

Contains press cuttings

ORDINARY MEETING

ITEM NO. 10

TOWN PLANNING MANAGER'S REPORT

SUBJECT: MULTIPLE OCCUPANCY DEVELOPMENT

717

GOAL: To provide a safe and attractive built environment.

OBJECTIVE: To update Council on State Government initiatives with respect to Multiple Occupancy Development.

SUMMARY: To elaborate on the Minister for Planning's decision to repeal State Environmental Planning Policy No. 15 - Multiple Occupancy and propose amendments to Byron Local Environmental Plan 1988 which will provide for Multiple Occupancy style development within community title subdivision.

RECOMMENDATION:

1. That pursuant to Section 54(1) and Section 74 of the Environmental Planning and Assessment Act, 1979, Council resolves to prepare a Draft Local Environmental Plan which will provide for Multiple Occupancy style development within community title subdivision.
2. That in accordance with Section 54(4) of the Environmental Planning and Assessment Act, 1979, Council advise the Secretary of the Department of Planning that ~~as per the Department's letter received 11th July, 1994~~, Council will exercise Section 65 and Section 69 delegation in dealing with this matter.
3. That in accordance with Section 66 of the Environmental Planning and Assessment Act, 1979, Council place the Draft Local Environmental Plan on public exhibition to enable any person to make submissions in writing to Council with respect to the draft plan.
4. That should no submissions be received during the exhibition period, Council recommends the Draft Local Environmental Plan be referred to the Department of Planning in accordance with Section 69 of the Environmental Planning and Assessment Act.

Council advises is an error.

ATTACHMENTS:

1. Department of Planning Repeal of SEPP No. 15 (4 pages)
2. Department of Planning's Consultant's Report (26 pages)
Purdon "Summary Report"
3. Draft Local Environmental Plan (2-pages)

BYRON SHIRE COUNCIL

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7TH FEBRUARY, 1995 (99)

INTRODUCTION

Council at its meeting of 27th September, 1994 resolved to prepare a Draft Local Environmental Plan (LEP) to enable a select number of properties (for which submissions had been received) in the Skinners Shoot area, Byron Bay for rural residential purposes. Councillors would be aware that the Skinners Shoot area is identified as Area 5 in Byron's Residential Development Strategy and earmarked for possible short term rural residential development subject to consideration. Council at its meeting in September resolved to rezone the subject properties to 1(c2) (Small Holdings (C2) Zone) (Hatched). Council in its resolution also requested that other owners within Area 5 be invited to lodge a submission in accordance with the criteria of the strategy should they wish their property to be considered as part of the rezoning.

Additional Submissions

In accordance with Council's resolution, owners within Area 5 were notified of Council's decision to prepare the draft LEP (i.e. draft LEP 17/94) and invited to make a rezoning submission. In response to Council's invitation, three (3) submissions were received, however, one of those submissions has since been withdrawn.

The remaining submission applies to Lot 15, DP 714761, which is adjacent to land which has already been included in draft LEP 17/94 and Lot 3, DP 258640. Lot 15 which has an area of 47ha is presently utilised as a nursery, quarry and crayfish farm. The proposal is to partially redevelop the site for rural residential purposes. The applicant has proposed to provide 20 rural residential lots with an average area of 0.8 hectares in a cluster style development adjacent to the property boundary of land included in the draft LEP. The quarry site is to be redeveloped to provide an additional 20 lots in similar formation or a rural tourist and "community recreational facility" consisting of a BBQ and recreation area. The owner has confirmed that the quarry is to cease operation on the 30th June, 1996. Lot 3 is a smaller property adjacent to the southeast of Lot 15 with an area of approximately 1.5ha.

Council's Resolution

Part 6(a) of Council's previous resolution suggested that those people who responded to Council's invitation to make a submission would have their land included in the draft LEP for the Skinners Shoot area (Draft LEP No. 17/94). This issue was discussed at the Residential Development Strategy Steering Committee Meeting on 14th December, 1994, where the Committee resolved that, due to time lags created by consolidating submissions received with Draft LEP 17/94, Council should proceed to prepare a separate draft Local Environmental Plan for any additional submissions.

Criteria of the Strategy

Whilst the proposal submitted by the owners of Lot 15 makes reference to issues identified in the criteria of Byron's Residential Development Strategy, further investigations will need to be undertaken with respect to traffic and on site effluent disposal during the exhibition of the draft Local Environmental Plan.

CONCLUSION

Pursuant to Council's previous resolution and the recommendation of Council's Residential Development Strategy Steering Committee it is recommended Council resolve to rezone Lot 15, DP 714761 and Lot 3, DP 258640 to 1(c2) (Hatched) similar to draft LEP 17/94 to permit rural residential development in accordance with the strategy for the purpose of enabling the plan to be publicly exhibited and to assess the appropriateness of a 1(c2) (Hatched) zoning.

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INTRODUCTION

① Council would be aware from recent statements in the media that the Minister for Planning has announced the repeal of State Environmental Planning Policy 15 - Multiple Occupancy (SEPP No. 15). A copy of the Department's official confirmation of this stance is attached for Council's information.

The Minister repealed SEPP No. 15 on the basis of a review of the application of the SEPP undertaken by Consultants. A copy of these findings are also attached.

Byron Shire was exempt from the provisions of SEPP 15 on the grounds that Byron Local Environmental Plan 1988 (BLEP) incorporated measures to facilitate multiple occupancy (MO) development.

With the repealing of SEPP No. 15 Council is no longer obliged to retain the provisions that relate to MO's in the Shire's principal instrument.

Consultants Report

The report prepared by the Department of Planning's consultants raised a number of issues pertinent to Byron Shire which included:-

- all new
PL 15/12
- that MO development generally encourages cluster development on common land which is environmentally sensitive;
 - that MO development provides a source of housing for low income earners; and
 - that benefits may be gained for those who are on MOs by formalising the tenure of such land by subdivision.

Comments:

- Byron's Residential Development Strategy has resulted in a number of applications for rezoning which propose a community title style development incorporating features typical of traditional MOs. Council's Residential Strategy Steering Committee has proposed to amend BLEP to enable such cluster development.

- Banks
- Discussions with local real estate agents have revealed that MOs are not a realistic avenue for low income housing in Byron Shire due to land prices and the fact that banks will generally not lend money for MOs. This means that those people who wish to invest in an MO must have the required funds before they commence. This is an unlikely scenario for a low income earner.

- The capital benefits which may be gained for the landholder would be enhanced by formalising tenure as banks would be more willing to lend money, increasing the potential market for such development.

Gains for Council

Creating an avenue whereby MOs have a formal title has substantial benefits to Council including that:-

- ✓
- Council is able to rate each lot independently, increasing Council's rate base and correcting an inequity in the levying of rates within the Shire; and

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- . Council, through the rezoning process, will be able to limit population expansion in areas where Council is unable to adequately service development ensuring that Council is not committing itself to substantial financial expenditure to service developments in remote areas of the Shire.

Proposed Amendment to BLEP

It is proposed to amend BLEP in the following manner:

- a. Repeal Clause 17A which relates to multiple occupancy development.
- b. Introduce a new clause 17A to exempt land, which is to be included in a new schedule (Schedule 12), from the minimum allotment size and density provisions of BLEP (i.e. Clause 11(1) and (2)).
- c. Introduce Schedule 12 which will specify the number of lots that can be created on a given property.

A copy of the proposed Draft Local Environmental Plan is attached.

Under the proposed amendments, an applicant would make a request for a rezoning to permit cluster style community title development in accordance with Council's Residential Development Strategy. Council would assess the application under the criteria referred to in the Strategy, which will determine the development capability of the land, that is, the size and the numbers of lots that could be created. The land and numbers of lots would then be entered into the new schedule.

Zoning

The subject land would be identified by shading on Council's Local Environmental Plan map. This would not alter the existing zone provisions other than by making Schedule 12 also apply to the land.

Implementation

Should Council resolve to prepare the draft Plan as proposed the draft LEP will need to be considered as a Section 90 matter should it receive any development applications for MO development until the draft LEP is gazetted. Council may or may not consent to such development depending on its merit up to the gazettal of the draft LEP.

CONCLUSION

Council's experience with MOs is that MOs generate the equivalent demand for services and infrastructure as conventional subdivision, however, conventional subdivision often requires rezoning of land. MOs have been seen to be a defacto form of subdivision without being required to conform to the same development standards or contribute in the same manner to Council's rates income as conventional subdivision. Notwithstanding this situation such development, if carefully designed and based on good land management practices can have considerable benefits in rehabilitating and managing sensitive areas. Whilst such areas may not be appropriate for traditional 1(c) style development, community title cluster style development with stringent controls included in neighbourhood plans as part of the community title could be an appropriate mechanism for Council to implement the necessary controls and management practices required for such areas.

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ie spot "shading"

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this has the effect of negating the zone provisions

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ORDINARY MEETING

ATTACHMENT

Byron Council

Byron Residential Development Strategy

6.8 Rural Residential Development

Rural residential development forms an important component of the type of housing that is desired in the Byron area. This form of housing provides a range of opportunities and options which may people desire as an alternative to urban residential living. Rural residential living is also particularly desired within the Byron area because in many instances the distribution of the four major town centres (ie. Byron Bay/Suffolk Park; Bangalow; Mullumbimby and Brunswick Heads) provide relatively quick vehicular access to most day-to-day needs.

There is also a strong desire amongst the community to maintain a rural setting within any future residential development and well designed rural residential estate or communities are seen as one way of enabling this to take place, especially on degraded agricultural lands which are no longer productive.

The subject Strategy enables a range of rural residential development options to take place. Council is particularly keen to enable more creative forms of rural residential development to take place where such forms can complement the surrounding area, enhance the viability of the land or assist in its rehabilitation. Apart from the clearly defined areas around the town centres, the Strategy also enables rural residential development to take place on most other lands within the Council area subject to strict criteria and rates of land release.

Criteria for Consideration of Rezoning Proposals for Rural Residential Development

The relevant criteria to be observed by the Council in considering any requests to have land rezoned for residential development purposes are as follows:

1. The Council will only consider proposals to rezone land for rural residential purposes where the land is not:
 - (a) Identified for possible future urban residential development by this Strategy;
 - (b) Classified as "prime crop or pasture land" by the Director General of the Department of Agriculture;

(c) Within a water catchment area; or

(d) Identified as being within a flood hazard area.

2. In deciding whether or not to support any proposals to rezoning land for rural residential purposes the Council will need to satisfy itself that:

(a) Adequate facilities can be provided on the land at the development application stage for the disposal of sewage and domestic waste and for the supply of water for domestic and fire fighting purposes.

(b) Adequate electricity, telephone, postal and garbage disposal services can be made available to the land.

(c) The future development of the site shall not create a demand for the unreasonable or uneconomic provision or extension of public amenities or public services, whether by the Council or by another public authority.

(d) The future development of the site shall not generate traffic volumes which are excessive in relation to the existing engineering standards of roads leading to urban and service centres.

(e) The future development of the site will not create or increase ribbon development or adversely affect road safety.

(f) The risk of bush fire damage to dwellings and surrounding land can be minimised.

(g) The development shall not detract from the existing rural or scenic character of the locality.

(h) The proposal will not adversely affect the long term viability of any extractive resource deposits such as minerals, rock, aggregate or sand either on or adjacent to the site.

(i) An appropriate Concept Plan or Development Control Plan can be finalised for consideration at the development application stage. These plans are to demonstrate that:

- Dwellings can be erected on land which is not, or is likely to be, adversely affected by flooding, soil erosion or landslip.
- Drainage works that may need to be carried out on the land will not have a detrimental impact on adjoining land.

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Community title cluster development is advocated by the Department of Planning in their Draft Discussion Paper on Rural Settlement and is considered the most appropriate form of subdivision to accommodate MO development. Council's aim is not to prohibit MOs but to formalise the legal title of MOs for rating purposes, ensure development can be economically serviced, and ensure that in future MO style developments are subjected to the same assessment as traditional subdivisions under Council's Residential Development Strategy. (RDS)

NB - RDS is urban and rural.

**Department of School Education****MEMORANDUM TO PRINCIPALS**

94/035 (S.035)

City Centre,
Levels 13 & 14, 55 Market Street
Sydney N S W 2000

Please address all communications to
N S W. Department of School Education
Box 33, G P O, Sydney, N S W 2001
Telephone: 561 8400
Fax: 561 8479

Our reference**DG 94.1662**Your reference**CELEBRATION OF NATIONAL ABORIGINES' AND TORRES STRAIT ISLANDERS' WEEK**

National Aborigines' and Torres Strait Islanders' Week will be celebrated by all communities in July, 3rd to 10th July, 1994. National Aborigines' and Torres Strait Islanders' Day will be observed on Friday 8th July, 1994.

Since this period occurs during the second week of the school vacation, celebrations can be held during week 11 Term 2 or week 1 Term 3.

National Aborigines' and Torres Strait Islanders' Week acknowledges the special place Aboriginal people and Torres Strait Islander people have in Australian society. It is expected that all schools will plan one or more activities for the focus day and the week preceding it.

Schools with Aboriginal students and Torres Strait Islander students are advised to contact their local Aboriginal and Torres Strait Islander communities to ascertain the day selected for celebrations. These schools are also advised to consider community viewpoints in determining the form the observance is to take.

It is permissible for schools to fly the Aboriginal flag during celebrations of National Aborigines' and Torres Strait Islanders' Week. The action taken should be consistent with the advice on the subject in Education Gazette No 9, June, 1983 and Memorandum to Principals No 89/147 (S.096, 30th May 1989).

Proper protocols in respect of flag flying should be observed. Flying more than one flag from the same halyard is undesirable. If only one flag pole is available, a temporary cross-arm may be constructed. In this instance the National flag is flown from the left halyard and the Aboriginal flag from the right halyard.

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D I S C U S S I O N P A P E R

PROPOSED REPEAL BY THE BYRON SHIRE COUNCIL

OF ITS EXISTING LEP PROVISIONS FOR MULTIPLE OCCUPANCY

Peter Hamilton
February 1995

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1. SUMMARY OF COUNCIL PROPOSAL

The Council has proposed in the Business Paper for the meeting of 7 February 1995 to:-

- (a) Repeal the provisions for MO in the Byron LEP.
- (b) Introduce in its place a provision for "Cluster Community Title" development on a site specific rezoning basis under the Council "Residential Development Strategy" Policy.
- (c)(i) A Draft LEP is attached to give immediate effect to this proposal.
- (c)(ii) That the Draft amendment be placed on public exhibition for comment and if no comment be received that Council be authorised to proceed automatically to have the amendment gazetted.

2. OVERVIEW OF THE ISSUES

- (a) Failure by the Council to give public notice, other than in the Business Paper, of the immediate introduction of the proposed amendment of the LEP.
- (b) Failure by the Council to consult those directly affected by the proposed amendment.
- (c) Failure by the Council to carry out appropriate surveys with published findings providing evidence to support the claims made in the Report.
- (d) Failure to adequately present the perceived advantages and disadvantages of; communal sharing of unsudivided land, pooling of resources, and, general enjoyment of "lifestyle" benefits,

Belief that such attributes should no longer be a valid personal choice of lifestyle .



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John Wilson

- (e) The NSW Government policy support for the diversity of "family" lifestyles.
- (f) That the proposed "Cluster CT" form of subdivision will adequately address the needs of MO settlers.

3. "CLUSTER COMMUNITY TITLE" SUBDIVISION -v- MO NON-SUBDIVIDED LAND

The proposal in the Report is that "Cluster Community Title" of land be available in the Rural 1(a) Zone, has some merit from a planning point of view, if this is compared to eg. ribbon development which is a potential if left to speculative developers.

IT IS SUBMITTED HOWEVER THAT THE MERITS THAT MAY FLOW FROM SUCH A PLANNING POLICY, HAVE NOTHING TO DO WITH THE MERITS OF COMMUNAL SETTLEMENT ON UNSUBDIVIDED LAND!

The suggestion that "Cluster Community Title" will adequately meet the needs of bona fide MO dwellers is unsupported by evidence.

The Council states that

"Community title cluster development is advised by the Department of Planning as ... the most appropriate form of subdivision to accommodate MO development". (p.103).

No reference is given for the source of this statement.

The DOP have not at any time made any policy statement advocating that MOs be enabled to subdivide.

This statement by the Council is erroneous, misleading and mischievous.

The Department of Planning findings in their report on "Alternative Forms of Rural Settlement" is that they favour BOTH "Cluster Community Title" AND traditional MO land use, as set out in the aims of SEPP-15.

In the INTRODUCTION to the Council Report, reference is made to the confirmation of the repeal of SEPP-15 by the Department of Planning (DOP). (p101).

COMMENT: The inference given throughout the Council Report is that the DOP supports MO being available on a Community Title basis.

Nothing could be further from the truth!

See for example:

... "The DOP review established that there was a small but ongoing need for MO" (p104), and,

... "In future, local councils will need to prepare provisions in their LEP for MO" (Minister Webster News Release", 13 Oct. 1994 and Council Report p104).

... "MO may be dealt with at the local council level". (p104).

COMMENT: Nowhere has the Minister said that the MO housing and lifestyle option should be withdrawn.

5. THE DOP CONSULTANT REVIEW OF MULTIPLE OCCUPANCY (Purdon Report)

The Consultant identified four possible options regarding SEPP-15.



Department of School Education



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Our reference

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The Consultant's preferred option is "to transfer the responsibility for implementing MO from the State to local councils". (p.125).

The report goes on to say that "Subdivision has significant local implications and should only be contemplated by local councils in accordance with a comprehensive rural lands strategy for the local area". (p125)..

The Purdon Report states:

"The use of Community Title should be encouraged as an ALTERNATIVE to MOs" (p125) (My emphasis).

This is saying that the option of Cluster CT development should be seen as an "ALTERNATIVE TO" not "IN LIEU OF" the prevailing MO option.

"THE REVIEW HAS DEMONSTRATED BASIC SUPPORT FOR MOs AS AN ALTERNATIVE FORM OF RURAL HOUSING" (p124), (My emphasis).

From a State point of view having a local council responsible for MO development "is a more efficient use of the State Government resources" (p124).

The Report recommends that if it is decided by the Minister, to repeal the State Policy, that before such a policy became effective that there should be a time period to enable local councils to introduce provisions for MO in their LEP". (p124).

COMMENT: The Byron Council is one of the few council fortunate enough to have such a provision in place!

All of the above issues support the case that MO is a valid planning option and hence should be retained.

6.1 REZONING APPLICATIONS SEEN AS A GROUND FOR REPEAL

The Council Report states that:-

"A number of applications have been received from MOs for rezoning using CT". (p101).

COMMENT: Could it be that MO DAs have been approved where the applicant had the express desire to convert to Community Title if and when this option became available?

6.2 BANKING POLICY SEEN AS A GROUND FOR REPEAL

"Banks will generally not lend money for MOs" (p101).

COMMENT: Banks are reluctant to lend money to people on low incomes whether they have title to land or not!

6.3 MONETARY GAIN FOR COUNCIL SEEN AS A GROUND FOR REPEAL

The Council Report attempts to justify the proposal to repeal the provision in the LEP on the basis that:-

(a) "Council would receive more money in rates". (p101).

COMMENT: This is an unsympathetic attitude to those on low incomes who are trying to provide houses for themselves rather than expecting and waiting for the Housing Commission to provide state housing!

(b) "The proposal will correct an inequality in the levying of rates". (p101).

Nora Goodridge anagement

30 Carlotta Road, Double Bay NSW 2028. Phone: 327 3193. 362 3069. 32 4913. Fax: 362 3679.



FRED REID

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- (c) "Council's aim is not to prohibit MOs but to formalise the legal title of MOs for RATING PURPOSES." (p103).
(My emphasis).

COMMENTS:

The manner and form of rating is determined by the Minister for Local Government under the Local Government Act not the Environmental Planning and Assessment Act.

Rating is not a planning matter!

Without prejudice to the statement above, no figures are offered by the Council as evidence to support the claim that there is an inequity in rates!

The Minister for Local Government holds that rates shall be determined on the basis of "land value", not on the number of houses or people residing on the land.

Whether or not the rate payable by an MO is "equitable", calls into question many variables.

It behoves the Council to produce evidence to support this claim!

In the DOP statewide Review of the MO Policy, the Consultant in their survey did not include the issue of rating. (p126 viz. the Purdon Report).

The rating issues has been vociferously pursued by the critics of MO in the Lismore City Council area. Mostly these claims, on detailed examination, have been found to be incorrect.

An analysis by Councillor Diana Roberts showed, with supporting evidence, that one third of the MOs in the Nimbin district paid MORE per head of population than the average individual rate, and in one case was paying six times the average rate!

(See Attachment "A" for details on rating and a explosion of some of the myths about MOs).

7. MO DEVELOPMENT IS NOT THE SAME AS CT DEVELOPMENT

In the conclusions drawn by the Council it is stated that "MOs have been seen to be a de facto form of subdivision" (p102).

COMMENT: No evidence is given as to who has seen it in this way!

One is left to speculate if this claim is referring to Council staff, councillors, lawyers, real estate agents, speculative developers or home buyers who wish to subvert the legislation!

The spirit and aim of the MO provision in the LEP and the former SEPP-15 is to provide for bona-fide land sharing, and, the creation of an "extended family" lifestyle.

If Council has evidence that land is being used in breach of the aims of the LEP and the approved DA, then it is their responsibility to redress the situation, not repeal the legislation.

Is it not the case that to repeal the legislation for this reason, is like killing the goose that lays the golden egg!

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94/035 (S.035)

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8. EQUITY OF ASSESSMENT OF DEVELOPMENT APPLICATIONS

The Council Report also claims as a ground for justifying the use of "Cluster Community Title" is that MO DAs "are (not) subject to the same assessment as for traditional subdivisions" (p103).

As MO DAs have to meet all the requirement of s.90 of the Planning Act as do DAs for traditional subdivision, WHAT POSSIBLE SUBSTANCE CAN THERE BE FOR THIS ALLEGATION?

9. CONCLUSION

- 1. That the concept of "Cluster Community Title" subdivision in applicable rural zones is supported as having merit as a good planning policy but is unrelated to, and not applicable for, bona fide MO development.

10. RECOMMENDATIONS

- 1. That the "Residential Release Strategy" Committee consider the use of "Cluster Community Title" development in the Rural 1(a), 1(b) and 1(c) Zones as a preferred planning option in these zones.
2. That a Draft DCP be prepared to assist Council in assessing "Cluster Community Title" DAs. The DCP to include formula specifying the maximum housing density.
3. That the existing LEP provisions in Cl 17A be unaltered and a Draft DCP be prepared to provide guidelines for MO applicants and to assist Council in assessing DAs under this provision.

...ooOOoo..

Peter Hamilton Co-ordinator: Pan Community Council, MO Review
Collective.(1) 5 February 1995

ATTACHMENTS

- "A" (1) Report by Councillor Roberts to the Lismore City Council - Policy and Resources Committee on the MO Rating Question. 1994.
"A" (2) "Myths About MO Development", D. Roberts, 1994.
"A" (3) Media Release, D. Roberts, 2 August 1994.

NOTES

- (1) The Pan Community Council is the "peak" organisation representing MOs in the North Coast area.
(2) As an indicator of the increased cost of land in a Cluster C.T. it is to be noted that the land share price in a Cluster Community Title development adjoining the Nimbin Village, which was \$32,000 eighteen months ago, is now \$50,000.

Translating this to the generally higher land values in the coastal areas of the Byron Shire, individual Cluster C.T. shares could reasonably be expected to be in the order of \$100,000 each.

For further information contact:-
Peter Hamilton, 1/50 Paterson Street, Byron Bay. 858648 (F/T)

END

**Department of School Education****MEMORANDUM TO PRINCIPALS**

94/035 (S.035)

City Centre,
Levels 13 & 14, 55 Market Street
Sydney N S W 2000

Please address all communications to
N S W. Department of School Education,
Box 33, G P O., Sydney, N S W 2001
Telephone: 561 8400
Fax: 561 8479

Our reference**DG 94.1662**Your reference**CELEBRATION OF NATIONAL ABORIGINES' AND TORRES STRAIT ISLANDERS' WEEK**

National Aborigines' and Torres Strait Islanders' Week will be celebrated by all communities in July, 3rd to 10th July, 1994. National Aborigines' and Torres Strait Islanders' Day will be observed on Friday 8th July, 1994.

Since this period occurs during the second week of the school vacation, celebrations can be held during week 11 Term 2 or week 1 Term 3.

National Aborigines' and Torres Strait Islanders' Week acknowledges the special place Aboriginal people and Torres Strait Islander people have in Australian society. It is expected that all schools will plan one or more activities for the focus day and the week preceding it.

Schools with Aboriginal students and Torres Strait Islander students are advised to contact their local Aboriginal and Torres Strait Islander communities to ascertain the day selected for celebrations. These schools are also advised to consider community viewpoints in determining the form the observance is to take.

It is permissible for schools to fly the Aboriginal flag during celebrations of National Aborigines' and Torres Strait Islanders' Week. The action taken should be consistent with the advice on the subject in Education Gazette No 9, June, 1983 and Memorandum to Principals No 89/147 (S.096, 30th May 1989).

Proper protocols in respect of flag flying should be observed. Flying more than one flag from the same halyard is undesirable. If only one flag pole is available, a temporary cross-arm may be constructed. In this instance the National flag is flown from the left halyard and the Aboriginal flag from the right halyard.

TO ALL COUNCILLORS - FOR POLICY AND RESOURCES TUESDAY SEPT. 13TH, 1994
FROM: COUNCILLOR DIANA ROBERTS (LISMORE CITY COUNCIL)

MOs AND THE RATING QUESTION - I have prepared the following in the hope that it will put the rating discussion on Tuesday night into a context. As it is fairly lengthy it seemed appropriate to send it to you prior to the meeting. Apologies for the length but it's a complex issue.

You will be aware that the issue of rates paid by MO communities has been a source for concern amongst certain sections of the community, particularly in the Nimbin district where there is a high concentration of MO development. The rating system is seen as inequitable as 10 households on an MO can pay the same rate as one house on a similar piece of land. The conclusion is then drawn that MOs are not paying their fair contribution towards Council's provision of services within the area. Obviously, this perceived problem has wider ramifications when one considers other multiple occupancy settlement of land such as caravan parks, mobile home parks, dual residential properties, farming properties with a worker cottage, flats, boarding houses, aged retirement units, etc. What about vacant land? There is also the issue of organisations and institutions exempt from rates such as Commonwealth and State government departments, banking institutions, religious organisations, churches and schools.

Over the past few months I have been doing some research into multiple occupancy developments and their rating contributions. I concentrated my research on the Nimbin district (identified in the Community Services and Facilities Plan for Nimbin). There are 28 MOs within this area and they constitute just under one third of the district population. (609 people live on these MOs and Council's population estimate for the area using ABS data is 1890). From my research one thing is quite clear, each MO is different. Some MOs are on large parcels of land yet are sparsely populated, others are on large parcels of land and are densely populated. The land value ranges from \$659 per ha to \$6648 per ha. Property sizes range from 10ha to 565ha. Using ABS data and rating information provided by Council I have been able to establish that the average residential rate in the Nimbin district is **\$170 per head of population**. Residents of one third of MO communities pay more than this. Whilst I haven't done an assessment of the contribution per dwelling on multiple occupancies, many residents live in an expanded family situation so one could expect the number of residents per dwelling to be higher than the average. However, I do know that MO dwellers pay as much as \$960 per head of population down to as little as \$23 per head of population on Tuntable Falls Co-op.

As 40% of MO dwellers in the Nimbin district live at Tuntable Falls Co-op it's worth considering Tuntable a little more closely. Firstly, at no cost to Council, Tuntable has provided a pre-school, a primary school, a community hall, a shop and postal outlet, a youth club and fire fighting equipment. All of these are maintained by the Co-op and made available to the wider community. In addition, as with all MO development, Tuntable are responsible for the upkeep and construction of their own internal road network. They place a reduced burden on the local road network as many residents on Tuntable pool transport. They also help to maintain Council owned roads. In addition, Tuntable paid half of the cost of sealing public road from the community to Newton Drive at considerable expense.

MOs are generally found to be utilising land that has little value in the traditional sense. Much of the land on MOs is not viable for large scale residential or economic farming practices. Land use is therefore devoted to agriculture, forestry, wilderness, parkland, recreation etc. Many MO communities are gradually rehabilitating their land, eliminating weeds and making a voluntary contribution to reforestation. This is of particular importance where stream banks are concerned leading to reduced soil erosion and reduced flooding impact downstream. Such land care and repair will be of benefit to future generations. Incidentally, the Far North Coast County Council are happy with the weed control that has been undertaken by most MO communities and feel the situation has improved considerably over the past 5 years.

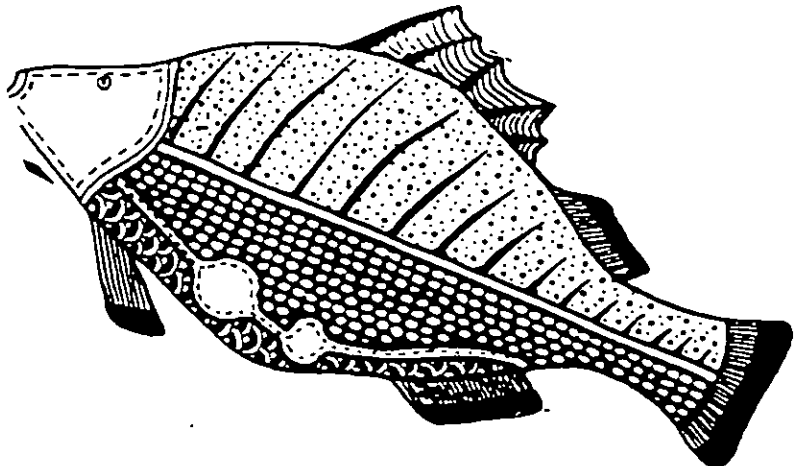
C.

DIRECTOR OF SCHOOL - Endorsement and Comment

CLUSTER: _____

COMMENTS:

DIRECTOR OF SCHOOLS



As MO land is not sub-divided in any way and is generally found on traditionally low value land it has a lower rating value. This would seem to be appropriate given that one of the principal aims of MO development is to assist the pooling of resources, particularly where low incomes are involved, and to enable economic development of a wide range of communal rural living opportunities. There is no other form of land title that facilitates such low cost development. It is interesting to note that Lismore Council's community profile shows that the Nimbin district has a higher than State average proportion of owner occupancy (69.3%) and yet has the highest unemployment rate (34.4%) and the lowest income levels of any area in the local government area. Almost half of the population have income levels of less than \$15,000pa. One could conclude that multiple occupancy has been successful in its aims.

On a personal level I would like to give an account of how my own community contributes to services in the Nimbin area and reduces our impact on services provided. We are one of the larger communities with 24 residents, 9 households on 58ha. We maintain over 2km of internal roads, excluding driveways. This costs us upwards of \$5000 per year. We pool transport regularly. We generally use only two cars to transport our 11 school age children to the school bus and back. One person collects the mail for all of us each day whilst doing the bus run. We share car ownership. We provide our own childcare. We have recreation facilities used by the wider community. We are the driving force behind our local fire brigade holding most of the office bearing positions. We have received an excellent report from the local weeds officer on the weed status of our property.

Internally my community shares many resources and community facilities. We have built our own houses and we are on solar power. Within the wider community we are currently on the management committees of the Nimbin Hall where we have put in many, many hours assisting in the restoration, the local pre-school, the neighbourhood centre and the environment centre. We are also involved in the community in many other ways on a voluntary basis. Over the years we have provided accommodation for homeless teenagers. We contribute to the provision of community infrastructure and services through the taxes we pay, both direct and indirect, as well as through rates which are \$1265 per year (\$140 per house). Two members are small business owners. All in all, we believe that we are making a valuable contribution to society as a whole and paying our way. I am sure most MO dwellers would feel the same.

Some members of the Nimbin community are calling for a moratorium on further MO development until the issue of rating is addressed. Whilst I don't support a moratorium on development I have supported looking into the rating issue generally and perhaps taking up some of these issues with the Minister for Local Government. However, as a result of the research I have undertaken I believe that this could be a very costly and complex exercise as the full financial impact of MO development would have to be taken into consideration and the issue of other forms of multiple occupancy of land mentioned earlier would need to be addressed. I also believe that even if we resolved the rating issue those opposing MO development would simply find some other reason to object.

As rating is currently based on land value the only way I can see to address this issue would be to either look at placing a higher land value on land that has multiple occupancy of any form or to instigate what is the equivalent of a Thatcher "poll tax". In recent years we have seen the rates system reviewed twice and despite representations made to the Government the rating system is as it is - based on land value and not population.. It's also worth noting that multiple occupancy land is valued more highly than surrounding land if it has houses on it. My purpose in writing is not to attempt to provide solutions to rating anomalies but rather to give a clearer understanding of the situation relating to MO development.

End

Program ID . . . p04430
Version. . . . 006

Cash Requirements - 7 days aging - EFT
Cash Requirements - EFT Only

Report Date. . 01/08/94
Report Time. . 16:27:27

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Print Instructions (Y/N) N

The Following Forms Options Were Selected:

Form Type. *STD
Maximum Form Width 132
Maximum Form Length. 66
Location of Page Overflow. 60

The Following Printer Options Were Selected:

Print Queue.
Hld in Prt Queue(Y/N/S/L). N
Lines/Inch (4/6/8/9) 6
Char./Inch (10/15) 15
Number of Report Copies. 001

The Following Processing Options Were Selected:

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(Default is the Current Date).
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leave blank for gross amount due. 1

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And	Payment Instrument		EQ	T		
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	Due Date - MO.					5
	Due Date - DA.					6

The Following Report Distributions were Entered:

** None Selected **

MYTHS ABOUT MULTIPLE OCCUPANCY DEVELOPMENT

Diana Roberts
Councillor
Lismore City Council
P.O. Box 56
NIMBIN NSW 2480

ph. 891 648
fax 891 130

MYTH ONE

Residents of multiple occupancies make up 50% of the district's population and yet pay only 8% of the rates.

FACT

Multiple occupancy dwellers, in fact, make up less than a third of the district population and receive 4% of the rate notices. However, let's examine what this means.

The average residential rate in the Nimbin district is \$170 per head of population. One third of Multiple Occupancy communities pay more than this. Multiple Occupancy dwellers pay as much as \$960 per head of population down to as little as \$23 per head of population on Tuntable Falls Co-op. As 40% of Multiple Occupancy dwellers in the Nimbin district live at Tuntable Falls Co-op it's worth considering Tuntable Falls Co-op a little more closely. Firstly, at no cost to Council Tuntable Falls Co-op has provided a Pre-school, a Primary School, a community hall, a shop and postal outlet, a youth club and fire fighting equipment. Secondly, all of these are maintained by Tuntable Falls Co-op and made available to the larger community.

MYTH TWO

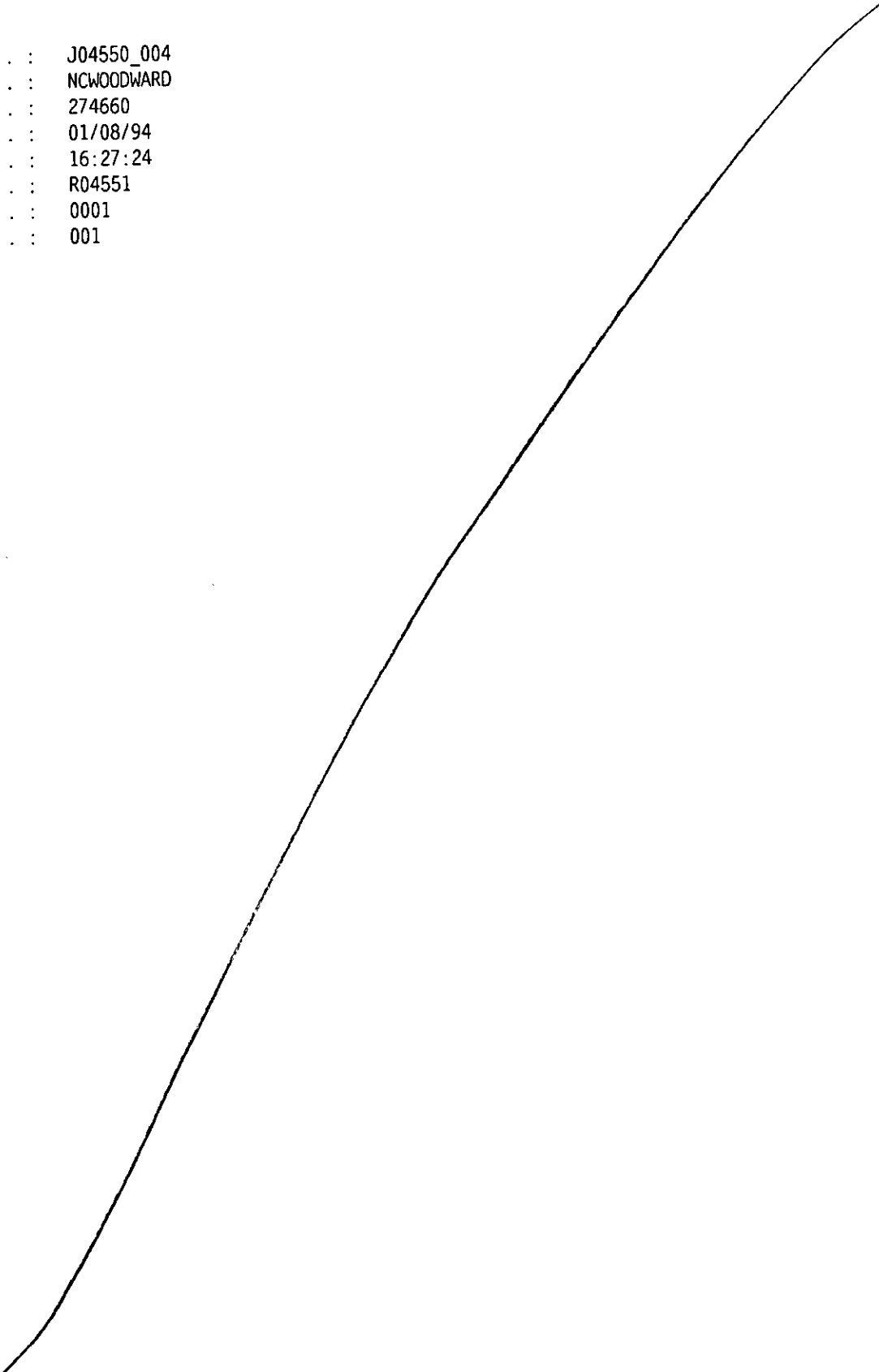
Rates paid per-person is a useful measure.

FACT

This is equivalent to arguing for Thatcher's infamous "poll tax". Rating should not be, and currently cannot be based on population or number of dwellings but rather on the unimproved value of the land. Owners of the most valuable land or the most acreage pay more and vice versa.

If we closely examine the situation in Nimbin we find that the average village residential rate is \$154 per person and the average rural residential rate is 20% higher at \$195 per person. Considering that village residents have far greater access to council services and facilities should they be paying more in rates? What about people who live in flats or caravan parks or dual occupancies or people with large households? What about ratepayers who live in Kyogle and Tweed Council areas but regularly use Nimbin services and Lismore Council roads? There are undoubtedly anomalies in the rating structure. The concern is when these anomalies are used to support prejudice and bigotry. We all know the ease with which figures can be manipulated by

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*.Time : 16:27:24
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those with a vested interest.

MYTH THREE

Multiple Occupancies can be established on virtually any land in the Council area irrespective of surrounding agricultural industries.

FACT

Multiple Occupancies cannot be established on land where over 25% of the land is considered prime agricultural land. And what's more, much of the land now used for multiple occupancy development was made available by farmers subdividing and selling off agriculturally inferior parcels of land. You can't have your cake and eat it too.

MYTH FOUR

Multiple Occupancies create the need for new roads and increase the impact on existing roads and should be rated higher accordingly.

FACT

Multiple Occupancies, unlike many other forms of development, do not create the need for new roads for Council to maintain. Multiple Occupancies are responsible for the construction and upkeep of their own, often substantial, internal road networks. To add what they spend on doing this to the rates they pay would see many Multiple Occupancies paying considerably more in rates than the average rural resident.

Multiple Occupancies also place a greatly reduced burden on the local road network due to the common practice of pooling transport and providing their own support infrastructures.

MYTH FIVE

Multiple Occupancies are a dinosaur in our time.

FACT

One of the principal aims of multiple occupancy development is to enable the pooling of resources, particularly where low incomes are involved, and to economically develop a wide range of communal rural living opportunities, including the construction of low cost buildings. This is as relevant now as it was in 1974, probably even more so with

Program ID . . P04550
Version. . . . 004

Pre-A/P - EFT, posted only
Pre-A/P EFT Edit

Report Date. . 01/08/94
Report Time. . 16:27:59

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Print Instructions (Y/N) N

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Location of Page Overflow. 60

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Hld in Prt Queue(Y/N/S/T). N
Lines/Inch (4/6/8/9) 6
Char./Inch (10/15) 15
Number of Report Copies. 001

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03/08/94

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2. Enter the version number for the
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print the Pre-Check Edit (P04551).
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be used.

004

More...

PRINT CONTROL:

3. Enter a '1' to remit checks to the
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number in Address Book Information).

4. Enter a '1' to print a special check
attachment when the check stub
detail information will not fit on
one stub.

1

More...

POST OPTION:

5. Enter a '1' to submit the A/P check
post after the checks have printed.
If left blank, the post WILL NOT
be automatically submitted.
This will allow you to review the
check batch and post it at a more

1

the present high unemployment and homelessness. There is no other form of rural land title that facilitates such low cost development. In addition, there is no doubt that Multiple Occupancies can be proud of many achievements in the area of low cost housing. Housing on Multiple Occupancies is still comparatively cheap and Multiple Occupancy members have been responsible for significant low cost and sustainable innovations e.g. sand, sawdust and cement walls, mud brick and rammed earth, maximisation of use of recycled building materials, innovative and energy-efficient building design and owner-built composting toilets.

END

1994

Program ID . . P04550
Version. . . . 004

Pre-A/P - EFT. posted only
Pre-A/P EFT Edit

Report Date. . 01/08/94
Report Time. . 16:27:59

will be printing checks.

FOR DRAFTS:

10. Enter a '1' to print a separate draft by due date. If left blank, a separate draft by due date will NOT be printed.

Note: If choosing this option, the DREAM Writer sequence should be set to include due date after Alternate Payee Address Number.

More...

FOR SUBCONTRACT CHECKS:

11. Enter a '1' to collate checks by contract number or a '2' to collate them by job number.

If left blank, checks will be collated by vendor number only.

NOTE: If you will be printing subcontract checks, you must collate them by contract number.

12. Enter a '1' to print subcontract checks. If left blank, the standard A/P check form will be printed.

BOTTOM

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And G/L Posted Code.	EQ	D				
Cheque Routing Code					2	
Alternate Payee Address Number					4	

The Following Report Distributions were Entered:

** None Selected **

MEDIA RELEASE FOR IMMEDIATE RELEASE 2nd August 1994

**LISMORE COUNCILLOR EXPLODES MYTHS ABOUT
MULTIPLE OCCUPANCIES**

Lismore City Councillor, Diana Roberts, today mounted a vigorous defence of multiple occupancy developments in response to what she called "a parade of myths based on misunderstanding and ignorance, and also some malicious misinformation". Her comments come in the wake of a number of published articles and letters suggesting that multiple occupancies do not pay a fair share of rates in the community.

In releasing a paper rebutting the myths, Ms. Roberts said that many people misunderstood the way rates are calculated and did not realise that multiple occupancies mostly existed on lower value land, and in fact cannot be established where over a quarter of the land is considered prime agricultural.

"As my paper shows, the figures that have been bandied about in an attempt to show that multiple occupancies don't pay their way are fictional," she said. "The fact is that more than one third ----- of multiple occupancies pay more than the average residential rate in the Nimbin district."

Councillor Roberts went on to point out that, in any case, it is mischievous to compare rates on a per-person basis.

"To argue this is to argue for the infamous Thatcher poll-tax," she said. "Rating should be and presently is based, not on population or number of dwellings, but on land value."

"There are of course anomalies in the rating system as a result," she added. "For example, the average village rate per person in Nimbin is --- 20% less than the average rural residential rate per person, despite the large difference in services and facilities available to village ratepayers."

Councillor Roberts pointed out that many multiple occupancies provided for their own needs in terms of halls, fire fighting and community services.

"But perhaps the most persistent myth is that multiple occupancies increase road costs."

"All multiple occupancies are responsible for the construction and upkeep of their own road networks. I live on a community that spends over \$5,000 a year on its internal roads, which makes the effective rate higher than most."

"This is more than just a financial issue though. I believe that multiple occupancies have a very important role in terms of helping people establish a home and a community at reasonable cost."

"Some people may have trouble understanding that it is possible to have a relationship with the land that is not based on profit."

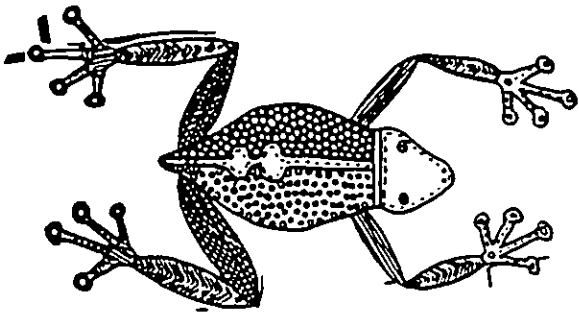
"On multiple occupancies, many of us are not only establishing a house in an affordable way, we are also creating a sense of community and seeking a quality of life in a sustainable way."

"What on earth is wrong with that."

Further comments:

Diana Roberts

891 648 (h)



D.

STATEMENT OF EXPENDITURE

PROGRAM	RESOURCES PHYSICAL	HUMAN	TOTAL COSTING

MO ban rejected

Councillors say no to planning staff moves

By RICHARD CONRAD

Moves by Byron Shire Council planning staff to rule out any future multiple occupancy developments were rejected last night by councillors.

Instead the council voted to consider the use of 'Cluster Community Title' development as a rural option, with provisions in the Byron Local Environment Plan for MOs to remain unaltered.

Town planning manager Manfred Boldy had recommended scrapping MOs in favour of community title subdivisions, but his report was strongly criticised by Cr Anudhi Wentworth, Cr Rhonda Ellis and a community speaker.

The vote on the future of MOs was taken after declarations of interest were made by three of the nine councillors — mayor Ian Kingston, Bob Higgins and Ross Tucker — who left the chambers.

Before debate began the remaining councillors were addressed by Byron Shire Multiple Occupancies Association spokesman Nick Shand, who defended the historical role MOs had played in the area.

Mr Shand said de facto MOs began in the 1970s, became legal in 1988 and now in 1995 the council was looking at abolishing them.

He said MOs could not be replaced with community title, as they were two different ways of living on the land.

He criticised the council's approach to the issue, saying 'there has been no community consultation on this document, but there has been discussion with real estate agents'.

"To plonk this down without community consultation is to add fuel to a fire that's burning out

Continued Page 2

Byron MO ban rejected

From Page 1

there," he said.

Cr Rhonda Ellis read a lengthy critique of Mr Boldy's report written by Pan Community Council MO Review co-ordinator Peter Hamilton.

Byron councillors voted for their residential release strategy committee to consult with the public on 'Cluster Community Title' in certain rural zones and for draft planning documents be prepared.

● Councillors, council staff and the public were treated to an a cappella performance by an 18-piece group called Allegro Gone Troppo during the dinner break at last night's meeting.

Group members who had been sitting in the public gallery for more than 90 minutes surprised everyone by standing up without announcement at the beginning of the dinner break and launching into song.

DEPARTMENT OF SCHOOL EDUCATION

NORTH COAST REGION

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Labor's Black back on campaign trail

Labor Party candidate for Ballina, Veronica Black is back on the campaign trail — albeit on crutches — after being injured in a serious car accident near Pottsville in mid-December.

Ms Black broke an ankle and received a perforated liver, collapsed lung, cracked sternum and knee injuries when the car in which she was a passenger left the road and hit a tree.

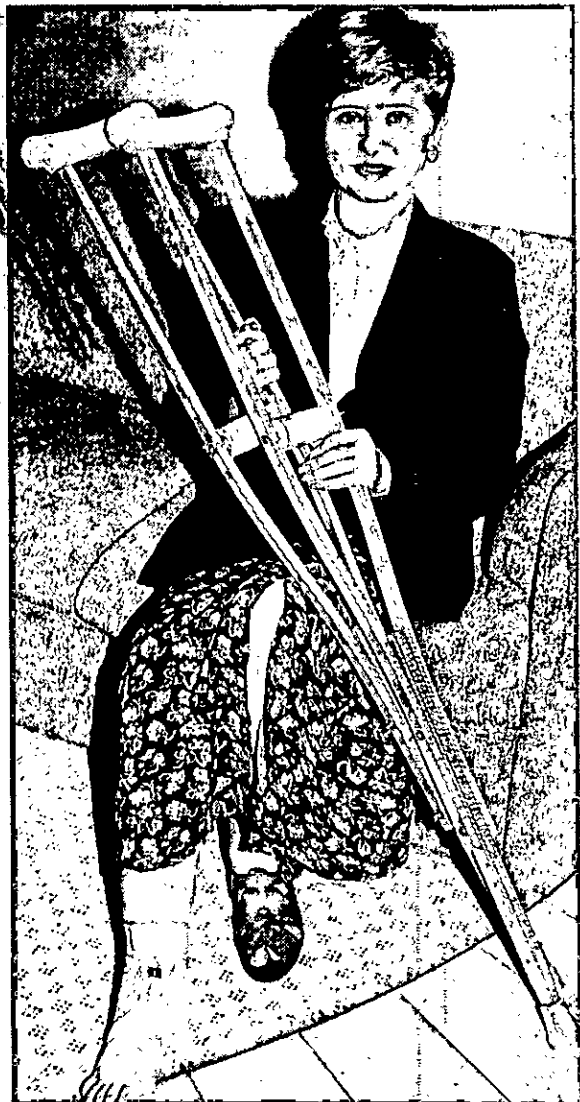
She spent several weeks in hospital and in a wheelchair but now is recovering well despite being on crutches.

At 20, Ms Black is the youngest woman endorsed to contest a State seat. She is opposing sitting National Party MP Don Page and plans to achieve 'at least a reasonably good swing towards Labor' in the March 25 election.

She said her time in hospital gave her the opportunity to discover first-hand the 'severe under-staffing in public hospitals'.

"Before the accident I was really active, going to meetings and door-knocking," she said.

"I got to meet a lot of people but I can't now. It's really disappointing."



Labor Party candidate for the State seat of Ballina, Veronica Black, still is restricted with her campaigning.

Byron MO move cops criticism

Byron Shire Council's proposal to scrap multiple occupancies (MOs) in favour of community titles has been attacked by Lismore councillor Diana Roberts and the Labor Party's candidate for Ballina, Veronica Black.

Cr Roberts and Ms Black called on Byron Shire councillors to reject planning manager Manfred Boldy's recommendation that MO provisions be dropped from Byron's Local Environment Plan.

Ms Black said the proposal was a prime example of why the Labor Party had pledged to reintroduce the State Planning Policy for multiple occupancies if it won government in March.

(A NSW Planning Department review led to State Environmental Planning Policy No. 15 for Multiple Occupancy of Rural Lands being repealed late last year.)

Both Cr Roberts and Ms Black defended MOs as offering a worthwhile lifestyle and housing choice.

Cr Roberts said the argument that MOs did not pay their share towards council services through rates was being used as an excuse for removing a valid choice of lifestyle, particularly for people requiring low-cost housing.

"Community titles are a great option but they won't provide low-cost housing in the way that MOs have," Cr Roberts said.

She said caravan parks, dual occupancies and flats were other examples of 'multiple occupancy situations'

where rates (based on land value rather than occupancy) were paid on the one title while no council services were provided in return for rates on vacant land.

"The ratings inequities argument has been thrown in to give credibility to removing a lifestyle choice," Cr Roberts said. "There is no justification for scrapping a low-cost housing option."

Cr Roberts is a member of the Pan Community Council and a resident of an MO at Stoney Chute, 10km west of Nimbin.

She said buying into one rural-residential community title development in the Nimbin area was about three times as expensive as any of the MOs.

Research around Nimbin showed many MOs paid higher rates than the average for rural-residential properties in the area.

Ms Black said the State Government's case for scrapping SEPP15 was based on statistics showing that 80 per cent of MOs were on the North Coast and should therefore be a local council responsibility.

"That is not a valid argument for the State not taking any responsibility whatsoever and the Labor Party has said it would reinstate that planning policy," Ms Black said.

"The Byron Shire Council's proposal is appalling but a good example of why MOs should be regulated at the State Government level and not at the local government level."

Advocate, Wednesday, February 8, 1995.

Advocate, Wednesday, February 8, 1995.

Changes to Byron Shire MO titles

By RICHARD CONRAD

The Byron Shire Council intends scrapping multiple occupancies in favour of community title subdivisions.

The proposed change has been condemned by local multiple occupancy (MO) advocate Peter Hamilton, but welcomed by Mullumbimby solicitor Wroth Wall.

The proposal to repeal MO provisions from the Byron Shire Council's Local Environment Plan (LEP) and replace this with 'Community Title Cluster Development' will come before councillors at next Tuesday's meeting.

The report for the meeting by planning manager Manfred Boldy said the council's experience was that MOs generated the same demand for services and infrastructure as conventional subdivisions, but did not have to conform to the same development standards or contribute in the same manner to the council's rates income.

"Council's aim is not to prohibit MOs, but to formalise the legal title of MOs for rating purposes, ensure development can be economically serviced and ensure that in future, MO-style developments are subjected to the same assessment as traditional subdivisions under council's Residential Development Strategy," Mr Boldy reported.

However, Multiple Occupancy Review Collective spokesman Mr Hamilton yesterday criticised the council for preparing draft amendments to the LEP without consulting shire residents.

"The question is: Where has the motivation to do this come from? The general manager (Max Eastcott), the staff, the Department of Planning, a councillor or councillors or a political party?" Mr Hamilton said.

He said the council report recommending scrapping MOs was 'a straight lift from the National Party'.

Mr Hamilton said the State Government recommended, following the repeal of State Environmental Planning Policy No15 (Multiple Occupancy of Rural Lands), that councils introduce provisions in

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Byron Shire MO changes draw mixed reaction

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their LEPs to permit multiple occupancies.

"Provisions for multiple occupancies are already in Byron's LEP. There is no need to amend it," Mr Hamilton said.

However, Mullumbimby solicitor Wroth Wall — often an outspoken critic of the council — said he had been in favour of replacing multiple occupancies with provisions for clustered community title developments 'for years'.

Mr Wall said community titles overcame complex legal wrangles in which tenants too often found themselves.

Future of local MOs in balance?

The future of Multiple Occupancy will hang in the balance if Council acts on a recommendation by planning manager Manfred Boldy this week. The recommendation is to alter the Shirewide Plan (called the Byron Local Environment Plan) to abolish future multiple occupancies in this Shire. It would be replaced with community title.

Already existing multiple occupancies will continue under their original consent conditions, but will be able to convert to community title if they wish to, and can afford it. If Council accepts the recommendation to prepare the draft LEP then it will go on public exhibition before

going to the Minister for consent. Abolition of MO means no group of people in the future will be able to own land together without taking individual title bits of it. The true 'communities' that blossomed here in the '70s, and have contributed so much in colour, character and background to the Shire, will no longer be allowed to take root. The main reason put forward for the abolition is that MO does not fit into the rating structure as land is rated on its value and MO land is far cheaper than other land. Converting it to community title is likely to triple its value, putting it outside the range of lower income people.

Introduction of community title in rural areas could open the floodgates for rural residential dwellings. Although rezonings will have to be passed which is not the case with MO, the strict rules surrounding MO will not apply.

There has been no debate in the community on this matter and no warning that the planning department was addressing the matter. The State statutory guidelines on MO — SEPP 15 — were abolished last December; however SEPP 15 did not apply to Byron Shire as multiple occupancy provisions were enshrined in Byron's Shirewide Plan.

— NMS

IMPLEMENTING AND PLANNING FOR AN ABORIGINAL PERSPECTIVE

Methods for implementing Aboriginal perspectives

- [1] Aboriginal people - involving Aboriginal people in the development and implementation of school programs, policies and practices. These can include: Aboriginal Education Assistants (A.E.A.s), Aboriginal Teachers, Aboriginal Education Resource Teachers (A.E.R.T.s), Regional Aboriginal Community Liaison Officers (R.A.C.L.O.s), Regional Consultants in Aboriginal Education (R.C.A.E.s), local/regional Aboriginal Education Consultative Groups (A.E.C.G.s), local/regional Lands Councils, local artists/performers, local Aboriginal elders.

- co-operation with the school's Aboriginal Student Support and Parent Awareness Committee (A.S.S.P.A).

- Recommendation 291 from the 'Report of the Royal Commission into Aboriginal Deaths in Custody' states: *"In designing and implementing programs at a local level which incorporate Aboriginal viewpoints on social, cultural and historical matters local schools should, wherever possible, seek the support of and participation of the local Aboriginal community in addition to any other appropriate organisations or groups."*

N.B. Always ensure, whenever possible, that the people with whom you are consulting are local people as consultation with non-local people creates mistaken perceptions of past events and provides cultural information at variance with local realities.

- [2] Aboriginal/Torres Strait Islander Resources - local Aboriginal/Torres Strait Islander resources should be used whenever and wherever possible. Such resources could include: Aboriginal/Torres Strait Islander people, sites, art, music, literature and artefacts, etc..

- any resources used should have the approval of Aboriginal/Torres Strait Islander people, thereby requiring the active involvement of Aboriginal/Torres Strait Islander people for consultation.