstances with the consents as they stand. Please note the DCP does not over-ride a Development Consent but it will serve as a guide to existing communities of current requirements and typical conditions. The nature of those requirements and conditions will change with the individual circumstances of the community. To assist in this process Council also encloses, where applicable, a copy of development consents issued to your community.

Council recognises that many of the communities approved in February 1980 by amendment to the Terania Interim Development Order have not sought or been issued with a Council approval where they have not sought to increase the size of the community as at the February 1980 date. Communities approved by the amendment to the Terania Interim Development Order do not require Council's Development Consent except where the residential density (number of dwellings) has increased from that existing in February 1980.

Inspection Process.

The purpose of the on-site inspection process is to provide an opportunity to review and evaluate existing development and the appropriateness and compliance with conditions of Development Consent.

Council proposes to inspect all Multiple Occupancy communities irrespective of the form and time of approval. Those communities who have previously contacted Council and indicated agreement to this process, or contacted Council staff under the conditions of the amnesty and consultation process will be contacted first. In this instance Council will again contact by letter or telephone these communities to arrange a mutually agreeable date and time. Communities which have not completed consultation with Council within the twelve (12) month amnesty will be advised by letter of the date and time of Council initiated inspections and consultations. Council commenced the amnesty period June 4, 1994.

The on-site inspections do not prejudice the September 7, 1993, position of Council, when Council resolved:-

- "1. That Council, after the adoption of matters relating to a preferred planning option, give notice of a twelve month period during which time 'without prejudice' consultations are invited with a view of negotiating conditions of development consent which are currently not being met.
- 2. That Council, upon future adoption of a preferred planning strategy, give public notice of an amnesty to enable illegal multiple occupancy development the opportunity to formally make development applications to Council to regularise their existence in accordance with appropriate standards."

In relation to those resolutions:

a) The "preferred planning option" is regarded as the adoption of the before mentioned Development Control Plan. Communities who are now experiencing difficulty in meeting or complying with conditions of their development consent are invited to contact Council's Development Control Planner, Malcolm Scott to discuss these matters. A subsequent on-site inspection and meeting is considered necessary to fully evaluate existing circumstances and to assess the appropriateness of the consent conditions.

Please note that this review evaluation and inspection process is only in respect of planning Development Consents issued by Council in accordance with the Environmental Planning and Assessment Act. It is not proposed to undertake building inspections for compliance with Council's health and building requirements and those of the Building Code of Australia, or any other matter not relevant to the development consent.

b) A period of 12 months has been provided to allow sufficient time for unauthorised MO developments to formally make a Development Application to Council and obtain approval for what is in place. Such development may, for example, be in the form of additional dwellings or buildings on either Council or Interim Development Order (IDO) approved communities, or use of rural land for multiple occupancy which is currently in place without consent. Council in respect of the existence of unauthorised clusters of dwellings on rural land, recognises that not all these situations could be considered as Multiple Occupancy use as established by SEPP No. 15 or the Suggested.

Survey.
Council proposes to initiate a survey of multiple occupancy communities. The survey proposed will use the report and survey questionnaire unitied in the report "Findings of a Survey of Attitudes of the Dwellers of Multiple Occupancies" by S Barker and S Knox in 1985. By comparing the findings of that study Council believes it can make an assessment 1985. By comparing the findings of that study Council believes it can make an assessment of the changes, growth development and characteristics of multiple occupancy in the

Those communities and households who participate in the survey will not be identified, completed questionnaires will be destroyed after outcome analysis to ensure confidentiality.

This survey together with the pending finalisation of the Broad Hectare Land Capability Strategic Plan Studies and the State Government review of SEPP No. 15 will provide Council and the general community with relevant information on the growth, development and characteristics of multiple occupancy in the City.

The Broad Hectare Land Capability Strategic Plan studies are an important component of the recently commenced 2020 Strategic Plan. The broad hectare study will identify constraints (flood, slope, agricultural land etc) opportunities for different forms of development. The 2020 Strategic Plan will provide an integrated planning response to Lismore's development and resource management options to the year 2020. It integrates ecological, economic and sociocultural functions of the city.

- In order to maintain the momentum of the review process it would be appreciated if those communities contact the undersigned to make suitable inspection arrangements. Council staff will assume that those communities who have already contacted Council staff are satisfied with this position and as previously indicated they will be again contacted to аттапде a suitable date and time.
- I trust the above satisfactorily explains Council's position in respect of the review process. Please be assured that the Planning Services Division is fully aware of the sensitivity of this issue and will attempt to assist communities and individuals therein to formalise their situation "without confrontation". Should you have any further enquiries regarding this matter, please do not hesitate to contact Mr Malcolm Scott at Council's Administration Centre, Oliver Avenue, Goonellabah, on telephone 250500, between the hours of 8.30am and 10.00am, Monday to Friday.

Yours faithfully

PT Muldoon GENERAL MANAGER

per:-

2nd letter (fellow up)

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- Get Pan Com set

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MRS:MR: S/523

Planning Services

June 6, 1994



Dear Sir/Madam

COUNCIL'S REVIEW OF MULTIPLE OCCUPANCY DEVELOPMENT

- 1. I am writing to clarify the intent of Council's letter of May 19, 1994, and provide your community with more information on Council's review process. Several Multiple Occupancy Communities, and the Pan-Community Council have expressed concern that the notice did not sufficiently reflect Council's resolution of September 7, 1994 (see below). Please be assured it was, and remains, the intention of the Council to utilise the inspection process as a suitable time to identify issues/problems and consent conditions of common concern and to initiate a process of consultation to review the appropriateness of those requirements and attempt to resolve issues of an outstanding nature.
- 2. The following briefly describes Council's review process to-date:
 - Preparation and public exhibition of the 'issues' Discussion Paper (April 27-June 18, 1993) communities known to Council at that date received a copy.
 - ii) Workshop (July 22, 1993) communities who made submissions were invited.
 - iii) Council Tour of three MO's (August 22, 1993) several Councillors and Senior Staff attended.
 - iv) Determination and exhibition of a preferred planning strategy remain with SEPP No. 15 and prepared DCP (September 16 October 30, 1993) communities known to Council at that date received notice of the preferred strategy.
 - v) Adoption of a preferred planning strategy prepare Draft DCP and remain within SEPP No. 15 pending outcome of State Review (November 16, 1993).
 - vi) Preparation and exhibition of Draft DCP (December 14, 1993 February 11, 1994) communities known to Council notified.

- Council's initial consideration of submissions and Mayoral Minute to DCP, and Vii) Council's resolution to consider locational options (April 5, 1994)
- viii) Council's adoption of DCP (April 19, 1994)
- ix) Council's resolution to amend the density provisions of DCP (May 17, 1994) amendment on exhibition to June 20, 1994.
- x) Submission of locational options report to Council (June 7, 1994).
- As mentioned in the letter of May 19, 1994, Council has now adopted a Development Control Plan for Multiple Occupancy Development in the local government area. A copy of the DCP is enclosed. Please note that an amendment to the Plan is currently on public This amendment seeks the reinstatement of the dwelling density provisions recommended to Council at its meeting of April 19, 1994. A copy of the relevant sections of that report and proposed dwelling density is also enclosed.

It is suggested that, where relevant, Communities who have found difficulty in complying with Council conditions of development consent use this document to evaluate existing circumstances with the consents as they stand. To assist in this process Council also encloses, where applicable, a copy of development consents issued to your community. Please note many of the communities approved in February 1980 by amendment to the Terania Interim Development Order have not sought or been issued with a Council approval where they have not sought to increase the size of the community as at the February 1980 date.

Inspection Process.

The purpose of the on-site inspection process is to provide an opportunity to review and evaluate existing development and the appropriateness and degree of compliance with conditions of Development Consent including consistency with Council's DCP for Multiple Occupancy. The distribution and completion of the previously mentioned Council survey, together with the pending finalisation of the Broad Hectare Land Capability Strategic Plan and together with the pending finalisation of the Broad Hectare Land Capability Strategic Plan Studies and the State Government review of SEPP No. 15 will provide Council and the explain general community with relevant information on the growth, development and characteristics of multiple occupancy in the City. The on-site inspections do not prejudice the September 7, 1993, position of Council, when Council resolved:-

- That Council, after the adoption of matters relating to a preferred planning option, give notice of a twelve month period during which time 'without prejudice' consultations are invited with a view of negotiating conditions of development consent which are currently not being met.
- That Council, upon future adoption of a preferred planning strategy, give public 2. notice of an amnesty to enable illegal multiple occupancy development the opportunity to formally make development applications to Council to regularise their existence in accordance with appropriate standards."

read to state that on site inspection will only occur on invitation observation pregnatice. In 12 months inspections to be mandatory? what happens after the 12 month period is up?

06/06 '94 12:40

2088 250400

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In relation to those resolutions:

The "preferred planning option" is regarded as the adoption of the before mentioned Development Control Plan. Communities who are now experiencing difficulty in meeting or complying with conditions are invited to contact Council's Development. Control Planner, Malcolm Scott to discuss these matters. A subsequent on-site inspection and meeting is still considered necessary to fully evaluate existing circumstances and to gauge or assess the appropriateness of the consent conditions.

MO developments the opportunity to formally make a Development Application to Council to regularise what is in place or exists. Such development may, for example, be in the form of additional dwellings or buildings on either Council or Interim Development Order (ID()) approved communities, or use of rural land for multiple occupancy which is currently in place without consent.

5. In order to maintain the momentum of the review process it would be appreciated if those communities contact the undersigned to make suitable inspection arrangements. Council staff will assume that those communities who have already contacted Council staff are satisfied with this position.

6. I trust the above satisfactorily explains Council's position in respect of the review process. Please be assured that the Planning Services Division is fully aware of the sensitivity of this issue and will attempt to assist communities and individuals therein to formalise their situation "without confrontation". Should you have any further enquiries regarding this matter, please do not hesitate to contact Mr Malcolm Scott at Council's Administration Centre, Oliver Avenue, Goonellabah, on telephone 250500, between the hours of 8.30am and 10.00am, Monday to Friday.

Yours faithfully

PT Muldoon GENERAL MANAGER

per:-

with your do you plan to ?

Mr Scott-250565

MRS:MR: S/523

Planning Services

As sent to all

May 19, 1994

<NAME> <STREET> <TOWN>

Dear Sir/Madam

RE: COUNCIL'S REVIEW OF MULTIPLE OCCUPANCY DEVELOPMENT

I am writing to advise your community of two matters:-

1. Council has now adopted a Development Control Plan No. 20 - Multiple Occupancy of Rural Lands. This plan specifies Council requirements in respect of new multiple occupancy developments. It is envisaged that the plan will bring a greater degree of certainty and mutual understanding of Council's and other statutory authorities' requirements in the development control process and provide assistance to individuals and groups wishing to make development applications for multiple occupancy use of land.

Council wishes to thank those communities and members who have made contributions to the review and consultation process which was an integral part of the creation of the plan.

2. As part of the process of on-going review of all development consents issued by Council, it is proposed to shortly commence a process of on-site inspections of all Council and State Government approved multiple occupancies. This process will also involve checking compliance with development consents issued. It is anticipated this assessment will address matters such as water supply, effluent disposal, fire protection area, payment of levies, access provision, location and number of dwellings, building approvals and any other matters addressed in the issued consent.

On-site inspections and discussion will provide an opportunity for review of the appropriateness of conditions imposed by Council.

Council also wishes to use this "hands on" exercise as a means of establishing contact with communities (names of key persons and telephone numbers) for purposes of emergency service provision and advance warning eg, bushfire control and protection.

At this stage it is expected that a Council survey will be distributed to communities during this review process. The survey will utilise that information previously used in the compilation of the report titled "Findings of a Survey of Attitudes of the Dwellers of Multiple Occupancies" by Sue Barker and Stephanie Knox, 1985. Council believes that this report will form a basis ie, bench mark, from which Council can make a comparative assessment of the growth, development and characteristics of multiple occupancy in the City.

Please treat this notice as advance notice. Council's Planning Services Division will shortly contact your community again to arrange a suitable time for on-site inspections. To facilitate this process Council again requests that it be advised of the person and telephone number with whom Council staff can liaise.

Should you have any further enquiries regarding this matter, please do not hesitate to contact Mr Malcolm Scott at Council's Administration Centre, Oliver Avenue, Goonellabah, on telephone 250500, between the hours of 8.30am and 10.00am, Monday to Friday.

Yours faithfully

PT Muldoon GENERAL MANAGER

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Yours faithfully

PT Muldoon GENERAL MANAGER

per:-

The Council of the City of Lismore

Council Chambers 43 Oliver Avenue, Goonellabah, N.S.W.

TELEPHONE (066) 25 0500 FACSIMILE (066) 25 0400

P.O. BOX 23A, LISMORE, 2480 DX 7761

ALL COMMUNICATIONS TO GENERAL MANAGER

IN REPLY PLEASE QUOTE

MRS:MY: S/523....

CONTACM T Scott-250565

----Planning Services

May 13, 1994

Pan Community Council PO Box 102 NIMBIN NSW 2480

Attention: Pan Community Multiple Occupancy Review Collective

Dear Sir/Madam

RE: COUNCIL'S REVIEW OF MULTIPLE OCCUPANCY

1. Please find enclosed copy of Development Control Plan No. 20 - Multiple Occupancy of Rural Lands adopted by Council at its meeting held April 19, 1994. Notice in accordance with Clause 24(2) of the Environmental Planning and Assessment Regulation was made in the Northern Star of May 7, 1994. The Plan is now in effect.

Council's Planning Services Division wishes to thank Pan-Community and in particular Mr Peter Hamilton for assistance and advice in the preparation of the Plan.

2. As part of the on-going process of post development review throughout the local government area, Council proposes to shortly commence an inspection of existing Council and State Government approved multiple occupancies.

This process will involve on-site inspections of the respective properties and assessment of existing development in terms of compliance with any development consents issued in accordance with the Environmental Planning and Assessment Act. On-site inspections and discussions will provide an opportunity for review of the appropriateness of the conditions. Where developments have not complied with development consent, they will be invited to negotiate the respective conditions with a view of mutual agreement and/or submit an application to formalise the situation.

Another outcome of this "hands-on" exercise is to establish contact names and telephone numbers of key person/s for Council to communities for purpose of emergency service provision and advance warning eg, bushfire.

Council, at this stage, also sees this as an opportunity to distribute Council's survey of multiple occupancies and residents in multiple occupancies. As previously indicated it is proposed this will utilize the report and survey undertaken for Council in 1985 by S Barker and S Knox. Under separate cover Council will shortly forward copy of the survey to you for comment prior to commencement.



Council also proposes to make contact and survey owners of land adjoining multiple occupancies in an attempt to quantify the issues of "conflict with adjoining land uses".

3. Council is also writing to all approved multiple occupancies advising them of the post approval assessment process. This notice will further describe matters mentioned in Item 2 above and will suggest preferred times for the inspections.

Council staff are prepared to attend a meeting/s with Pan-Community and representatives of its membership communities to further discuss the matters raised above.

Should you have any further enquiries regarding this matter, please do not hesitate to contact Mr Malcolm Scott at Council's Administration Centre, Oliver Avenue, Goonellabah, on telephone 250500, between the hours of 8.30am and 10.00am, Monday to Friday.

Yours faithfully

PT Muldoon
GENERAL MANAGER

per:-

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Should you have any further enquiries regarding this matter, please do not hesitate to contact Mr Malcolm Scott at Council's Administration Centre, Oliver Avenue, Goonellabah, on telephone 250500, between the hours of 8.30am and 10.00am, Monday to Friday.

Yours faithfully

PT Muldoon GENERAL MANAGER

per:-



General Manager, Lismore City Council, P.O. Box 23A, LISMORE 2480

Attention: Nick Jeradivich

Dear Nick Jeradivich,

Re: DOP State Review of SEPP-15

I enclose herewith copy of our correspondence to the DOP\of 19.1.94 for your information.

Should you consider that some of the matters contained in this material touches on your pending survey of MO in the Lismore Council area, we would be happy to discuss such with you.

Yours (sincerely,

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

10.2.94

Attention: Leigh Knight.

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

Dear Trevor Prior,

Re: REVIEW OF SEPP-15

We enclose herewith for your information, a copy of a letter of 7.2.94 to the Lismore Council in connection with their Review of Multiple Occupancy.

Many of the questions raised it seems may also be relevant to your Review of SEPP-15.

We will forward you a copy of Council's reply, following receipt of same. At that time we expect to have a specific set of questions for your comment regarding this issue.

In the meantime we seek your advise as to the appropriateness and efficacy of a council using a DA condition of consent by itself, as being sufficient to satisfy the letter and spirit of the Policy in regard to the prohibition of subdivision?

We have started a file on typical issues that might to advantage be dealt with in a Departmental Manual to assist all concerned viz. an applicant in preparing an MO DA; the council in administration such a DA, and, the Department in monitoring such determinations.

Needless to say we see that such a Manual should include guidelines on what constitutes appropriate documentation to be provided by an applicant, or sought by a council, to satisfy the subdivision prohibition aspects of the Policy.

Yours sincerely,

Peter Hamilton

for the Pan-Com MO Review Collective.

10.2.94

Attention: Leigh Knight.

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

Dear Trevor Prior,

Re: REVIEW OF SEPP-15

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Needless to say we see that such a Manual should include guidelines on what constitutes appropriate documentation to be provided by an applicant, or sought by a council, to satisfy the subdivision prohibition aspects of the Policy.

Yours sincerely,

Peter Hamilton for the Pan-Com MO Review Collective.



BELLINGEN: MULTIPLE CCUPANCY. · ACTION **G**ROUP



29th July '94.

Please address reply

3 Casuarina Ave, Bellingen

Dear Peter,

Just a line to say that we have drawn blank on the MO Review as mentionned in a 'Bellingen Council paper. Unfortunately I can't find the original mention. i can only think that it referred to some early correspondence from Turdon & ASS, that had finally got its way Ralf said the Town Planner said he into the council reports. had nothing from them.

More recently Bellingen council is going through the process of determining what constitutes an expanded house on an MO, and are also discussing the situation of studios popping up all over the place. They basically seem to have a friendly attitude, not out to get us - but will keep you informed

Ralf tells me that last week they actually agreed that if a community has a communal laundry; it does not (as under our old building inspector) have to also have a separate laundry perdwelling. .

Noted No sekn But note vorance heroen earnails and such such for carried in State Levyers & of not why not. 27/8/54

GENERAL MANAGER'S REPORT TO THE PLANNING COMMITTEE OF THE BELLINGEN

POLICY ON STUDIOS, WORKSHOPS AND THE LIKE (T.7-1100 REPORT BY THE A/DIRECTOR OF ENVIRONMENTAL HEALTH AND PLANNING

This matter is listed for the Planning Committee as a preliminary, step in providing a policy for studios and similar outbuildings within rural areas. The issues which need to be addressed within such a policy are:

- Should toilet and shower facilities be permitted in studios separated from the dwelling?
- Where temporary dwellings have been abandoned because the owner has subsequently constructed a further dwelling, what facilities should be required to be removed from the existing dwelling? Laundry, bathroom, kitchen?
- Should expanded houses be permitted eg. a separate bedroom for a teenage child which may include an ensuite? If such expanded dwellings are permitted, what are the restrictions on siting and distances?
- Should multiple occupancies be permitted to have communal facilities eg. a number of dwellings sharing a laundry and bathroom?
- 5. Should dwellings on multiple occupancies each be permitted to have a studio or similar workshop, or should communal facilities be insisted upon in accordance with multiple occupancy objectives?

By way of background, a dwelling is defined in Bellingen Local Environmental Plan 1990 as

"Dwelling means a room or suite of rooms occupied or so constructed or adapted as to be capable of being occupied or used as a separate domicile." whereas

"Dwelling-house means a building containing one but not more than one dwelling."

IT IS RECOMMENDED that policy on studios, workshops and the like be discussed by the Planning Committee.

J. spect for

-3