

FREDERICK JORDAN CHAMBERS

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18 October 1994

Mr Graham Irvine
Fax (066) 891 109

Dear Mr Irvine,

ANSON V LISMORE CITY COUNCIL

Land & Environment Court - 10239 of 1994

At the request of Geoff Graham of Counsel, I appeared on behalf of applicant, Mr Anson at the Directions Hearing in the Land & Environment Court before Justice Bignold on 18 October 1994. Mr Newport of Counsel appeared for the respondent.

The following directions were given:

1. Within 14 days, the Council is to file and serve a refined statement of issues.
2. Any request for particulars by the applicant to be given within 7 days after service of the said statement of issues.
3. The usual practice and procedure applies in relation to expert reports.
4. Leave is given to apply to Justice Bignold in Chambers after the exchange of expert reports to make final arrangements as to where the hearing will take place (ie. partly in Ballina and partly in Sydney).
5. Leave is granted for either party to restore the matter to the list with 5 days notice.

Statement of Issues

I advised the Court that the Statement of Issues filed and served by the Council was generally not agreed to. I was not able to advise the Court of any detail (no statement of issues from applicant on the brief). The Court took the view that the Council's statement was too broad, merely reflecting the reasons for refusal and made the order no.1 above. There was no similar order for the applicant to file statement of issues, but you should confer with Mr Graham as to procedure on this point.

Documents sought

As I advised you by phone, the documents you faxed were never received by me, and to my knowledge have still not been received. Thus, in relation to your letter of 12.9.94 to Bondfield Riley requesting documents, I was not able to inform the Court as to exactly what documents were sought. Mr Newport was not briefed with a copy of the letter either.

A request for copies of expert reports from the Council to be provided prior to 14 days before the hearing, can be no more than that if the respondent refuses to supply them earlier than required - which I understand may be the case here. It may be that you will need to put on a Notice to Produce or subpoena - Mr Graham will no doubt advise you as to whether this is required.

The Court's orders nos. 2 & 3 have been made with this discussion in mind.

Witnesses, time and place

Mr Newport confirmed that Council would be calling 4 expert witnesses as indicated in their letter of 12 September 1994, as well as a representative group of resident objectors (3 to 5 persons).

I advised that 4 witnesses would be called for the applicant: Mr Doolan (town planner), Mr Lyons (geotechnical engineer), the applicant and one other person to be advised.

There was discussion as to the need for a view of the proposed development site, a suggestion which Mr Newport endorsed and the judge seemed in agreement with. I estimated the view would take half a day.

As you know the matter has been listed for 4 days in Ballina Court House from 12 to 15 December 1994. Mr Newport suggested the case may go only 3 days, but the 4 days remain the official estimate.

There was some discussion as to whether, after the "local" evidence had been taken, the matter might conclude with submissions in Sydney. I indicated a preference for the matter to remain in the local area, particularly in relation to evidence from local witnesses. Mr Newport indicated his preference to return to Sydney for final submissions etc. As I said on the phone, this issue has not yet been decided, hence the direction no.4. You should speak to Mr Graham about your concern that the hearing not leave the local area due to additional costs to the applicant etc.

The judge suggested a telephone hook-up between himself and Counsel within the 14 day period after statements have been served to finalise arrangements, but it could of course be done in Chambers or in Court.

FREDERICK JORDAN CHAMBERS

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FACSIMILE TRANSMISSION

DATE: 19/10/94

TIME: 12.55

TO: Graham Irvine

ATTENTION:

FAX NO: (066) 891 09

FROM: Ms A Healey

4 pages being transmitted (including this page).

MESSAGE:

As attached

The information contained in this facsimile is intended for the named recipient only and may be the subject of legal and/or other privilege. You are not authorised to copy, distribute or take any action in reliance on it. If you have received this facsimile in error, please notify me and destroy the original.

"Moondani",
Falls road,
Nimbin, 2480

Phone 066 891666
FAX 066 858648

7.12.94

Registrar,
Land and Environment Court,
P.O. Box 3565,
SYDNEY 2001

Dear Sir,

Re: ANSON v LISMORE CITY COUNCIL 10239 of 1994

We find that we may have inadvertently omitted to
include:-

1. Page 97a "Forest Cluster", Document "E", in
our file in the above matter, and,
2. Additional page 235A being Illustration A,
Amended (house sites) Plan, "Forest Cluster"
dated November 1994.

Please find enclosed herewith copies of these pages
for insertion at the appropriate locations.

Thanking you.

Yours faithfully,

.....

Graham Irvine

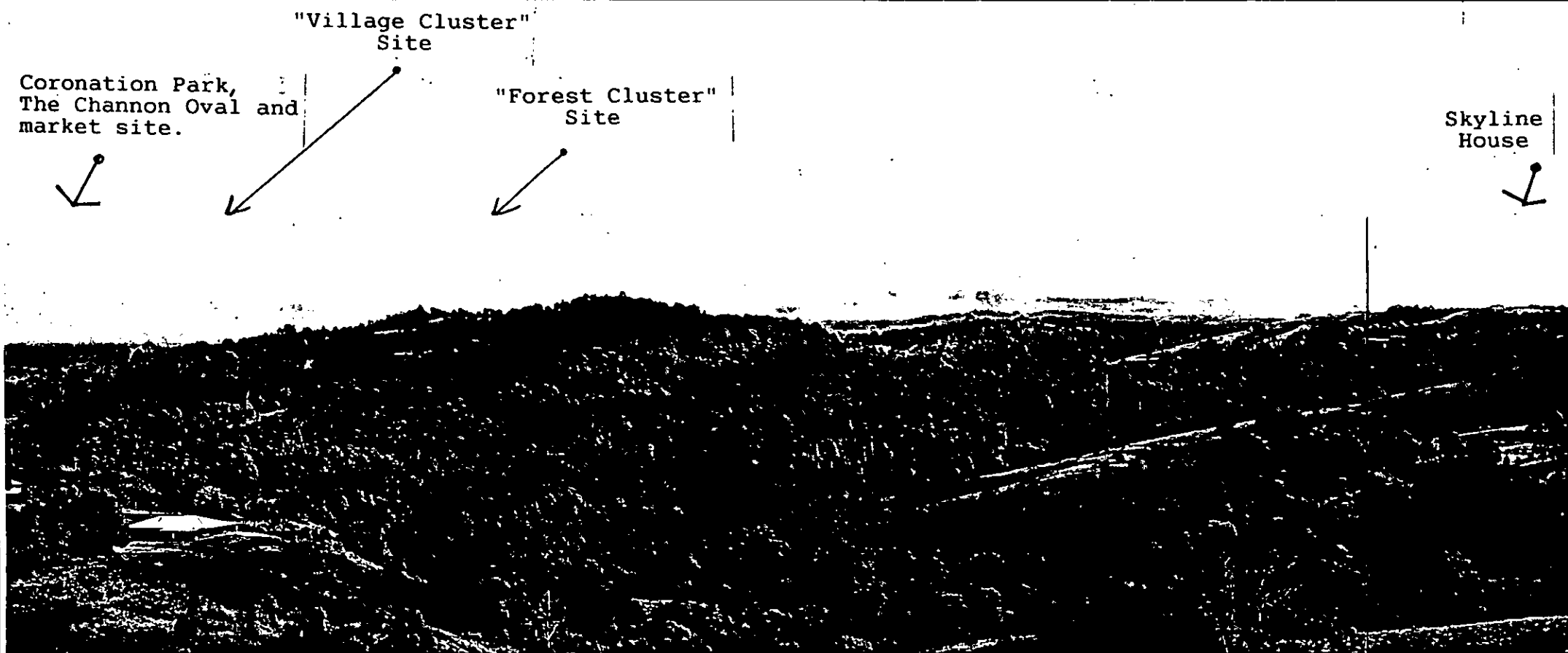


PHOTO 1.

Panorama view of the rural landscape from the corner of The Channon Road and Currie Road looking north.

The Channon Village is to the left of this view, and Dunoon Village is to the right.

The house in the foreground on the left is owned by Mr. and Mrs. Amor. They are objectors to the proposed development.

Note the typical forest cover in the landscape and the seclusion of the two residential clusters of the proposed development.

Note also that the proposed development will not break the skyline as is the case with the building on the right hand side of the view.

"Moondani",
Falls road,
Nimbin, 2480

Phone 066 891666
FAX 066 858648

7.12.94

Bondfield Riley,
P.O. Box 165,
LISMORE, 2480

Attention: Mathew Riley

Dear Mathew,

Re: ANSON v LISMORE CITY COUNCIL 10239 of 1994

We find that we may have inadvertently omitted to
include:-

1. Page 97a "Forest Cluster", Document "E", in
our file in the above matter, and,
2. Additional page 235A being Illustration A,
Amended (house sites) Plan, "Forest Cluster"
dated November 1994.

Please find enclosed herewith copies of these pages
for insertion at the appropriate locations.

Thanking you.

Yours sincerely,

.....
Graham Irvine



PHOTO 4.
The bus terminal area at The Channon
Primary School.

The Bushfire Brigade building is on the
left hand side.



PHOTO 5.
Standing Street looking east towards the
gate at the end of the dedicated road.

Note the width and formation of the road.
This section of the road is not used by
the school bus.