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DRAFT SEPP-15, December 1996

**A Discussion Paper on the Variations Between the Proposed
 Draft Policy and the Previous Policy**

Edited by Peter Hamilton

in Preparation for a Submission by the Pan Community Council

February 1997

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INTRODUCTION

The following:-

- is a check list (with comments if applicable) of ALL the variations between the current Draft and the previous Policy with a view to considering the implications that may be associated with such changes and,
- an evaluation with comment on some of the items carried over unchanged from the former Policy.

In the light of the decisions in principle made at the Pan Com Meeting on 9 Feb 1997 Pan Com will be recommending ADDITIONS to the Policy. No comment on this aspect is made in this paper.

All clause numbers used in this paper, unless otherwise specifically mentioned, refer to the numbers in the Draft Policy.

Variations include those of a grammatical nature and those having a planning policy implication. I have included ALL such instances so that we may ensure that we have consensus in this regard.

My comments if any, are made in []. Where I use the word "housekeeping" I do so to indicate that in my view the relevant variation is an "administrative clean-up" having no policy implications from a Pan Com point of view.

Your comments on additions, errors etc are invited by the end of February to assist in preparing the Draft Pan Com proposal for submission to the meeting on 9th March.

If you have not yet obtained a copy of the Draft Policy and desire same, this may be obtained (free) by ringing the DUAP Grafton Office (066) 420 622.

**PROPOSED AMENDMENTS TO THE PREVIOUS POLICY
 AS MADE BY DUAP**

Item

1.1 Name of Policy

1.2 [Comment. Number 15 should be changed to the next available number. The Policy is already different to the former No. 15. Existing MO's have "existing use" rights under the former SEPP-15. Having two different Policies with the same number would lead to considerable confusion, particularly in the event of a court action. I would sympathise with any Judge who poured scorn on the Department for creating this confusion!]

1.3 [Comment. I question the continued use of the term "Multiple Occupancy" for this Policy and suggest that a more social term be used such as:-

- "Intentional Community Settlement on Rural Land".
- "Expanded Family Settlement on Rural land"
- Other?

ICSORL

EFSORL

RLC

Rural Landshaping Committee.

Intentional

RLIC

I have retained the term "Rural Land" but am not attached to this.

The title of this Policy was not a subject for discussion in the lengthy communications that went on in the formation of the former Policy. I subsequently learnt that the Department was keen to include "Rural Land" in the title to clearly indicate that this was not an extension of "Dual Occupancy" which applied (at that time) to urban land.

No consultation took place on the use of the term "Multiple Occupancy" in the title at that time. It is a planning concept and I favour a shift to the title reflecting the social aspects of the Policy viz being a settlement option based on an "expanded family" concept.]

2.1 Aims of the Policy

2.2 In cl. 2 (New Policy "Heading") "aims" in lieu of "aims, objectives, policies and strategies of this Policy, are -".

[Style. No comment. Note in 7(1)(h) "objectives" is also dropped. This is consistent.]

2.3 In cl. 2(b) and 2(c) "and" has been included consistently at the end of EVERY sub-clause where not already existing viz at the end of 2(b)(i), 2(c)(i), 2(c)(iii).

[Comment. Note the consistent addition of the word "and" to cojoin what otherwise might be read as "or" viz providing a choice.

It is perhaps prudent to recall the heated debate in the Lismore Council over the use of the word "and" in the Aim of the previous policy viz

where applicable.
 "and ... to create opportunities for an increase in the rural population in areas that are suffering or are likely to suffer from a decline in services due to rural population loss."

It was argued that the word "and" in this context made it obligatory for the subject MO DA to substantiate that there was a "rural population" loss and that if this could not be substantiated then the DA at law was not valid, and Council would have no alternative but to reject same!]

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2.5 Old Clause 4 of the old Policy being "Revocation of environmental planning instrument" deleted. [Comment. Housekeeping.]

2.6 New Clause 4 "Definitions" in lieu of "Interpretations". [Style. No comment]

2.7 In "prime crop and pasture land", "or" added at the end of (a) [No comment]

3.1 Land to which this Policy applies

3.2 [Comment. No changes.]

4.1 Definitions

4.2 In cl.4 heading "Definitions" used in lieu of "Interpretations". [Semantics. No comment.]

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4.4 In the former Policy "the Act " means the E.P. & A Act 1979, which is spelt out in full and thereafter referred to as "the Act ", whereas in the Draft Policy it is spelt out in full each time it is used. [Style. No comment].

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In the former Policy the Prefix "subject to section 74(1) of the Act" deleted. [Comment. Housekeeping].

6.1 Repeal of SEPP No 42

6.2 [Comment. Housekeeping].

7.1 Multiple occupancy

7.2 In cl. 7(1) :-

- (First word) "Despite" used in lieu of "Notwithstanding". [Semantics. No comment].
- (Last word) "if." used in lieu of "where". [Semantics. No comment].

7.3 [In cl 7(1)(a) through to (f). The word "and" has been added at the end of each of the subclauses (a) to (f) inclusive. The old Policy had "and" at the end of (g) only!

Comment. This explicitly cojoins ALL the subclauses. Even without all the "ands" I fail to see how it could have been read otherwise, ie. each and every SUBCLAUSE is to be met for a DA to be valid!]

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8.1 Notice of development applications - advertised development

8.2 [Comment. This is essentially the same as cl.11 in the former Policy except that the former Policy provided a distinction between the DA requirements for a proposed MO of up to 3 dwellings and those of 4 or more dwellings.

The draft new Policy dispenses with this distinction and requires the more extensive advertising regardless of the size of the MO DA. I have no objection to the proposal.]

8.3 s.84 of the Act requires Council:-

- to give notice in writing to the adjoining land owners. [Note. This at law is taken to mean the three contiguous land owners and not the "adjoining" property across the street, but see what follows.]

- to such other persons as Council sees fit ,
- to such public authorities as council considers may have an interest in the DA,
- cause a notice to be exhibited on the property of the proposed development. (In this regard Regulation Cl.56 of the Act requires that this notice must be displayed on a signpost or board, must be clear, legible, and give details of the proposal and capable of being read from a public road.)
- to advertise the DA in a local daily newspaper. Regulation 57 of the Act requires that this # must be advertised at least twice, # must appear across two or more columns in the newspaper, # must be headed in bold capital letters and, # must give details of the proposal. [Note all of the above are at the expense of the applicant!].

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8.6 s.87(1) of the Act enables any person to make a submission to Council on the DA. Where the submission is by way of objection the grounds of the objection are to be stated.

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s.30(4) of the Act enables a Council to include the provisions in s.85, 86, 87(1) and 90 of the Act in their LEP in respect to particular forms of development other than "designated development".

[Comment. The fact that s.30(4) of the Act is not included in the present Draft would hence appear to be of little consequence as it still has the force of law as a section of the Act.]

9.1 **Matters for council to consider**

9.2 In cl.9(1) first line "A council must..." in lieu of "shall". [Semantics. No comment.]

9.3 In cl.9(1)(a) second last line "to ensure" in lieu of "will ensure". [Semantics. No comment.]

9.4 In cl.9(1)(m) the last two lines ...

"including the need for separation and buffers to avoid land use conflicts" has been added.

✓ [Comment. Discriminatory unless required generally for all rural development. If it is considered so important a principle in general then it ought to be proposed by the Department as an amendment to the Act!]

9.5 cl. 9(2)(b) has been added to the Draft Policy. [Comment. Appears innocuous!].

9.6 In cl.9(1)(p) "Aborigines" in lieu of "aboriginals". [Comment. Appropriate].

9.7 In cl.9(2) "must" in lieu of "shall". [Semantics. No comment.]

In regard to cl.9(2) note that this formerly applied to four or more dwellings only.

[Comment. See above in cl.8. for my comment on this issue.]

9.8 In cl.9(2)(a) note that the list of items (a) to (f) inclusive, in the former Policy have been transferred from the body of the Policy to a new Schedule, viz Schedule 3. The number of items to be address has been expanded. For comment see Schedule 3 below.

10.1 Management plan

10.2 This is essentially the same as Clause 8(2) in the former Policy but with the following variations:-

- A council "must ..." in lieu of "shall ...".
- 10(a) requires a "Management Plan" for bushfire control.

[Comment. This is a new statewide requirement in all planning instruments. This I understand arose out of the experience of the Sydney bushfires.]

10.3 10(b) requires a Management Plan for noxious weed control.

[Comment. A Pan Com and/or a Council "Model" Bushfire Management Plan and "Model" Noxious Weed Control Management Plan could be a useful document to assist those preparing new DA's. Such could be an appendix to the Pan Com proposed Model MO DCP or MO Manual.]

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[Comment. Discriminatory unless required generally for all rural development. If it is considered so important a principle in general then it ought to be proposed by the Department as an amendment to the Act!].

10.4 In cl.(10)(c) a Management Plan is required for:-

- # provision and maintenance of internal roads,
- # water reticulation,

service corridors for telephone and electricity cables (and similar matters.) *delete.*

✓ 10.5 [Comment. In regard to the last item note that cl.9(1)(g) in the Draft Policy (and l.8(g) in the former Policy), specifies that provision for electricity are telephone and only applicable "if required". The requirement in this clause for Management Plans for "service corridors for telephone and electricity cables" should be deleted or reworded to make clear that these are optional requirements. Note also in this regard reference in Schedule 3 **Site Analysis** information to be shown "where appropriate" includes "any electrical and telephone" systems.]

11.1 Density of development

In cl.11(1) in the first line and in 11(3) fourth line, "must" in lieu of "shall". [Semantics. No comment.]

12.1 Subdivision prohibited

In cl.12(1) second line "general manager" in lieu of "clerk's certificate". [Comment. Appropriate].

12.3 In cl.12(2) second line addition of "any one or more of the following". [Comment. Suggests an awareness of the care that needs to be taken of the word "and" as a conjunction between sub clauses. In this case it is appropriate that the subclauses are not cojoined.]

12.4 Clause 11 in the former Policy "Advertised development" is deleted. Essentially this has been replaced by cl.8 in the Draft Policy, which see for my comment.

13.1 Monitoring of applications

- First line "If .." in lieu of "Where ..".
- Second line "must" in lieu of "shall".

13.2 [Comment. The reason for including this provision in the original Policy was to enable the Department and ourselves to monitor the form, number and geographic sub-region where MO

settlement was occurring and in particular to quickly be alerted to inappropriate MO DA's eg. de facto subdivisions.

My experience is that the Lismore Council for one, failed to methodically comply with this aspect of the Policy and on one occasion when this was raised with the relevant staff member they advised that they were not aware of this clause of the Policy!

On following this up with the Grafton Office I was advised that they do keep a record of the data sent to them in respect to this provision of the Policy.

I pointed out that their records would not be correct if councils such as the Lismore Council were not supplying them with this data and requested that they take action to ensure that councils complied with this provision of the Policy.

They declined to do this stating that the onus was on the relevant council and that they had no authority or Ministerial direction to audit a council's action or inaction in this regard.

13.3 I assumed that the Department would have been making periodic reports to the Department's Secretary on the progressive status of MO settlement in their region and asked for details of same.

I was advised that no such report or summary had ever been made as there was no legislative requirement or Departmental policy to do so!]

13.4 I hold that the monitoring of MO DA's by the Department is a valuable and essential aspect of the Policy for the following reasons:-

- To provide regular statistical data on the regional distribution and extent of MO settlement.

I contend that had such data been methodically kept it would have obviated in part the survey work carried out by Purdon and Associates!

In terms of statistics on the housing stock in NSW (particularly in respect to low income home-owners), MO housing may be a small percentage, but I view that it is an important housing statistic that deserves recognition.

It is to be noted that MO housing data does NOT appear as a separate category in the Australian Bureau of Statistics publications!

In short, this means that no comprehensive data is available on a regional basis on MO settlement and, there is no administrative structure in place to ensure the data is supplied! This situation should be addressed.

13.5 In my discussion with the Lismore Council and the Department I sought their interpretation of the Monitoring provision in the (former) Policy in respect to supplying data to the Department on MO DA's that were refused. The Council advised that a refused MO DA did not fall within their reading of the Policy and hence such information was not passed onto the Department.

As mentioned above the Department said that they had no way of knowing if councils forwarded to them data on refused MO DA's!

I hold that it is incumbent on the Department to ensure to the best of their ability that the Government's Policy is being implemented in the spirit of its Aims.

If this requires more specific instructions then these should be included in the new Policy.

13.6 Recommendation

- That the provisions for monitoring of MO DA's be tightened up.
- That a draft statistical data sheet be prepared by the Department in consultation with peak MO organisations etc to determine the data to be recorded.
- That the Department prepare a periodic report on MO DA's and make same available to the public.
- That access to the raw data be available to the public at any time.

I invite suitable wording of a clause to bring about this outcome.

14.1 Suspension of certain laws

14.2 In cl.14(1) and 14(2) "E.P & A Act" is spelt out in full in lieu of "the Act". [Comment. Housekeeping].

15.1 Schedule1 Land to which this Policy applies [See cl.3(1)]

15.2 Byron Shire Council (BSC) is not included in this list as they have long had an MO provision in their LEP.

The BSC recently adopted a policy to withdraw the MO provision from their LEP. The reason given for this was that the Council was currently reviewing its rural land policy and had placed a moratorium on the "spot" rezoning in the rural area until the new policy was in place.

It was then found that MO DA's were being received for what appeared to be speculative development. It was decided to close this "loop hole" by deleting the LEP MO provisions with the stated intent to reintroduce these provisions in the context of the overall rural land review.

15.3 Recommendation

15.4 That the BSC be included in the SEPP-15 Policy as land to which the Policy applies.

[Comment. If and when the BSC seeks to reintroduce the MO provisions in their LEP then the appropriate exemption can be sought from the State Policy.]

16.1 Schedule 2 Specified land to which this policy does not apply [cl.3(2)]

16.2

- Line one. "that" in lieu of "which". [Semantics. No comment]
- New exclusion areas added to those in the former Policy are:-
 - # nature reserve,
 - # karst conservation reserve,
 - # wilderness area,
 - # wildlife refuge,
 - # wildlife management area,
 - # land to which a conservation agreement relates,
 - # Aboriginal place.

16.3 Definitions of all of the above (together with those in the former Policy) are those to be found "within the *National Parks & Wildlife Act 1974*. (NPWS). This Act provides the following definitions:-

- "Aboriginal area" means land dedicated as an Aboriginal area under this Act.
- "Aboriginal place means any place declared to be an Aboriginal place under s.84 viz "the Minister may declare a place, in the opinion of the Minister to be a place of special significance to Aboriginal culture."
- "Nature reserve" means land dedicated as a nature reserve under the Act.
- "karst conservation reserve" means land dedicated as a karst conservation reserve under the Act.
- "wilderness area" means land declared to be a wilderness area under the Act.
- "wildlife refuge" means land declared to be a wildlife refuge under the Act.
- "conservation agreement" means a agreement entered into under Division 7 of part 4 of the Act.
- "conservation area" means land subject to a 'conservation agreement'.

16.4 Division 7 of part 4 provides that the Minister "may enter into a conservation agreement with the owner of the land in relation to areas":-

- containing scenic or natural environments,
- of special scientific interest,
- containing Aboriginal relics or site of significance,
- for the purpose of study, preservation, protection, care or propagation of native flora or fauna,
- of critical habitat of threatened species.

16.5 [Comment. I have no problem with any of the areas proposed to be added to this Schedule with the exception of "land to which a conservation agreement applies".

It is my experience that many communities have, or have had , a desire to protect at least parts of their land as a "conservation" area.

The recent amendments to the NPWS Act enables this to be formally recognised. Once a "conservation agreement" is in place it binds the owner , or any subsequent owner of the land if sold, to the agreement.

This process (which I consider it to be an "opportunity") lends itself to encouraging creative ways to further protect the environment. It also in my view, strengthens our hand in negotiating with the Government and councils in that we are serious in our statements about environmental conservation.

In this regard one community of which I am aware has considered having part of the property a "wilderness area" which precluded ^{like} human species!

Eric Earley established a "conservation agreement" over his property in the Lismore area. (A copy of this Agreement I understand is available form NPWS).

16.6 **Schedule 2** (a) to (k) inclusive.

16.7

- Note the word "or" has been include after each of the zones.
- Note that rural land at *Eurobodalla* is to be excluded from the proposed Policy. [Comment. I wonder why? The North Coast Rural Environmental Plan (REP) contained a provision for MO concurrently with SEPP-15. It was deleted by amendment shortly before the repeal of SEPP-15 on the stated ground that it was superfluous as a State Policy overrides all REP's!]

[Comment. Comment deferred until an explanation is obtained from the Department ^{on} for this matter.]

17.1 **Schedule 3 Site analysis** [See cl.9(2)(a)]

17.2 The following information to be supplied in an MO DA, where appropriate, is to be included in addition to the requirements in the former Policy.

- ^{property} site dimensions,
- spot levels, contours and north point,
- watercourses,
- natural drainage,
- ^{local} micro climate, significant noise sources,
- prevailing winds,
- easements, ^{existing}
- location of buildings etc.
- indicative footprint of proposed buildings,
- location of fences, ^{existing}
- area to be developed other than for dwellings,
- heritage features,
- views to and from the site,
- contaminated soils or filled areas.

Dipmac. site. Map - Other notes in Manual.

With regard to land surrounding the site (viz. the Neighbours),

- heritage significance of surrounding buildings and landscape,
- characteristics of adjacent public land,
- direction and distance to local shops, schools, public transport, parks and community facilities,

17.3 [Comment. I would expect these to be addressed where appropriate in any well prepared DA. It is perhaps prudent to keep in mind in other forms of rural settlement, eg. Rural residential rezoning proposals, rural Community Title developments etc, to ensure that the same or similar DA information is required. There should be nor discrimination in this regard.]

18.1 **Sundry Comments of a General Nature**

18.2 Note next Pan Com Meeting at The Channon Hall, Sunday 9 March (The Channon Market Day) at 1pm. to endorse a Pan Com submission on the Draft SEPP.

18.3 Note that submissions close on 14th March but it is expected that these will be accepted until the 21st as this was one of the dates advertised!

18.4 Please request those communities and individuals making a submission to the SEPP to give a copy of same to Pan Com for our file.

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In regard to cl.9(2) note that this formerly applied to four or more dwellings only.

[Comment. See above in cl.8 for my comment on this issue.]

9.8 In cl.9(2)(a) note that the list of items (a) to (f) inclusive, in the former Policy have been transferred from the body of the Policy to a new Schedule, viz Schedule 3. The number of items to be address has been expanded. For comment see Schedule 3 below.

10.1 Management plan

10.2 This is essentially the same as Clause 8(2) in the former Policy but with the following variations:-

- A council "must ..." in lieu of "shall ...".
- 10(a) requires a "Management Plan" for bushfire control.

[Comment. This is a new statewide requirement in all planning instruments.. This I understand arose out of the experience of the Sydney bushfires.]

10.3 10(b) requires a Management Plan for noxious weed control.

[Comment. A Pan Com and/or a Council "Model" Bushfire Management Plan and "Model" Noxious Weed Control Management Plan could be a useful document to assist those preparing new DA's. Such could be an appendix to the Pan Com proposed Model MO DCP or MO Manual.]

[Comment. Discriminatory unless required generally for all rural development. If it is considered so important a principle in general then it ought to be proposed by the Department as an amendment to the Act!].

10.4 In cl.(10)(c) a Management Plan is required for:-

- # provision and maintenance of internal roads,
- # water reticulation,
- # service corridors for telephone and electricity cables and similar matters.

10.5 [Comment. In regard to the last item note that cl.9(1)(g) in the Draft Policy (and 1.8(g) in the former Policy), specifies that provision for electricity are telephone and only applicable "if required". The requirement in this clause for Management Plans for "service corridors for telephone and electricity cables" should be deleted or reworded to make clear that these are optional requirements. Note also in this regard reference in Schedule 3 **Site Analysis** information to be shown "where appropriate" includes "any electrical and telephone" systems.]

11.1 Density of development

In cl.11(1) in the first line and in 11(3) fourth line, "must" in lieu of "shall". [Semantics. No comment.]

12.1 Subdivision prohibited

In cl.12(1) second line "general manager" in lieu of "clerk's certificate". [Comment. Appropriate].

12.3 In cl.12(2) second line addition of "any one or more of the following". [Comment. Suggests an awareness of the care that needs to be taken of the word "and" as a conjunction between sub clauses. In this case it is appropriate that the subclauses are not cojoined.]

12.4 Clause 11 in the former Policy "Advertised development" is deleted. Essentially this has been replaced by cl.8 in the Draft Policy, which see for my comment.

13.1 Monitoring of applications

- First line "If .." in lieu of "Where ..".
- Second line "must" in lieu of "shall".

13.2 [Comment. The reason for including this provision in the original Policy was to enable the Department and ourselves to monitor the form, number and geographic sub-region where MO

settlement was occurring and in particular to quickly be alerted to inappropriate MO DA's eg. de facto subdivisions.

My experience is that the Lismore Council for one, failed to methodically comply with this aspect of the Policy and on one occasion when this was raised with the relevant staff member they advised that they were not aware of this clause of the Policy!

On following this up with the Grafton Office I was advised that they do keep a record of the data sent to them in respect to this provision of the Policy.

I pointed out that their records would not be correct if councils such as the Lismore Council were not supplying them with this data and requested that they take action to ensure that councils complied with this provision of the Policy.

They declined to do this stating that the onus was on the relevant council and that they had no authority or Ministerial direction to audit a council's action or inaction in this regard.

13.3 I assumed that the Department would have been making periodic reports to the Department's Secretary on the progressive status of MO settlement in their region and asked for details of same.

I was advised that no such report or summary had ever been made as there was no legislative requirement or Departmental policy to do so!]

13.4 I hold that the monitoring of MO DA's by the Department is a valuable and essential aspect of the Policy for the following reasons:-

- To provide regular statistical data on the regional distribution and extent of MO settlement.

I contend that had such data been methodically kept it would have obviated in part the survey work carried out by Purdon and Associates!

In terms of statistics on the housing stock in NSW (particularly in respect to low income home-owners), MO housing may be a small percentage, but I view that it is an important housing statistic that deserves recognition.

It is to be noted that MO housing data does NOT appear as a separate category in the Australian Bureau of Statistics publications!

In short, this means that no comprehensive data is available on a regional basis on MO settlement and, there is no administrative structure in place to ensure the data is supplied! This situation should be addressed.

13.5 In my discussion with the Lismore Council and the Department I sought their interpretation of the Monitoring provision in the (former) Policy in respect to supplying data to the Department on MO DA's that were refused. The Council advised that a refused MO DA did not fall within their reading of the Policy and hence such information was not passed onto the Department.

As mentioned above the Department said that they had no way of knowing if councils forwarded to them data on refused MO DA's!

I hold that it is incumbent on the Department to ensure to the best of their ability that the Government's Policy is being implemented in the spirit of its Aims.

If this requires more specific instructions then these should be included in the new Policy.

13.6 Recommendation

- That the provisions for monitoring of MO DA's be tightened up.
- That a draft statistical data sheet be prepared by the Department in consultation with peak MO organisations etc to determine the data to be recorded.
- That the Department prepare a periodic report on MO DA's and make same available to the public.
- That access to the raw data be available to the public at any time.

I invite suitable wording of a clause to bring about this outcome.

14.1 Suspension of certain laws

14.2 In cl.14(1) and 14(2) "E.P & A Act" is spelt out in full in lieu of "the Act". [Comment. Housekeeping].

15.1 Schedule1 Land to which this Policy applies [See cl.3(1)]

15.2 Byron Shire Council (BSC) is not included in this list as they have long had an MO provision in their LEP.

The BSC recently adopted a policy to withdraw the MO provision from their LEP. The reason given for this was that the Council was currently reviewing its rural land policy and had placed a moratorium on the "spot" rezoning in the rural area until the new policy was in place.

It was then found that MO DA's were being received for what appeared to be speculative development. It was decided to close this "loop hole" by deleting the LEP MO provisions with the stated intent to reintroduce these provisions in the context of the overall rural land review.

15.3 Recommendation

15.4 That the BSC be included in the SEPP-15 Policy as land to which the Policy applies.

[Comment. If and when the BSC seeks to reintroduce the MO provisions in their LEP then the appropriate exemption can be sought from the State Policy.]

16.1 Schedule 2 Specified land to which this policy does not apply [cl.3(2)]

16.2

- Line one. "that" in lieu of "which". [Semantics. No comment]
- New exclusion areas added to those in the former Policy are:-
 - # nature reserve,
 - # karst conservation reserve,
 - # wilderness area,
 - # wildlife refuge,
 - # wildlife management area,
 - # land to which a conservation agreement relates,
 - # Aboriginal place.

16.3 Definitions of all of the above (together with those in the former Policy) are those to be found within the *National Parks & Wildlife Act 1974*. (NPWS). This Act provides the following definitions:-

- "Aboriginal area" means land dedicated as an Aboriginal area under this Act.
- "Aboriginal place means any place declared to be an Aboriginal place under s.84 viz "the Minister may declare a place, in the opinion of the Minister to be a place of special significance to Aboriginal culture."
- "Nature reserve" means land dedicated as a nature reserve under the Act.
- "karst conservation reserve" means land dedicated as a karst conservation reserve under the Act.
- "wilderness area" means land declared to be a wilderness area under the Act.
- "wildlife refuge" means land declared to be a wildlife refuge under the Act.
- "conservation agreement" means a agreement entered into under Division 7 of part 4 of the Act.
- "conservation area" means land subject to a 'conservation agreement'.

16.4 Division 7 of part 4 provides that the Minister "may enter into a conservation agreement with the owner of the land in relation to areas":-

- containing scenic or natural environments,
- of special scientific interest,
- containing Aboriginal relics or site of significance,
- for the purpose of study, preservation, protection, care or propagation of native flora or fauna,
- of critical habitat of threatened species.

16.5 [Comment. I have no problem with any of the areas proposed to be added to this Schedule with the exception of "land to which a conservation agreement applies".

It is my experience that many communities have, or have had , a desire to protect at least parts of their land as a "conservation" area.

The recent amendments to the NPWS Act enables this to be formally recognised. Once a "conservation agreement" is in place it binds the owner , or any subsequent owner of the land if sold, to the agreement.

This process (which I consider it to be an "opportunity") lends itself to encouraging creative ways to further protect the environment. It also in my view, strengthens our hand in negotiating with the Government and councils in that we are serious in our statements about environmental conservation.

In this regard one community of which I am aware has considered having part of the property a "wilderness area" which precluded human species!

Eric Earley established a "conservation agreement" over his property in the Lismore area. (A copy of this Agreement I understand is available from NPWS).

16.6 **Schedule 2** (a) to (k) inclusive.

16.7

- Note the word "or" has been include after each of the zones.
- Note that rural land at *Eurobodalla* is to be excluded from the proposed Policy. [Comment. I wonder why? The North Coast Rural Environmental Plan (REP) contained a provision for MO concurrently with SEPP-15. It was deleted by amendment shortly before the repeal of SEPP-15 on the stated ground that it was superfluous as a State Policy overrides all REP's!]

[Comment. Comment deferred until an explanation is obtained from the Department for this matter.]

17.1 **Schedule 3 Site analysis** [See cl.9(2)(a)]

17.2 The following information to be supplied in an MO DA, where appropriate, is to be included in addition to the requirements in the former Policy.

- site dimensions,
- spot levels, contours and north point,
- watercourses,
- natural drainage,
- micro climate, significant noise sources,
- prevailing winds,
- easements,
- location of buildings etc.
- indicative footprint of proposed buildings,
- location of fences,
- area to be developed other than for dwellings,
- heritage features,
- views to and from the site,
- contaminated soils or filled areas.

With regard to land surrounding the site (viz. the Neighbours),

- heritage significance of surrounding buildings and landscape,
- characteristics of adjacent public land,
- direction and distance to local shops, schools, public transport, parks and community facilities,

17.3 [Comment. I would expect these to be addressed where appropriate in any well prepared DA. It is perhaps prudent to keep in mind in other forms of rural settlement, eg. Rural residential rezoning proposals, rural Community Title developments etc, to ensure that the same or similar DA information is required. There should be nor discrimination in this regard.]

18.1 **Sundry Comments of a General Nature**

18.2 Note next Pan Com Meeting at The Channon Hall, Sunday 9 March (The Channon Market Day) at 1pm. to endorse a Pan Com submission on the Draft SEPP.

18.3 Note that submissions close on 14th March but it is expected that these will be accepted until the 21st as this was one of the dates advertised!

18.4 Please request those communities and individuals making a submission to the SEPP to give a copy of same to Pan Com for our file.

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DRAFT

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DRAFT SEPP-15, December 1996

**A Discussion Paper on the Variations Between the Proposed
Draft Policy and the Previous Policy**

Edited by Peter Hamilton

in Preparation for a Submission by the Pan Community Council

February 1997

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INTRODUCTION

The following:-

- is a check list (with comments if applicable) of ALL the variations between the current Draft and the previous Policy with a view to considering the implications that may be associated with such changes and,
- an evaluation with comment on some of the items carried over unchanged from the former Policy.

In the light of the decisions in principle made at the Pan Com Meeting on 9 Feb 1997 Pan Com will be recommending ADDITIONS to the Policy. No comment on this aspect is made in this paper.

All clause numbers used in this paper, unless otherwise specifically mentioned, refer to the numbers in the Draft Policy.

Variations include those of a grammatical nature and those having a planning policy implication. I have included ALL such instances so that we may ensure that we have consensus in this regard.

My comments if any, are made in []. Where I use the word "housekeeping" I do so to indicate that in my view the relevant variation is an "administrative clean-up" having no policy implications from a Pan Com point of view.

Your comments on additions, errors etc are invited by the end of February to assist in preparing the Draft Pan Com proposal for submission to the meeting on 9th March.

If you have not yet obtained a copy of the Draft Policy and desire same, this may be obtained (free) by ringing the DUAP Grafton Office (066) 420 622.

**PROPOSED AMENDMENTS TO THE PREVIOUS POLICY
AS MADE BY DUAP**

Item

1.1 Name of Policy

- 1.2 [Comment. Number 15 should be changed to the next available number. The Policy is already different to the former No. 15. Existing MO's have "existing use" rights under the former SEPP-15. Having two different Policies with the same number would lead to considerable confusion, particularly in the event of a court action. I would sympathise with any Judge who poured scorn on the Department for creating this confusion!]

MASTER

SEPP-15
of 1st 2nd issues in
clauses

QUALITY ORGANISATIONS - LEARNING COMMUNITIES

SOUTHERN CROSS TECHNOLOGY CENTRE

21/22/23 MAY

A G E N D A

1. Opening remarks - Alex Scott - Assistant Director-General.
2. Outline the major assumptions or mental models of a learning community to be used and tested through workshops.
3. Team learning.
4. Mental models as paradigms.
5. Personal mastery and building shared vision.
6. Relevance of a shared vision for a team in the Region.
7. Creating truly desired outcomes.
8. The leadership issues of developing a shared vision.
9. Encouraging individuals to develop deep personal desires to create results in accord with the purposes of the organisation.
10. How to foster and work with creative tension far beyond individual comfort levels.
11. Managing the process of evolving shared vision, acting on the constraining forces and implicit goals which maintain the status quo.
12. Why organisational visions disintegrate - applications of systems thinking.
13. Systems thinking - seeing the total picture and accepting personal responsibility for the impact of our actions on overall performance.
14. Breaking organisation gridlock - when individuals and individual units behave as if they were independent of everyone else.
15. Surfacing and challenging mental models. Impact of mental models on desired future results.
16. Team learning.
17. Personal mastery.
18. The next steps - where to from here? Open forum with Alex Scott chairing and summing up.

NOTES FOR PARTICIPANTS

1. Accommodation will be arranged for all participants beyond reasonable travel distance. Accommodation is at _____
2. A conference dinner will be held at _____ on Monday evening 22nd May starting at 7:00pm.
3. It is expected that participants will be involved for the full three days. Arrangements should be made for phone calls and return contact to be during break periods only.

1.3 [Comment. I question the continued use of the term "Multiple Occupancy" for this Policy and suggest that a more social term be used such as:-

- "Intentional Community Settlement on Rural Land".
- "Expanded Family Settlement on Rural land"
- Other? *Rural Land-Sharing Settlement / Community.*

I have retained the term "Rural Land" but am not attached to this.

The title of this Policy was not a subject for discussion in the lengthy communications that went on in the formation of the former Policy. I subsequently learnt that the Department was keen to include "Rural Land" in the title to clearly indicate that this was not an extension of "Dual Occupancy" which applied (at that time) to urban land.

No consultation took place on the use of the term "Multiple Occupancy" in the title at that time. It is a planning concept and I favour a shift to the title reflecting the social aspects of the Policy viz being a settlement option based on an "expanded family" concept.]

2.1 Aims of the Policy

2.2 In cl. 2 (New Policy "Heading") "aims" in lieu of "aims, objectives, policies and strategies of this Policy, are -".

[Style. No comment. Note in 7(1)(h) "objectives" is also dropped. This is consistent.]

2.3 In cl. 2(b) and 2(c) "and" has been included consistently at the end of EVERY sub-clause where not already existing viz at the end of 2(b)(i), 2(c)(i), 2(c)(iii).

[Comment. Note the consistent addition of the word "and" to cojoin what otherwise might be read as "or" viz providing a choice.

It is perhaps prudent to recall the heated debate in the Lismore Council over the use of the word "and" in the Aim of the previous policy viz

"and ... to create opportunities for an increase in the rural population in areas that are suffering or are likely to suffer from a decline in services due to rural population loss."

It was argued that the word "and" in this context made it obligatory for the subject MO DA to substantiate that there was a "rural population" loss and that if this could not be substantiated then the DA at law was not valid, and Council would have no alternative but to reject same!]

2.4 New cl. 2(d) "to repeal SEPP-42". [Comment. Housekeeping.]

2.5 Old Clause 4 of the old Policy being "Revocation of environmental planning instrument" deleted. [Comment. Housekeeping.]

2.6 New Clause 4 "Definitions" in lieu of "Interpretations". [Style. No comment]

2.7 In "prime crop and pasture land", "or" added at the end of (a) [No comment]

5 GROUPS - GROUPS WILL ROTATE

1. Leader: Phil Walker

Alex Scott
Patrick Skinner
Theo Van der Veen
Barbara Hamilton-Ramsay
David Walshe
Lorraine Bryant
John Baker
Wayne Webber
Dave Muddiman
Bob Gambrill

2. Leader: Greg O'Connor

Gail Armstrong
Ron Phillips
Leesa Watego
Michael Brown
Helen Rae
Karyn Johns
Graham Howie
Susan Blake
Michael Bleakley

3. Leader: Marie Besson

Frank Shaw
Greg Cloak
Phil Bonser
Deborah Lloyd
Dorothy Redfern
Tony Palmer
Anne Baillie
Helen Nelson
Bob Pollack

4. Leader: Meg Luckie

Ron Mance
John Vallety
Sharon Anderson
Bob Coakes
Ann Kafer
John Kelly
Michael Cahill
Jeni Stratford
Susan Wynn

5. Leader: Barry Wheeler

Wayne Parkins
Mary McRae
Paul Leis
Lisa Buxton
Mike Gillespie
Anne Riddell
Susan Hennessy
Julie Frankham
Terry Hackett

3.1 Land to which this Policy applies

3.2 [Comment. No changes.]

4.1 Definitions

4.2 In cl.4 heading "Definitions" used in lieu of "Interpretations". [Semantics. No comment.]

4.3 In "prime crop and pasture land", "or" added at the end of 4(1)(a). [No comment.]

4.4 In the former Policy "the Act " means the E.P. & A Act 1979, which is spelt out in full and thereafter referred to as "the Act ", whereas in the Draft Policy it is spelt out in full each time it is used. [Style. No comment].

5.1 Relationship to other planning instruments

In the former Policy the Prefix "subject to section 74(1) of the Act" deleted. [Comment. Housekeeping].

6.1 Repeal of SEPP No 42

6.2 [Comment. Housekeeping].

7.1 Multiple occupancy

7.2 In cl. 7(1) :-

- (First word) "Despite" used in lieu of "Notwithstanding". [Semantics. No comment].
- (Last word) "if:" used in lieu of "where". [Semantics. No comment].

7.3 [In cl 7(1)(a) through to (f). The word "and" has been added at the end of each of the subclauses (a) to (f) inclusive. The old Policy had "and" at the end of (g) only!

Comment. This explicitly cojoins ALL the subclauses. Even without all the "ands" I fail to see how it could have been read otherwise, ie. each and every SUBCLAUSE is to be met for a DA to be valid!].

In clause 7(1)(h) "The aims of this Policy are met", note "and objectives" deleted. This is consistent with the change to cl. 2.2 above].

7.4 [Comment. Note that SEPP-1 gives a developer and councils the option on merit to vary standards by a small amount. I am not aware of any MO DA that has sought a variation under SEPP-1. This provision is frequently sought by developers and usually accepted by the respective council. The rule-of-thumb is that a variation of + or - 10% of the standard can be expected to get approval in the developers favour. Variations to the standards set in this clause could be sought under SEPP-1 if needed and if "reasonable".]

8.1 Notice of development applications - advertised development

8.2 [Comment. This is essentially the same as cl.11 in the former Policy except that the former Policy provided a distinction between the DA requirements for a proposed MO of up to 3 dwellings and those of 4 or more dwellings.

The draft new Policy dispenses with this distinction and requires the more extensive advertising regardless of the size of the MO DA. I have no objection to the proposal.]

8.3 s.84 of the Act requires Council:-

- to give notice in writing to the adjoining land owners. [Note. This at law is taken to mean the three contiguous land owners and not the "adjoining" property across the street, but see what follows.]

ACCOUNTABILITY

AREAS OF EMPHASIS 1995 • THE CONTEXT •

- EDUCATION 2000
- PRIORITY 1995
- ENTERPRISE AGREEMENT
- REGIONAL INPUT/FACTORS
- FEEDBACK FROM SCHOOLS/KEY GROUPS

STATEMENT OF
INTENT

QUALITY LEARNING

- All schools have procedures in place to benchmark and measure the learning outcomes for identified groups of students.
- Year 7 teachers will begin assessing and reporting around profiles by the end of 1995.
- Year 7 teachers will begin assessing the literacy achievements of the students and explore ways in which these might be reported to parents by the end of 1995.
- All schools meet the learning needs of students by introducing a variety of teaching practices which best cater for the various learning styles of students.
- All high school and feeder primary schools develop a procedure to ensure the successful transition of students K-12 and provide a continuity in profiling and outcomes.

QUALITY TEACHING

- All schools include a focus on quality teaching in all professional development activities.
- The effectiveness of school leadership continues to improve.

REPORTING TO PARENTS

- All schools have addressed the issue of reporting to parents in outcomes form as required in the Enterprise Agreement.

COMMUNITY PARTICIPATION

- All schools have developed procedures to allow community groups to take a more active role in school governance.
- Community groups including RAEAC, AECG, P&Cs and Inter-agencies, impact upon Region's directions.

HAPPY AND SAFE SCHOOLS

- All schools will have procedures in place to promptly address and support staff and students at risk.

SUPPORT TO SCHOOLS

- All schools satisfy audit office requirements for financial management and financial reporting.
- All schools and educational administrative centres demonstrate an understanding of quality service as a basis for continuing improvement.
- All schools effectively implement legislative and Departmental requirements, especially Enterprise Agreements.

Reporting Outcomes

- **Regular**
 - To ADG
 - To community
 - To DG and Minister
 - To media
 - To influence/confirm resource provision
- **Ongoing/ Cumulative**
 - Collected during school visits.
 - Data for performance review and cluster reports
 - Will identify specific cohorts/schools and indicate exemplars wherever possible.

- to such other persons as Council sees fit ,
- to such public authorities as council considers may have an interest in the DA,
- cause a notice to be exhibited on the property of the proposed development. (In this regard Regulation Cl.56 of the Act requires that this notice must be displayed on a signpost or board, must be clear, legible, and give details of the proposal and capable of being read from a public road.)
- to advertise the DA in a local daily newspaper. Regulation 57 of the Act requires that this # must be advertised at least twice, # must appear across two or more columns in the newspaper, # must be headed in bold capital letters and, # must give details of the proposal. [Note all of the above are at the expense of the applicant!].

8.4 s.85 deals with variations to the DA before determination. [No comment.]

8.5 s.86 of the Act provides for any person to inspect the DA and make copies of same.

8.6 s.87(1) of the Act enables any person to make a submission to Council on the DA. Where the submission is by way of objection the grounds of the objection are to be stated.

8.7 In the former Policy cl.11(2) prefaces the above with the statement "Pursuant to s.30(4) of the Act ... "

s.30(4) of the Act enables a Council to include the provisions in s.85, 86, 87(1) and 90 of the Act in their LEP in respect to particular forms of development other than "designated development".

[Comment. The fact that s.30(4) of the Act is not included in the present Draft would hence appear to be of little consequence as it still has the force of law as a section of the Act.]

9.1 **Matters for council to consider**

9.2 In cl.9(1) first line "A council must ..." in lieu of "shall". [Semantics. No comment.]

9.3 In cl.9(1)(a) second last line "to ensure" in lieu of "will ensure". [Semantics. No comment.]

9.4 In cl.9(1)(m) the last two lines ...

"including the need for separation and buffers to avoid land use conflicts" has been added.

[Comment. Discriminatory unless required generally for all rural development. If it is considered so important a principle in general then it ought to be proposed by the Department as an amendment to the Act!]

9.5 cl. 9(2)(b) has been added to the Draft Policy. [Comment. Appears innocuous!].

9.6 In cl.9(1)(p) "Aborigines" in lieu of "aboriginals". [Comment. Appropriate].

9.7 In cl.9(2) "must" in lieu of "shall". [Semantics. No comment.]

In regard to cl.9(2) note that this formerly applied to four or more dwellings only.

[Comment. See above in cl.8 for my comment on this issue.]

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ACCOUNTABILITY AREAS OF EMPHASIS - 1995

BROAD PRINCIPLE:

**DIRECTORS WILL IDENTIFY SPECIFIC EXEMPLARY
SCHOOL PRACTICES IN MEASURING VALUE ADDED**

PRIORITY AREA	AREAS OF EMPHASIS - 1995
QL	All schools have procedures in place to benchmark and measure the learning outcomes for identified groups of students.
QL	Year 7 teachers will begin assessing and reporting around profiles by the end of 1995.
QL	Year 7 teachers will begin assessing the literacy achievements of the students and explore ways in which these might be reported to parents by the end of 1995.
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QT	All schools include a focus on quality teaching in all professional development activities.
QT	The effectiveness of school leadership continues to improve.
RTP	All schools introduce procedures for reporting to parents in outcomes form as required in the Enterprise Agreement.
CP	All schools have developed procedures to enable community groups to take a more active role in school governance.
CP	Community groups including RAEAC, AECG, P&Cs and Inter-agencies, impact upon Region's direction.
HSS	All schools will have procedures in place to promptly address and support staff and students at risk.
STS	All schools satisfy audit office requirements for financial management and financial reporting.
STS	All schools and educational administrative centres demonstrate an understanding of quality service as a basis for continuing improvement.
STS	All schools effectively implement legislative and Departmental requirements, especially Enterprise Agreements.

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10.2 This is essentially the same as Clause 8(2) in the former Policy but with the following variations:-

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[Comment. This is a new statewide requirement in all planning instruments. This I understand arose out of the experience of the Sydney bushfires.]

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10.4 In cl.(10)(c) a Management Plan is required for:-

- # provision and maintenance of internal roads,
- # water reticulation,
- # service corridors for telephone and electricity cables and similar matters.

10.5 [Comment. In regard to the last item note that cl.9(1)(g) in the Draft Policy (and l.8(g) in the former Policy), specifies that provision for electricity are telephone and only applicable "if required". The requirement in this clause for Management Plans for "service corridors for telephone and electricity cables" should be deleted or reworded to make clear that these are optional requirements. Note also in this regard reference in Schedule 3 **Site Analysis** information to be shown "where appropriate" includes "any electrical and telephone" systems.]

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- First line "If .." in lieu of "Where ..".
- Second line "must" in lieu of "shall".

13.2 [Comment. The reason for including this provision in the original Policy was to enable the Department and ourselves to monitor the form, number and geographic sub-region where MO

- ii) ongoing/cumulative

Will provide date for your ½ yearly and annual performance review.
Cluster annual report (previously summary of school reports).

- iii) involve school visits.

OTHER STATUS REPORTS

The following status reports will also be required from Directors.

Status Report - Description

- **HSC Monitoring** - Statement indicating that all schools have provided documentation which indicates the Board of Studies HSC requirement, including prescribed texts, assessment procedures and mandatory components have been met. This is in conjunction with the Director-General's memo.
- **School Annual Financial Reports** - Confirm that an annual financial report on the required format has been lodged by each school, identify any significant issues and any action required if issues were identified in Auditors reports.
- **Centres of Excellence** - A statement, regarding the operation of the Centres of Excellence and a recommendation on future designation.

settlement was occurring and in particular to quickly be alerted to inappropriate MO DA's eg. de facto subdivisions.

My experience is that the Lismore Council for one, failed to methodically comply with this aspect of the Policy and on one occasion when this was raised with the relevant staff member they advised that they were not aware of this clause of the Policy!

On following this up with the Grafton Office I was advised that they do keep a record of the data sent to them in respect to this provision of the Policy.

I pointed out that their records would not be correct if councils such as the Lismore Council were not supplying them with this data and requested that they take action to ensure that councils complied with this provision of the Policy.

They declined to do this stating that the onus was on the relevant council and that they had no authority or Ministerial direction to audit a council's action or inaction in this regard.

13.3 I assumed that the Department would have been making periodic reports to the Department's Secretary on the progressive status of MO settlement in their region and asked for details of same.

I was advised that no such report or summary had ever been made as there was no legislative requirement or Departmental policy to do so!]

13.4 I hold that the monitoring of MO DA's by the Department is a valuable and essential aspect of the Policy for the following reasons:-

- To provide regular statistical data on the regional distribution and extent of MO settlement.

I contend that had such data been methodically kept it would have obviated in part the survey work carried out by Purdon and Associates!

In terms of statistics on the housing stock in NSW (particularly in respect to low income home-owners), MO housing may be a small percentage, but I view that it is an important housing statistic that deserves recognition.

It is to be noted that MO housing data does NOT appear as a separate category in the Australian Bureau of Statistics publications!

In short, this means that no comprehensive data is available on a regional basis on MO settlement and, there is no administrative structure in place to ensure the data is supplied! This situation should be addressed.

13.5 In my discussion with the Lismore Council and the Department I sought their interpretation of the Monitoring provision in the (former) Policy in respect to supplying data to the Department on MO DA's that were refused. The Council advised that a refused MO DA did not fall within their reading of the Policy and hence such information was not passed onto the Department.

As mentioned above the Department said that they had no way of knowing if councils forwarded to them data on refused MO DA's!

I hold that it is incumbent on the Department to ensure to the best of their ability that the Government's Policy is being implemented in the spirit of its Aims.

ACCOUNTABILITY - 1995

IMPLEMENTATION OF ACCOUNTABILITY PLAN

- 1) **Role of Director of Schools** - the key roles as the Director of Schools continue. They will be reviewed by the ADG during cluster visits and will be considered in terms of "general management". A copy of the role of Director of Schools is attached.
- 2) **Areas of Emphasis** - are identified areas requiring Directors active involvement. Comments regarding last year's model have been taken into account. The areas of emphasis model has been developed on the six priority areas which appear in Regional Statement of Intent. The areas of emphasis will form the basis of each Directors performance agreement.
- 3) **Implementation Through Performance Agreements**
 - ADG will meet with you on two occasions - mid year and end of year.
 - Directors will present a written report on strategies and evidence (measurable/observable) + issues to be discussed approximately one week prior to meeting.
 - A schedule is attached.
- 4) **Through Areas of Emphasis - Accountability**
 - These are linked to the six priority areas (including 5 state priorities).
 - These areas are central to our success in this Region.
 - They are identified areas which will form the basis of each Directors agreement.
 - The topics will be the subject of a regular workshop to share ideas/strategies/results at each Directors Conference. Directors will lead/chair workshop discussion. See attached schedule.
 - All Directors will return the updated-areas of emphasis sheets one week prior to each Directors meeting. The PA will collate the reports, provide a copy to the ADG and chairperson for that particular priority area and meeting and distribute a summary to Directors.
 - The areas of emphasis reporting sheets will be part of a Director's performance review report and annual cluster report.
 - These reports may also be used to generate articles in "Education Today" and for the general media.
 - ADG may use the information obtained to provide "state of the nation reports" to key interest groups.
- 5) **Continuity and Reporting**
 - Reporting will be:
 - i) regular:
 - to ADG, prior to each meeting
 - to colleagues - for discussion at Directors meetings
 - to community (eg ADG reports to P&C)
 - to DG/Minister in regular ADG reports or specific issues
 - to media
 - to influence/confirm resource provision

If this requires more specific instructions then these should be included in the new Policy.

13.6 Recommendation

- That the provisions for monitoring of MO DA's be tightened up.
- That a draft statistical data sheet be prepared by the Department in consultation with peak MO organisations etc to determine the data to be recorded.
- That the Department prepare a periodic report on MO DA's and make same available to the public.
- That access to the raw data be available to the public at any time.

I invite suitable wording of a clause to bring about this outcome.

14.1 Suspension of certain laws

14.2 In cl.14(1) and 14(2) "E.P & A Act" is spelt out in full in lieu of "the Act". [Comment. Housekeeping].

15.1 Schedule1 Land to which this Policy applies [See cl.3(1)]

15.2 Byron Shire Council (BSC) is not included in this list as they have long had an MO provision in their LEP.

The BSC recently adopted a policy to withdraw the MO provision from their LEP. The reason given for this was that the Council was currently reviewing its rural land policy and had placed a moratorium on the "spot" rezoning in the rural area until the new policy was in place.

It was then found that MO DA's were being received for what appeared to be speculative development. It was decided to close this "loop hole" by deleting the LEP MO provisions with the stated intent to reintroduce these provisions in the context of the overall rural land review.

15.3 Recommendation

15.4 That the BSC be included in the SEPP-15 Policy as land to which the Policy applies.

[Comment. If and when the BSC seeks to reintroduce the MO provisions in their LEP then the appropriate exemption can be sought from the State Policy.]

16.1 Schedule 2 Specified land to which this policy does not apply [cl.3(2)]

16.2

- Line one. "that" in lieu of "which". [Semantics. No comment]
- New exclusion areas added to those in the former Policy are:-
 - # nature reserve,
 - # karst conservation reserve,
 - # wilderness area,
 - # wildlife refuge,
 - # wildlife management area,
 - # land to which a conservation agreement relates,
 - # Aboriginal place.

CONFIDENTIAL

Criteria used to allocate resources to address the issues of equity in 1994:

- * K/1 Teachers
 - * Literacy Numeracy Teachers
 - * Counsellors.
-
- Attendance records.
 - Suspension, exclusion, expulsion figures.
 - Socio-economic disadvantage classification DSC.
 - Aboriginal population.
 - NESB population.
 - Ethnic enrolments.
 - Staying On classification.
 - Retention rates.
 - Access to pre-schooling.
 - Special education support numbers.
 - Present support provisions STLD, IR, AEA, STLD, ISTH, ISTV, IM, IO.
 - Counsellor allocation.
 - Basic Skills Test results.
 - School Certificate results.
 - HSC results.
 - K/1 Teacher.
 - Literacy/Numeracy allocation.
 - Professional awareness of staff.
 - Outcomes from current programs - Reading Recovery - Maths Recovery.
 - School commitment to needs based resourcing using available resources in school community - Global budget, P&C, community.
 - Ability of school to best use resources.
 - Number of Critical Incident reports.
 - Recent employment patterns.
 - Identified need "To break the cycle".

Test of reading age.

Running records

Final test.

16.3 Definitions of all of the above (together with those in the former Policy) are those to be found "within the *National Parks & Wildlife Act 1974*. (NPWS). This Act provides the following definitions:-

- "Aboriginal area" means land dedicated as an Aboriginal area under this Act.
- "Aboriginal place means any place declared to be an Aboriginal place under s.84 viz "the Minister may declare a place, in the opinion of the Minister to be a place of special significance to Aboriginal culture."
- "Nature reserve" means land dedicated as a nature reserve under the Act.
- "karst conservation reserve" means land dedicated as a karst conservation reserve under the Act.
- "wilderness area" means land declared to be a wilderness area under the Act.
- "wildlife refuge" means land declared to be a wildlife refuge under the Act.
- "conservation agreement" means a agreement entered into under Division 7 of part 4 of the Act.
- "conservation area" means land subject to a 'conservation agreement'.

16.4 Division 7 of part 4 provides that the Minister "may enter into a conservation agreement with the owner of the land in relation to areas":-

- containing scenic or natural environments,
- of special scientific interest,
- containing Aboriginal relics or site of significance,
- for the purpose of study, preservation, protection, care or propagation of native flora or fauna,
- of critical habitat of threatened species.

16.5 [Comment. I have no problem with any of the areas proposed to be added to this Schedule with the exception of "land to which a conservation agreement applies".

It is my experience that many communities have, or have had , a desire to protect at least parts of their land as a "conservation" area.

The recent amendments to the NPWS Act enables this to be formally recognised. Once a "conservation agreement" is in place it binds the owner , or any subsequent owner of the land if sold, to the agreement.

This process (which I consider it to be an "opportunity") lends itself to encouraging creative ways to further protect the environment. It also in my view, strengthens our hand in negotiating with the Government and councils in that we are serious in our statements about environmental conservation.

In this regard one community of which I am aware has considered having part of the property a "wilderness area" which precluded human species!

Eric Earley established a "conservation agreement" over his property in the Lismore area. (A copy of this Agreement I understand is available from NPWS].

DIRECTORS MEETING

8TH MAY 1995

LEVEL 1 MEETING ROOMS, REGIONAL OFFICE, LISMORE

MEETING COMMENCES AT 9.30 AM

A G E N D A

TIME	AGENDA ITEM	CHAIR
	1. <u>ADG Issues</u>	
	1.1 Performance Agreements	Alex Scott
	1.2 Implementation of Government Plans	Paul Leis
	1.3 Statement of Intent (draft)	
	1.4 Ministerials/Briefing	
	1.5 DG/Minister's Awards for Excellence	
	2. <u>General Business</u>	
	2.1 Appointment of casual teaching blocks.	Phil Bonser
	2.2 AEAs	Wayne Parkins
	2.3 North Coast Primary Deputy Principals Collegial Meeting - Tues 30th May, Coffs ERC	Paul Leis
	3. <u>Director (Corporate Services)</u>	
	3.1 Legal property agreements - school principal signing agreements, eg right of ways.	Ron Mance
	3.2 Use of purchasing systems	
	3.3 Use of corporate cards/guidelines for out of pocket expenses	
	4. <u>Director (Teaching and Learning)</u>	
	4.1 Details of conference held 21st, 22nd, 23rd May.	Frank Shaw
	4.2 Needs basis - parameters for allocation of resources.	Frank Shaw

Refreshments

Morning Tea	10.30 am
Lunch	12.30 pm
Afternoon Tea	3.30 pm

HSC meeting / 2/3 Unit English + 3 more

- workshops within region for teachers
- incentive towards a quality live performance
- support for training for practical markers.
- outside teacher travel for markers.

• EEO ups at damoon level as needed.

• Fed. Organiser should come to Director first.

16.6 Schedule 2 (a) to (k) inclusive.

16.7

- Note the word "or" has been include after each of the zones.
- Note that rural land at *Eurobodalla* is to be excluded from the proposed Policy. [Comment. I wonder why? The North Coast Rural Environmental Plan (REP) contained a provision for MO concurrently with SEPP-15. It was deleted by amendment shortly before the repeal of SEPP-15 on the stated ground that it was superfluous as a State Policy overrides all REP's!]

[Comment. Comment deferred until an explanation is obtained from the Department for this matter.]

17.1 Schedule 3 Site analysis [See cl.9(2)(a)]

17.2 The following information to be supplied in an MO DA, where appropriate, is to be included in addition to the requirements in the former Policy.

- site dimensions,
- spot levels, contours and north point,
- watercourses,
- natural drainage,
- micro climate, significant noise sources,
- prevailing winds,
- easements,
- location of buildings etc.
- indicative footprint of proposed buildings,
- location of fences,
- area to be developed other than for dwellings,
- heritage features,
- views to and from the site,
- contaminated soils or filled areas.

With regard to land surrounding the site (viz. the Neighbours),

- heritage significance of surrounding buildings and landscape,
- characteristics of adjacent public land,
- direction and distance to local shops, schools, public transport, parks and community facilities,

17.3 [Comment. I would expect these to be addressed where appropriate in any well prepared DA. It is perhaps prudent to keep in mind in other forms of rural settlement, eg. Rural residential rezoning proposals, rural Community Title developments etc, to ensure that the same or similar DA information is required. There should be nor discrimination in this regard.]

18.1 Sundry Comments of a General Nature

18.2 Note next Pan Com Meeting at The Channon Hall, Sunday 9 March (The Channon Market Day) at 1pm. to endorse a Pan Com submission on the Draft SEPP.

18.3 Note that submissions close on 14th March but it is expected that these will be accepted until the 21st as this was one of the dates advertised!

18.4 Please request those communities and individuals making a submission to the SEPP to give a copy of same to Pan Com for our file.

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