

Draft Policy SEPP 15

DRAFT STATE ENVIRONMENTAL PLANNING POLICY MULTIPLE OCCUPANCY ON RURAL LAND

Draft State Environmental Planning Policy (SEPP) 15 — Multiple Occupancy of Rural Land is currently on exhibition. This policy is substantially the same as the previous SEPP 15 with some minor amendments which were designed to improve the location of Multiple Occupancy housing, better manage environmental impacts and address State and local concerns about the hazards of bushfires.

What is a draft SEPP?

State Environmental Planning Policies (SEPPs) deal with environmental planning matters of State significance. A draft SEPP is a proposed policy which is released for public comment.

What is Multiple Occupancy?

Multiple Occupancy is a type of rural development where a group of people, not necessarily related to each other, live on a single property in several dwellings.

What are the objectives of the SEPP?

The SEPP aims to encourage a community-based and environmentally sensitive approach to rural settlement, and to enable people:

- to live as a community and build a number of dwellings in a rural setting on undivided land, preferably in a clustered pattern, as their main place of residence;
- to manage the land for communal purposes in a way that both protects the environment and does not create a demand for the unreasonable or uneconomic provision of public resources;
- to pool their resources to develop low-cost affordable rural living opportunities.

Where does the draft SEPP apply?

The draft SEPP applies to the local government areas listed in Schedule 1 of the policy. It does not apply to certain lands which are listed in Schedule 2.

What may be a suitable location for Multiple Occupancy?

A suitable site for a Multiple Occupancy must satisfy several criteria before a council can consider a development application for that use. The site must be zoned rural or non-urban and must be a single allotment. In addition, the site must have suitable physical characteristics, some of which are listed below.

- The area of the site must be greater than 10 hectares.
- Prime crop and pasture land must not cover more than 25 percent of the site.
- Slopes greater than 18 degrees must not cover more than 80 percent of the site.

How would a development application for a Multiple Occupancy be assessed?

If a proposed site satisfies all basic prerequisites, a development application can be lodged with the local council. The council will decide if the site is suitable for the intended types, pattern and intensity of use as set out in the development application. The development application must contain a Statement of Environmental Effects, a detailed site analysis, a statement explaining the relationship of the design of the development to the site analysis and a management plan covering specified issues.

In considering the development application, the council must consider section 90 of the *Environmental Planning and Assessment Act 1979*, which includes a requirement to refer to the 'Planning for Bushfires Manual'. Councils must also consider other relevant legislation such as the *Threatened Species Conservation Act 1995* and the matters listed in clause 9 of this draft SEPP.

Some important issues are:

- the type and location of all proposed development on the site;
- potential impacts on resources, for example:
 - water quality and quantity
 - Aboriginal relics or sites
 - whether the development will sterilise deposits of minerals or extractive materials
 - the impact of the development on the vegetation cover and any reforestation or site rehabilitation proposed;
- the impact of the development on neighbouring land uses;
- the identification and management of hazards, for example, bushfires, flooding, land slip.

It is intended to produce guidelines on the implementation of SEPP 15 to address issues such as waste management, water quality, water sharing and the issue of land use conflicts. The guidelines will be prepared in consultation with councils, user groups, the National Parks and Wildlife Service, the Environment Protection Authority, the Department of Agriculture and the Department of Land and Water Conservation.

How does draft SEPP 15 differ from the previous SEPP 15?

Management plans are now required to address the following issues, because clear programs for the ongoing performance of the development are important:

- noxious weed control
- internal roads and servicing
- bushfires.

There are additions to Schedule 2 which lists specified lands which are excluded from the policy. It may be possible to refine those exclusions after this public consultation process.

More emphasis has been placed on the requirement to address the issue of land use conflicts.

Will subdivision of the site be allowed?

The draft SEPP specifically prohibits subdivision, including strata titling or any other form of separate land title, on land approved for Multiple Occupancy.

Have your say...

Copies of the draft SEPP are available free from the Information Centre, Department of Urban Affairs and Planning, 1 Farrer Place, Sydney, (02) 9391 2222 and from the department's regional offices in:

Rockdale	ph. (02) 9597 1233
Parramatta	ph. (02) 9895 7633
Newcastle	ph. (049) 262566
Wollongong	ph. (042) 268120
Grafton	ph. (066) 420622
Queanbeyan	ph. (06) 297 6911.

The draft SEPP will be on exhibition until 14 March 1997. You are invited to comment on this draft SEPP. Comments will be received until 5.00 pm, 14 March 1997 and should be sent to:

The Manager
Planning and Design Branch
Department of Urban Affairs and Planning
Box 3927 GPO
Sydney NSW 2001

All comments received on the draft SEPP will be carefully considered.

If you would like further information on this draft SEPP, please phone the Planning and Design Branch on (02) 9391 2249.

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**DEPARTMENT OF URBAN AFFAIRS
AND PLANNING**

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CIRCULAR NO. B11

**Issued
18 December, 1996**

All Councils

**DRAFT STATE ENVIRONMENTAL PLANNING POLICY NO. 15
MULTIPLE OCCUPANCY ON RURAL LANDS**

INTRODUCTION

Draft State Environmental Planning Policy No 15- Multiple Occupancy on Rural Lands (SEPP 15) has been prepared under the Environmental Planning and Assessment Act, 1979 (the EP&A Act). The aim is to implement the Government's policy to reintroduce SEPP 15, to enable multiple occupancy development. The draft SEPP 15 is on public exhibition and comments are invited on the policy.

BACKGROUND

The previous SEPP 15 was repealed on 1 December, 1994. This was achieved by SEPP 42 - Multiple Occupancy of Rural Land (Repeal). The control of multiple occupancy was then a matter for local government. Local government has not generally made provisions for multiple occupancy. Now it is proposed that SEPP 15 be reintroduced. As part of the process of reintroduction, the policy is being placed on public exhibition, substantially unaltered from the previous SEPP 15 policy.

- Contact: Planning Systems
Management Branch
- Our reference: S95/00998

THE DRAFT POLICY

The policy was originally introduced on 22 January, 1988 to allow a number of dwellings to be built on a single rural or non urban holding held in collective ownership. The draft SEPP retains the provisions of the previous policy. There are some minor amendments to the policy, designed to improve the location of multiple occupancy housing, and better manage the environmental impacts and address state and local concerns about the hazards of bushfires. Briefly the amendments are:

- a requirement for the applicant for a multiple occupancy to provide a comprehensive site analysis which includes, among other matters, contour maps, the location of all dwellings and any other development, the location of watercourses, natural drainage, internal roads and the sources and capacity of any water supply,
- the applicant will need to submit a management plan for the development that makes adequate provision for bushfire management, the control of noxious weeds and the provision and maintenance of internal roads, water reticulation, and service corridors,
- the addition to the Matters for Council to Consider of the need for separation and buffers to avoid land use conflicts,
- there are some additions to Schedule 2 of the Policy, Specified land to which the policy does not apply,
- changes of layout, minor changes to wording and the updating of references.

It is intended to produce Guidelines on the implementation of SEPP 15 to address issues such as waste management, water quality, water sharing and the issue of land use conflicts. The Guidelines will be prepared in consultation with councils, user groups, the National Parks and Wildlife Service, the Environment Protection Authority, the NSW Agriculture and the Department of Land and Water Conservation.

PUBLIC PARTICIPATION

The draft SEPP is on public exhibition from 18 December, 1996 to 14 March, 1997. Advertisements have been placed in a major State wide newspaper, and local papers advising of the exhibition and seeking submissions.

Submissions are invited and should be forwarded to:

**The Manager
Planning and Design Branch
Department of Urban Affairs and Planning
Box 3927 G P O
SYDNEY NSW 2001**

Submissions will be accepted up until 14 March, 1997.

WHERE TO OBTAIN INFORMATION

Additional copies of the draft SEPP and supporting material can be obtained from the offices of the Department of Urban Affairs and Planning:

Head Office Information Centre
Ground level, Governor Macquarie Tower
Corner Phillip and Bent Streets SYDNEY
Ph: (02) 9391 2222 Fax (02) 9391 2333

Hunter/Central Coast Region
Level 4, 251 Wharf Road, NEWCASTLE
Ph: (049) 262566 Fax: (049) 26 1529

Illawarra/Macarthur Region
Level 1, 48 Crown Street, WOLLONGONG
Ph: (042) 26 8120 Fax: (042) 26 8127

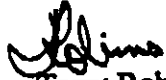
Northern Region
49 Victoria Street, GRAFTON
Ph: (066) 42 0622 Fax: (066) 42 0640

Southern and Western District Office
32 Lowe Street, QUEANBEYAN
Ph: (06) 297 6911 Fax: (06) 297 9505

Sydney South Region
23-25 Frederick Street, ROCKDALE
Ph: (02) 9597 1233 Fax (02) 9597 6096

Sydney West Region
10 Valentine Avenue, PARRAMATTA
Ph: (02) 9895 7633 Fax (02) 9891 3965

Should you require any further information about the exhibition of the draft SEPP 15 - Multiple Occupancy on Rural Lands, you can contact the Regional Manager at any of the above offices of the Department or contact the Planning and Design Branch on (02) 9391 2249.



Terry Robins
Acting Secretary

State Environmental Planning Policy No 15—Multiple Occupancy of Rural Land

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Urban Affairs and Planning.

Minister for Urban Affairs and Planning

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*Graham
amendments.*

State Environmental Planning Policy No 15— Multiple Occupancy of Rural Land

1 Name of Policy

*This Policy is the State Environmental Planning Policy No 15—
Multiple Occupancy of Rural Land.*

2 Aims of Policy

This Policy aims:

- (a) to encourage a community based and environmentally sensitive approach to rural settlement, and
- (b) to enable:
 - (i) people to collectively own a single allotment of land and use it as their principal place of residence, and
 - (ii) the erection of multiple dwellings on the allotment and the sharing of facilities and resources to collectively manage the allotment, and
 - (iii) the pooling of resources, particularly where low incomes are involved, to economically develop a wide range of communal rural living opportunities, including the construction of low cost buildings, and
- (c) to facilitate development, preferably in a clustered style:
 - (i) in a manner that both protects the environment and does not create a demand for the unreasonable or uneconomic provision of public amenities or public services by the State or Commonwealth governments, a council or other public authorities, and
 - (ii) in a manner that does not involve subdivision, strata title or any other form of separate land title, and in a manner that does not involve separate legal rights to parts of the land through other means such as agreements, dealings, company shares, trusts or time-sharing arrangements, and

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- (iii) 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, and
 - (d) to repeal *State Environmental Planning Policy No 42—Multiple Occupancy of Rural Land (Repeal)*.

3 Land to which this Policy applies

- (1) This Policy applies to land within the areas specified in Schedule 1, except as provided by this clause.
- (2) This Policy does not apply to land specified in Schedule 2.

4 Definitions

- (1) In this Policy:

council, in relation to the carrying out of development, means the council of the area in which the development is to be carried out.

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

ground level means the level of a site before development is carried out on the site pursuant to this Policy.

height of a building means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

home improvement area means the area of land, not exceeding 5 000 square metres, around a dwelling.

prime crop and pasture land means land within an area:

- (a) identified, on a map prepared before the commencement of this Policy by or on behalf of the Director-General of Agriculture and deposited in an office of the Department of Agriculture, as Class 1, Class 2 or Class 3 or as land of merit for special agricultural uses, or

- (b) identified, on a map prepared after the commencement of this Policy by or on behalf of the Director-General of Agriculture marked "Agricultural Land Classification Map" and deposited in an office of the Department of Agriculture, as Class 1, Class 2 or Class 3 or as land for special agricultural uses, or
 - (c) certified by the Director-General of Agriculture, and notified in writing by or on behalf of the Director-General of Agriculture to the council, to be prime crop and pasture land for the purposes of this Policy.
- (2) For the purposes of this Policy, the council may, in respect of development proposed to be carried out pursuant to this Policy, treat two or more dwellings as a single dwelling if it is satisfied that, having regard to the sharing of any cooking or other facilities and any other relevant matter, the dwellings comprise a single household.

5 Relationship to other planning instruments

In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before, on or after the day on which this Policy takes effect, this Policy prevails to the extent of the inconsistency.

6 Repeal of SEPP No 42

State Environmental Planning Policy No 42—Multiple Occupancy of Rural Land (Repeal) is repealed.

7 Multiple occupancy

- (1) Despite any provision in an environmental planning instrument concerned with the use of land for the purposes only of a dwelling or dwellings (as the case may be) in rural or non-urban zones, development may, with the consent of the council, be carried out for the purposes of 3 or more dwellings on land to which this Policy applies within such a zone if:
 - (a) the land comprises a single allotment not subdivided under the *Conveyancing Act 1919* or the *Strata Titles Act 1973*, and

- (b) the land has an area of not less than 10 hectares, and
- (c) the height of any building on the land does not exceed 8 metres, and
- (d) not more than 25 per cent of the land consists of prime crop and pasture land, and
- (e) the part of the land on which any dwelling is situated is not prime crop and pasture land, and
- (f) the development is not carried out for the purposes of a motel, hotel, caravan park or any other type of holiday, tourist or weekend residential accommodation, except where development for such purposes is permissible under the provisions of another environmental planning instrument in the zone, and
- (g) slopes in excess of 18 degrees do not occur on more than 80 per cent of the land, and
- (h) the aims of this Policy are met.

(2) The council may consent to an application made in pursuance of this clause for the carrying out of development whether or not it may consent to an application for the carrying out of that development pursuant to any other environmental planning instrument.

- (3) Nothing in subclause (1) (b) is to be construed as authorising the subdivision of land for the purpose of carrying out development pursuant to this Policy.

8 Notice of development applications—advertised development

Sections 84, 85, 86, 87 (1) and 90 of the *Environmental Planning and Assessment Act 1979* (which provide for the giving of notice, and for the making and consideration of submissions, about proposed development) apply to development referred to in clause 7.

9 Matters for council to consider

- (1) A council must not consent to an application made in pursuance of clause 7 unless it has taken into consideration such of the following matters as are of relevance to the development the subject of the application:

- (a) the means proposed for establishing land ownership, dwelling occupancy rights, environmental and community management to ensure the aims and objectives of this Policy are met,
- (b) the area or areas proposed for erection of buildings, including any proposals for the clustering of buildings,
- (c) the area or areas proposed for community use (other than areas for residential accommodation and home improvement areas),
- (d) the need for any proposed development for community use that is ancillary to the use of the land,
- (e) the availability and standard of public road access to the land,
- (f) the availability of a water supply to the land for domestic, agricultural and fire fighting purposes and, where a proposed water supply is from a river, creek, dam or other waterway, the effect upon other users of that water supply,
- (g) if required by the applicant, the availability of electricity and telephone services,
- (h) the availability of community facilities and services to meet the needs of the occupants of the land,
- (i) whether adequate provision has been made for waste disposal from the land,
- (j) the impact on the vegetation cover of the land and any measures proposed for environmental protection, site rehabilitation or reafforestation,
- (k) whether the land is subject to bushfires, flooding, soil erosion or slip and, if so, the adequacy of any measures proposed to protect occupants, buildings, internal access roads, service installations, and land adjoining the development from any such hazard,
- (l) the visual impact of the proposed development on the landscape,
- (m) the effect of the proposed development on the present and potential use, including agricultural use, of the land and of lands in the vicinity, including the need for separation and buffers to avoid land use conflicts,

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- (n) whether resources of coal, sand, gravel, petroleum or other mineral or extractive deposits will be sterilised by the proposed development,
 - (o) the effect of the proposed development on the quality of the water resources in the vicinity,
 - (p) any land claims by local Aborigines and the presence of any Aboriginal relics and sites,
 - (q) whether the land has been identified by the council as being required for future urban or rural residential expansion,
 - (r) whether the development would benefit an existing village centre suffering from a declining population base or a decreasing use of the services provided in that centre.
- (2) A council must not consent to an application made in pursuance of clause 7 unless it has taken into consideration a site analysis that:
- (a) contains information about the site and its surrounds as described in Schedule 3, and
 - (b) is accompanied by a written statement explaining how the design of the proposed development has regard to the site analysis.

10 Management plan

A council must not consent to an application made in pursuance of clause 7 unless the applicant has submitted a management plan for the development that makes adequate provision for:

- (a) bushfire management, and
- (b) control of noxious weeds, and
- (c) provision and maintenance of internal roads, water reticulation, service corridors for telephone and electricity cables and similar matters.

11 Density of development

- (1) Subject to subclause (2), a council must not consent to an application made in pursuance of clause 7 for the carrying out of development on land unless the number of proposed dwellings on

the land, together with any existing dwellings on the land, does not exceed the number calculated in accordance with the formula specified in Column 2 of the Table to this clause opposite the area of the land specified in Column 1 of that Table.

- (2) If the number calculated in accordance with the formula as referred to in subclause (1) includes a fraction, the number is to be rounded up to the nearest whole number in the case of a fraction of one-half or more or rounded down to the nearest whole number in the case of a fraction of less than one-half.

Table

Column 1	Column 2
Area of land	Number of dwellings where A represents the area of the land the subject of the application (measured in hectares)
Not less than 10 hectares but not more than 210 hectares	$4 + \frac{(A - 10)}{4}$
More than 210 hectares but not more than 360 hectares	$54 + \frac{(A - 210)}{6}$
More than 360 hectares	80

- (3) Even if the number of proposed dwellings on land the subject of an application made in pursuance of clause 7 together with any existing dwellings on the land does not exceed the maximum number of dwellings permitted by subclause (1), the council must not consent to the application if those dwellings are so designed that they could, in the opinion of the council, reasonably accommodate in total more people than the number calculated by multiplying that maximum number of dwelling by 4.

12 Subdivision prohibited

- (1) If development is carried out on land pursuant to this Policy, the issue of a certificate of the general manager of a council, under the *Local Government Act 1919*, or of a council's certificate under the *Strata Titles Act 1973*, required for the subdivision of the land is prohibited.

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- (2) Subclause (1) does not apply with respect to the subdivision of land for the purpose of any one or more of the following:
- (a) widening a public road,
 - (b) making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment,
 - (c) rectifying an encroachment upon an allotment,
 - (d) creating a public reserve,
 - (e) consolidating allotments,
 - (f) excising from an allotment land that is, or is intended to be, used for public purposes, including drainage purposes, bush fire brigade or other rescue service purposes or public conveniences.

13 Monitoring of applications

If a council receives an application made in pursuance of clause 7, the council must, within 30 days of determining the application, forward a copy of the application to the Secretary together with a copy of the notice of the determination of the application.

14 Suspension of certain laws

- (1) For the purpose of enabling development to be carried out in accordance with this Policy or in accordance with a consent granted under the *Environmental Planning and Assessment Act 1979* in relation to development carried out in accordance with this Policy:
- (a) section 37 of the *Strata Titles Act 1973*, and
 - (b) any agreement, covenant or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes,

to the extent necessary to serve that purpose, does not apply to the development.

- (2) Pursuant to section 28 of the *Environmental Planning and Assessment Act 1979*, before the making of this clause:
 - (a) the Governor approved of subclause (1), and
 - (b) the Minister for the time being administering the provision of the *Strata Titles Act 1973* referred to in subclause (1) concurred in writing in the recommendation for the approval of the Governor of that subclause.

State Environmental Planning Policy No 15—Multiple Occupancy of Rural Land

Schedule 1 Land to which this Policy applies

Schedule 1 Land to which this Policy applies

(Clause 3)

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

**Schedule 2 Specified land to which this Policy
does not apply**

(Clause 3)

Land that is a national park, historic site, State recreation area, nature reserve, State game reserve, karst conservation reserve, wilderness area, Aboriginal area, protected archaeological area, wildlife refuge, wildlife management area, land to which a conservation agreement relates or Aboriginal place, within the meaning of the *National Parks and Wildlife Act 1974*.

Land to which a wilderness protection agreement under the *Wilderness Act 1987* relates.

Land that is a reserve within the meaning of the *Crown Lands Act 1989*.

Land that is subject to the *Western Lands Act 1901*.

Land that is a State forest, flora reserve or timber reserve within the meaning of the *Forestry Act 1916*.

Land that, under an environmental planning instrument, is within an area or zone (within the meaning of that instrument) identified in that instrument by the description:

- (a) Coastal lands acquisition, or
- (b) Coastal lands protection, or
- (c) Conservation, or
- (d) Escarpment, or
- (e) Environment protection, or
- (f) Environmental protection, or
- (g) Open space, or
- (h) Rural environmental protection, or
- (i) Scenic, or
- (j) Scenic protection, or
- (k) Water catchment, or
- (l) Proposed national park,

State Environmental Planning Policy No 15—Multiple Occupancy of Rural Land

Schedule 2 Specified land to which this Policy does not apply

or identified in that instrument by a word or words cognate with any word or words used in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) or (l) or by a description including a word or words so used and any other word or words.

Land to which *Eurobodalla Rural Local Environmental Plan 1987* applies.

Schedule 3 Site analysis

(Clause 9 (2) (a))

The following information, where appropriate, is to be shown in a site analysis:

With regard to the site:

- site dimensions and site area,
- spot levels, contours and north point,
- watercourses,
- natural drainage,
- orientation, micro climates, significant noise sources,
- prevailing winds,
- easements for drainage services,
- location of buildings and other structures,
- indicative footprint of the proposed buildings,
- location of fences, boundaries and any other notable features (natural or historical),
- any areas of the land to be used for development other than for dwellings,
- heritage features, including archaeology,
- vegetated areas requiring environmental protection or areas where rehabilitation or reafforestation will be carried out,
- any part of the land that is subject to a risk of flooding, bush fire, landslip or erosion or any other physical constraint to development of the land in accordance with this Policy,
- views to and from the site,
- identification of previous use and any contaminated soils or filled areas,
- any part of the land that is prime crop and pasture land,
- source and capacity of any water supply, electricity, telephone and waste disposal systems for the dwellings,
- proposed access from a public road to the area or areas in which the dwellings are to be situated.



State Environmental Planning Policy No 15—Multiple Occupancy of Rural Land

Schedule 3 Site analysis

With regard to the land surrounding the site:

- heritage significance of surrounding buildings and landscape,
- characteristics of any adjacent public land,
- directions and distances to local shops, schools, public transport, parks and community facilities.



Certain
Problems
changes

Add my section
3.0 Re Land Use.

State Environmental Planning Policy No 15—Multiple Occupancy of Rural Land

under the

Environmental Planning and Assessment Act 1979

© No Draft?

His Excellency the Governor, with the advice of the Executive Council, has ~~made the~~ following State environmental—planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Urban Affairs and Planning.

Minister for Urban Affairs and Planning

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Legend
(~) words deleted/included/changed but semantics unaltered

State Environmental Planning Policy No 15— Multiple Occupancy of Rural Land

1 Name of Policy

Rural land-sharing Communities

This Policy is the State Environmental Planning Policy No 15—
Multiple Occupancy of Rural Land.

2 Aims of Policy

This Policy aims: (~) of 7(1)(a) where 'objectives' dropped

(a) to encourage a community based and environmentally
sensitive approach to rural settlement, and

(b) to enable:

(i) people to collectively own a single allotment of land
and use it as their principal place of residence, and

(ii) the erection of multiple dwellings on the allotment
and the sharing of facilities and resources to
collectively manage the allotment, and ✓

(iii) the pooling of resources, particularly where low
incomes are involved, to economically develop a
wide range of communal rural living opportunities,
including the construction of low cost buildings, and ✓

(c) to facilitate development, preferably in a clustered style:

(i) in a manner that both protects the environment and
does not create a demand for the unreasonable or
uneconomic provision of public amenities or public
services by the State or Commonwealth
governments, a council or other public authorities,
and

(ii) in a manner that does not involve subdivision, strata
title or any other form of separate land title, and in a
manner that does not involve separate legal rights to
parts of the land through other means such as
agreements, dealings, company shares, trusts or
time-sharing arrangements, and ✓

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(iii) 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, and

(d) to repeal *State Environmental Planning Policy No 42—Multiple Occupancy of Rural Land (Repeal)*.

3 Land to which this Policy applies

(1) This Policy applies to land within the areas specified in Schedule 1, except as provided by this clause.

(2) This Policy does not apply to land specified in Schedule 2.

4 Definitions

(1) In this Policy:

council, in relation to the carrying out of development, means the council of the area in which the development is to be carried out.

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

ground level means the level of a site before development is carried out on the site pursuant to this Policy.

height of a building means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

home improvement area means the area of land, not exceeding 5 000 square metres, around a dwelling.

prime crop and pasture land means land within an area:

(a) identified, on a map prepared before the commencement of this Policy by or on behalf of the Director-General of Agriculture and deposited in an office of the Department of Agriculture, as Class 1, Class 2 or Class 3 or as land of merit for special agricultural uses or

- (b) identified, on a map prepared after the commencement of this Policy by or on behalf of the Director-General of Agriculture marked "Agricultural Land Classification Map" and deposited in an office of the Department of Agriculture, as Class 1, Class 2 or Class 3 or as land for special agricultural uses, or
- (c) certified by the Director-General of Agriculture, and notified in writing by or on behalf of the Director-General of Agriculture to the council, to be prime crop and pasture land for the purposes of this Policy.

- (2) For the purposes of this Policy, the council may, in respect of development proposed to be carried out pursuant to this Policy, treat two or more dwellings as a single dwelling if it is satisfied that, having regard to the sharing of any cooking or other facilities and any other relevant matter, the dwellings comprise a single household.

↑ = Expanded house

5 Relationship to other planning instruments

In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before, on or after the day on which this Policy takes effect, this Policy prevails to the extent of the inconsistency.

6 Repeal of SEPP No 42

State Environmental Planning Policy No 42—Multiple Occupancy of Rural Land (Repeal) is repealed.

7 Multiple occupancy

- (1) Despite any provision in an environmental planning instrument concerned with the use of land for the purposes only of a dwelling or dwellings (as the case may be) in rural or non-urban zones, development may, with the consent of the council, be carried out for the purposes of 3 or more dwellings on land to which this Policy applies within such a zone if:

- (a) the land comprises a single allotment not subdivided under the *Conveyancing Act 1919* or the *Strata Titles Act 1973*, and

○ Deletes

"the Act"

See

↓
drops use of word
"the Act"

App 2008
if new number
is proposed

○

○ was "where"

- (b) the land has an area of not less than 10 hectares, (and)
- (c) the height of any building on the land does not exceed 8 metres, (and)
- (d) not more than 25 per cent of the land consists of prime crop and pasture land, (and)
- (e) the part of the land on which any dwelling is situated is not prime crop and pasture land, (and)
- (f) the development is not carried out for the purposes of a motel, hotel, caravan park or any other type of holiday, tourist or weekend residential accommodation, except where development for such purposes is permissible under the provisions of another environmental planning instrument in the zone, (and)
- (g) slopes in excess of 18 degrees do not occur on more than 80 percent of the land, and ✓
- (h) the aims of this Policy are met.

(2) The council may consent to an application made in pursuance of this clause for the carrying out of development whether or not it may consent to an application for the carrying out of that development pursuant to any other environmental planning instrument.

- (3) Nothing in subclause (1) (b) is to be construed as authorising the subdivision of land for the purpose of carrying out development pursuant to this Policy.

8 Notice of development applications—advertised development

Sections 84, 85, 86, 87 (1) and 90 of the *Environmental Planning and Assessment Act 1979* (which provide for the giving of notice, and for the making and consideration of submissions, about proposed development) apply to development referred to in clause 7.

9 Matters for council to consider

- (1) A council must not consent to an application made in pursuance of clause 7 unless it has taken into consideration such of the following matters as are of relevance to the development the subject of the application:

In addition to 90 (1)

○ new
○ u
○ u
○ u

○ 4 q. delete
○ "subjective" chopped.

G =

G = 2nd hand

○ new
why? as
not a full dev.

○

Discriminate
& not
protect

q. incl Rural Pls
+ all
or delete.
Copies > 5 x A
See old cl 11
which provides for
for 3 or more dwellings

- (a) the means proposed for establishing land ownership, dwelling occupancy rights, environmental and community management to ensure the aims and objectives of this Policy are met,
- (b) the area or areas proposed for erection of buildings, including any proposals for the clustering of buildings,
- (c) the area or areas proposed for community use (other than areas for residential accommodation and home improvement areas),
- (d) the need for any proposed development for community use that is ancillary to the use of the land,
- (e) the availability and standard of public road access to the land,
- (f) the availability of a water supply to the land for domestic, agricultural and fire fighting purposes and, where a proposed water supply is from a river, creek, dam or other waterway, the effect upon other users of that water supply,
- (g) if required by the applicant, the availability of electricity and telephone services,
- (h) the availability of community facilities and services to meet the needs of the occupants of the land,
- (i) whether adequate provision has been made for waste disposal from the land,
- (j) the impact on the vegetation cover of the land and any measures proposed for environmental protection, site rehabilitation or reafforestation,
- (k) whether the land is subject to bushfires, flooding, soil erosion or slip and, if so, the adequacy of any measures proposed to protect occupants, buildings, internal access roads, service installations, and land adjoining the development from any such hazard,
- (l) the visual impact of the proposed development on the landscape,
- (m) the effect of the proposed development on the present and potential use, including agricultural use, of the land and of lands in the vicinity, including the need for separation and buffers to avoid land use conflicts,

was "will"

#

→ #

#

#?

§ 530 (b. ro)

new

- (n) whether resources of coal, sand, gravel, petroleum or other mineral or extractive deposits will be sterilised by the proposed development,
- (o) the effect of the proposed development on the quality of the water resources in the vicinity,
- (p) any land claims by local Aborigines and the presence of any Aboriginal relics and sites,
- (q) whether the land has been identified by the council as being required for future urban or rural residential expansion,
- (r) whether the development would benefit an existing village centre suffering from a declining population base or a decreasing use of the services provided in that centre.

O Spelling ✓
signature.

O was "shall" (2)
Was 8(2)
O original
omitted &
expanded list
incl in Sch 3.

A council must not consent to an application made in pursuance of clause 7 unless it has taken into consideration a site analysis that:

- (a) contains information about the site and its surrounds as described in Schedule 3, and
- (b) is accompanied by a written statement explaining how the design of the proposed development has regard to the site analysis.

G = Redundant

10 Management plan

A council must not consent to an application made in pursuance of clause 7 unless the applicant has submitted a management plan for the development that makes adequate provision for:

- (a) bushfire management, and
- (b) control of noxious weeds, and
- (c) provision and maintenance of internal roads, water reticulation, ~~service corridors for telephone and electricity cables and similar matters.~~

G = applicable;
of dairy farm & no trees
could add
contradict 8(9)
v new 9/9

- was 8(2)
O was "shall"
Delete 9,
sub by
Rep Sch 3.

11 Density of development

- (1) Subject to subclause (2), a council must not consent to an application made in pursuance of clause 7 for the carrying out of development on land unless the number of proposed dwellings on

O was "shall"

the land, together with any existing dwellings on the land, does not exceed the number calculated in accordance with the formula specified in Column 2 of the Table to this clause opposite the area of the land specified in Column 1 of that Table.

- (2) If the number calculated in accordance with the formula as referred to in subclause (1) includes a fraction, the number is to be rounded up to the nearest whole number in the case of a fraction of one-half or more or rounded down to the nearest whole number in the case of a fraction of less than one-half.

Table

Column 1	Column 2
Area of land	Number of dwellings where A represents the area of the land the subject of the application (measured in hectares)
Not less than 10 hectares but not more than 210 hectares	$4 + \frac{(A - 10)}{4}$
More than 210 hectares but not more than 360 hectares	$54 + \frac{(A - 210)}{6}$
More than 360 hectares	80

- (3) Even if the number of proposed dwellings on land the subject of an application made in pursuance of clause 7 together with any existing dwellings on the land does not exceed the maximum number of dwellings permitted by subclause (1), the council must not consent to the application if those dwellings are so designed that they could, in the opinion of the council, reasonably accommodate in total more people than the number calculated by multiplying that maximum number of dwelling by 4.

Over shall.

12 Subdivision prohibited

- (1) If development is carried out on land pursuant to this Policy, the issue of a certificate of the general manager of a council, under the *Local Government Act 1919*, or of a council's certificate under the *Strata Titles Act 1973*, required for the subdivision of the land is prohibited.

① On "clerk's cert"

- O addition*
64
- (2) Subclause (1) does not apply with respect to the subdivision of land for the purpose of any one or more of the following:
- (a) widening a public road,
 - (b) making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment,
 - (c) rectifying an encroachment upon an allotment,
 - (d) creating a public reserve,
 - (e) consolidating allotments,
 - (f) excising from an allotment land that is, or is intended to be, used for public purposes, including drainage purposes, bush fire brigade or other rescue service purposes or public conveniences.

old cl 11 deleted. See 8 above

13 Monitoring of applications

- O was "when".*
O was "shall".
- (a) If a council receives an application made in pursuance of clause 7, the council must, within 30 days of determining the application, forward a copy of the application to the Secretary together with a copy of the notice of the determination of the application.

Elaborate on this.

14 Suspension of certain laws

- O was "the Act."*
- (1) For the purpose of enabling development to be carried out in accordance with this Policy or in accordance with a consent granted under the *Environmental Planning and Assessment Act 1979* in relation to development carried out in accordance with this Policy:
- (a) section 37 of the *Strata Titles Act 1973*, and
 - (b) any agreement, covenant or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes,

to the extent necessary to serve that purpose, does not apply to the development.

O was the Act

-
- (2) Pursuant to section 28 of ~~the~~ *Environmental Planning and Assessment Act 1979*, before the making of this clause:
- (a) the Governor approved of subclause (1), and
 - (b) the Minister for the time being administering the provision of the *Strata Titles Act 1973* referred to in subclause (1) concurred in writing in the recommendation for the approval of the Governor of that subclause.

~~END~~

State Environmental Planning Policy No 15—Multiple Occupancy of Rural Land

Schedule 1 Land to which this Policy applies

Schedule 1 Land to which this Policy applies

(Clause 3)

Armidale
Ballina
Barraba
Bathurst
Bega Valley
Bellingen
Bingara
Blayney
Bombala
Casino
City of Greater Cessnock
City of Greater Lithgow
City of Maitland
City of Shoalhaven
Coffs Harbour
Cooma-Monaro
Copmanhurst
Cowra
Dumaresq
Dungog
Eurobodalla
Evans
Glen Innes
Gloucester
Goulburn
Grafton
Great Lakes
Greater Taree
Guyra
Inverell

Kempsey
Kyogle
Lake Macquarie
Lismore
Macleay
Manilla
Merriwa
Mudgee
Mulwaree
Murrumbidgee
Murrumbidgee
Muswellbrook
Nundle
Nymboida
Oberon
Orange
Parry
Port Stephens
Quirindi
Richmond River
Rylstone
Scone
Singleton
Tallaganda
Tamworth
Tenterfield
Tweed
Ullmarra
Uralla
Walcha
Yallaro

O Byron.
NPS could we
accepting ASC
req to delete

O New
Hastings

✓ Muswellbrook — Nymboida

✓ Walcha — Why is Wingicarrabee
excluded?

g = delete "as all"

Schedule 2 | Specified land to which this Policy does not apply

²
(Clause 3)

Land that is a national park, historic site, State recreation area, nature reserve, State game reserve, karst conservation reserve, ~~wilderness area~~, ~~Aboriginal area~~, protected archaeological area, ~~wildlife refuge~~, ~~wildlife management area~~, land to which a conservation agreement relates or Aboriginal place, within the meaning of the *National Parks and Wildlife Act 1974*.

Land to which a wilderness protection agreement under the *Wilderness Act 1987* relates.

Land that is a reserve within the meaning of the *Crown Lands Act 1989*.

~~Land that is subject to the *Western Lands Act 1901*.~~

Land that is a State forest, flora reserve or timber reserve within the meaning of the *Forestry Act 1916*.

Land that, under an environmental planning instrument, is within an area or zone (within the meaning of that instrument) identified in that instrument by the description:

- (a) Coastal lands acquisition, or
- (b) Coastal lands protection, or
- (c) Conservation, or
- (d) Escarpment, or
- (e) Environment protection, or
- (f) Environmental protection, or
- (g) Open space, or
- (h) Rural environmental protection, or
- (i) Scenic, or
- (j) Scenic protection, or
- (k) Water catchment, or
- (l) Proposed national park,

State Environmental Planning Policy No 15—Multiple Occupancy of Rural Land

Schedule 2 Specified land to which this Policy does not apply

or identified in that instrument by a word or words cognate with any word or words used in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) or (l) or by a description including a word or words so used and any other word or words.

Land to which *Eurobodalla Rural Local Environmental Plan* 1987 applies.

why — A

Δ

~~Director's concurrence~~
omit.

~~enter with sep~~

(13)

Schedule 3 Site analysis

(Clause 9 (2) (a))

The following information, where appropriate, is to be shown in a site analysis:

With regard to the site:

- site dimensions and site area,
- spot levels, contours and north point,
- watercourses,
- natural drainage,
- orientation, micro climates, significant noise sources,
- prevailing winds,
- easements for drainage services,
- location of buildings and other structures,
- indicative footprint of the proposed buildings,
- location of fences, boundaries and any other notable features (natural or historical),
- any areas of the land to be used for development other than for dwellings,
- heritage features, including archaeology,
- ✓ • vegetated areas requiring environmental protection or areas where rehabilitation or reafforestation will be carried out,
- ✓ • any part of the land that is subject to a risk of flooding, bush fire, landslip or erosion or any other physical constraint to development of the land in accordance with this Policy,
- views to and from the site,
- identification of previous use and any contaminated soils or filled areas,
- ✓ • any part of the land that is prime crop and pasture land,
- ✓ • source and capacity of any water supply, electricity, telephone and waste disposal systems for the dwellings,
- ✓ • proposed access from a public road to the area or areas in which the dwellings are to be situated.

Footprints
A-G=

NB 8(9)

may

Schedule 3 Site analysis

With regard to the land surrounding the site:

- heritage significance of surrounding buildings and landscape,
- characteristics of any adjacent public land,
- directions and distances to local shops, schools, public transport, parks and community facilities.

FAX DOCUMENT FROM PETER HAMILTON

1/50 Paterson Street, Byron Bay, 2481 (066) 858 648 (F/T)

TO: Mark Spencer c/- Trevor Pike

FAX No:

DATE: 19.12.96

Number of pages (including this sheet): 1

SUBJECT: Public Exhibition of SEPP-15

COMMENTS:

SUCCESS so far??

Please advise those concerned and obtain a copy of the proposal with a view to submissions.



NEW SOUTH WALES GOVERNMENT

DEPARTMENT OF URBAN
AFFAIRS AND PLANNING

Multiple Occupancy on Rural Land

The Department of Urban Affairs and Planning, on behalf of the State Government, has prepared draft State Environmental Planning Policy (SEPP) No. 15 to enable multiple occupancies to be developed, with consent, in specified areas on rural land within NSW.

The draft SEPP is being exhibited for public comment from 18 December 1996 to 14 March 1997. To see or obtain a copy of what is proposed, inquire during business hours at any of the following offices of the department:

- Head Office Information Centre
Ground level, Governor Macquarie Tower
Corner Phillip and Bent Streets, SYDNEY
Ph (02) 9391 2222 Fax (02) 9391 2333
- Hunter/Central Coast Region
Level 4, 251 Wharf Road, NEWCASTLE
Ph (049) 26 2566 Fax (049) 26 1529
- Illawarra/Macarthur Region
Level 1, 84 Crown Street, WOLLONGONG
Ph (042) 26 8120 Fax (042) 26 8127
- Northern Regions
49 Victoria Street, GRAFTON
Ph (066) 42 0622 Fax (066) 42 0640
- Southern and Western District Office
32 Lowe Street, QUEANBEYAN
Ph (06) 297 6911 Fax (06) 297 9505
- Sydney South Region
23-25 Frederick Street, ROCKDALE
Ph (02) 9597 1233 Fax (02) 9597 6096
- Sydney West Region
10 Valentine Avenue, PARRAMATTA
Ph (02) 9895 7633 Fax (02) 9891 3965

You are invited to comment on the draft SEPP. Send your comments to: The Manager, Planning and Design Branch, Department of Urban Affairs and Planning, GPO Box 3927, Sydney NSW 2001 by Friday 21 March 1997.

Inquiries: Sue Findlay (02) 9391 2249.

388452

Note that the proposal is for "specified areas" only!

Regards and
Seasons Greetings

c.c. Don Hart

THE SYDNEY MORNING HERALD
WEDNESDAY, DECEMBER 18, 1996

THE NORTHERN STAR, WEDNESDAY, DECEMBER 18, 1996

also in "The Land"!

Kevin?

FAX DOCUMENT FROM PETER HAMILTON

1/50 Paterson Street, Byron Bay, 2481 (066) 858 648 (F/T)

TO:

FAX No:

DATE: 6

Number of pages (including this sheet):

SUBJECT: Public Exhibition of SEPP-15

COMMENTS:

SUCCESS so far!!
For your information



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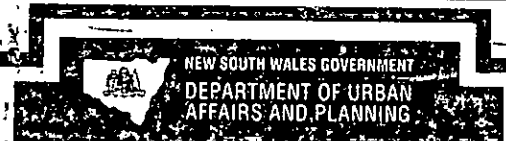
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369452



Planning Reforms Have your Say

The State Government proposes major planning reforms that will change the way all developments - from coal mines to houses and backyard sheds - are assessed for approval. The reforms will result in a single system for development, building and subdivision. There will be a bigger role for the private sector in assessing developments.

The changes could affect you. You need to find out about them and let the Government know what you think.

Everyone is invited to a free public information seminar where you can learn more about what is proposed. Staff of the department along with other qualified professionals will be available to answer your questions. Seminars will be held:

- Monday 3 March, 6.00pm to 8.00pm
Goonellabah Community Centre
27 Oliver Avenue, GOONELLABAH (LISMORE)
- Wednesday 5 March, 6.00pm to 8.00pm
Norm Jordan Pavilion
Coffs Harbour Showground
Pacific Highway, COFFS HARBOUR

We want to know what you think about the proposed changes. Send your comments to the Manager, Regulatory Reform Unit, Department of Urban Affairs and Planning, GPO Box 3927, SYDNEY NSW 2001; or fax (02) 9391 2194 or email reform@duap.nsw.gov.au. The closing date is Thursday 27 March.

The proposed changes are outlined in the *Integrated Development Assessment White Paper and Exposure Draft Bill*. To obtain a free copy phone us or see our internet site at <http://www.nsw.gov.au>.

Inquiries: (02) 9391 2355 or freecall 1800 358 886.

369471

P13 NS 22-2-97

THE SYDNEY MORNING HERALD
WEDNESDAY, DECEMBER 18, 1996

THE NORTHERN STAR, WEDNESDAY, DECEMBER 18, 1996

O Richard Conrad
 O Byron Esch
 O his
 O Bul J.
 O Nick Gargano & Margaret
 Bruce Blackford
 O Peter Cummings
 Belton
 Lisa
 Gloria
 Jans

O David L & Martha
 O Henry James
 Mark Spitzer (Cof.
 of Theon Pike)
 O Arthur Pike
 Kevin

Ask group members to complete the evaluation section of their SESSION OUTLINE and OBJECTIVES sheet.

As a group, discuss the extent to which the interaction skills you have been considering have the potential to produce more positive results than the previously established repertoire of group members.

Draw the small group together again. Post each script in turn on the wall next to its original version. Ask the author to review the new version in contrast to the original.

ACTIVITY 3	CONCLUSION	40 MINS
------------	------------	---------

When everyone is clear about what to do, send them away in pairs to spend about 15-20 minutes on each person's script (a total of 30-40 minutes for the exercise).

each pair should write their new scripts on butcher's paper, indicating where the specific responses have been used.

