

Di. We obtained this copy via perusal of Councils file in Marks case. It'd be interesting to know who wrote this. Can you identify these initials please. ^{John}
PS This opinion is of course, misinformed! JH/PS 28/3

Comments on Proposed Motion

Council has already determined the application by refusal and a notice of determination (refusal) has been issued. It is not legally possible for Council to reverse their decision once a determination has been issued. Alternatives available to Council if it wishes to see the development proceed are to either:

- (a) accept another PA at a reduced or nil fee, readvertise and reconsider the proposal
- (b) advise the applicants to lodge an appeal and then prepare a draft consent ~~for~~ as a means of "conciliating" a resolution of the matter. Once an appeal is lodged Council ~~determines~~ ~~their~~ refusal has no force or effect, and the application is available for ~~a~~ reconsideration ~~under the same~~ within the framework of the powers of the Land & Environment Court

[Signature] JH/PS
28/3/94

TRANSMISSION VERIFICATION REPORT

TIME: 18/12/1994 13:03

NAME: PETER HAMILTON

FAX : 61-66-858648

TEL : 61-66-858648

DATE, TIME	18/12 13:03
FAX NO. /NAME	ROBERTS DI F
DURATION	00:00:44
PAGE(S)	01
RESULT	OK
MODE	STANDARD
	ECM

CITY COUNCIL - MEETING HELD APRIL 5, 1994

CITY OF LISMORE
RESOLUTION
NOTICE OF MOTION

I hereby give notice of my intention to move at the next meeting of the Council the following motion: to rescind:

Motion passed 1/3/94:

[145/94] That the report [DA 93/691] be received and the application be refused.

Ros Ianni
CR. ROS IANNI

Diana Roberts
CR. DIANA ROBERTS

CR
ALDERMAN

Lyn Carson

(Please Print)

LYN CARSON

SIGNATURE

DATE

25/3/94

COMMENT BY:

IN THE LAND AND
ENVIRONMENT COURT
OF NEW SOUTH WALES

THIS DOCUMENT WAS ACCEPTED FOR FILING AT THE COURT HOUSE
LISMORE ON 27.1.94 THE FEE OF \$150.00
WAS PAID AND RECEIPT NO. 517639 ISSUED
BY CLERK OF THE LOCAL COURT

10239 of 1994

MARK ANSON

Applicant(s)

THE COUNCIL OF THE CITY
OF LISMORE

Respondent(s)

APPLICATION

CLASSES 1, 2 and 3
(Part 7, Rule 1(a))

Applicant's address for
Service:

WALTERS
Solicitors
Level 1, 105 Molesworth Street
Lismore NSW 2480
DX 7719 LISMORE

Applicant's Solicitors
Telephone No: (066) 21 8833

Full name of Applicant (whether appellant, objector, claimant or
referring authority)

MARK ANSON

Address 336 The Channon Road, The Channon,
Via Lismore 2480

Occupation Student

Act of Parliament or other instrument under which proceedings are
brought:

Environmental Planning and Assessment Act, 1979.

Situation of subject land: Lot 23 DP773782 known as
336 The Channon Road, The Channon,
Via Lismore.

Decision or other matter appealed against, or objected to, or otherwise
the subject of the proceedings:

Refusal of Development Application No. 93/691 for a multiple
occupancy consisting of ten (10) dwelling units and associated
infrastructure.

Annex copy of the application to, and letter from Council or other
body stating its decision or state why copies cannot be annexed:

Copy Development Application dated 16 November, 1993 and Section
92 Notice of Determination dated 8 March, 1994 annexed.

Date: 22/4/94

(Signed) applicant or
his solicitor or agent

SOLICITOR

A copy of this document
must be served on the
respondent by 9 May 94



Peter.

3.

LISMORE CITY COUNCIL - ORDINARY MEETING HELD AUGUST 2, 1994

- 627/94 Lismore District Bush Fire Management Committee 18/7/94 (Copy attached)
RESOLVED that the minutes be received and adopted including the recommendations contained therein.
(Councillors Roberts/Irwin) (\$/100)

- 628/94 Lismore 2020 Strategic Plan - Broadhectare Study - Real Estate Market Survey
(Copy attached)
RESOLVED that Council receive and note the results of the Real Estate Market Survey.
(Councillors Carson/Larsen) (\$519)

MATTER OF URGENCY:


- 629/94 Attendance at Public Transport Seminar - Brisbane
RESOLVED that this matter be admitted to the business paper as a matter of urgency.
(Councillors Irwin/Larsen)
- 630/94 **RESOLVED** that Councillor Hepburn be authorised to attend a Public Transport Seminar in Brisbane on August 3, 1994.
(Councillors Irwin/Larsen) (\$266)

NOTICE OF RESCISSION MOTION:

The Divisional Manager - Corporate Services advised Council that he had been handed a Notice of Rescission Motion signed by Councillors Baxter, Gallen and Swientek with respect to the resolution of Council on the Selection of Groups to receive \$356 Funding for 1994/95 Financial Year.

The Divisional Manager - Corporate Services advised Council that this rescission motion would be considered at the next ordinary meeting of Council and that in the interim the Council resolution referred to in the rescission motion could not be carried into effect until the rescission motion had been dealt with.

- 631/94 **COMMITTEE-OF-THE-WHOLE:**
RESOLVED that Council now meet in Committee-of-the-Whole to consider the following matters:-
(Councillors Irwin/Wilson)

 Item 1 - Divisional Manager - Planning Services Report - DA93/691 - Multiple Occupancy of Rural Land (10 dwelling sites)
(DA93/691)

Item 2 - Confirmation Special Minutes 25/7/94
(Councillors Irwin/Roberts)

- 632/94 **FURTHER RESOLVED** that the Divisional Manager - Corporate Services be requested to remain in Committee-of-the-Whole.
(Councillors Wilson/Hepburn)

At this juncture (10.43 pm) Councillor Carson left the meeting.

RESUMPTION OF OPEN COUNCIL:

When the Council had resumed its former sitting, the General Manager reported that Council, meeting in Committee-of-the-Whole, had resolved to exclude the press and public during its consideration of the beforementioned matters to preserve the confidentiality of legal and staff matters.

AND IT NOW RECOMMENDED -

In respect of Item 1:

That Council not participate in Land & Environment Court Mediation.

In respect of Item 2:

That the Minutes of the Special Meeting held on 25/7/94 be confirmed.

633/94 **RESOLVED** that the Divisional Manager - Planning Services' report of Council meeting in Committee-of-the-Whole be received and adopted.

(Councillors Larsen/Hepburn)

Voting against: Councillors Roberts and Irwin.

DISSENTING VOTE:

Councillors Roberts and Irwin)

This concluded the business and the meeting terminated at 10.45 pm.

CONFIRMED this day of
at which meeting the signatures herein were subscribed.

1994

.....
GENERAL MANAGER

.....
MAYOR

This is Page No 12 of the Minutes of the Ordinary Meeting of the Lismore City Council held on August 2, 1994.

GENERAL MANAGER

MAYOR

1
AUGUST 2, 1994 MS (B)

CONFIDENTIAL

DIVISIONAL MANAGER-PLANNING SERVICES' REPORT

SUBJECT/FILE NO.: DEVELOPMENT APPLICATION NO. 93/691 - MULTIPLE
OCCUPANCY OF RURAL LAND (10 DWELLING SITES)
(MRS:MR: DA93/691)

PREPARED BY: Development Control Planner - Mr M Scott

REASON: Action taken to-date.

OBJECTIVE: Council's formal endorsement of Court mediation.

CORPORATE PLAN REF: Function: Development Control
Strategy: 2 and 3
Action: N/A

PROGRAMME BUDGET REF: Page: N/A

CONTENT

1. PRECIS

Applicant

Mr Mark Anson, 336 The Channon Road, The Channon

Location

Lot 23 DP 773782, 336 The Channon Road, The Channon.

Proposal

A multiple occupancy of rural land comprising 10 dwelling sites and associated infrastructure.

2. INFORMATION

Council received an information report concerning the above proposal at the Ordinary Meeting of July 5, 1994. This report advised that consultant planners Jim Glazebrook and Associates had been engaged by Council to prepare the planning report for Council to defend the refusal.

Council's Planning Services Division has now received a draft copy of this report and have provided to the consultant a critique and comments on the document. The final report will be supplied separately for the information of Councillors at the August 2, 1994 meeting.

As reported to Council July 5, 1994, it is now proposed to make request to the applicant and Court to instigate Court mediation of the matter.

In order to establish a position in the mediation process it is the opinion of the Planning Services Division that Council should indicate the number of dwelling sites it is prepared to support in respect of the application.

LISMORE CITY COUNCIL - MEETING HELD AUGUST 2, 1994**DIVISIONAL MANAGER-PLANNING SERVICES' REPORT - DA93/691**

- 2 -

Council will recall the application was originally for ten (10) dwelling sites. It is considered reasonable and appropriate given the form of the original application (see appendix 1 - site plan) that Council indicate a willingness to support seven (7) dwelling sites, a density which is preferred within Development Control Plan No. 20 for a dispersed form of multiple occupancy and which should be more acceptable to those that lodged objections.

It is likely that the applicant will provide most of the information which Council's Consultant identified as being needed to properly assess the application. Council's DCP should encourage the Court to look favourably at a reduction in the number of sites. Court mediation, if successful (assuming Council will accept seven (7) rather than ten (10) sites), would avoid a Court Hearing and associated costs.

FINANCIAL SECTION N/A**OTHER DEPARTMENT COMMENTS**

The views of other Departments of Council were not sought in respect of this report.

Declaration:

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

RECOMMENDATION (DIAN ZOLA)

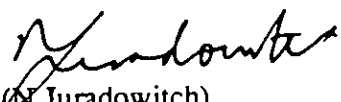
That Council formally resolve to support Court mediation of the application and that it indicate a willingness to agree to the approval of a maximum of seven (7) dwelling sites for Development Application No. 93/691.


 (MR Scott)

DEVELOPMENT CONTROL
PLANNER


 (J Hampton)

MANAGER-DEVELOPMENT
CONTROL


 (M Juradowitch)

DIVISIONAL MANAGER-
PLANNING SERVICES

'A' SECTION

DIVISIONAL MANAGER-PLANNING SERVICES' REPORT

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OCCUPANCY OF RURAL LAND (10 DWELLING SITES)
(MRS:MR: DA93/691)

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REASON: Action taken to-date.

OBJECTIVE: Council's formal endorsement of Court mediation.

CORPORATE PLAN REF: Function: Development Control
Strategy: 2 and 3
Action: N/A

PROGRAMME BUDGET REF: Page: N/A .

CONTENT

Information

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Council's Planning Services Division has now received a draft copy of this report and have provided to the consultant a critique and comments on the document. The final report will be supplied separately for the information of Councillors.

As this matter is subject to an appeal to the Land and Environment Court the report is included in the "Confidential" section of the Business Paper.

Declaration:


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

RECOMMENDATION (PLAN129)


RECOMMENDATION

The report be considered by Council in Committee-of-the-whole without the Press and public.

ADOPTED


(MR Scott)

DEVELOPMENT CONTROL
PLANNER


(J Hampton)

MANAGER-DEVELOPMENT
CONTROL


(N Juradowitch)

DIVISIONAL MANAGER-
PLANNING SERVICES

10-239/94

EXHIBIT

A

Coram

BIGNOLD

Anson

v.

Lismore C.

Return to

Ther A Amended P

pa35a

Associate

JR

10239 M4

EXHIBIT

C

Coram **BIGNOLD J.**

Anson v. Lismore C.

Return to

100 S 94 CMP - Exctod
Port E Rival Road

Associate

JR

10239/94

EXHIBIT

D

Coram

BIGNOLD J.

Anson v. Lisimore C.

Return to

ABS CD Areas

around the Chamber.

Associate

JR.

10230 *94*
EXHIBIT

E

BIGNOLD J

Coram

Anson v. Lismore C.

Return to

Norris Report

'Hemmer, Closet'

Associate

JR.

10239/94
EXHIBIT

F

Coram **BIGNOLD J.**

Anson v. Lismore C.

Return to 897 Napier 97 Amended

3-2-94 (with & without forest-
overlay / Village Cluster)

Ditto 97a (Forest Cluster)

p235A Superseded.

All ~ e' (effluent area near road)

Associate

JR.

Graham.

S. 9(BA) 1993. Tape 82 A.
186-212

Cross Ref. Release 71

A Condition ^{of} may defer to Council
staff. provided not severable

& is strictly "ancillary".

see. Jungar v. Ewabadalla.
& comment to S. 9(3AB)

Scunior

Scunior
1988

- 0145 Family self help housing
- 0 John Maxwell up + ALP network
- 0 { - Jennell Saffrin (upper house)
- 0 { - Sandra Wiles Nargie MP ALP friend of Leun

Geoff Graham LL

19-10-94

Penman in India
25 Nov - 23 Jan

5/8/74

Mark has agreed to Grohans
proposal of
\$500 to him + casts
+ \$500 to Ben Cow
with time to pay 3-6 mths.

MARK

Mark.

lec^u "Humus Closet Report"
Mark Norris

At Counter \$20 3 copies?

He will arrange to borrow
Di copy & photocopy

Marks' Appeal

John Fenton
Count
Recorded.

Exhibits.

Part only.

Tipstaff says others will
stay on Hunt-fil. I
do not believe this!