

The General Manager/Manager Division
of Planning Services/Councillors
Lismore City Council
45 Oliver Ave., Goonellabah N.S.W. 2480

Jonathan and Theana
and Others of the Jiggi Property
P.O. Box 1029, Lismore N.S.W. 2480
Ph. (066) 880 176
22. 3.94

Dear Paul/Nick/Councillors,

In phone conversations with Kieren Byrne and Trevor Jones, the Consulting Engineers providing additional information required by you in your letter of 8th Feb. 1994, we are informed that they may be able to provide their Reports by 8.4.94, in time for the Council Meeting on 19.4.94.

We have had tentative quotes of some \$3,000 for the work. The Reports are intended to be detailed and thorough in order to offset the emotional, presumptive "hypes" that are occurring in many quarters dealing with this Development Application.

There may be some delay because of this extra impost of costs. We are relying on the collection of outstanding Annual Share Holders' Rates to meet these costs. Some of the share holders are Interstate and incommunicado. We are of course, hastening to resolve all issues as quickly as possible.

We point out that the sale of two Common Shares is planned to provide the Development Budget after D.A. Consent. We are relying on Consent for the maximum permissible 16 dwellings under State Environmental Planning Policy 15 Cl. 9. Any reduction in the number of dwelling sites creates a potential Budget loss of up to \$20,000 per site, and thus the Development Budget is depleted or deficiated if the number is reduced to 14 or less.

All notions that there is any "land speculation" or "DEVELOPER" windfalls occurring in the Development are false and irrational. Fourteen adults, comprising 12 share holders, being proprietors over 16 shares (two of which are Common, and have been for sale since before Settlement on 22.9.92), bought this property co-operatively. Jonathan and Theana co-ordinated and facilitated this process, bringing about the Settlement and Registration of 12 Tenants in Common on Title, plus undertaking the whole D.A. process over this now 18 months period. This has taken them about 3,000 hours to this date. We know that this issue is beyond the scope of the processing of the D.A. However we also know that it has been introduced as an emotive issue to the Councillors in an attempt to prejudice their decision against this D.A. We ask that this information be conveyed to them by way of a statement in your Report in the Introduction as to how this property was collectively bought by 14 adults, rather than "...speculatively sold by 2 developers...". This quotation is a condensation of attitudes that ignorantly abound.

We ask that you extend another invitation to the eight Councillors who have as yet to inspect the subject property. We engaged in a large expense to make the invitation clear to the Councillors - by way of Certified Mail - the eight who have ignored the invitation may be at risk of failing to carry out their responsibilities with complete integrity in a highly charged issue such as this D.A. Any claim to "know that property" is hollow in the light of the current and proposed developments. It can only be known by a direct inspection under the Planners' or our guidance.

Any Councillor who votes on this D.A. without first inspecting the Proposed Development may be Individually at risk of litigation by Objectors or Applicants for what could be deemed irresponsible decision-making. We simply ask that all Councillors inspect the property and see for themselves the feasibility and responsibility of this Proposal.

The over-all cost to us of this D.A. is now in the region of \$66,000. For people on a "low incomes.....low cost buildings" [S.E.P.P. 15 Cl. 2. (b) (iii)] approach to rural settlement, this is disproportionate. The whole property cost \$88,000. So far our investment is around \$150,000 plus thousands of hours in time in preparing the D.A. and planting 3,000 screening trees on the property. In the event of a court action taken by us we intend to seek Legal Counsel as to how we can bring about -

1. Determination for 16 dwellings in the light of the irrefutable evidence provided by way of several expensive and thorough Reports;
2. Variation of several "standard" Conditions of Consent;
3. Individual litigation against any Councillor refusing Consent who has either failed to inspect the Proposed Development with our guidance or that of their Planners, or fails to provide clear and adequate reasons for that Refusal;
4. A Declaration of Council's inadequacy/unwillingness to properly handle this matter;
5. An award for costs, compensation and damages incurred by the excessive delay and costly demands for additional information - we have D.A. 92/653 for "Adana" as a standard which was passed by Council 6 weeks before the first Jiggi D.A. 93/112 was submitted. We also have a (so far) 43 page Rebuttal to the Planner's Report for D.A. 93/112 which is damning evidence of unprofessional bias by both a member of staff and most Councillors in Refusing rather than Deferring this D.A. last June 15th.
6. An Ombudsman's Investigation into the way in which this Development Process has been handled from 3.3.93 until now - including (1) the perceived inefficiency incurred by changing the Processing from M. Scott to H. Johnson and currently back to M. Scott, (2) the leakage of confidential information to the Objectors from the Applicants' correspondence to the Council in late December 1993, (3) the inclusion in Council Business Papers of large tracts of Objectors' materials and the corresponding exclusion, even dismissal, of Applicants' materials rebutting issues raised by Objectors in both D.A. 93/112 and D.A. 93/764.

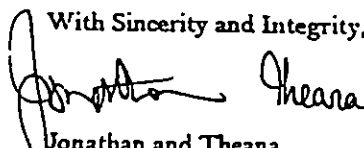
We inform Council of some 4 Submissions from the Public supporting this D.A. of which we are aware (c.f. 2, as stated in the Business Papers, 15.2.94).

We are sending copies of this letter and enclosed statements to all Councillors for their information.

We plan to confirm in writing when we are able to supply the additional information sought by Council re: Geotechnical data and Soil Hydraulics data.

We inform Council that we are consolidating Sites 2 & 3 into one site, numbered 2, and relocating Site 3 to a place midway between Sites 14 & 15 on the plateau. An Amended Site Plan is being provided with the two additional Reports. This is being done to reduce the possible visual impact of the lower basin to the surrounding area. The issue of stability of the remaining 3 sites is being thoroughly addressed in the pending Reports. Bore Logs drilling to a depth of 5 metres are being provided. Several settling ponds are planned to deal with effluent disposal for a large number of the sites.

With Sincerity and Integrity,


Jonathan and Theana
for all Share Holders.

MAYORAL MINUTE

SUBJECT/FILE NO.: *✓N* DEVELOPMENT APPLICATION NO. 93/754 - MULTIPLE OCCUPANCY, 16 DWELLING SITES, 136 DAVIS ROAD, JIGGI (DA93/754)

REASON: To advise Council that:

- ✓✓✓ Sir*
1. The applicant has requested that Council defer consideration of the application.
 2. The applicant has supplied additional geotechnical information.

CONTENT

Information:

Council received this day a request by Jonathan for the applicants for Council to defer consideration of the Development Application No. 93/754. Jonathan expressed strong dissatisfaction with the objectivity of the Planning Report as submitted to the Council at the meeting of April 19, 1994.

It is claimed that the report fails to:

- acknowledge the geotechnical assessment provided in the DA and geotechnical consultants rebuttal of the Coffey Report (9/2/94);
 - recognise screen planting provided on the property;
 - acknowledgement of areas mapped as "protected lands";
 - list all letters of support;
 - supply copy of the submission by Mr K Newton, Government Departments and the second Coffey Report received by Council for the Jiggi residents.;
 - acknowledge information supplied on NRE and Telecom services;
 - adequately acknowledge various reports submitted in the DA, eg dairy, water, management, erosion control, scenic and rural amenity, geotechnical, fire management, agricultural land use and waste management reports.
2. The letter rebuts most of the reasons for refusal of the DA and suggests that every issue raised as an objection or of concern can be dismissed as untrue or rebutted as predictive or presumptive or answered by making concessions or adjustments in the DA and supply of additional information.
 3. Jonathan has also expressed an opinion that the Court will support the application if four dwelling sites are deleted. It was suggested this may placate some objections and satisfy staff and Councillors. An amended application would however have to be submitted to Council.
 4. Council also received today additional information from Jonathan's Consultants to address Council concerns regarding dwelling site stability and waste water management.

COMMENTS:

1. The following information has been supplied to the applicant:

This is page _____ of the Business Paper comprising portion of minutes of an Ordinary Meeting of the Lismore City Council held on April 19, 1994.

GENERAL MANAGER

MAYOR

LISMORE CITY COUNCIL - MEETING HELD APRIL 19, 1994

MAYORAL MINUTE - MULTIPLE OCCUPANCY DA93/754

- 2 -

- a) A copy of submission no. 31 prepared by Mr K Newton. This submission was not summarised within the report because of its length and comprehensive nature, but was separately supplied to Councillors.
- b) A copy of submissions from Government Departments-
2. Coffey Partners International have requested that a copy of the report prepared for the Jiggi residents be not supplied to the applicant.
3. The geotechnical reports provided with the DA were adequately considered by Council staff both in the context of site inspections, professional experience and information provided by a reputable international geotechnical consultancy.
4. The various reports, eg dairy, landscaping/erosion control reports were also considered in the preparation of the planning report.
5. The Environmental Health and Building Services Division have, in relation to the additional information, advised the following:

"It is considered that the information submitted with the Development Application is deficient in several aspects and to such a degree that an informed decision can not be made on the application. Additional information is required on the following:

1. The report of Trevor A Jones and Associates proposes disposal of the greywater effluent into two large transpiration beds. A maximum figure of 300mm per month is quoted as supportive of this method of disposal, however information available to Council indicates a maximum monthly evaporation rate of 188mm. The report does not address how the transpiration area has been calculated, ie transpiration area to effluent flow of litres per day from the dwellings. Nor does it adequately address how the excess effluent will be disposed of during the winter minimum average evaporation rate of 80mm. It would also appear necessary to identify where the transpiration areas are to be located, as the concentration of two large effluent disposal areas in relatively unstable country is critical. The NSW Health Department in a letter of May 26, 1993, indicated that transpiration beds were not considered a viable effluent disposal method and this view is supported by this Department, although it is considered that an alternative disposal system, such as storage and irrigation could be designed for the site, given the area available.
2. There is an inconsistency between the report of the Geotechnical Engineer, who refers to the suitability of the site for 'pole construction' and that the Consulting Structural Engineer who refers to 'normal building foundations with 1m deep piers to the underlying rock' as being suitable. This difference needs to be resolved.
3. There is an emphasis on the water supply which will be available from the dams to be constructed, however the practicality of constructing such dams is open to question. An adequate water supply for dwelling usage could be addressed by the provision of 45,000 litre water tanks to each dwelling.

The above matters could normally be addressed in an 'in principal' approval, if they were the only matters outstanding, however, it is understood that there are additional matters which need to be addressed to the satisfaction of other Departments."

LISMORE CITY COUNCIL - MEETING HELD APRIL 19, 1994

MAYORAL MINUTE - MULTIPLE OCCUPANCY DA93/754

- 3 -

CONCLUSION

Council's staff have attempted to process this application as effectively and efficiently as possible. This process has been somewhat delayed by the applicants not supplying additional information within reasonable time frames to satisfactorily address either issues of concern or objection, eg water supply, geologic stability or waste water management.

Had the issues of supply of water, means of effluent disposal and stability of dwelling sites, access and dams been satisfactorily resolved the Planning Services Division would have more favourably considered the proposal. Clearly it is unlikely that an applicant will be satisfied with any planning report which recommends refusal of his/her application.

The additional information received this day does little in overcoming concerns as expressed within the Council report and the proposed refusal should therefore be endorsed. Whilst the applicants statement that a reduced number of sites may be favourably considered by the Courts, is not disputed, Council cannot consider any alternative proposal in the light of information supplied within the application. It is open for the applicant to submit an amended application for a reduced number of sites. Should Council wish to facilitate this course of action, it will be necessary for the Council to defer determination of the application as currently submitted for a period of 21 days and invite the applicant to submit an amended application for fewer sites, including all information necessary to assess the proposal. —

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 (PLAN67)

That Council adopt the recommendation contained in the Business Paper contained at pages 86-87 and refuse the application with a additional reason for refusal being that the development does not comply with Clause 2(c)(ii) of SEPP #15 as relates to issue of separate title and subdivision.


(JF Crowther)
MAYOR

title

C/SW



BONDFIELD RILEY

JACK RILEY
DAVID M. RILEY
MATTHEW J. RILEY

SOLICITORS & NOTARY

15 MOLESWORTH STREET,
LISMORE, N.S.W. 2480

ADAM D. RILEY
MELINDA L. CLARK
MR:GM

P.O. BOX 165, LISMORE, 2480
FACSIMILE (066) 21 9059
DX 7712 LISMORE

TELEPHONE (066) 21 9000

OUR REF.

HAJ:MG:DA-93/754

YOUR REF.

19 April, 1994

URGENT

The General Manager,
Lismore City Council,
DX 7761 LISMORE

Dear Sir,

RE: MULTIPLE OCCUPANCY LOCATED ON DAVIS ROAD, JIGGI - D/A 93/754

We refer to your letter of instruction dated 31st ultimo. Counsel has advised that the answer to the following question:

Is the issue of separate titles to the property known as Lot 41 in DP802597 in contravention of the provisions of SEPP15

is strictly No.

Counsel however believes that the fact that the proprietors can apply for the issue of separate titles in the manner indicated would be a reason to refuse the present development application on the basis that the issue of the separate titles and a subsequent agreement by the proprietors to allocate rights to specific areas of land may create a subdivision thereby breaching the provisions of the SEPP.

Counsel has indicated that this area of law is largely untested.

For your information we enclose a copy of Section 100(2) and (3) of the Real Property Act which indicates that the Registrar General has the right and obligation to issue separate titles to tenants in common if so requested and the appropriate fee is paid.

Please advise if further clarification is required of any matter relating to this matter.

Council might also advise if any reference has been made in the application to an internal agreement?

Yours faithfully,
BONDFIELD RILEY
Per: /

26 JULY 1994

CERTIFICATE OF TITLE

NEW SOUTH WALES

REAL PROPERTY ACT, 1900

TORRENS TITLE
Register

8647 87

Vol. 8647 Fol. 87

EDITION ISSUED

23 JUN 1994



I certify that the person named in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set out below) in the land described subject to the recordings appearing in the Second Schedule and to the provisions of the Real Property Act, 1900.

K. Mettle

Registrar General



First Title

Vol.1459 Fol.66

Vol.1459 Fol.183

Vol.1584 Fol.06

Prior Title

Vol.8645 Fol.173

LAND REFERRED TO

14/16th in Lot 41 in DP802597 at Coffee Camp and Jiggi in the City of Lismore Parish of Nimbin County of Rous

Title Diagram: DP802597

FIRST SCHEDULE

PETER ROBERT WISDOM, GUNTHER PLESS, ALAN DOOHAN, ANTHONY MASON DICK, KYLIE ANN HAEUSLER, TANYA LEE HAEUSLER, CHRISTOPHER ALLEN STEEL EACH IN 1/16TH SHARE, AND JONATHAN IN 3/16TH SHARE, THEANA IN 2/16TH SHARE AND JONATHAN AND THEANA AS JOINT TENANTS IN 1/16TH SHATE AND THOMAS DOOHAN AND MARY PAMELA DOOHAN AS JOINT TENANTS IN 1/16TH SHARE AS TENANTS IN COMMON

SECOND SCHEDULE

1. Land excludes minerals and is subject to reservations and conditions in favour of the Crown - See Crown Grant
2. Land excludes the road(s) shown in the title diagram
3. I12162 Mortgage to Jonathon & Theana as regards the share of Kylie Ann Haeusler
4. I12163 Mortgage to Jonathon & Theana as regards the share of Tanya Lee Haeusler

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON (Page 1) Vol. 8647 Fol. 87

5.7.1994

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

00021

WS:IDW04 OPR:OP2

BOX# B37 , DLG# I369944 , TCKT# I84478

RP16

I
369944 CAPPLICATION FOR NEW
CERTIFICATE OF TITLEREAL PROPERTY ACT, 1900
(See Instructions for Completion on back of form)

NC

\$

D

DESCRIPTION
OF LAND
Note (a)

Torrens Title Reference

If Residue Only, Delete Whole and Give Details

WHOLE

FOLIO IDENTIFIER 41/802597

APPLICANT
Note (b)

VYVYAN PHILIP STOTT, being a proprietor as to a one-sixteenth (1/16th) share

OFFICE USE ONLY

N

Notes (c) and (l)

(the abovenamed APPLICANT) is the registered proprietor of the land above described and hereby applies for the issue of a new Certificate of Title for the said land. The name, address and occupation or description of the registered proprietor is now

PRESENT NAME
AND
PARTICULARS
OF REGISTERED
PROPRIETOR
Note (d)

See annexure hereto.

OFFICE USE ONLY

as joint tenants/tenants in common

OFFICE USE ONLY

Note (e)

The Applicant requests the issue of a new
Certificate of Title for his undivided
one-sixteenth (1/16th) share.

SPECIAL DIRECTIONS

DATE OF APPLICATION 28 - 4 - 1993

EXECUTION
Note (f)

Signed in my presence by the applicant who is personally known to me.

Signature of Witness

CARL F. SPENCE
SOLICITOR LISMORE

Name of Witness (BLOCK LETTERS)

Address and occupation of Witness

Signature of Applicant

TO BE COMPLETED
BY LODGING PARTY
Notes (g) and (h)

LODGED BY

V. J. RALPH & CO
LEVEL 19, M.L.C. CENTRE
MARTIN PLACE, SYDNEY
DX 347 SYDNEY
FAX: 233 8645 PH: 233 8088
TRW

Delivery Box Number

CT / OTHER

LOCATION OF DOCUMENTS

Herewith.

In R.G.O. with

Produced by

OFFICE USE ONLY

Extra Fee

Checked
by

New certificate of title issued

Note (1)

We, Jonathan and Theana	
being the mortgagee of mortgage No. <u>I 12164</u> consent to this application.	
Signed in my presence by the mortgagee who is personally known to me	
<u>DEBRA GRUSZKA</u>	<u>Jonathan Theana</u>
Name of Witness (BLOCK LETTERS)	Signature of Mortgagee
<u>Sel: law - hismane</u>	
Address and occupation of Witness	

INSTRUCTIONS FOR COMPLETION

- Where the issue of a new certificate of title effects a subdivision a deposited plan should be lodged, bearing where necessary, evidence of council's approval.
- Public roads and other lands no longer owned by the proprietor should be excluded from the application.
- Where consolidation of the lands in two or more certificates of title is requested evidence will be required as to the use to which the consolidated parcel is to be put together with an assurance that the consolidation will not be broken in the foreseeable future. In certain cases a deposited plan illustrating the parcel as a single lot will be required.
- Typewriting and handwriting should be clear, legible and in permanent black non-copying ink.
- Alterations are not to be made by erasure; the words rejected are to be ruled through and initialed by the applicant.
- If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margins as this form should be used. Each additional sheet must be identified as an annexure and signed by the applicant and the attesting witness.
- The following instructions relate to the side notes on the form.
- (a) Description of land.
 - (i) TORRENTS TITLE REFERENCE.—Insert the current Volume and Folio of the Certificate of Title/Crown Grant for the land subject of the application, e.g., Vol. 8514 Fol. 126.
 - (ii) WHOLE/RESIDUE.—If a new Certificate of Title is required for the residue of the land in a folio of the Register the word "WHOLE" should be deleted, and a precise definition of the residue of the land furnished, e.g., Residue after Transfer A108100 being Lots 4, 5, 6 DP300001.
 - (b) Show the full name, address and occupation or description of the registered proprietors as presently shown on the folio of the Register.
 - (c) If consolidation is desired the word "consolidated" should be inserted before "Certificate of Title".
 - (d) Show the full name, current address and occupation or description of the registered proprietor. If more than one proprietor state whether they hold as "joint tenants" or "tenants in common", and, if the proprietors hold as tenants in common, state the shares in which they hold. If the present name of the registered proprietor differs from that shown on the folio of the Register an Application to Record Change of Name (Form RP 33) should be lodged with this application.
 - (e) If any special directions are to be followed in the preparation of the new certificates of title such directions may be given here; e.g., where two certificates are to issue the direction might read "one certificate for Lots 2 and 3, one certificate for Lot 4".
 - (f) Execution.

GENERALLY (i) Should there be insufficient space for the execution of this application, use an annexure sheet.

(ii) The application must be signed by the applicant or the mortgagee, who should execute the dealing in the presence of an adult witness to whom he is personally known. The solicitor for the applicant may sign the certificate on behalf of the applicant, the solicitor's name (not that of his firm) to be typewritten or printed adjacent to his signature. Any person falsely or negligently certifying is liable to the penalties provided by section 117 of the Real Property Act, 1900.

ATTORNEY (iii) If the application is executed by an attorney for the applicant pursuant to a registered power of attorney, the form of attestation must set out the full name of the attorney, and the form of execution must indicate the source of his authority, e.g., "AB by his attorney (or receiver or delegate, as the case may be) XY pursuant to power of attorney registered Book No. and I declare that I have no notice of the revocation of the said power of attorney".

AUTHORITY (iv) If the application is executed pursuant to an authority (other than specified in (iii)) the form of execution must indicate the statutory, judicial or other authority pursuant to which the application has been executed.

CORPORATION (v) If the application is executed by a corporation under seal, the form of execution should include a statement that the seal has been properly affixed, e.g., in accordance with the Articles of Association of the corporation. Each person attesting the affixing of the seal must state his position (e.g., director, secretary) in the corporation.
- (g) Insert the name, postal address, Document Exchange reference, telephone number and delivery box number of the lodging party.
 - (h) The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabouts of the Certificate of Title. List, in an abbreviated form, other documents lodged, e.g., stat. dec. for statutory declaration.
 - (i) Where the land is subject to a mortgage, the consent of the mortgagee is required in an application for consolidation and the form of consent hereon should be completed.

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DIRECTION: PROP					
No. OF NAMES:					
FIRST SCHEDULE DIRECTIONS					
(A) FOLIO IDENTIFIER	(B) No	(C) SHARE	(D) I	(E)	NAME AND DESCRIPTION
SECOND SCHEDULE AND OTHER DIRECTIONS					
(F) FOLIO IDENTIFIER (OR REGD. DEALING & FOLIO IDENTIFIER)	(G) DIRECTION	(H) NOTFN TYPE	(I)	(J) DEALING NUMBER	(K) DETAILS

NEW ROADS AND SUBDIVISION

LOCAL GOVERNMENT ACT 1919

PART XII—SUBDIVISION REGULATION

[Editor's Note—Subdivision Controls: Although the *Local Government (Consequential Provisions) Act 1993* repeals the *Local Government Act 1919*, as from 1 July 1993, it specifically preserves, inter alia, Part 12—Subdivision Regulation (see s 3 and Sch 2). As Sch 7 of the *Local Government Act 1993* adopts Ordinance No 32—Town Planning, the regulation of subdivision and new roads has not been transferred to the *Environmental Planning and Assessment Act 1979*, but remains divided between the *Local Government Act 1919* and the *Local Government Act 1993*.]

Interpretation

Definitions—Extracted from s 4 of the *Local Government Act 1919*.

“Subdivision”, “subdivide”, and similar expressions mean and refer to dividing land into parts, whether the dividing is—

- (a) by sale conveyance transfer or partition; or
- (b) by any agreement dealing or instrument inter vivos (other than a lease for a period that, including any period for which the lease could be renewed by the exercise of an option, does not exceed 5 years) rendering different parts thereof immediately available for separate occupation or disposition; or
- (c) by procuring the creation of a folio of the Registrar kept under the *Real Property Act 1900*, in respect of a part of the land; but do not include—
 - (a) any division of land by following the boundaries of lots or portions in a Crown plan; or
 - (b) any severance of land by the opening of a public road; or
 - (c) any division of land upon disposal by the Crown made either before or after the commencement of this Act; or
 - (d) any division of land in accordance with the boundaries of lots in any subdivision lawfully made either before or after the commencement of this Act.

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MASTER

NEW ROADS AND SUBDIVISION

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** CONFIRMATION REPORT **

TRANSMISSION

TRANSACTION(S) COMPLETED

NO.	DATE/TIME	DESTINATION	DURATION PGS	STATUS	MODE
104	MAY. 5 14:38	NANA GLEN PS	0' 01' 35" 002	OK	N ECM

NEW ROADS AND SUBDIVISION

LOCAL GOVERNMENT ACT 1919

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 - (c) any division of land upon disposal by the Crown made either before or after the commencement of this Act; or
 - (d) any division of land in accordance with the boundaries of lots in any subdivision lawfully made either before or after the commencement of this Act.

CHS ATHLETICS TRAVEL ITINERARY

BUS 1

Depart for Sydney Tuesday, 6th September 1994

		Forward	Return
Tweed River High School		8.30pm	6.15am
Kingscliff - Jenner's Corner		8.40pm	6.05am
Murwillumbah - Railway Station		9.00pm	5.45am
Mullumbimby - Uncle Tom's		9.40pm	5.05am
Byron Bay - Railway Station		10.00pm	4.45am
Maclean - Post Office		11.30pm	3.15am
South Grafton - Mobil Service Station	Wednesday 7/9	12.15am	Sunday 11/9 2.30am
Kempsey - Mobil All Night Service Station		2.45am	11.45pm
Port Macquarie RSL Club		3.30am	11.00pm
Central Station (Eddy Avenue)		10.30am	
Hurstville Station (Southern Side)		11.30am	
Sutherland Station (Western Side)		12.15pm	
Sydney International Athletic Centre	Saturday 11/9		4.00pm
Australia Avenue, Homebush Bay			

Bus returns to Ramada Hotel, Parramatta on forward journey

BUS 2

Depart for Sydney Tuesday, 6th September 1994

		Forward	Return
Alstonville Post Office		10.00pm	4.20am
Ballina Police Station		10.30pm	4.05am
South Grafton - Mobil Service Station	Wednesday 7/9	12.15am	Sunday 11/9 2.30am
Central Station (Eddy Avenue)		10.30am	
Hurstville Station (Southern Side)		11.30am	
Sutherland Station (Western Side)		12.15pm	
Sydney International Athletic Centre	Saturday 11/9		4.00pm
Australia Avenue, Homebush Bay			

Bus returns to Ramada Hotel, Parramatta on forward journey

9.8
IN ASTER

NEW ROADS AND SUBDIVISION

LOCAL GOVERNMENT ACT 1919

PART XII—SUBDIVISION REGULATION

[Editor's Note—Subdivision Controls: Although the *Local Government (Consequential Provisions) Act 1993* repeals the *Local Government Act 1919*, as from 1 July 1993, it specifically preserves, inter alia, Part 12—Subdivision Regulation (see s 3 and Sch 2). As Sch 7 of the *Local Government Act 1993* adopts Ordinance No 32—Town Planning, the regulation of subdivision and new roads has not been transferred to the *Environmental Planning and Assessment Act 1979*, but remains divided between the *Local Government Act 1919* and the *Local Government Act 1993*.]

Interpretation

Definitions—Extracted from s 4 of the *Local Government Act 1919*.

“Subdivision”, “subdivide”, and similar expressions mean and refer to dividing land into parts, whether the dividing is—

- (a) by sale conveyance transfer or partition; or
- (b) by any agreement dealing or instrument inter vivos (other than a lease for a period that, including any period for which the lease could be renewed by the exercise of an option, does not exceed 5 years) rendering different parts thereof immediately available for separate occupation or disposition; or
- (c) by procuring the creation of a folio of the Registrar kept under the *Real Property Act 1900*, in respect of a part of the land; but do not include—
 - (a) any division of land by following the boundaries of lots or portions in a Crown plan; or
 - (b) any severance of land by the opening of a public road; or
 - (c) any division of land upon disposal by the Crown made either before or after the commencement of this Act; or
 - (d) any division of land in accordance with the boundaries of lots in any subdivision lawfully made either before or after the commencement of this Act.

EXTRACT OF THOSE SECTIONS IN SEPP-15
RELATING TO PROHIBITION OF SUBDIVISION

2. Aims and objectives, etc.

(b)(1) ... to enable ...

people to collectively own a single allotment of land and use it as their principal place of residence;

(c)(ii) ... to facilitate development ...

in a manner which does not involve subdivision, strata title or any other form of separate land title, and in a manner which 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:

3. Multiple occupancy

... development may be carried out ... where ...

(1) (a) the land comprises a single allotment not subdivided under the Conveyancing Act 1919 or Strata Titles Act 1973;

(b) the land has an area of not less than 10 hectares:

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

10. Subdivision prohibition

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

13. 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 Act 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 the land for certain purposes,

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

End.

CERTIFICATE OF TITLE

NEW SOUTH WALES

REAL PROPERTY ACT, 1900

TORRENS TITLE
Register

Vol. 8645 Fol. 173

EDITION ISSUED

2 JUL 1993

I certify that the person named in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set out below) in the land described subject to the recordings appearing in the Second Schedule and to the provisions of the Real Property Act, 1900.

K. Mett

Registrar General.



First Title
Vol. 1459 Fol. 66
Vol. 1459 Fol. 183
Vol. 1584 Fol. 6

Prior Title
41/802597

LAND REFERRED TO

Lot 41 in DP802597 at Coffee Camp in the City of Lismore Parish of Nimbin County County of Rous

Title Diagram:
DP802597

FIRST SCHEDULE

P.R. WISDOM IN 1/16 SHARE, G. PLESS IN 1/16 SHARE, JONATHAN IN 3/16 SHARE, THEANA IN 2/16 SHARE, A. DOOHAN IN 1/16 SHARE, A.M. DICK IN 1/16 SHARE, A. & P. HOANG IN 1/16 SHARE, K.A. & T.L. HAEUSLER IN 2/16 SHARE, C.A. STEEL IN 1/16 SHARE, JONATHAN & THEANA IN 1/16 SHARE & J.T. & M.P. DOOHAN IN 1/16 SHARE AS TENANTS IN COMMON

SECOND SCHEDULE

1. Land excludes minerals and is subject to reservations and conditions in favour of the Crown - See Crown Grant
2. Land excludes the road(s) shown in the title diagram
3. 112162 Mortgage to Jonathon & Theana as regards the share of Kylie Ann Haeusler
4. 112163 Mortgage to Jonathon & Theana as regards the share of Tanya Lee Haeusler

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

8645 Fol. 173

(Page 1) Vol.

CERTIFICATE OF TITLE

NEW SOUTH WALES

REAL PROPERTY ACT, 1900

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K. Mett

Registrar General.



First Title
Vol.1459 Fol.66
Vol.1459 Fol.183
Vol.1584 Fol.6

Prior Title
41/802597

LAND REFERRED TO

1/16 share in Lot 41 in DP802597 at Coffee Camp in the City of Lismore Parish of Nimbin
County of Rous

Title Diagram:
DP802597

FIRST SCHEDULE

VYVYAN PHILIP STOTT

(112161)

SECOND SCHEDULE

1. Land excludes minerals and is subject to reservations and conditions in favour of the Crown - See Crown Grant
2. Land excludes the road(s) shown in the title diagram
3. 1369943 Mortgage to North Coast Ethical Credit Union Limited

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

8645 172

(Page 1) Vol. Fol.

CERTIFICATE OF TITLE

NEW SOUTH WALES

REAL PROPERTY ACT, 1900

TORRENS TITLE
Register



Vol. 8647 Fol. 86
EDITION ISSUED

28 JUN 1994

I certify that the person named in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set out below) in the land described subject to the recordings appearing in the Second Schedule and to the provisions of the Real Property Act, 1900.

K. Mett

Registrar General.



First Title

Vol. 1459 Fol. 66

Vol. 1459 Fol. 183

Vol. 1584 Fol. 06

Prior Title

Vol. 8645 Fol. 173

LAND REFERRED TO

1/16th in Lot 41 in DP802597 at Coffee Camp and Jiggi in the City of Lismore Parish of Nimbin
County of Rous

Title Diagram: DP802597

FIRST SCHEDULE

PAMELA WENDY HOANG

SECOND SCHEDULE

1. Land excludes minerals and is subject to reservations and conditions in favour of the Crown - See Crown Grant
2. Land excludes the roads shown in the title diagram

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE ON ANY NO. (Page) Vol. HEHEUN

NEW ROADS AND SUBDIVISION
LOCAL GOVERNMENT ACT 1919

PART XII—SUBDIVISION REGULATION

[7020]

[Editor's Note—Subdivision Controls: Although the *Local Government (Consequential Provisions) Act 1993* repeals the *Local Government Act 1919*, as from 1 July 1993, it specifically preserves, inter alia, Part 12—Subdivision Regulation (see s 3 and Sch 2). As Sch 7 of the *Local Government Act 1993* adopts Ordinance No 32—Town Planning, the regulation of subdivision and new roads has not been transferred to the *Environmental Planning and Assessment Act 1979*, but remains divided between the *Local Government Act 1919* and the *Local Government Act 1993*.]

Interpretation

Definitions—Extracted from s 4 of the *Local Government Act 1919*

[7021]

The full text of s 4 of the *Local Government Act* and a comprehensive discussion of the definitions is contained in White (ed), *Local Government Law and Practice* (1983) Law Book Company.

“Area” or “local government area” means city municipality or shire.

“Council” means council of an area, and includes an Administrator.

Council

[7023]

The word “council” includes the Minister for Public Works in determining the liability for the expenses of boundary works between the Western Division and any adjoining area: s 522(5)(c).

For the purposes of the *Rivers and Foreshores Improvement Act 1948*, “council” means council as defined in this Act and includes a county council constituted under this Act: s 2.

For the purposes of the *Environmental Planning and Assessment Act 1979*, and the *Heritage Act 1977*, “council” has the meaning ascribed to it in this Act. For the purposes of the *Coastal Protection Act 1979*, “council” has the meaning ascribed to it in s 4 of this Act and includes a county council within the meaning of this Act (s 4). These Acts are included herein.

Section 580 (rep) did not apply to a county council: *Mackellar CC v Jones* (1967) 116 CLR 453.

COURSE TRAVEL CLAIM FORM - PROFESSIONAL DEVELOPMENT

COURSE ORGANISER

[illegible]

Referred for authorization:

"Drain" means any drain for the carrying off of waters other than sewage.

"Lease" includes an original or derivative lease under-lease or agreement for the same, and extends to any case where there is the relation of landlord and tenant, whether there is or is not any instrument in writing.

"Lease", in relation to Crown Lands, land owned by or vested in the Crown or land within a State forest, includes a license or permit (other than a license issued under section 27A, 27B, 27C, 27G or 28 of the *Forestry Act* 1916, or a permit granted under section 36(1), a permit to occupy land for bee-farming purposes granted under section 31(1A)(b), or a permit granted under section 32B(1) or 32F(1), of that Act), and a claim registered under Part IV of the Mining Act, 1973, shall be deemed for the purposes of this Act to be held under a lease by the person in lawful occupation of the tenement under a miner's right or business license.

"Municipality" means area constituted a municipality under this Act, or under the *Local Government Act* 1906, or under any Act repealed by that Act, and includes, except in Part II, a city.

[7025] Municipality

For the purposes of the *Valuation of Land Act* 1916, "municipality" includes city. See s 4 of that Act.

"Power of the council", "duty of the council", and similar expressions mean a power or duty, as the case may be, conferred or imposed on the council by or under this or any other Act.

"Public road" means road which the public are entitled to use, and includes any road dedicated as a public road by any person or notified, proclaimed or dedicated as a public road under the authority of any Act, including this Act, or classified as a main road in the Gazette of the thirty-first day of December, one thousand nine hundred and six.

"Road" means road, street, lane, highway, pathway, or thoroughfare, including a bridge, culvert, causeway, road-ferry, ford, crossing, and the like on the line of a road through or over a watercourse.

Road

Environmental planning instrument. The word "road" appearing in a table of nominate permissible uses in a residential zone in an environmental planning instrument is a reference to a way or track on which vehicles pass. Its meaning is not confined to a dedicated public road: per Cripps CJ, in *Argyropoulos v Canterbury CC* (1988) 66 LGRA 202. Hence a council could grant consent to development permissible in the head of a battle-axe lot but not permissible in the access handle. Nor does the word "road" in the planning context have to be followed notionally by the words "for use to serve some permissible development in the zone": *ibid*. The power must be examined in full context:

1. Student Initiative Grants are a powerful method of promoting S.P.O.T.E. skills in children.
2. The grants are in addition to the school's annual funding.
3. Grants will be made to schools on the following basis:

PP6	-	up to \$200
PP5	-	up to \$300
PP4 & PP3	-	up to \$400
PP2 & Central Schools	-	up to \$500
PP1 & Secondary Schools	-	up to \$600
4. The program must be student initiated, implemented and evaluated, and must fit **D.S.C. Guidelines**. Teachers and Liaison People will lend support and guidance but the effort should come from the students.
5. For a Student Initiative Grant to be successful, students should discuss their submissions with their Principal, DSC School Committee and the Liaison Person at the planning stage.
6. Organisation of the program writing will vary from school to school. It may be a task for the Student Council, or be organised on a class, year or department basis.

An important feature is that the S.I.G. can be recommended for approval by the Liaison person. However, you should be certain that students are strongly involved in the development, presentation, implementation and evaluation of the submission.

7. The Student Initiatives Grants proformas should be used.
8. Applications may be hand written but must be neat, legible and in black ink so submissions can be photocopied.
9. The final submission should be signed by the students, the DSC Chairperson and the Liaison Person. It must then be forwarded to the Executive Officer for funding.
10. Relief for teachers and other personnel can be costly. Any use of the grant for employment of personnel needs to be carefully considered in the planning process. Proposals involving only the purchase of materials and/or equipment without adequate explanation about their relevance will not be supported.
11. The results of the evaluation plans should be sent to the Liaison Person by 30th November 1994.

In my opinion, the *Canterbury Planning Scheme Ordinance*, upon its proper construction does not require a council when determining an application for use of land in the residential zone as a "road" to conclude that if the users of that road are proceeding to or from land zoned and used as light industrial, there is such a nexus between the use of the residential land and the use of the light industry land that the council has no *power* to grant its consent to the application. As I have said, the proposed manner of use of the road will, undoubtedly, be germane to the council's consideration of the application but, upon the assumed facts in the instant case, it would not, as a matter of law, require the council to reject it. (ibid at 208.)

Subdivision
Def.

"Shire" means shire constituted under this Act, or the *Local Government Act* 1906, or any Act repealed by that Act.

"Subdivision", "subdivide", and similar expressions mean and refer to dividing land into parts, whether the dividing is—

- (a) by sale conveyance transfer or partition; or
- (b) by any agreement dealing or instrument inter vivos (other than a lease for a period that, including any period for which the lease could be renewed by the exercise of an option, does not exceed 5 years) rendering different parts thereof immediately available for separate occupation or disposition; or
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 - (a) any division of land by following the boundaries of lots or portions in a Crown plan; or
 - (b) any severance of land by the opening of a public road; or
 - (c) any division of land upon disposal by the Crown made either before or after the commencement of this Act; or
 - (d) any division of land in accordance with the boundaries of lots in any subdivision lawfully made either before or after the commencement of this Act.

[Definition of "subdivision" and "subdivide" am, Act No 129, 1988, s 3 and Sch 1.]

[The remaining provisions of s 4 are not reproduced here.]

[The next page is 7101.]

1. Student Initiative Grants are a powerful method of promoting S.P.O.T.E. skills in children.
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PP4 & PP3	-	up to \$400
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An important feature is that the S.I.G. can be recommended for approval by the Liaison person. However, you should be certain that students are strongly involved in the development, presentation, implementation and evaluation of the submission.
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10. Relief for teachers and other personnel can be costly. Any use of the grant for employment of personnel needs to be carefully considered in the planning process. Proposals involving only the purchase of materials and/or equipment without adequate explanation about their relevance will not be supported.
11. The results of the evaluation plans should be sent to the Liaison Person by 30th November 1994.

206 Davis Road,
JIGGI. 2480.
3/2/94.

Mr. P.T. Muldoon,
General Manager,
The Council of the City of Lismore,
Council Chambers,
43 Oliver Avenue,
GOONELLABAH. 2480.

MASTER

Dear Sir,

Re Multiple Occupancy Development Proposal 802597,
Lot 41, D/A 93/754, 136 Davis Road, JIGGI.

OBJECTION BY SUBMISSION.

A Development Application D/A 93/112 for a 16 unit Multiple Occupancy was presented to Council on 3/3/93 and after due consideration by Town Planners and Councillors, supported by an independant Geotech. Survey (Geolink) the conclusion was reached that this property is unsuitable for an M/O OF THIS MAGNITUDE.

The proposed site (the land in question) is still UNSUITABLE for 16 dwellings and community building and inevitable ancillary buildings. The land is still slip prone, flood prone, extremely high bushfire risk, pug soil heavy clay base unsuitable for septic, more than 18 degree slopes. This has been thoroughly documented elsewhere and CANNOT be ALTERED by changing location of dwellings or planting trees. The proposed site is not able to sustain SIXTEEN dwellings.

The proposed site with 16 dwellings, each with 30 lineal metre absorption trench (I believe Council regulations stipulate 60m-, 10m blackwater and 50m greywater in pug soils) totalling 480 lin. metres (660 L/M GUIDELINE FOR EFFLUENT DISPOSAL Council Regulations 8/4/93) plus 50 CUBIC metres recommended by Geotech report within 100 metres of creek positively guarantees pollution of creek with disastrous effect on downstream users.

Careful perusal of D/A proposal raises several points which need to be clarified.

- e.g. 1. On Title page R. HAEUSLER is listed as applicant but is not listed on annexure as a joint owner.
2. Annexure sheet v. and v1 lists 14 joint owners. A. & P. Hoang are joint owners of 1/16 share, M. & J. Doohan are joint owners of 1/16th share. V.P. Stott and A.M. Dick have not signed application.
3. P.3 L states "on Sept. 22nd 1992 property was bought by 14 registered shareholders. Title issued 22.9.92 was for Jonathan, Theana and 10 others.
4. P.3 L "two shares remain to be purchased." Certificate of Title attached issued shows ownership of shares as:- P.R. Wisdom 1/16 share, G. Pless 1/16, A. Doohan 1/16, A. & P. Hoang 1/16, A.M. Dick 1/16, K.A. Haeusler 1/16, T.L. Haeusler 1/16 C.A. Steel 1/16, Jonathan 3/16, Theana 2/16, Jonathan & Theana 1/16 and J.T. & M.P. Doohan 1/16 share. V.P. Stott has separate Title 1/16 share.

5. P.5 2.5.2. states "land is owned by tenants in Common on a single title." Certificate of Title Folio 172 attached shows V.P. STOTT has separate title to 1/16th share.
Is this contrary to S.E.P.P. 15 cl.2(c)(11) "or any other form of separate land title?"
6. P.5 2.5.3 states "local comment suggests decline in services even though rural population may be increasing." Discussion with neighbours reveal no knowledge of a recent decline in services, although I have been informed that the ice cream cart that used to come monthly has not called for several years and the butcher and baker no longer deliver.

The above discrepancies may appear to be minor but when considered with other discrepancies tend to lessen applicants credibility, particularly in regard to aims and objectives and compliance with Council recommendations, CALM and Water Resources recommendations.

C S.E.P.P. 15. Applicants have shown little regard to Council regulations - prior development of access tracks, unauthorised occupation and construction, I believeShow Cause....

Careful analysis of D/A is a time consuming task complicated by sheer bulk of the document (200+pages) and the obvious ploys of applicants submitting D/A just prior to Xmas vacation period, thus denying public access until Council re-opened 4/1/94. The embargo placed on copying whole or part of D/A caused further inconvenience and delay of 7 days. Council staff were informed when previous D/A was submitted 3/3/93 that no copyright existed. This opinion was of Ombudsmans Legal Department. and based on clauses of S.E.P.P. 15 and E.P.A act.

C I protest this 7 day delay but chose not to speak at Council meeting 1/2/94 in Public Access as I am sick and tired of this whole affair and wish to see this development REJECTED and irrevocably buried as soon as possible.

C In the interests of brevity and to avoid repetition I will state that many, indeed most of the comments in my previous submission and those in K. Newtons previous submission in regard to non compliance with aims and objectives of S.E.P.P. 15, condition of timber bridge and Davis Rd., bushfire risk, flooding of lower reaches and entrance vastly underestimated, mass movement and slip prone land underestimated. These issues remain unchanged and in the case of flooding, mass movement, slip, roads on slopes above 18 degrees are UNCHANGEABLE.

AGAIN the very important issue of conflict with existing DAIRY MUST be emphasised. In previous D/A applicants failed to acknowledge presence of DAIRY. In their response to Submissions as presented to Council and gallery during PUBLIC ACCESS 15/6/93 reply to submission 14, they state "We acknowledge an understatement in excluding the mention of a dairy about 1 Km. AWAY. Misleading or simply an under statement?" I consider this as definately MISLEADING. It is hard to ignore the presence of a dairy milking

100 head twice daily less than 500 METRES away, particularly as all the land opposite is used for grazing dry cows for this dairy as well as raising calves. "Dairy Report" in this proposal seems to stress conflict of dairy to development with little regard of conflict of development to dairy.

All of the land opposite proposed development from L & D McNamara's residence to E & J Blackwoods residence "Whispering Waters" is used to support cattle for this successful dairy, some pockets of better land (Cl.3?) are used for growing feed crops whilst the bulk of the rest has lush natural pasture and some exotic grasses (kikuyu etc..) "Land of MERIT for special agricultural uses." S.E.P.P. 15 cl5 (1) (a).

As this land is LAND of MERIT, so too is proposed land being part of original Davis family holding who began dairying in this valley in the 1880's, and is I believe a MATTER FOR COUNCIL TO CONSIDER Cl8 (2)

Assumptions - Allegations of applicants that proposed land has been overgrazed and deforested D/A P.9 to cause destabilisation I believe are unfounded as the Davis family farmed this valley for 100 years. Irresponsible farmers do not last so long.

I believe an analysis of the Dairy and Beef raising industry in the Lismore District would reveal that a significant percentage of Class 4 land is utilised for these vital primary industries.

As I feel sure that matters of Effluent disposal, potential creek pollution, bushfire hazard, slope, land instability will be thoroughly covered by other submissions as well as Dept. of Health, Dept of Water Resources and CALM I will not dwell on these hazards other than to assure you that they DO exist and are of real concern.

I disagree with developers allegations expressed on P.1 of Public Access statement re Development Control Planner Report of "subjective bias against proposal, derogatory bias, unsupported opinions and assumptions" etc. I have found from my contact with members of Council's Planning Department that they have made every effort to be courteous, professional and above all IMPARTIAL.

As my wife and I stated in our previous submission we have no bias against M.O's, indeed we have several friends on viable M.O's but sincerely feel that this proposed 16 UNIT M.O would have an adverse effect on Jiggi Community. I can foresee no POSITIVE benefit to our community or to our lifestyle (SOCIO-ECONOMIC or otherwise.)

As a measure of public opinion in Jiggi Community of 150 residents interviewed from Davis Rd, Mountain Top Road, Jiggi Rd., to Goolmangar only 2 persons declined to sign petition, this indicates 98% of Jiggi Community are opposed to this scheme. COUNCIL PLEASE CONSIDER THIS PUBLIC OPINION.

Also on Public Interest a petition circulated Jiggi, Georgica, Goolmangar area gathered about 200 names of objectors. No doubt many more names could have been gathered had petition been circulated outside the affected area but time did not permit. I believe over 60 objections by submission is a clear message that this community is strongly against this 16 UNIT development.

I have been informed that closed road shown on Internal Access Plan was closed in 1943 by the then Terania Shire Council because the land was unable to sustain gravel road and Davis road was changed to its present location. (25/2/43 Deed of Resumption Vol 549 Folio 17): This closed road is across proposed entrance road. If Terania Shire Council Engineers abandoned this road, what hope have developers of providing suitable all weather access road "built in consultation with relevant skilled and experienced PLANT OPERATORS?" I have photographs of this area in flood in 1987 if Planning Department or Councillors wish to view them.

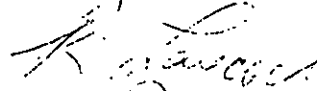
Appendix 8 (b) D/A Enlargement showing pattern of development purports to show cluster development to North of property. I have numbered developments and pink High Lited dwellings and attached explanation sheet. Also I have attached photocopy of photos of both properties adjoining on Northern boundary. I feel that this explanation is a truer depiction of density than implied in D.A..

Also enclosed copies of Title Certificates showing separate Title to V.P. Stott. These documents lend credence to speculative nature of development and appears to be against the stated aims and objectives of S.E.P.P. 15 Cl 2 c (11). This in itself could be sufficient reason for objection.

I request that details and name of objector be suppressed and/or protected at least until Council Business Paper becomes public.

Thanking you,

Yours Sincerely,


Roy A. Laycock.

Enclosures - 7.

1. Application for a new Certificate of Title. (3 pages.)
2. Certificate of Title Vol. 8645 Folio 173.
3. Certificate of Title Vol. 8645 Folio 172.
4. Amended pattern of developments on neighbouring properties.
5. Explanation to above.
6. Extract from J.A.G. issue No.11, December 1993.
7. Photocopy of dwellings adjoining to North of Property.