

Thomas Noble & Russell

Chartered Accountants

TNR

FACSIMILE TRANSMISSION FORM

TO TELEPHONE NO: 322228

DATE: 18.9.89

ATTN: P. Knight

FROM: W Blair

AT: Kyogle Shire

MESSAGE:

For your information
as requested.

NUMBER OF PAGES FOLLOWING: 1

PLEASE PHONE (066) 21 8544 IF ANY PART OF THIS TRANSMISSION FAILED OR WAS MISDIRECTED.

T. L. Russell, F.C.A. ● W. A. Blair, F.C.A. ● R. E. Lovell, B. Com., F.C.A. ● M. J. McLennan, B. Bus., A.C.A.
● P. R. Morrow, B. Fin. Admin, A.C.A.

Nesbitt House, 164 Molesworth Street, Lismore, N.S.W. 2480
P.O. Box 106 Telephone (066) 21 8544 Fax (066) 21 9035

Eastpoint Arcade, 107 Jonson Street, Byron Bay,
N.S.W. 2481 P.O. Box 264 Telephone (066) 85 6529

National and International affiliation through Priestley & Morris

NATIONAL COMPANIES AND SECURITIES COMMISSION

Companies Form 61

Sub-section 238 (7)

PARTICULARS AND CHANGES OF PARTICULARS IN REGISTER OF DIRECTORS, PRINCIPAL EXECUTIVE OFFICER AND SECRETARIES

Jacket B

Doc. No.

Reg No.

3 4 8 0 6 1 - 4 2

STARON PTY.

Limited.

Christian or given names and surnames (in the case of directors, give any former names in brackets beneath the present names)	Date and place of birth ⁽⁷⁾	Address ⁽⁸⁾	Other occupations and, in the case of directors, other directorship ⁽⁴⁾	Particulars and nature of appointment or change, and relevant date ⁽⁵⁾
Directors ⁽¹⁾ WILLIAM ALLAN BLAIR	6.3.49 LISMORE	12 GAINSBOROUGH WAY, GOONELLABAH 2480	CHARTERED ACCOUNTANT	CONTINUING 22.7.89
GEOFFREY MARSHALL LAWSON	3.11.46 SYDNEY	COWLONG ROAD, McLEANS RIDGES 2480	REAL ESTATE AGENT	CONTINUING 22.7.89
TERRANCE JOHN O'CONNELL	15.2.56 ENGLAND	P.O. BOX 21 NIMBIN	NIL	CONTINUING 22.7.89
GRAHAM RICHARD BOYLE	24.1.49 BRISBANE	40 ALICE STREET REDCLIFFE 4020	NIL	DECEASED 4.7.89
TONIA LOUISE JANSEN	18.3.57 MELBOURNE	STONEY CHUTE ROAD NIMBIN	NIL	APPOINTED 22.7.89
JENNIFER LESLEY GIBBONS	14.5.52 SYDNEY	STONEY CHUTE ROAD NIMBIN	NIL	APPOINTED 22.7.89
JANETTE CRANMER	22.12.54 MELBOURNE	STONEY CHUTE ROAD NIMBIN	NIL	APPOINTED 22.7.89
Principal Executive Officer ⁽²⁾				
Secretaries ⁽³⁾ WILLIAM ALLAN BLAIR		AS ABOVE		CONTINUING 22.7.89
JENNIFER LESLEY GIBBONS		AS ABOVE		APPOINTED 22.7.89

Dated this Twenty seventh day of July, 1989

(6) Signature of *Director/*Secretary/*Principal Executive Officer [Signature]

Name of Signatory IN BLOCK LETTERS WILLIAM ALLAN BLAIR

NOTE: A fees receipt will not issue unless specifically requested.

Lodged by THOMAS, NOBLE & RUSSELL

Address P.O. BOX 106,
LISMORE 2480

Phone No. 066 218544

Lodged with the Commission

THIS FORM IS TO BE LODGED AT THE CORPORATE AFFAIRS OFFICE IN THE PLACE IN WHICH THE COMPANY IS INCORPORATED.

SEE DIRECTIONS, &c. OVERLEAF FOR THE COMPLETION OF THIS FORM.

STATEMENT.

I, David Alun Edwards, of Lot. 1, Stoney-Chute Rd., via Nimbin, in the State of New South Wales, do state the following;

On the 29th day of June, 1989, I was in the company of Ms. Tonia Jansen of Avalon Community, between the approximate hours of 10 a.m. and 3 p.m. I went with Ms. Jansen to Kyogle to pick up flooring materials for her house. I was at the time helping her to improve the house by laying timber flooring and installing an inside sink. We spent the early part of the day shopping and having lunch, then went to the Alternative Builder's Market to load the timber. At no time during the day was I aware that Ms. Jansen saw any officers of the Kyogle Council.

.....*D.A. Edwards*.....

D. A. Edwards. 30 October 1989.

.....*Sophia Andrea*.....

S. Andrea 30 October 1989.

Witness.

IN THE LAND AND ENVIRONMENT COURT
OF NEW SOUTH WALES

LAND AND ENVIRONMENT
COURT OF NEW SOUTH WALES

No. 20483 of 1989

TONIA LOUISE JANSEN

Applicant

THE COUNCIL OF THE SHIRE
OF KYOGLE

Respondent

AFFIDAVIT

Deponent: D.M. Heilpern
Sworn: 26.10.89

D.M. JONES & ASSOCIATES
Solicitors
92 Summerland Way,
KYOGLE N.S.W. 2474
(DX 7731 LISMORE)
Tel: (066) 321 688
Fax: (066) 322 385

By their City Agents:

GLASSON, GEMMELL & MCGILL
Solicitors
111 Elizabeth Street
SYDNEY N.S.W. 2000
(DX 151 SYDNEY)
Tel: (02) 232 3299
Fax: (02) 221 1928

On the 26th day of October 1989,

I, DAVID MICHAEL HEILPERN, Solicitor of D.M.
Jones & Associates, 92 Summerland Way, Kyogle
say and affirm:

1. I am the Solicitor with carriage of this
matter on behalf of the Respondent.
2. Staron Pty. Limited is the owner of the
land comprised in Lot 4, Deposited Plan
773068, Cawongla, Shire of Kyogle, Parish
of Jiggi County of Rous ("the said land").
Annexed hereto and marked "A" is a true
copy of title Search dated 26th September,
1989 and annexed hereto and marked "B" is
a true copy of Rate Notice issued 12th
March, 1989.
3. The Registered office of Staron Pty Limited
is Suite 1 Nesbitt House, 164 Molesworth
Street, Lismore. 2480. Annexed hereto and
marked "C" is a true copy of Corporate
Affairs Commission Search.
4. I am instructed that on 29th June, 1989 the
Respondent issued and served a Section
317B(1A) Demolition Order in relation to a
structure on the said land.
5. I am instructed that on 11th September,
1989 the Respondent by its officers and
agents demolished the house.

D.M. Heilpern

Melinda Clark

3A(i) &
ii)

6. I have been informed by the Respondent that the application in this matter was filed and verily believe that the application in this matter was filed by the Applicant at the Lismore Local Court on 1st September, 1989.
7. I ask this Honourable Court to make the orders in the Notice of Motion filed herein on the following grounds:
- (a) the appeal is incompetent as the Applicant is not the owner of the said land;
 - (b) the appeal is incompetent as it is out of time;
 - (c) the appeal is futile as the said structure has been demolished.

AFFIRMED at Kyogle

Before me:

Melinda Clark
Solicitor.

D. M. A.

No. B35

Search certified to:

Date 22. 9.1989 Time 9.00AM

4/773068

2

10. 8.1988

LAND

LOT 4 IN DEPOSITED PLAN 773068
AT CAWONGLA
SHIRE OF KYOGLE
PARISH OF JIGGI COUNTY OF ROUS
TITLE DIAGRAM: DP773068

FIRST SCHEDULE

STARON PTY. LIMITED

(T X758607)

SECOND SCHEDULE

- 1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN-SEE CROWN GRANT VOL 5307
FOL 196 AND MEMORANDUM S700000A AS REGARDS THE PARTS SO
INDICATED IN THE TITLE DIAGRAM
2. V322658 ATTENTION IS DIRECTED TO S.8 LAND AGGREGATION TAX
MANAGEMENT ACT, 1971

NOTATIONS

UNREGISTERED DEALINGS: NIL

KYOGLE SHIRE COUNCIL
RECEIVED

26 SEP 1989

TO —

THIS AND FOLLOWING ONE PAGE COMPRISE THE ANNEXURE MARKED "A" REFERRED
TO IN THE ANNEXED AFFIDAVIT OF DAVID MICHAEL HEILPERN SWORN AT KYOGLE
THIS 26th DAY OF October 1989, BEFORE ME:

William Stark

Solicitor

22. 9.1989

B35

COMPUTER FOLIO CERTIFICATE

The Registrar General hereby certifies that at the date and time specified in the statement of the computer folio search on the reverse side hereof —

1. The information shown in that statement (other than information shown under the heading 'NOTATIONS') has been checked by the Registrar General against the records of the relevant legislation on file at the Registrar General's Office in accordance with the Property Act 1900 in respect of the land described in that statement as being the land described in the FIRST SCHEDULE and as being the land described in that statement as being an estate in fee simple (or such other estate or interest as is set forth in that schedule) in the land described in that statement, subject to such exceptions, encumbrances, interests and entries as appear in the SECOND SCHEDULE.

Registrar General



THE COUNCIL OF THE SHIRE OF KYOGLE

RATE NOTICE



POST OFFICE BOX 11
TELEPHONE: 066 - 32 1611

STRATHEDER STREET,
KYOGLA, N.S.W. 2474

Form 4
Ordinance No. 5
Local Govt. Act, 1919

Office Hours: 8.00 a.m. to 4.30 p.m. Monday to Friday

STARON PTY LTD
C/- THOMAS NOBLE & RUSSELL,
NESBITT HOUSE
MOLESWORTH ST
LISMORE 2480

Date of Issue
17-Mar-89

0-02651-612000-000

FIRST AND FINAL RATE DUE

Property Location and Description

PH JIGGI-LOT 4 DP 773068

FOR YEAR 1989
AREA 142H 2000.05PM

PARTICULARS OF RATES AND CHARGES

AMOUNT

GENERAL RATE	0.6258 Cents/\$ on LV	\$145000	907.41
LOAN RATE	0.1183 Cents/\$ on LV	\$145000	171.54

THIS NOTICE MUST ACCOMPANY PAYMENT

Please DEDUCT amount
paid since January 1
E. & O.E.

1078.95

AMOUNT DUE

Fold 1

ATTENTION is drawn to the provisions of Section 158 of the Act, which provides for an extra charge on overdue rates. Rates which are not paid within three months of the due date (above) or Rates which are in default under Section 160DA (Installments) will be subject to interest.

Rates whether paid on a lump sum or by instalments must be paid at the office of the Council.

PAYMENT of rates sent by post should where practicable be made by cheque or money order.

No change will be given for any cheque tendered in payment of rates.

PAYMENT BY POST

Please sign below if paying by post; and a receipt is required

NOTICE IS HEREBY GIVEN that the within mentioned land has been rated by the Council of the Shire of Kyogle.

The abovementioned rates will be due and payable on the expiration of one month after the date of service of this notice upon you, unless within that month you elect to pay by instalments.

NOTICE to pay the rates is hereby given, and if such payment is not made, or where instalments are not paid by the due dates, proceedings will be taken for the recovery of the whole amount due, as provided by the ACT.

For information on payment of rates by instalments and appeals see back hereof

P. J. V. R.

Shire Clerk

0-02651-612000-000 STARON PTY LTD

Application is made to pay Rates by instalments (Sec. 160DA Local Government Act)

SIGNATURE

DATE

To comply with the provisions of Section 160DA of the Act the following instalments must be received by dates shown.

PLEASE NOTE HEREUNDER
ANY CHANGE OF ADDRESS

NAME

ADDRESS

17-Apr-89
269.76

16-Jun-89
269.73

18-Aug-89
269.73

20-Oct-89
269.73

First

Second

Third

Fourth

First

Second

Third

Fourth

THIS IS THE ANNEXURE MARKED "B" REFERRED TO IN THE ANNEXED AFFIDAVIT OF DAVID HEILPERN SWORN AT KYOGLE THIS 16th DAY OF 1989, BEFORE ME:

J. Helander Clerk

COMPANIES (NEW SOUTH WALES) CODE

DATE: 25 9- 89

COMPANY NAME: STARON Pty. Limited

ARBN: 248061-42

INCORPORATED IN N.S.W. ON: 7- 12- 84

NATURE OF PRINCIPAL BUSINESS: INVESTMENT

REGISTERED OFFICE:

SUITE 1, NESBITT HOUSE
164 MOLESWORTH STREET
LISMORE. 2480

THIS AND THE FOLLOWING THREE PAGES COMPRISE
THE ANNEXURE MARKED "C" REFERRED TO IN THE
ANNEXED AFFIDAVIT OF DAVID MICHAEL HEILPERN
SWORN AT KYOGLE THIS 26th DAY OF October 1989
BEFORE ME:

Melinda Clark
Solicitor

ISSUED BY: AG 1000

\$460,000.00

(continued) *Staro Pty Ltd*

BYE H LEFTON *Handwritten* 20-6-88
The 4th

Handwritten

SECRETARY:

See attached copies

SHAREHOLDERS:

MORTGAGES, CHARGES, ETC.
REGISTERED UNDER THE ACT: *NIC*

Handwritten

RESOLUTIONS OF ORDER WINDING UP *etc*

NATIONAL COMPANIES AND SECURITIES COMMISSION

Companies Form 61

331141

Sub-section 238 (7)

PARTICULARS AND CHANGES OF PARTICULARS IN REGISTER OF DIRECTORS, PRINCIPAL EXECUTIVE OFFICER AND SECRETARIES

Jacket B

Doc. No.

Reg No.

3 4 8 0 6 1 - 4 / 2

STARON PTY.

Limited

Christian or government and summaries for the case of directors give any former names in brackets

Date and place of birth

Address

Other occupations and, in the case of directors, other directorships

Particulars and nature of appointment or change and relevant date

WILLIAM ALLAN BLAIR	6.3.49 LISMORE	12 GAINSBOROUGH WAY GOONELLABAH 2480	CHARTERED ACCOUNTANT	CONTINUING 28.12.88
GEOFFREY MARSHALL LAWSON	3.11.46 SYDNEY	COWLONG ROAD MCLEANS RIDGES 2480	REAL ESTATE AGENT	CONTINUING 28.12.88
TREVOR LYAL RUSSELL	11.5.40 RYDE	JAMES ROAD GOONELLABAH 2480	CHARTERED ACCOUNTANT	RESIGNED 28.12.88
KENNETH GEORGE BUCKLEY	20.5.46 GLOUCESTER	190 WYRALLAH ROAD LISMORE 2480	SURVEYOR	RESIGNED 28.12.88
TERRANCE JOHN O'CONNELL	15.2.56 ENGLAND	P.O. BOX 21 NIMBIN	NIL	APPOINTED 28.12.88
GRAHAM RICHARD BOYLE	24.1.49 BRISBANE	40 ALICE STREET REDCLIFFE QLD. 4020	NIL	APPOINTED 28.12.88

Principal Executive Officer

Secretary

WILLIAM ALLAN BLAIR	6.3.49 LISMORE	12 GAINSBOROUGH WAY GOONELLABAH	CHARTERED ACCOUNTANT	CONTINUING 28.12.88
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Dated this

day of

1989

(Signature of *Director *Secretary *Principal Executive Officer

Name in block letters WILLIAM ALLAN BLAIR

NOTE: A fees receipt will not issue unless specifically requested.

Lodged by THOMAS NOBLE & RUSSELL

Address P.O. BOX 106
LISMORE. N.S.W. 2480

Phone No. (066) 21 8544

Lodged with the Commission

ON 14 JUL 1989
T. COLEMAN

AUTHORISED OFFICER

THIS FORM IS TO BE LODGED AT THE CORPORATE AFFAIRS OFFICE IN THE PLACE IN WHICH THE COMPANY IS INCORPORATED.

SEE DIRECTIONS, &c. OVERLEAF FOR THE COMPLETION OF THIS FORM.

"C"

Handwritten: *Handwritten*
Stamp: *Chadwell*

SEARCH PAPER

STEIN WOOLLEY & CO.

149 Castlereagh Street
SYDNEY. 2000

P O BOX E 38, St. JAMES 2000

D X 533 SYDNEY

267 8865 & 267 8929

FAX 267 6617

FEES: 10.00

CHARGE: 28.00

TOTAL: 38.00

TOTAL: 38.00

IN THE LAND AND ENVIRONMENT COURT
OF NEW SOUTH WALES

No. 20483 of 1989

TONIA LOUISE JANSEN

Applicant

THE COUNCIL OF THE
SHIRE OF KYOGLE

Respondent

AFFIDAVIT

Deponent: P.D. Thew
Sworn: 26.10.89

D.M. JONES & ASSOCIATES
Solicitors
92 Summerland Way
KYOGLE. 2474
(DX 7731 Lismore)
Phone: (066) 32 1688

By their City Agents:

GLASSON, GEMMELL & MCGILL
111 Elizabeth Street
SYDNEY N.S.W. 2000
(DX 151 SYDNEY)
Tel: (02) 232 3299
Fax: (02) 221 1928

On the 26th day of October 1989 I,
PHILIP DUNALBAN THEW of Ettrick Road, Kyogle,
say on oath:

1. I am employed by the Respondent as the
Shire Clerk.
2. On the 29th June, 1989 I caused to be
issued a Notice of Demolition Order
pursuant to Section 317B(1A) of the Local
Government Act. Annexed hereto and marked
"A" is a true copy of the Notice.
3. I am credibly informed and verily believe
that a copy of the Notice was served
personally on the Applicant by Mr Richard
Lewis Judd on 29th June, 1989 at Avalon. 4C
4. I am credibly informed and verily believe
that a copy of the Notice was personally
served by Mr. William Henry Pearson on 29th
June, 1989 at the registered office of
Staron Pty. Limited at Suite 1, Nesbitt 4A 4B
House, 164 Molesworth Street, Lismore.
5. I am credibly informed and verily believe
that a copy of the Notice was posted to the
postal address of Staron Pty. Limited at 1A
P.O. Box 136, Nimbin by certified mail on
29th June, 1989.

P.D. Thew

Melinda Hart

6. On or about 24th August, 1989 I had a conversation with the Registration Clerk of the Land and Environment Court in Sydney to the following effect:

Myself: "I am Philip Thew, Shire Clerk of Kyogle Shire Council. Who am I speaking to?"

She said, "Roslyn."

Myself: "I am ringing on behalf of Kyogle Shire Council and I am enquiring as to the procedure relating to the issue of appeals against demolition orders. In particular I am enquiring as to how it is ascertained when an appeal has been registered."

Roslyn: "Appeals could be lodged at any Local Court in New South Wales and I suggest that a period of 7 days should be allowed by which time such appeals would be registered in Sydney."

There was further discussion regarding the 60 day period in which appeals could be lodged.

Myself: "I will contact you again at a later date, once the 60 day appeal period has expired."



Appeal against
refusal temp.
dwelling permit
stamped 4th Sept.
Demolition order
appeal - date received
in Sydney uncertain

7. On 5th September, 1989 I again contacted the Registration Clerk of the Land and Environment Court and she identified herself as being Roslyn and we had a conversation to the following effect:
Myself: "I am Philip Thew of Kyogle Shire Council, ringing to enquire as to whether or not an appeal has been lodged either in the name of Staron Pty. Limited or Tonia Louise Jansen of Lot 4 DP 773068 Parish of Jiggi."
Roslyn: "I'll check the records. There has been no appeal lodged by either Staron Pty. Limited or Tonia Louise Jansen."
8. On 7th September, 1989 I authorised, in accordance with a Council Resolution which had been passed on 21st August, 1989, Mr Richard Lewis Judd to carry out demolition pursuant to a Demolition Order Notice under Section 317B(1A) of the Local Government Act which had been issued.
9. By 11th September, 1989 the Respondent had not received notice that an appeal had been lodged.
10. I am credibly informed and verily believe that demolition was carried out in accordance with the Notice on Monday 11th September, 1989.

P. Thew

Melinda Clark.

4D
4E

11. I am credibly informed and verily believe that a Notice of Appeal was lodged by the Applicant on 1st September, 1989 and that Notice of the Appeal had been forwarded to the Respondent's Solicitors on the morning of the demolition. I am credibly informed and verily believe that a sealed copy of the Notice was served on Mr Patrick Knight on Monday 11th September, 1989 at 4.30 p.m.

SWORN at Kyogle

before me:

Melinda Clark
Solicitor

P. Knight

COMMUNICATIONS TO BE ADDRESSED
TO THE SHIRE CLERK
P.O. BOX NO. 11
KYOGLE 2474.



ADMINISTRATIVE OFFICE
STRATHEDEN STREET
KYOGLE NSW 2474.
TELEPHONE (066) 32 1611
FAX 066322228
IN YOUR REPLY
PLEASE QUOTE

CONTACT _____
FOR FURTHER ENQUIRIES

NOTICE
DEMOLITION ORDER

TO: STARON PTY LIMITED
OF: C/- Thomas Noble & Russell,
Nesbitt House,
Molesworth Street,
LISMORE NSW 2480.

TAKE NOTICE that pursuant to the provisions of Section 317B(1A) of the Local Government Act, 1919, you being the owner of Lot 4 in Deposited Plan 773068 at Cawongla, Shire of Kyogle, Parish of Jiggi, County of Rous are hereby ordered within sixty (60) days of the date of receipt of this notice to demolish the building consisting of a bamboo, timber & plastic structure occupied by Tonia Louise Jansen and located on site 4 on the grounds that the said building was erected after the commencement of the Local Government (Amendment) Act, 1958 without the approval of the Council having been obtained therefor before hand.

Dated this TWENTY NINTH DAY OF JUNE 1989.....

Signed.....

SHIRE CLERK
For and on behalf of
Kyogle Shire Council

NOTE:

Your attention is drawn to Section 317B(5) of the Local Government Act 1919 which provides that any owner who has received an Order under this Section may appeal against the Order to the Land and Environment Court.

THIS IS THE ANNEXURE MARKED "A" REFERRED TO IN THE ANNEXED AFFIDAVIT
OF PHILIP DUNALBAN THEM SWORN AT KYOGLE THIS 26th DAY OF October 1989
McLinden J. Clark
Solicitor

IN THE LAND AND ENVIRONMENT COURT
OF NEW SOUTH WALES

No. 20483 of 1989

TONIA LOUISE JANSEN

Applicant

THE COUNCIL OF THE
SHIRE OF KYOGLE

Respondent

AFFIDAVIT

Deponent: R.L. Judd
Sworn: 26.10.89

D.M. JONES & ASSOCIATES
Solicitors
92 Summerland Way
KYOGLE. 2474
(DX 7731 Lismore)
Phone: (066) 32 1688

By their City Agents:

GLASSON, GEMMELL & MCGILL
111 Elizabeth Street
SYDNEY N.S.W. 2000
(DX 151 SYDNEY)
Tel: (02) 232 3299
Fax: (02) 221 1928

On this 26th day of October.

1989, I RICHARD LEWIS JUDD of 21 Saville Street,
Geneva, Health and Building Surveyor, say on
oath:

1. I am employed by the Respondent as a Senior Health and Building Surveyor.
2. I am credibly informed and verily believe that a Section 317B(1A) Demolition Order was issued by The Council of the Shire of Kyogle, the Respondent on 29th June, 1989 a true copy of which is annexed and marked with the letter "A".


3. On 29th June, 1989 I attended with WILLIAM HENRY PEARSON at Site 4, Avalon, Via Kyogle at such a conversation took place between ourselves and the Applicant to the following effect:

Myself: "My name is Mr. Judd, Council Health and Building Surveyor. This is Mr. Pearson. Would you like to see our authority?"

The Applicant: "No."

Myself: "We are here to issue you with a copy of the Demolition Order."

I was able to identify the Applicant as the person known as Tonia Louise Jansen as I had had cause to meet with the Applicant on one occasion.




4C

Ascertain
time

4. I handed her the envelope which contained the Section 317B(1A) Demolition Order, which she refused to accept. She walked back into the structure and commenced yelling at us obscenely. I placed the envelope on a shelf in a clearly visible position and said to the applicant words to the following effect:
Myself: "I will leave it here."
I noted the time and left.
5. I am credibly informed and verily believe that Mr. William Henry Pearson personally served a copy of the Section 317B(1A) Demolition Order on the registered office of Staron Pty Limited on 29th June, 1989.
6. I am credibly informed and verily believe that a copy was posted by certified mail to Staron Pty. Limited C/- P O Box 136 Nimbin.
7. On 16th June, 1989 I arranged for a Computer Folio Search to be carried out by Stein Wooley & Co of Sydney a copy of which is attached and marked with the letter "B". I also arranged for a further Computer Folio search to be carried out on 23rd June, 1989 a true copy of which is annexed and marked with the letter "C".

Michael Clark

8. I was able to ascertain the registered office of Staron Pty. Limited from the Respondent's Rates Register, a copy of the relevant entry is annexed and marked with the letter "D". I was also informed by the Respondent's Solicitor of the registered office.
9. I arranged for a Company Search to be carried out on 25th September, 1989, a copy of which is annexed and marked "E". 3A: 4 ii
10. I am credibly informed and verily believe that the Shire Clerk, made a number of searches to ascertain whether or not an Appeal was lodged prior to the demolition.
11. On 11th September, 1989 the Respondent had not received notice that an Appeal had been lodged.
12. On Monday, 11th September, 1989 a demolition was organised. I attended at 8.55 a.m. with William Henry Pearson at the entry of Avalon. There were in attendance two Council trucks, five Council staff and several Police Officers. The entry to the property was blocked by a tractor and slasher and we were forced to enter the property by foot up a track at 9.20 a.m.

Stefano
Mehveta Chow

We were met with abuse. I read the contents of a letter dated 7th September, 1989 from the Respondent addressed to myself, a copy of which is annexed and marked with the letter "F". The Police Officers removed the occupiers of the structure and the workman proceeded to demolish the structure after all personal effects were removed. The work was completed by approximately 10.15 am.

13. Upon my return from Avalon, I was informed by the Respondent's Solicitors and verily believe that notice of an Appeal had been forwarded to them by facsimile on the morning of the demolition. I am credibly informed and verily believe that it was lodged with the Court on 1st September, 1989.



SWORN at Kyogle

before me:



Solicitor.



COMMUNICATIONS TO BE ADDRESSED
TO THE CLERK
NO. 11
2474.



ADMINISTRATIVE OFFICE:
STRATHEDEN STREET
KYOGLE, N.S.W. 2474.
TELEPHONE (066) 32 1611
FAX 066322228
IN YOUR REPLY
PLEASE QUOTE:

CONTACT

FOR FURTHER ENQUIRIES

NOTICE

DEMOLITION ORDER

TO: STARON PTY LIMITED
OF: C/- Thomas Noble & Russell,
Nesbitt House,
Molesworth Street,
LISMORE NSW 2480.

Chelene Clark Solicitor

TAKE NOTICE that pursuant to the provisions of Section 317B(1A) of the Local Government Act, 1919, you being the owner of Lot 4 in Deposited Plan 773068 at Cawongla, Shire of Kyogle, Parish of Jiggi, County of Rous are hereby ordered within sixty (60) days of the date of receipt of this notice to demolish the building consisting of a bamboo, timber & plastic structure occupied by Tonia Louise Jansen and located on site 4 on the grounds that the said building was erected after the commencement of the Local Government (Amendment) Act, 1958 without the approval of the Council having been obtained therefor before hand.

Dated this TWENTY-NINTH DAY OF JUNE 1989...

Signed.....*[Signature]*.....

SHIRE CLERK

For and on behalf of
Kyogle Shire Council

NOTE:

Your attention is drawn to Section 317B(5) of the Local Government Act 1919 which provides that any owner who has received an Order under this Section may appeal against the Order to the Land and Environment Court.

THIS IS THE ANNEXURE MARKED "A" REFERRED TO IN THE
ANNEXED AFFIDAVIT OF RICHARD LEWIS JUDD SWORN AT
KYOGLE THIS 26 DAY OF October 1989 BEFORE ME:

FOLIO

4/773068

16. 6. 1989

9.00AM

EDITION 2

10. 8. 1988

LAND

LOT 4 IN DEPOSITED PLAN 773068
AT CAWONGLA
SHIRE OF KYOGLE
PARISH OF JIGGI COUNTY OF ROUS
TITLE DIAGRAM: DP773068

FIRST SCHEDULE

STARON PTY. LIMITED

(T X758607)

SECOND SCHEDULE

-
- AA 1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN-SEE CROWN GRANT VOL 5307
FOL 196 AND MEMORANDUM S700000A AS REGARDS THE PARTS SO
INDICATED IN THE TITLE DIAGRAM
- BA 2. V322658 ATTENTION IS DIRECTED TO S.8 LAND AGGREGATION TAX
MANAGEMENT ACT, 1971

NOTATIONS

UNREGISTERED DEALINGS: NIL

STEIN WOOLLEY & CO.

THIS IS THE ANNEXURE MARKED "B" REFERRED TO IN THE ANNEXED AFFIDAVIT
OF RICHARD LEWIS JUDD SWORN AT KYOGLE THIS 26th DAY OF October 1989
BEFORE ME:

Melinda Clark
Solicitor

"C"

FOL 196

773068

23. 6.1989

9.00AM

EDITION 2

10. 8.1988

LAND

LOT 4 IN DEPOSITED PLAN 773068
AT CAWONGLA
SHIRE OF KYOGLE
PARISH OF JIGGI COUNTY OF ROUS
TITLE DIAGRAM: DP773068

FIRST SCHEDULE

STARON PTY. LIMITED

(T X758607)

SECOND SCHEDULE

-
- AA 1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN-SEE CROWN GRANT VOL 5307
FOL 196 AND MEMORANDUM S700000A AS REGARDS THE PARTS SO
INDICATED IN THE TITLE DIAGRAM
- BA 2. V322658 ATTENTION IS DIRECTED TO S.8 LAND AGGREGATION TAX
MANAGEMENT ACT, 1971

NOTATIONS

UNREGISTERED DEALINGS: NIL

STEIN WOOLLEY & CO

THIS IS THE ANNEXURE MARKED "C" REFERRED TO IN THE ANNEXED AFFIDAVIT
OF RICHARD LEWIS JUDD SWORN AT KYOGLE THIS 20th DAY OF October 1989
BEFORE ME:

Melinda Clark
Solicitor

✓



BEAN CREEK

OLD DONALD

Rate Payer

MR R P STANFORD
BEAN CREEK
OLD DONALD 2470

Assessment Number Address

0-00570-000001-000 STANFORDR

-1012.0 PM CARRAN PT FOR 111 (PM) 170071
(DIF SITE)

MR K STANTON
P O BOX 141
RUCKLEA 4106

0-04456-440002-000 STANTONK

-4219.0 PM WARRAZAMJOL PM 76/17

MR D A & MRS A L STARK
MAIN ROAD
OLD DONALD 2470

0-03492-000009-000 STARKDA

- 777.8 LOT A DE 365820 VO 6118 FO 244

MRS L N STARK &
MR C R & MRS C L LOWMO
C/- GREVILLIA POST OFFICE
GREVILLIA 2474

0-04047-100007-000 STARKIK

22-4600.0 PM SHERWOOD LOT 3 DE 624480

STARKON PTY LTD
C/- THOMAS NOBLE & RUSSELL
NESBITT HOUSE
MOLESWORTH ST
LISMORE 2400

0-02651-612000-000 STARKON

143-6000.0 PM JERBS-LOT 4 DE 773068

MR J A STARR & M/S A J MARTIN
48 MACPHERSON ST
WOODENBONG 2476

0-00750-000002-000 STARRJA

-1012.0 MACPHERSON ST- ALLOT 10 SEC 5 VOH 2752 FO 23

M/S M A STARR
61 MAIN RD
DONALD 2470

0-00229-100003-000 STARRMA

-1012.0 MAIN RD-SEC 3 LOT 5 DE 6063 VOH 15353 FO 189

STATE BANK OF N.S.W.,
C/- THE MANAGER
SUMMERLAND WAY
KYOGLE 2474

0-02557-004401-000 STATE

- 970.0 LOT 9 DE 244011

STATE RAIL AUTHORITY
C/- DIVISIONAL ENGINEER
GRAFTON 2460

0-05026-000009-000 STATE

- 0.0 GANG CAMP-NEAR HIGH SCHOOL- EXCESS WATER CHAR
GES (AUTHORITY NO. 2-01-2427-248)

STATE BANK OF N.S.W.,
P.O. BOX 10
KYOGLE 2474

0-02304-120008-000 STATEBA

- 891.8 SUMMERLAND WAY-PT LOT 61 DE 4113 (BANK)

STATE RAIL AUTHORITY
C/- DIVISIONAL ENGINEER
GRAFTON 2460

0-05025-000000-000 STATEBA

- 0.0 STATION MASTERS RESIDENCE & COTTAGE
EXCESS WATER (AUTHORITY 2-01-2416-248)

THIS IS THE ANNEXURE MARKED "D" REFERRED TO IN THE ANNEXED AFFIDAVIT
OF RICHARD LEWIS JUDD SWORN AT KYOGLE THIS 26th DAY OF October 1989
BEFORE ME:

Melinda Clark

COMPANIES (NEW SOUTH WALES) CODE

DATE: 28-9-80

COMPANY NUMBER: 348061-42

INCORPORATED IN N.S.W. ON: 7-12-84

NATURE OF PRINCIPAL BUSINESS: INVESTMENT

REGISTERED OFFICE: SUITE 1, NESBITT HOUSE
164 MOLESWORTH STREET
LISMORE. 2480

NOMINAL CAPITAL: \$460,000 divided as:

40 ORD. Shares of \$11,500.00 each

ISSUED CAPITAL: 40 Shares.

\$460,000.00

THIS AND THE FOLLOWING FOUR PAGES COMPRISE THE ANNEXURE MARKED "E" REFERRED TO IN THE ANNEXED AFFIDAVIT OF RICHARD LEWIS JUDD SWORN AT KYOGLE THIS 28th DAY OF October 1989, BEFORE ME:

Johnnie Clark
Solicitor

ANNUAL RETURN: Made up to 31.12.87

At the meeting of the directors held on 12.1.88

DIRECTORS:

SECRETARY:

Lee Charles Esq

SHAREHOLDERS:

SPRINGFIELD SERVICES, LTD.
REGISTERED UNDER THE ACT: 1946

RECEIVED BY OFFICIAL MANAGER

RESOLUTION OR ORDER WINDING UP: Nil

JACKET B

NATIONAL COMPANIES AND SECURITIES COMMISSION

Companies Form 35

Subsection 113(11)

RETURN OF ALLOTMENT OF SHARES

Doc. No.

Reg. No. 3 4 8 0 6 1 - 4 2

STARDON PTY. LTD.

Limited

This return is returned to the Commission in accordance with the provisions of the Companies Act, 1933.

FEBRUARY

1966

between the

day of

1966

and the day of 1966

(2) Shares allotted	Details of shares		
	Preference	Ordinary	Other (specify class)
1. For cash consideration			
(a) No. of Shares			
(b) Nominal amount of EACH share	\$		
(c) Amount (if any) paid on EACH share	\$		
(d) Amount (if any) due and payable on EACH share	\$		
(e) Amount of premium paid or payable on EACH share	\$		
2. For consideration other than cash			
(a) No. of shares:			
(i) as fully paid up		40	
(ii) as partly paid up			
(b) Nominal amount of EACH share	\$	11500	
(c) If partly paid up - the amount treated as paid up on EACH share	\$		
(d) Amount of premium treated as paid up or payable on EACH share	\$		

(3) (e) The consideration for which the shares have been so allotted is as follows:

TRANSFER OF LAND UNDER SALE OF CONTRACT FOR A VALUE OF

\$460,000 PER INDEPENDENT VALUATION

3. (4) The names and addresses of the allottees of shares in the company and the numbers and classes of shares allotted to them are as follows:

Surname	(5) Christian or given names	Address	Number of shares allotted					
			Preference		Ordinary		Other Class	
			Cash	Otherwise	Cash	Otherwise	Cash	Otherwise
TRAZLEY PTY. LIMITED		164 MOLESWORTH LISHORE. 2480				40		

carried forward

NOTE: A fees receipt will not issue unless specifically requested.

Lodged by Thomas Noble & Russell
 Address P.O. Box 106,
 LISMORE, N.S.W. 480
 Phone No. (066) 217462

Lodged with the Commission
 17 11 1966 AT
 FICER

THIS FORM IS TO BE LODGED AT THE CORPORATE AFFAIRS OFFICE IN THE PLACE IN WHICH THE COMPANY IS INCORPORATED.

SEE DIRECTIONS, &c., OVERLEAF FOR THE COMPLETION OF THIS FORM.

NATIONAL COMPANIES AND SECURITIES COMMISSION

Companies Form 61

331141

Sub-section 238 (7)

PARTICULARS AND CHANGES OF PARTICULARS IN REGISTER OF
DIRECTORS, PRINCIPAL EXECUTIVE OFFICER AND SECRETARIES

Jacket B

Doc. No.

Reg No.

3 4 3 0 5 1 - 4 2

D E L
B R A Y E R

17 JUL 1989

Limited

WILLIAM ALLAN BLAIR	6.3.49 LISMORE	12 GAINSBOROUGH WAY GOONELLABAH 2480	CHARTERED ACCOUNTANT	CONTINUING 28.12.88
GEOFFREY MARSHALL LAWSON	3.11.46 SYDNEY	COWLONG ROAD MCLEANS RIDGES 2430	REAL ESTATE AGENT	CONTINUING 28.12.88
TREVOR LYAL RUSSELL	11.5.40 RYDE	JAMES ROAD GOONELLABAH 2480	CHARTERED ACCOUNTANT	RESIGNED 28.12.88
KENNETH GEORGE BUCKLEY	20.5.46 GLOUCESTER	190 WYRALLAH ROAD LISMORE 2480	SURVEYOR	RESIGNED 28.12.88
TERRANCE JOHN O'CONNELL	15.2.56 ENGLAND	P.O. BOX 21 NIMBIN	NIL	APPOINTED 28.12.88
GRAHAM RICHARD BOYLE	24.1.49 BRISBANE	40 ALICE STREET REDCLIFFE QLD. 4020	NIL	APPOINTED 28.12.88
Principal Executive Officer(s)				
Secretaries(s)				
WILLIAM ALLAN BLAIR	6.3.49 LISMORE	12 GAINSBOROUGH WAY GOONELLABAH	CHARTERED ACCOUNTANT	CONTINUING 28.12.88

Dated this

13th

day of

JULY

1989

(Signature of *Director *Secretary *Principal Executive Officer

Name of Signatory IN BLOCK LETTERS WILLIAM ALLAN BLAIR

NOTE: A fees receipt will not issue unless specifically requested.

Lodged by THOMAS NOBLE & RUSSELL

Address

P.O. BOX 106
LISMORE, N.S.W. 2480

Phone No. (066) 21 8544

Lodged with the Commission

ON 14 JUL

AT
SYDNEY

T. COLEMAN

AUTHORISED SIGNATURE

THIS FORM IS TO BE LODGED AT THE CORPORATE AFFAIRS OFFICE IN THE PLACE IN WHICH THE
COMPANY IS INCORPORATED.

SEE DIRECTIONS, &c. OVERLEAF FOR THE COMPLETION OF THIS FORM.

YOM 10.12.96 11.12.96

S E A R C H P A P E R
* * * * *

STEIN WOOLLEY & CO.

149 Castlereagh Street
SYDNEY. 2000

P O BOX E 38, St. JAMES 2000

D X 533 SYDNEY

267 8865 & 267 8929

FAX 267 6617

FEES: 10-00

CHARGE: 28-50

TOTAL: 38-50

TOTAL 38-50

38-50

TO BE ADDRESSED

POSTED.

M. Thew

FOR FURTHER ENQUIRIES



ADMINISTRATIVE OFFICE
STRATHEDEN STREET
KYOGLE, N.S.W. 2474.
TELEPHONE (066) 32 1611
FAX 066322228

IN YOUR REPLY
PLEASE QUOTE

D.A. 84/130.T.3-16
B.1-20.

7th September 1989.


Mr. R. Judd,
Health Surveyor,
Kyogle Shire Council,
P.O. Box 11,
KYOGLE. 2474.

Dear Mr. Judd,

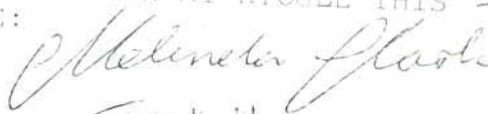
In pursuance of a Resolution of Council (89/G888 of August 21, 1989), authorisation was given to proceed to enforce the provisions of notice served under Section 317B(1A) of the Local Government Act, 1919, on the owner of Lot 4, in D.P. 773078, Parish Jiggi, to demolish the building comprising a bamboo, timber and plastic structure within a period of 60 days from the date thereof. Such notice was served on June 29, 1989.

As the owner has not lodged an appeal against the Order to the Land and Environment Court, you are now directed to proceed, on a suitable date to be determined, to enter the property and carry out the provisions of the Order, by demolishing the structure and observing the requirements of Section 317B, Clause (3).

Yours faithfully,


(P.D. THEW),
SHIRE CLERK.

THIS IS THE ANNEXURE MARKED "F" REFERRED TO IN THE ANNEXED
AFFIDAVIT OF RICHARD LEWIS JUDD SWORN AT KYOGLE THIS 20th
DAY OF ~~October~~ 1989, BEFORE ME:


Solicitor ✓

IN THE LAND AND ENVIRONMENT COURT
OF NEW SOUTH WALES

No. 20483 of 1989

TONIA LOUISE JANSEN

Applicant

THE COUNCIL OF THE
SHIRE OF KYOGLE

Respondent

AFFIDAVIT

Deponent: W.H. Pearson
Sworn: 26.10.89

D.M. JONES & ASSOCIATES
Solicitors
92 Summerland Way
KYOGLÉ. 2474
(DX 7731 Lismore)
Phone: (066) 32 1688

By their City Agents:

GLASSON, GEMMELL & MCGILL
111 Elizabeth Street
SYDNEY N.S.W. 2000
(DX 151 SYDNEY)
Tel: (02) 232 3299
Fax: (02) 221 1928

Exactly same
wording as
Judd's

On the 26th day of October 1989,
I, WILLIAM HENRY PEARSON of 3 McInosh Road, City
Acres, Lismore, Deputy Health and Building
Surveyor say on oath:

1. I am employed by the Respondent as a Health
and Building Surveyor.
2. I am credibly informed and verily believe
that a Section 317B(1A) Demolition Order
was issued by The Council of the Shire of
Kyogle, the Respondent on 29th June, 1989.
3. On 29th June, 1989 I attended with RICHARD
LEWIS JUDD at Site 4, Avalon, Via Kyogle at
such time a conversation took place between
ourselves and the Applicant to the
following effect:

Mr. Judd: "My name is Mr. Judd, Council
Health and Building Surveyor. This is Mr.
Pearson. Would you like to see our
authority?"

The Applicant: "No."

Mr. Judd: "We are here to issue you with a
copy of the Demolition Order."

I was able to identify the Applicant as the
person known as Tonia Louise Jansen as I
had had cause to meet with the Applicant on
one other occasion.

4C

[Signature]

Melinda Clark

4. Mr Judd handed her the envelope which contained the Section 317B(1A) Demolition Order, which she refused to accept. She walked back into the structure and commenced yelling at us obscenely. Mr Judd placed the envelope on a shelf in a clearly visible position and said to the applicant words to the following effect:
- Mr Judd: "I will leave it here."
- We left.
5. I personally served a copy of the Section 317B(1A) Demolition Order on the registered office of Staron Pty Limited on 29th June, 1989. I spoke to the Receptionist words to the following effect:
- Myself: "Is this the registered office of Staron Pty. Limited?"
- Receptionist: "Yes"
- I handed her an envelope which contained the Demolition Order.
6. I am credibly informed and verily believe that a copy was posted by certified mail to Staron Pty. Limited C/- P O Box 136 Nimbin.
7. I am credibly informed and verily believe that the Shire Clerk made a number of searches to ascertain whether or not an Appeal was lodged prior to the demolition.



8. On 11th September, 1989 the Respondent had not received notice that an Appeal had been lodged.
9. On Monday, 11th September, 1989 a demolition was organised. I attended at 8.55 a.m. with Richard Lewis Judd at the entry of Avalon. There were in attendance two Council trucks, five Council staff and several Police Officers. The entry to the property was blocked by a tractor and slasher and we were forced to enter the property by foot up a track at 9.20 a.m. We were met with abuse. Mr Judd read the contents of a letter dated 7th September, 1989 from the Respondent addressed to Mr Judd. The Police Officers removed the occupiers of the structure and the workman proceeded to demolish the structure after all personal effects were removed. The work was completed by approximately 10.15 am.

SWORN at Kyogle

before me:

Melinda Clark
Solicitor

[Signature]

IN THE LAND AND ENVIRONMENT COURT
OF NEW SOUTH WALES

No. 20483 of 1989

TONIA LOUISE JANSEN

Applicant

THE COUNCIL OF THE
SHIRE OF KYOGLE

Respondent

AFFIDAVIT

Deponent: C.A. Fairbairn
Sworn: 26.10.89

D.M. JONES & ASSOCIATES
Solicitors
92 Summerland Way
KYOGLE. 2474
(DX 7731 Lismore)
Phone: (066) 32 1688

By their City Agents:

GLASSON, GEMMELL & MCGILL
111 Elizabeth Street
SYDNEY N.S.W. 2000
(DX 151 SYDNEY)
Tel: (02) 232 3299
Fax: (02) 221 1928

On this 26th day of October 1989, I

CATHY ANNE FAIRBAIRN of Dourigans Gap,

Wiangarie, Unemployed say on oath:

1. On 29th June, 1989 I was employed by the Respondent.
2. On 29th June, 1989 I duly posted to Staron Pty. Limited C/- P O Box 136, Nimbin a letter by certified mail.
3. Annexed hereto and marked "A" is a true copy of a Certified Mail Posting Receipt which I completed at the time of posting

1A.

SWORN at Kyogle on
26th October 1989.
before me:

Melinda Mark
Solicitor

Fairbairn



Australia
Post

Certified Mail Posting Receipt

IMPORTANT: Read other side before completing

Article addressed to: (Sender to complete)

STARON PTY LTD

P.O. Box 136

Nimbin 2480

Postcode

DO YOU REQUIRE A RETURN RECEIPT

☒ Yes

☐ No

(Tick appropriate box)

If "Yes", write the letters "AR" in the box on the gummed label, obtain a Return Receipt Card from the Post Office, complete it and attach it to the back of the article.

NOTE: An extra fee is charged for this service.

Keep this receipt and present it if you make an enquiry.



J 188075

PM120
20/7/82

THIS IS THE ANNEXURE MARKED "A" REFERRED TO IN THE ANNEXED
AFFIDAVIT OF CATHY ANNE FAIRBAIRN SWORN AT KYOGLE THIS 26th
DAY OF October 1989, BEFORE ME:

Michaela Clark

Solicitor

IN THE LAND AND ENVIRONMENT COURT
OF NEW SOUTH WALES

No. 20483 of 1989

TONIA LOUISE JANSEN

Applicant

THE COUNCIL OF THE
SHIRE OF KYOGLE

Respondent

AFFIDAVIT

Deponent: P.V. Knight
Affirmed: 26.10.89

On this 26th day of October 1989, I
PATRICK VINCENT KNIGHT of Collins Creek Road,
Via Kyogle, Shire Engineer say and affirm:

1. I am employed by the Respondent as an Engineer.
2. On Monday, 11th September, 1989, at 4.30 p.m. I was personally served with a sealed copy of a Notice of Appeal lodged by the Applicant. A copy of which is annexed and marked "A".
3. I acknowledged receipt. A copy of my acknowledgement is annexed and marked "B".
4. I telephoned the Land and Environment Court at 4.55 p.m. I was informed that the appeal had been filed on 1st September, 1989.

2A

D.M. JONES & ASSOCIATES
Solicitors
92 Summerland Way
KYOGLE. 2474
(DX 7731 Lismore)
Phone: (066) 32 1688

By their City Agents:

GLASSON, GEMMELL & MCGILL
111 Elizabeth Street
SYDNEY N.S.W. 2000
(DX 151 SYDNEY)
Tel: (02) 232 3299
Fax: (02) 221 1928

AFFIRMED at Kyogle

before me:

Melinda Clark
Solicitor



ALL COMMUNICATIONS TO BE ADDRESSED
TO THE SHIRE CLERK
P.O. BOX NO. 11
KYOGLÉ, 2474



ADMINISTRATIVE OFFICE
STRATHEDEN STREET
KYOGLÉ, N.S.W. 2474
TELEPHONE (066) 32 1611
FAX 066322228
IN YOUR REPLY
PLEASE QUOTE:

CONTACT

FOR FURTHER ENQUIRIES

I acknowledge that at
4.30 pm. 11th September 1989
I accepted on Council's behalf
an application 20483 of
1989 in the Land & Env
Environment Court.

[Signature] 11-9-89

Deanne I

2287777

Lang Land & Environment Court, 4.55 pm.
according to their computer. - the appeal was
Filed 1st September.

THIS IS THE ANNEXURE MARKED "B" REFERRED TO IN THE ANNEXED AFFIDAVIT
OF PATRICK VINCENT KNIGHT SWORN AT KYOGLE THIS 26th DAY OF October
1989, BEFORE ME:

Melinda Clark.
Solicitor

IN THE LAND AND
ENVIRONMENT COURT
OF NEW SOUTH WALES

LAND AND ENVIRONMENT
COURT OF NEW SOUTH WALES

20483 of 1989

FULL NAME OF APPLICANT TONIA LOUISE JANSEN
(whether appellant,
objector, claimant or
referring authority) APPELLANT

ADDRESS LOT 1 STONEY CHUTE RD.
NITBIN 2450

Applicant(s)

OCCUPATION MUSICIAN

ACT OF PARLIAMENT OR OTHER INSTRUMENT UNDER
WHICH PROCEEDINGS ARE BROUGHT

SECTION 317B
LOCAL GOVERNMENT ACT.

Respondent(s)

SITUATION OF SUBJECT LAND LOT 4 D.P. 773068
CANONGLA SHIRE OF KYOGLE.

DECISION OR OTHER MATTER APPEALED AGAINST, OR
OBJECTED TO, OR OTHERWISE THE SUBJECT OF THE
PROCEEDINGS

DEMOLITION ORDER.

APPLICATION

CLASSES

1, 2 & 3

ANNEX COPY OF THE APPLICATION TO, AND LETTER FROM,
COUNCIL OR OTHER BODY STATING ITS DECISION OR
STATING ITS DECISION OR STATE WHY COPIES CANNOT BE
ANNEXED

A copy of this document

must be served on the

respondent by 9 OCT 1989

DATE: 30.8.89 Jansen

(Signed) Applicant or
his solicitor or agent

Applicant's
Address for
Service

LOT 1 STONEY CHUTE RD.
NITBIN

Applicant's
Telephone
Number:

A telephone callover will take place between
the hours of 9.00 a.m. and 4.00 p.m. on the
date specified below by an officer of this
court.

You are to ensure that either yourself or
your counsel or solicitor or your agent
authorised by you in writing, be available
for the callover on that date.

If you are unable to comply with this request,
please advise the registry one week prior to
the actual callover date.

TIME AND DATE OF TELEPHONE CALLOVER

TIME: 30 OCT 1989
DATE:



(Signed) Registrar

IN THE LAND AND ENVIRONMENT COURT
OF NEW SOUTH WALES

No. 20483 of 1989

TONIA LOUISE JANSEN

Applicant

THE COUNCIL OF THE
SHIRE OF KYOGLE

Respondent

AFFIDAVIT

Deponent: S.F. Garrett
Sworn: 26.10.89

D.M. JONES & ASSOCIATES
Solicitors
92 Summerland Way
KYOGLE. 2474
(DX 7731 Lismore)
Phone: (066) 32 1688

By their City Agents:

GLASSON, GEMMELL & MCGILL
111 Elizabeth Street
SYDNEY N.S.W. 2000
(DX 151 SYDNEY)
Tel: (02) 232 3299
Fax: (02) 221 1928

On this 26th day of OCTOBER 1989 I
STUART FORSTER GARRETT of South Golden Beach,
Solicitor say on oath:

1. I was a Locum Solicitor in the employ of
D.M. Jones & Associates, Solicitors for the
Respondent as at 11th September, 1989.
2. On 9.40 a.m. on Monday 11th September, 1989
I had a conversation with a Solicitor from
Messrs. Walters who indicated to me that an
Appeal had been filed.
3. I made attempts to contact The Shire Clerk,
the Deputy Shire Clerk, the Building and
Health Surveyor and Deputy Building and
Health Surveyor who were all absent from
Council Chambers.
4. The firm received a copy of the Notice of
Appeal by facsimile at approximately 10.00
a.m. on Monday 11th September, 1989.

SWORN at Kyogle

before me:

Melinda Clark
Solicitor

*Solicitors would have known
demolition going ahead.
Ring police?
Radio Council?
Office staff would have
known demolition underway*

ALL COMMUNICATIONS TO BE ADDRESSED
TO THE SHIRE CLERK
P.O. Box No. 11
KYOGLE, 2474.



ADMINISTRATIVE OFFICE:
STRATHEDEN STREET
KYOGLE, N.S.W. 2474.
TELEPHONE (066) 32 1611
FAX 066322228
IN YOUR REPLY
PLEASE QUOTE:

CONTACT
FOR FURTHER ENQUIRIES

2A

I acknowledge that at
4.30 pm 11th September 1989
I accepted on Council's behalf
an application 20483 of
1989 in the Land & and
Environment Court.

Diagh 11-9-89

Staron Pty. Ltd.,
PO Box 136,
Nimbin 2480.
17 October 1989.

The Minister for Local Government,
The Hon. D. Hay,
Sydney. (FAX)

Dear Sir,

At a meeting of the Kyogle Shire Council on the 16th of October, a delegation of Directors of this Company, the owners of Avalon Community, were refused access to a hearing. The delegation was locked out of the meeting, the door finally being opened some 30 minutes later, and the meeting was immediately adjourned upon the entry of our Directors.

Prior to the full Council meeting, a copy of a statement of key events was handed to the Planning Committee, but Council firmly refused to allow our delegation to state its' case. This case centres around allegations of prejudicial behaviour, and pecuniary interest on the part of the Chairman of the Planning Committee, Mr. D. Lovell. We believe that senior Council staff may be a party to this matter as well. The Town Planning Engineer, Mr. P. Knight, has told one of our Directors Mr. Bill Blair, that the Planning Committee had decided to attempt to bankrupt our Company over the matter of demolition of one of our member's homes on 11 September. The prejudice of the Planning Committee, under its' current Chairman, precludes us from a fair hearing, and we feel that full Council acts simply as a 'rubber stamp' for decisions made by the Planning Committee. In all honesty, we have exhausted all avenues in our attempt to gain a fair hearing.

Accordingly, we hereby appeal to you for urgent assistance in this matter and include relevant documents in support of our case. We feel that Mr. Lovell should be suspended, and a full investigation of the matters we will raise be carried out as soon as possible.

Yours Sincerely,


.....

Mr. H. Neville.
Director.

Staron Pty. Ltd.,
PO Box 136,
Nimbin 2480.
17 October 1989.

The Deputy Shire President,
Mr. B. Smith,
Kyogle Shire Council,
PO Box 11,
Kyogle 2474.

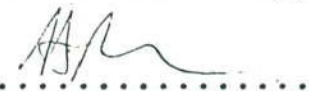
Dear Sir,

Further to our discussion of the evening of the 16th October, regarding our Company seeking a hearing of the Town Planning and Building Committee, I write to advise you that following due consideration of your advice, the Directors of Staron have decided that there is no practical point in attempting a resolution of our current difficulties through any meeting involving Cr. David Lovell or Mr. Patrick Knight.

Your good intentions are very much appreciated, indeed, they have offered the only ray of light at the end of a very dark tunnel, however we feel that at present Council is acting as a rubber stamp for decisions taken by the Planning Committee, and any meeting undertaken with that body under its' present chairmanship, would prove fruitless.

For your information, and for use at your discretion, please find enclosed documents covering the issues we are most concerned with, and copies of past correspondence with your Council in these matters.

Yours Sincerely,


.....

Mr. H. Neville.
Director.

KYOGLE SHIRE COUNCIL

STATEMENT BY SHIRE PRESIDENT


Council has issued an offer to Staron Pty Ltd to meet with Council's Town Planning and Building Committee to discuss the problems concerning illegal buildings on "Avalon" multiple occupancy. It is hoped that this meeting may establish some common ground and understanding to avoid demolition of further illegal buildings and imposition of fines for carrying out building works without building approval.

Council has noted that Mr H. Neville and other persons purporting to represent Staron have made statements to the news media in the past week suggesting that Staron will not get a fair hearing with Council's Town Planning and Building Committee, and that members of this committee will not act in good faith. They have gone on to state that for this reason they will not meet with the committee and insist on meeting with full council.

I wish to put on record that I and all other councillors have the fullest confidence in the committee and it's ability to represent Council and negotiate with Staron Pty Ltd in this matter. The committee's business has always been fully open to public scrutiny and has gone out of it's way to meet with residents and developers who have planning or building problems.

If Staron Pty Ltd have any specific complaints about the committee or any of it's members, council will consider such complaints if they are submitted in writing and detail the specific nature of the complaint. If council considers the complaints well founded council will invite a deputation to address full council.

In the absence of such written complaint however, any negotiation by Staron must be with the committee.


S.L. Johnston
16 -10 -89

Staron Pty. Ltd.,
PO Box 136,
Nimbin 2480.
16 October 1989,

The Shire Clerk,
Mr. P. D. Thew,
Kyogle Shire Council,
PO Box 11,
Kyogle 2474.

Dear Sir,

I refer to correspondence from Mr. Knight, dated October 9, 1989, your reference D.A. 84/130, and advise you of the following;

- (1) Staron Pty. Ltd. feels that a meeting with your Town Planning and Building Committee, under its' present chairmanship, would be fruitless. We wish to meet with the full Council in an open meeting.
- (2) To enable your Council to alleviate its' difficulties in communicating with Staron Pty. Ltd., the registered address of the Company is in the process of being changed to Lot. 1, Stoney Chute Rd., via Nimbin, 2480. The postal address remains Post Office Box 136, Nimbin.
- (3) Your stated understanding of the Companies Act is erroneous in the matter of the location of the Secretary, and I point out that Mr. Bill Blair is the Company Secretary only, Ms. J. Gibbons is Secretary, and Mr. H. Neville Assistant Secretary.

Yours Sincerely,



Mr. H. Neville
Director.

c.c.

MINUTE.

Attn: Mr. Bill Blair.

At a meeting of Directors of Staron Pty. Ltd., held at Avalon on the 14th October 1989, Mr. Harry Neville was appointed a Director of the Company for the purposes of dealing with Kyogle Shire Council.

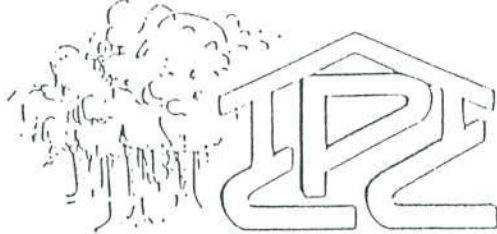
Mr. Neville will assume the position of Assistant Secretary and is hereby authorised to delegate for Ms. Jenny Gibbons during her absence.

J. Gibbons...

J. Jones...

Please note that at the same meeting, a resolution was passed to change the registered address of Staron Pty. Ltd. to Lot 1., Stoney-Chute Rd., via Nimbin 2480.

J. Gibbons...



PAN-COMMUNITY
COUNCIL
P.O. BOX 102,
NIMBIN 2480

MEDIA RELEASE.

October 13 1989.

COMMUNITY CALLS FOR OPEN MEETING.

On Wednesday October 11, Mr. Patrick Knight, Town Planner for Kyogle Shire Council, advised a Director of Staron Pty. Ltd that Council intends to bill Staron \$308.10 to cover costs incurred in the demolition of a home at Avalon Community. Ms. Tonia Jansen's home was demolished by Council employees on September 11 this year. Mr. Knight also indicated that should this bill not be paid, Council may seek to bankrupt the Community with a view to closing Avalon. Residents feel that this approach is adding insult to injury.

The Directors of Staron Pty. Ltd. have sought a meeting with the full Council to discuss the lack of uniformity demonstrated by Kyogle Shire in the application of building ordinances on Avalon. The Council have advised that they will not act on this request until Staron meets with the Town Planning and Building committee. However, the Directors of Staron feel that they would not be given a fair hearing by this committee, as the chairperson is currently the subject of allegations regarding pecuniary interest in the Avalon property, relating to the removal of timber.

A delegation of Staron Directors, and an observer from the Pan Community Council will be present at the next Council meeting, on October 16, in the hope that the councillors of Kyogle Shire will give them the opportunity to present their submission.

per Dianna Roberts
Pancom Co-ordinator.

Staron Pty. Ltd.,
PO Box 136,
Nimbin 2480.
6 October 1989.

The Shire Clerk,
Mr. P. D. Thew,
Kyogle Shire Council.

Dear Sir,

Further to your Councils' media release as broadcast on A.B.C. Radio, Friday the 6th October, we hereby request a meeting with your Council to discuss the aspects raised in the press release.

We will be seeking access to a full Council meeting, our delegation consisting of three members of Staron Pty. Ltd., and would request time be allocated at the next Council meeting in order to deal with this matter as soon as possible.

Thank you for the opportunity to explain our case to your Council, we look forward to a positive interaction, possibly shedding some new light on the issues to be discussed.

Yours Sincerely,



(Ms.) J. Gibbons.

Secretary.

c.c.

ALL COMMUNICATIONS TO BE ADDRESSED
TO THE SHIRE CLERK WHP:PEB
P.O. Box No. 11
KYOGLE, 2474.



ADMINISTRATIVE OFFICE:
STRATHEDEN STREET
KYOGLE, N.S.W. 2474.
TELEPHONE (066) 32 1611
FAX 066322228

IN YOUR REPLY
PLEASE QUOTE:

B.1-21

CONTACT Mr Pearson
FOR FURTHER ENQUIRIES

September 27, 1989.

The Secretary,
Staron Pty Ltd,
Stoney Chute Road,
VIA NIMBIN. 2480.

Dear Madam,

I refer to your application for a temporary dwelling licence in respect of Site 4 at "Avalon" and advise this will be processed following receipt of a building application, plans, specifications and fee for the bamboo structure referred to in the application.

I enclose a copy of a Building Application form plus guidelines relating to temporary dwelling licences which may be of assistance to you.

Yours faithfully,

P.D. Thew
(P.D. THEW),
SHIRE CLERK.

ALL COMMUNICATIONS TO BE ADDRESSED
TO THE SHIRE CLERK
P.O. Box No. 11
KYOGLÉ, 2474.



ADMINISTRATIVE OFFICE:
STRATHEDEN STREET
KYOGLÉ, N.S.W. 2474.
TELEPHONE (066) 32 1611
FAX 066322228

IN YOUR REPLY
PLEASE QUOTE:

CONTACT _____
FOR FURTHER ENQUIRIES

K Y O G L E S H I R E C O U N C I L

Procedure for the issue of a temporary/moveable dwelling licence with the Shire of Kyogle.

1. Complete the application form including site plan on reverse side.
2. Pay the application fee which in 1989 is \$30.00.
3. If a dwelling requires a development approval this must be obtained prior to a temporary/moveable dwelling licence being issued.
4. Where the application relates to a tent, caravan or bus type accommodation, nothing further is required at this time.
5. Where the application relates to a shed or garage type accommodation, then a building application plans & fee will be necessary immediately.
6. Any temporary/moveable dwelling licence issued is for a period of twelve months and renewal is subject firstly to plans and specifications for the permanent dwelling being submitted and approved and secondly to a start being made on the dwelling during the twelve months. ie the footings at least being laid and up to floor level if possible.

NOTE:-

Section 94 contributions are required before any approval of the permanent dwelling is issued but is not expected at the time of submission of the application for temporary/moveable dwelling licence. No occupation should take place until the licence is issued.

P.D. THEW
SHIRE CLERK

18th September 1989.



PAN-COMMUNITY
COUNCIL
P.O. BOX 102,
NIMBIN 2480

19th September, 1989

MEDIA RELEASE

NO EASY ROAD

Pan Community Council, an umbrella organisation for Multiple Occupancy (M.O.) developments, yesterday received legal advice that the appeal lodged against the demolition of a temporary dwelling on an M.O. at Stoney Chute was valid. Kyogle Shire Council refute the validity of the appeal on the grounds that (a) the lodgement was late, and (b) lodgement was not by the owner of the land. In fact, the appeal was lodged within the statutory 60-day period from service of the demolition notice, and was lodged by Ms. Tonia Jansen who is the occupant of the demolished house and a Director of Staron Pty. Ltd., the owner of the land.

Although the home was actually demolished on September 11th, the appeal will still be heard in the Land and Environment Court commencing 30th October, 1989.

Despite repeated requests by Pan-Com, both personally and publically, Kyogle Shire Council still have not provided any information as to why the dwelling was considered to be unsanitary and a fire risk, allegations denied by Staron Pty. Ltd. At no time prior to demolition did Council advise Ms. Jansen as to how her temporary dwelling could be improved in order to avoid demolition.

Pan-Com and their solicitors know of no reference in the Local Government Act concerning building standards for temporary dwellings. Temporary dwellings are merely a temporary form of accommodation used whilst a permanent home is being constructed. Ms. Tonia Jansen's temporary dwelling was more than adequate to meet this requirement.

Yesterday Staron Pty. Ltd. lodged an application for a temporary dwelling permit for Ms. Jansen's site and, following substantial donations from anonymous sources, rebuilding of her home will commence in the immediate future.

This is not the first attempt by Kyogle Shire Council to illegally remove residents from this Community.

Recent events have focussed attention on M.O. developments and highlighted many of the problems surrounding such developments. Residents of M.O.s are ordinary people, as diverse in their attitudes and outlooks as society generally. The only difference is that they share the ownership of their land.

Pan-Com stresses that residents of M.O.s do not consider they "should occupy a privileged position" in society, "exempt from building regulations and development contributions" as claimed by Philip Thew, Kyogle Shire Clerk.

Currently, development conditions are imposed in an arbitrary and often unreasonable manner. This is substantiated by the fact that all Communities who have contested Council imposed conditions at Court have received favourable outcomes.

Councils seem to forget that the very nature of Multiple Occupancy, i.e. multiple dwellings on a shared piece of land, involves the establishment and maintenance of an extensive internal road network at considerable expense to each Community. If M.O.s were subdivisions, these networks would be the responsibility of Council.

In addition, not only are M.O.s required to pay road levies on an individual household basis but are expected to upgrade already existing public roads and intersections.

Furthermore, as well as providing their own road networks, M.O. residents provide their own housing without access to low-income housing loans. Also, it has proved to be extremely difficult for M.O. residents to obtain the First Home Owner's Grant or to obtain finance from a conventional lending institution since all these sources of finance are dependent upon individual ownership of land.

While Pan-Com applauds Government support for the concept of M.O. the absence of any legislation not open to broad interpretation gives Councils a free hand in imposing development conditions and compounds the problems of all M.O.s. We feel Kyogle Shire Council has taken advantage of this situation.

For more information contact Diana Roberts, Tel.: (066) 219800

Staron Pty. Ltd.,
PO Box 136,
Nimbin 2480.
15 September 1989.

The Shire Clerk,
Mr. P. D. Thew,
Kyogle Shire Council,
PO Box 11,
Kyogle 2474.

Dear Sir,

I refer to a Press Release made by your Council, and comments made by yourself on A.B.C. Radio news on the 14 September. I have to inform you that the shareholders of Staron Pty. Ltd. as an overwhelming majority, are in support of Ms. Tonia Jansen in her case against your Council relating to the demolition of her home.

To suggest a 'division within the community' belies the reality of the democratic principle, namely, majority rule. Surely, your Council should be aware of this basic fact? Furthermore, whether a 'power struggle' is taking place within Avalon Community or not, it has absolutely no bearing on the issue of the demolition.

As a consequence of your comments, and the Press Release, Staron Pty. Ltd. is seeking legal advice with a view to initiating libel proceedings against yourself and your Council.

I have therefore to inform you that should a retraction of the offending parts of your Councils' Press Release not appear in the appropriate media within seven days from the receipt of this letter, libel proceedings will be entered into without further correspondence.

Yours Sincerely,



(Ms.) J. Gibbons
Secretary.

c.c.



PAN-COMMUNITY
COUNCIL
P.O. BOX 102,
NIMBIN 2480

13th September, 1989

MEDIA RELEASE

KYOGLE SHIRE DEMOLITION

Pan-Community Council, an organisation representing Multiple Occupancy (M.O.) Communities in N.S.W., today expressed dismay at the heavy-handed approach of the Kyogle Shire Council in demolishing the home of a single mother on Monday. A force of 21 police and seven council employees physically ejected Ms. Tonia Jansen and her two children from their home at Avalon community and then proceeded to completely destroy the building with chainsaws.

Pan-Com deplores this action, especially in view of the acute housing shortage on the North Coast at the present time. At a time when it is virtually impossible for low income earners to become home-owners, it would seem more appropriate that Ms. Jansen's efforts to provide her own low-cost housing should have been commended rather than totally negated by this destruction.

Monday's action by Police and Council, involving 28 government employees, was a perverse and unjustifiable waste of taxpayers' money. Considering the current dire financial predicament facing the Council, surely this money could have been used more constructively.

Multiple Occupancy is an increasingly popular form of land-ownership, recognised and supported by both State and Federal governments. It provides an opportunity for low-income families like the Jansens to acquire their own home and some security for their future. In Pan-Com's experience, multiple occupancies in Kyogle Shire encounter more problems with Council than M.O.s in other Shires in the region.

Kyogle Shire Council refused a temporary dwelling permit to Ms. Jansen partly because she could not pay the \$1980 road levy imposed by Council. There are many instances where temporary dwelling permits have been issued without payment of road levies. In addition the amount of the road levy is usually a matter negotiated between Council and each M.O. Recently the Land and Environment Court set the road levy at \$350 for a neighbouring community in another Shire.

This incident has served to highlight the problems and contradictions surrounding M.O. development in Kyogle Shire. Many M.O.s in the Shire are frustrated by the unco-operative and obstructionist attitude adopted by Council and the absence of a uniform policy towards land-sharing communities.

Any home is better than no home at all. Demolishing people's houses is not the answer.

For further information, telephone Nimbin Neighbourhood and Information Centre on 891 492.

TELE. (066) 231 511
FAX. (066) 231 529



PATROL COMMANDER'S OFFICE

LISMORE 2480

13. SEPTEMBER, 1989.....

Ref. Your FAX dated 12.9.89

Ms. S. Andrea
Pan-Community Council
P.O. Box 102,
NIMBIN. 2480

Dear Ms. Andrea,

I would like to acknowledge the receipt of your facsimile dated the 12 September, 1989 for which I thank you.

I am the officer who led the Police operation at the Avalon Community property on the 11 September, 1989. The purpose of Police being involved in the operation was to ensure that there were no breaches of the peace by either party whilst the Kyogle Shire Council employees carried out the demolition order. My inquiries gave me no reason to doubt the legality of this demolition order.

As you would no doubt be aware I requested all persons present on that morning at Ms. Jansen's dwelling to remain calm and not to commit any act which would breach the peace. I further indicated the situation was difficult for all parties concerned.

From the time of our arrival my staff and Kyogle Shire Council employees were subjected to continual vile abuse, threats and insulting language. I would like to point out that great restraint was exhibited by my officers under extreme provocation.

All Police present were sympathetic to Ms. Jansen's situation particularly as she had two children to care for. I made an offer to have the Family and Community Services Department attend to assist the Jansen family with emergency housing and assistance but this offer was refused with derision both at Avalon and at the Nimbin Police Station. Ms. Jansen's personal possessions were taken care of by friends at Avalon at my request.

Finally, I would like to thank you for your communication and I request your assistance in attempting to defuse this situation in view of her planned protest.

Yours Faithfully,

A.L. Becke
Inspector
Acting Patrol Commander



.12 September 1989.

The Officer in Charge,
Lismore Police District.

Dear Sir,

With reference to the demolition of a dwelling on Avalon Community, on the 11 September, during which nine arrests took place, I wish to draw your attention to the accompanying document.

The existence of this document was made known to an officer under your command before the demolition took place, and whilst the majority of your officers obviously did not enjoy what took place, there were nine arrests and physical injury to members of the community.

Whilst the actions of members of Avalon Community may have been somewhat extreme in the view of the officers attending, they stemmed from the knowledge that what was taking place was not only morally wrong, but illegal under the terms of the Land and Environment Court. The stamped appeal document was in fact in the letterbox at Avalon whilst the demolition was taking place, and the Kyogle Shire Clerk was notified in writing on the 31 August as to the appeal having been lodged.

I would appreciate your bringing this matter to the attention of the officers who attended the demolition in order to perhaps explain the vocal ferocity of those who sought to protect Ms. Jansen's house.

In conclusion, I must inform you that this matter will not only be dealt with in the Land and Environment Court, but will also be the subject of civil action against the Kyogle Shire Council.

Yours Sincerely,

.....*S. Andrea*.....

Ms. Sophia Andrea

Incl.(1)



PAIN-COMMUNITY
COUNCIL
P.O. BOX 102,
NIMBIN 2480

12 September 1989.

Hon. D. Hay,
FAX (02) 233 5982.

Dear Sir,

With reference to our previous correspondence regarding the matter of demolition orders against Ms. Tonia Jansen, of Avalon Community, I wish to inform you that Kyogle Shire Council yesterday carried out the demolition.

The shire clerk of Kyogle Shire was advised in writing on the 31 August that an appeal had been lodged in the Land and Environment Court, and the relevant appeal documents were delivered to the Council at 4.30 pm on the 11 September. The documents were in fact in the letterbox at Avalon Community at the time the demolition was taking place. The officer in charge of the police who accompanied the officers of the Kyogle Council was informed as to the status of Ms. Jansen's appeal, as were the Council officers.

Subsequently, nine people were arrested. one of whom required seven stitches to wounds received during the demolition, and Ms. Jansen and her two small children were left homeless, with their personal possessions scattered around the grounds of her demolished home.

In view of the illegal actions of the Kyogle Shire Council, we hereby request your assistance in this matter, and upon your request we will supply your office with copies of all appropriate documents relating to this matter. There is widespread community concern over this issue, and we feel that the whole matter should not be viewed in isolation, but as part of a continuing campaign by the Kyogle Council to distract rate-payers' attention from the financial ineptitude of the Council.

Yours Sincerely,



.....

Mr. H. Neville.

Incl.(2).

IN THE LAND AND
ENVIRONMENT COURT
OF NEW SOUTH WALES

LAND AND ENVIRONMENT
COURT OF NEW SOUTH WALES

20483 of 1989

FULL NAME OF APPLICANT TONIA LOUISE JANSEN
(whether appellant,
objector, claimant or
referring authority) APPELLANT

ADDRESS LOT 1 STONEY CHUTE RD.
NIMBIN 2480

Applicant(s)

OCCUPATION MUSICIAN

TONIA LOUISE
JANSEN

ACT OF PARLIAMENT OR OTHER INSTRUMENT UNDER
WHICH PROCEEDINGS ARE BROUGHT

SECTION 317B

LOCAL GOVERNMENT ACT

Respondent(s)

KVOGLE
SHIRE COUNCIL

SITUATION OF SUBJECT LAND LOT 4 D.P. 773068

CAWONGLA SHIRE OF KVOGLE.

DECISION OR OTHER MATTER APPEALED AGAINST, OR
OBJECTED TO, OR OTHERWISE THE SUBJECT OF THE
PROCEEDINGS

DEMOLITION ORDER.

APPLICATION

CLASSES

1, (2) & 3

ANNEX COPY OF THE APPLICATION TO, AND LETTER FROM,
COUNCIL OR OTHER BODY STATING ITS DECISION OR
STATING ITS DECISION OR STATE WHY COPIES CANNOT BE
ANNEXED

A copy of this document
must be served on the
respondent by 9 OCT 1989

DATE: 30/8.89.

(Signed) Applicant or
his solicitor or agent

Applicant's
Address for
Service

LOT 1 STONEY CHUTE RD.
NIMBIN.

A telephone callover will take place between
the hours of 9.00 a.m. and 4.00 p.m. on the
date specified below by an officer of this
court.

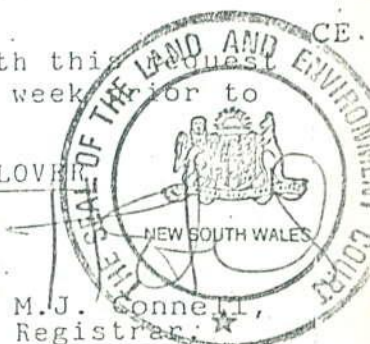
You are to ensure that either yourself or
your counsel or solicitor or your agent
authorised by you in writing, be available
for the callover on that date.

If you are unable to comply with this request
please advise the registry one week prior to
the actual callover date.

TIME AND DATE OF TELEPHONE CALLOVER

Applicant's
Telephone
Number:

TIME: 30 OCT 1989
DATE:



M.J. Conneally,
Registrar

(Signed) Registrar

7
14
21
28 31-5
38

From Council

- Notice of Motion

3/11

to have appeal struck out

Staron PL

P.O. Box 136

Nimbin 2480.

- bldg's been demolished

- applicant not owner
(co. search doesn't
show Tomia as
Director)

- incompetent as out

Can send documents ~~off~~ to Sydney of time

3 days notice.

Get matter adjourned

Put letter to Court

or instruct solicitor

D.M. Jones

92 S'land Way

Kyogle 321688

Level 7
American Express Bldg.
Cnr King & George

Temp. dwelling permit appeal.

- Council say haven't been served
= notice of appeal

- send to The Registry
Land & Env. Court.
GPO Box 3565

Sydney 200!

- notice to produce

or
subpoena.

- contact Council &
ask why haven't complied
if they don't

ALL COMMUNICATIONS TO BE ADDRESSED
TO THE SHIRE CLERK
P.O. Box No. 11
KYOGLÉ, 2474.



ADMINISTRATIVE OFFICE:
STRATHEDEN STREET
KYOGLÉ, N.S.W. 2474.
TELEPHONE (066) 32 1611
FAX 066322228

IN YOUR REPLY
PLEASE QUOTE:

CONTACT _____
FOR FURTHER ENQUIRIES

I acknowledge that at
4.30pm. 11th September 1989
I accepted on Council's behalf
an application 20483 of
1989 in the Land & and
Environment Court.

[Signature] 11-9-89



PAN-COMMUNITY
COUNCIL
P.O. BOX 102,
NIMBIN 2480

Media Release

31st August, 1989

SINGLE MUM TO BE BULLDOZED

Pan Community Council, an organization representing Multiple Occupancies in N.S.W., expressed its deep concern at a decision by Kyogle Shire Council to refuse a temporary dwelling licence to a single mother and to proceed with demolition of her home. Ms. Tonia Jansen and her two children are residents of a multiple occupancy (M.O.) in Kyogle Shire. A letter from the Shire Clerk dated 25.8.89. stated that her application had been refused for the following reasons:

1. That there is currently a demolition order on her home
2. That Ms. Jansen could not at present pay the \$1985.- road levy and therefore would be unlikely to afford construction of a permanent dwelling
3. That the facilities at the home were unsanitary and prejudicial to the health of the residents and their neighbours
4. That the structure poses a fire risk.

PanCom finds it puzzling that Council should assume merely because someone is in financial difficulty now that they will be in the future. PanCom is also unaware of any situation where ability to pay the Section 94 road levy has been a prerequisite for the issue of a temporary dwelling licence. Furthermore, Kyogle Shire Council has been known to offer M.O. residents the option of working off this levy in lieu of a cash payment.

Ms. Jansen advised PanCom that she considers her facilities to be adequate for her temporary dwelling. She and the children enjoy good health and the neighbours are angry at the Council's suggestion that her home prejudices their health. Ms. Jansen also considers that her home poses no more of a fire risk than any other wooden building despite its bamboo construction. She has lodged an appeal under the Local Government Act.

In view of the dire housing shortage that exists in N.S.W., and particularly in this area, PanCom is disappointed with Kyogle Shire Council's confrontationist approach to multiple occupancy development. A protest against the Council's decision will be held outside Kyogle Council Chambers on Friday, 1st September, 1989 at 11.a.m.

For further information contact Diana Roberts, PanCom Co-Ordinator, Tel.: 891 529.

31/8 FAX.

A.B.C. RADIO - 2pm - A.B.C. T.V. SYD MORN. HERALD.

ALL COMMUNICATIONS TO BE ADDRESSED
TO THE SHIRE CLERK
P.O. BOX NO. 11
KYOGLE, 2474.

WHP:JMH



ADMINISTRATIVE OFFICE:
STRATHEDEN STREET
KYOGLE, N.S.W. 2474.
TELEPHONE (066) 32 1611
FAX 066322228

IN YOUR REPLY
PLEASE QUOTE:

CONTACT Mr Pearson
FOR FURTHER ENQUIRIES

B.1-20

August 25, 1989

M/s Tonia L Jansen
"Avalon" Lot 1
Stoney Chute Road
Via NIMBIN 2480

Dear Madam

I refer to your application for a temporary dwelling licence on Lot 1, Stoney Chute Road and advise that Council has resolved that a licence not be issued. The reasons for this refusal are:-

- (a) There is currently a demolition order issued in respect of this structure and to grant a licence would render the order ineffective.
- (b) On your own admission by letter, you have no finance to pay the section 94 contribution and therefore it is reasonable to assume you could not afford to construct a permanent dwelling.
- (c) The facilities available to yourself and two small children are unsanitary and prejudicial to the health of both yourselves and the inhabitants of the neighbourhood of such structure.
- (d) The structure poses a real risk of fire and is prejudicial to the safety of the occupants.

I enclose a cheque for \$15:00 being half refund of the application fee.

Note: Your attention is drawn to your right of appeal under the Local Government Act, 1919.

Yours faithfully

(P.D. THEW)
SHIRE CLERK

ALL COMMUNICATIONS TO BE ADDRESSED
TO THE SHIRE CLERK
P.O. Box No. 11
KYOGLE, 2474.

B.HH:PER



ADMINISTRATIVE OFFICE:
STRATHEDEN STREET
KYOGLE, N.S.W. 2474.
TELEPHONE 1059132 1011
FAX 066322228
IN YOUR REPLY
PLEASE QUOTE:

CONTACT

Mr Hannigan
FOR FURTHER ENQUIRIES

D.A. 84/130

January 11, 1989.

Mr Taranto,
The Secretary,
Avalon Multiple Occupancy,
Stoney Chute Road,
WADEVILLE. 2474.

Bush Fire Hazard Reduction Zone

Dear Sir,

Council has resolved that Building Applications will be processed within the area of your Multiple Occupancy coloured in pink on the enclosed sketch because of the Bush Fire Hazard Reduction recently carried out by you. The dividing line along the road would need to be a thirty (30) metres wide zone and run from Websters Creek to Stoney Chute Road as shown on the sketch.

The area of the Multiple Occupancy to the north east will not receive any assistance or relief at this time.

Yours faithfully,

P. D. Thew

(P.D. THEW),
SHIRE CLERK.

[Signature]

Mr Hannigan

T.3-3/1

May 26, 1988.

The Secretary,
Trazley Pty Ltd,
Suites 1-3 Nesbitt House,
164 Molesworth Street,
LISMORE. 2480.

Development Application No. 84/130

Dear Sir,

An inspection was carried out by Council staff this week of the Multiple Occupancy owned by you at Lot 3, D.P. 708300, Parish of Jiggi, County of Rous. The inspection showed serious divergence from the conditions of the approved development consent.

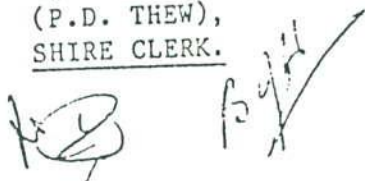
There is work being undertaken to construct dwellings away from approved sites. These areas are prone to bushfire hazards and are not approved.

All work is to cease immediately and any construction upon unapproved sites is to be removed. The conditions of the consent are to be observed at all times.

If you wish to alter the development consent, application is to be made to Council and Council's Fire Control Officer for approval.

Yours faithfully,

P.D. Thew
(P.D. THEW),
SHIRE CLERK.



ALL COMMUNICATIONS TO BE ADDRESSED
TO THE SHIRE CLERK
P.O. Box No. 11
KYOGLE, 2474.

BJH:PEB



ADMINISTRATIVE OFFICE:
STRATHEDEN STREET
KYOGLE, N.S.W. 2474.
TELEPHONE (066) 32 1611
FAX 066322228

IN YOUR REPLY
PLEASE QUOTE:

B.1-20 & 84/130

CONTACT Mr Hannigan
FOR FURTHER ENQUIRIES

August 24, 1989.

Ms T.L. Jansen,
Share 4,
Avalon Community,
Lot 1, Stoney Chute Road,
NIMBIN. 2480.

Development Application No. 84/130

Dear Madam,


Reference is made to your letter dated August 14, 1989. The letter was tabled at Council's Meeting on Monday, August 21, 1989.

Council has resolved that you must pay the Road Improvement Levy and Public Reserve Levy of \$1,985 (current rate) as per the condition of the Multiple Occupancy Development Consent. The Building Permit for a dwelling will not be issued until this amount of money is received.

As you state that you are unable to pay this Section 94 Contribution, it is reasonable to assume that you could not afford to construct a permanent dwelling.

The demolition order stands and upon the expiration of the time period, action to demolish will proceed.

Yours faithfully,


(P.D. THEW),
SHIRE CLERK.

ALL COMMUNICATIONS TO BE ADDRESSED
TO THE SHIRE CLERK
P.O. Box No. 11
KYOGLE, 2474.



ADMINISTRATIVE OFFICE:
STRATHEDEN STREET
KYOGLE, N.S.W. 2474.
TELEPHONE (066) 32 1611
FAX 066322228
IN YOUR REPLY
PLEASE QUOTE:

CONTACT
FOR FURTHER ENQUIRIES

NOTICE
DEMOLITION ORDER

TO: STARON PTY LIMITED

OF: C/- Thomas Noble & Russell,
Nesbitt House,
Molesworth Street,
LISMORE NSW 2480.

TAKE NOTICE that pursuant to the provisions of Section 317B(1A) of the Local Government Act, 1919, you being the owner of Lot 4 in Deposited Plan 773068 at Cawongla, Shire of Kyogle, Parish of Jiggi, County of Rous are hereby ordered within sixty (60) days of the date of receipt of this notice to demolish the building consisting of a bamboo, timber & plastic structure occupied by Tonia Louise Jansen and located on site 4 on the grounds that the said building was erected after the commencement of the Local Government (Amendment) Act, 1958 without the approval of the Council having been obtained therefor before hand.

Dated this..TWENTY..NINTH..DAY OF JUNE 1989.....

Signed.....
SHIRE CLERK

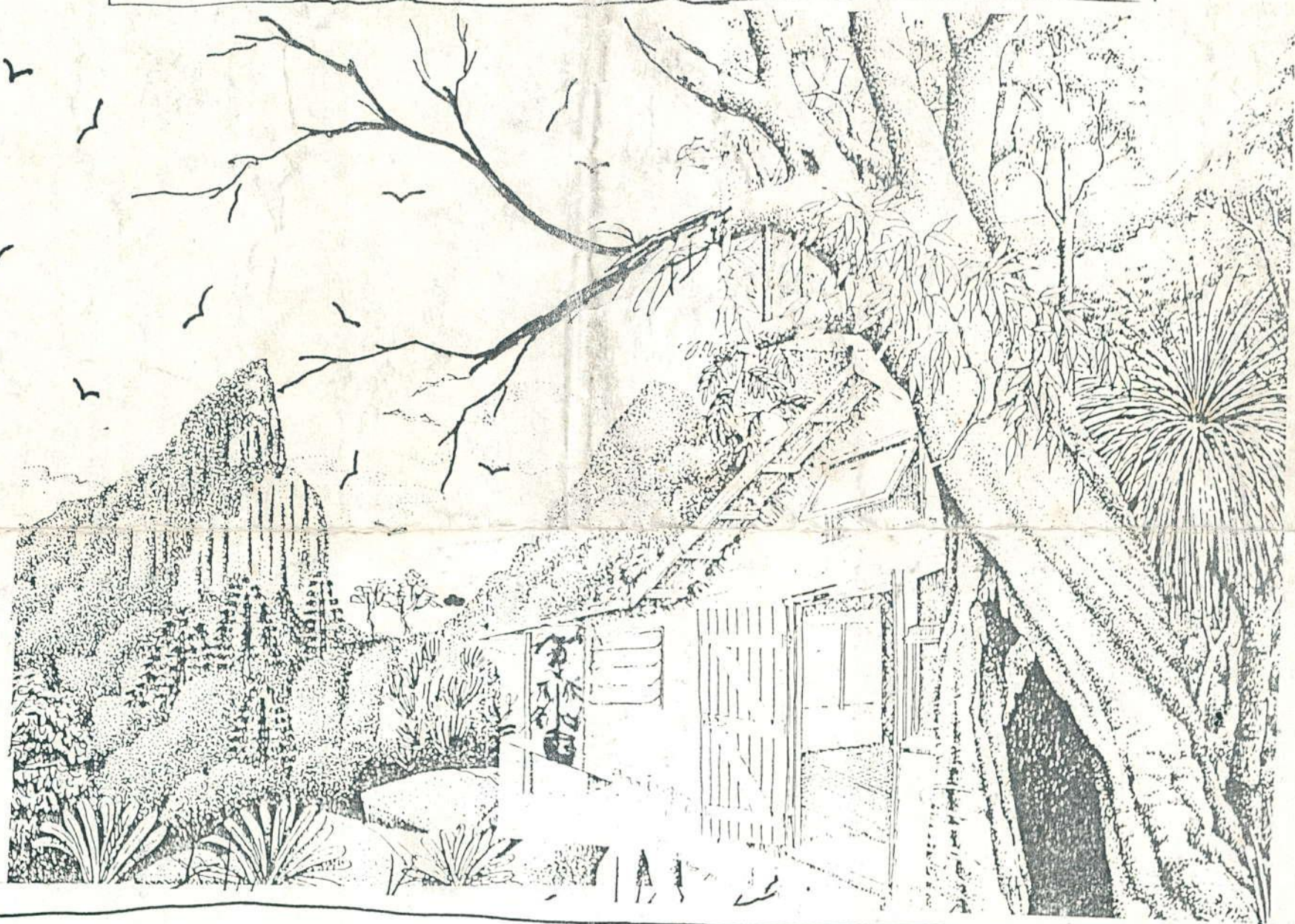
For and on behalf of
Kyogle Shire Council

NOTE:

Your attention is drawn to Section 317B(5) of the Local Government Act 1919 which provides that any owner who has received an Order under this Section may appeal against the Order to the Land and Environment Court.

EXTRA-ORDINARY PUBLIC MEETING

P.S.
STOP
PRESS
TANYIA'S
HOUSE
HAS
JUST
BEEN
PULLED DOWN.



— ON ALTERNATIVE BUILDING REGULATIONS
+ COUNCIL DEMOLITION ORDERS . . .

11 A.M.
MEMORIAL PARK



**WEDNESDAY
SEPT. 13TH**
NIMBIN.

LET'S FIGHT THE HOUSING CRISIS TOGETHER IN ☺

Multiple Occupancy claims draw criticism from Kyogle councillor

Debate over the desirability of multiple occupancies on the Far North Coast has flared again following the Kyogle and Richmond River shire council decisions to exclude them from their Local Environmental Plans.

The council moves virtually mean an end to all new legal multiple occupancy developments in those shires.

They have brought angry outcries from multiple occupancy (MO) residents and local housing groups.

Protest action has already been planned in Kyogle Shire by the recently formed Pan-Community Council, which represents 22 North Coast MO developments.

Pan-Community Council representatives believe MOs offer a low-cost environmentally sound housing option. In the words of one resident, they provide people with their own piece of low-cost environmental paradise.

It is a description that

worries former Kyogle Shire President David Lovell.

Cr Lovell, a banana farmer and beef cattle grazer at Stoney Chute, lives in the heartland of Kyogle Shire's MOs. In fact, one of the largest, Lillifield, adjoins his property.

There are 14 legally approved MOs in Kyogle Shire, 13 of which are in the north-eastern corner of the shire. Currently, another six MO development applications are awaiting council approval. There are only two MOs in Richmond River Shire.

Cr Lovell has been closely involved with MOs, in his position with the council and because he lives so close to them. He believes he has a good idea of the way they operate.

And he says the 'picture of paradise' painted in recent media reports is far from the truth.

"I have been waiting a long time to see a successful MO," he said.

"I believe in the concept of MOs. The idea of a group of people working together for the benefit of all sits well with me.

"And I thought when they first appeared in Kyogle Shire more than a decade ago that this is the way it would be.

"But I have seen nothing approaching this.

Cr Lovell presents some solid evidence to support his assertions.

Low-cost housing option

This is a widely held and widely touted belief which is simply untrue, Cr Lovell said.

"The facts are quite simple," he said.

"MO residents buy a share of land, held under a single title, for a set price. This varies, but a fair average would be \$10,000 to \$15,000 for a section of land upwards of 2.5ha.

"They must then pay the relevant local authority a road allocation levy (in Kyogle Shire it is \$1950. It

applies across all rural parts of the shire.)

"Because MOs are invariably in relatively isolated areas on a large section of land, roads must be built to each dwelling site. Residents must also establish water and power supplies. These are very very expensive.

"The costs are already large and the resident has not even started to build a dwelling, which, of course, must conform to building standards.

"The isolation also leads for the need to travel long distances over bad roads for essential items — all very costly.

"In Kyogle township, a good house on a good block of land within walking distance of all services can be bought for no more than \$60,000.

"Given that, how can MOs be described as low-cost housing alternatives.

"When it is all boiled down, they offer no more than a preferred lifestyle — not a low-cost alternative.

Self-sufficiency

Cr Lovell says one of the great catch-cries of MO residents is that they are self-sufficient.

"In my experience, it is also one of the great fallacies," he said.

"I have yet to see an MO based on agricultural viability. Put simply, none I have ever seen come even close to being self-sufficient.

"Many Kyogle town residents grow more food in their backyards than these communities.

"The early settlers were self-sufficient — they had to be.

"MO residents are living on the same land but I have seen no sign of self-sufficiency.

"I can only put it down to a lack of farming skills — or laziness — given the excellent quality of most of the local land.

"And if they can't grow their own food, they have to go and buy it, which is fine.

"But that means long trips over poor roads — all very money consuming for people living in a low-cost housing area."

Environmental issues

Cr Lovell says MO residents invariably pride themselves on their environmental awareness.

"Yet by simply establishing an MO they must be having a detrimental impact on the local environment," he said.

"Let's use an average-sized MO — say 20 developed sites with 60 people.

"For a start, all will need water. This means bores or, more commonly, dams in local water catchments. This radically alters the water table.

"Then there is garbage and sewage disposal. Sixty people are going to create a lot of sewage and garbage.

"Council health inspectors have found many inadequate facilities on these developments.

"There may be some farmers and other country residents who also fail to meet standards.

"But they won't be responsible for the waste of 60 people.

"I shudder sometimes when I think what might be going down local creeks.

"Then there is the development itself. Twenty dwellings, mostly made from timber, with accompanying roads must have an impact on the local land.

Trees are cut down for timber — the ground is ripped up for roads.

"Many MO residents quaintly describe themselves as 'passive environmentalists'. This simply means they are prepared to sit back and watch the tress grow, rather than get out and plant them.

"Agricultural chemicals are a big no-no, of course. Yet these are the same people who, in my experience, don't grow their own food, but buy it from town.

"Many MO residents exhibit a hypocritical, holi-

er-than-thou attitude.

"They condemn tree-felling, yet live in wooden houses, top soil blows away because of all their roads and housing sites, they buy agricultural products in towns that, in the end, are the result of the valuable agricultural chemicals they abhor, perennial creeks run dry because they dam up water catchments without any thought.

"And then they have the gall to call themselves top-notch environmentalists."

Attitudes towards neighbours

In most cases, MO residents have been nothing but trouble for local farmers and graziers, according to Cr Lovell.

"Every farmer whose property adjoins an MO says he has been confronted with demands and totally unreasonable complaints from residents," he said.

"Usually it is just minor problems that lead to a hell of an outcry.

"A cow strays, a farmer sprays his boundary fence, there is a necessary burn-off — all these lead to a great hue and cry.

"While only minor in themselves, they combine to become a very irritating part of what for a farmer is a hard-enough life on the land.

"They take their toll on what generally is a good-neighbour attitude displayed by many long-established locals.

"These aggressive attitudes only create enemies. A sensible approach, coupled with a bit of give and take, could lead to a harmonious existence, with benefits for everyone."

Costs

Cr Lovell believes it is little wonder Kyogle Shire Council voted to exclude new developments.

"For a start, it should be pointed out that not a single MO in Kyogle Shire has ever complied with develop-

ment and building conditions set out by the council," he said.

"Having said that, MOs consume an inordinate amount of council staff time — both in the development stage and in ensuring proper standards are met," he said.

"Each MO development application requires at least 10 times the work of other housing developments. Of course, the shire ratepayers, not the MO developer, has to foot the bill for this. (See returns).

"Each requires a huge amount of work under the Environmental Planning and Assessment Act.

"Then the council has to ensure that all conditions are met. This has resulted in the council employing part-time a health and building inspector simply to check for illegal dwellings in the shire — another burden for ratepayers.

"The council also has responsibility for fire safety. Inspections of MOs have highlighted in some cases extreme fire dangers, with bush far too close to buildings. Requests, and subsequently orders to clear areas have met with no success.

"One day, I fear there will be a major tragedy because of this.

"Generally, there has been a great lack of co-operation from MO residents, which has led to major council expenditure.

"With so many people living in isolated areas, the local roads take a real battering. Twenty dwellings on an MO probably means 20 extra cars using the same roads. It must be said that the \$1950 road levy, when it is received, is used to upgrade the road.

"But that contribution nowhere near covers the damage caused by the extra use.

"It is a legal requirement that all road levies be spent in the immediate area of the development within one year.

"None of the money can be retained or spent by the

council on general maintenance."

Returns

Cr Lovell refutes claims by MO spokesmen that because more people are living in an area, there will be a higher level of Government funding and a resultant increase in Government services.

"Figures claimed recently in the media are far from accurate," he said.

"And direct contribution based on population comes through Commonwealth revenue-sharing grants.

"But these are worked out on a highly complicated formula, of which population is only one part — and a very small part at that."

The Express Examiner carried out its own small exercise involving 12 randomly selected residents of the Lillifield MO, one of Kyogle Shire's largest.

Of the 12 names we selected from the list of Kyogle Shire MO residents, nine were not listed on the council's latest electoral roll (February 1988).

Cr Lovell believes at least half the shire MO residents receive social security benefits.

"It is good for the area that they spend that money here, but their combined return to the area is small compared with what the average farmer spends locally in a year," he said.

"I don't have a large holding, but I still spend about \$15,000 a year alone on diesel.

"Rates are the real bone of contention with many MO opponents.

"I pay about \$800 a year in rates.

"Lillifield pays about \$680 a year. Yet that amount is divided among the shareholders of the 40 approved sites.

"On that basis, each site owner pays about \$17 a year in rates. Yet they still use the roads and other services offered by the council."



Tonia Jensen and the skeletal remains of her home ... "they just swarmed all over it"

AT 10am, Tonia Jensen and her two children lived in a house. Two hours later, they were homeless.

A posse of 30 police and council workers marched on their bamboo hut in the hills outside Nimbin, in northern New South Wales, and hacked it to the ground with chain saws.

Tonia and her young children had barricaded themselves in the loft. Neighbors, convinced that a wrong was being done, rallied to help.

The result was a scene of angry confrontation, which ended with the arrest of nine people, counter allegations of police violence, and, in the final analysis, a homeless mother and a pathetic bundle of bamboo sticks.

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"I was still working on it," she said.

"Some parts still had earth floors — you can only do so much ... but it was very comfortable.

"I'd lodged an appeal against a demolition order ... I didn't think they would come.

"I was going out to work on the firetrails that morning (September 11). My daughter, Jobeena went on ahead. She heard the tractor and she likes to ride on it.

"Next minute she was back screaming: 'They're here, they're here'.

"I looked outside. It was just like an army in blue coming down the pathway that leads from Stony Chute Road.

"I told them: 'This is wrong. I've lodged an appeal. You can't come here and act like this. I was born in this country'.

Council workers cut the bamboo poles while police

Cops topple family home



Police move in ... the Jensen home about to tumble

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Since then Tonia and her children have slept in an open shed. The kids, she says, have been unwell.

Oolli, her three-year-old, bursts into tears whenever he sees a policeman. Jobeena has broken out in boils.

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According to former shire president, banana farmer and grazier Mr David Lovell, new settlers are more trouble than they are worth.

Despite their environmentalist stance, he said, multiple occupancy dwellers are rarely self-sufficient. They leave waste and thoughtlessly dam up water catchments.

Worst of all, multiple occupancy developments consume too much council staff time — both at the development stage and in ensuring that proper standards are met.

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began when she received a bill for \$1950 — a road allocation levy imposed on multiple occupancy dwellers.

She questioned the amount, then, at the suggestion of a council officer, sought exemption.

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Hence, the council would not grant her a temporary permit for her existing shelter which, they said, represented a health and fire hazard.

"I wouldn't live in a house that was unsafe or that would catch on fire," said Tonia.

Originally from Melbourne, Tonia has been on the hippie trail since she was 17. Until two years ago, she lived in Kuranda, an alternative community in the hills behind Cairns.

Then she heard about a Federal Government-backed commune at Wadeville, also on Nimbin's outskirts.

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PAN
COMMUNITY
COUNCIL
COMMUNITIES
UNITED

NOVEMBER 89
EDITION

P.O. Box 102
NIMBIN
N.S.W. 2480

PANCOMMENT

The last meeting held at Lillifield Community was terrific. The levels of participation of Communities is growing at each meeting, and the feeling of the gathering was 'of the family'. Many interesting topics were discussed, including the troubles of the good folk at Avalon.

Some members expressed the view, apparently current on some Communities, that the problems facing the people of Avalon were bought upon themselves. This, of course, is a convenient statement, and in this case, quite accurate. At least as accurate as the same statement applied to perhaps the black people of our country, or South Africa. The issues at Avalon began with a desire to protect the environment, alleged pecuniary interest on the part of the Chairman of the Planning Committee, and the confusing, often conflicting information supplied by various officers of the Kyogle Shire Council.

Perhaps it is timely to acknowledge our collective debt to the people who made the existence of "multiple occupancy" possible. As comfortable as it may be to ignore the past 16 years, and to buy your share and build your nice house, it pays to remember the sacrifice and hardship of the many simple folk who started the ball rolling by ignoring the bureaucracy and getting on with the job. For the residents of Avalon, and most other Communities in the Shire of Kyogle, the events of the last 16 years may as well not have happened. Nothing much has changed out there. The actions of the Avalon folk are defensive, not only with respect to their homes, but for the Earth Herself.

Finally ----- a word or two about our Gathering in February. The actual dates will be announced, but the Festival will be held around the time of the old Harvest Fest. Considering our beginnings as a group took place at last year's Spring Equinox, it is propitious that our second major Gathering takes place on the Harvest Fest. Pancom's harvest is one of joy and unity, strength and self-empowerment, a very fitting celebration.

Merry meet - Merry part-
and Merry meet again.

A History of Blackhorse Creek

We are a relatively conservative community. Before we bought our property, in 1983, a delegation of us went to see the council. We wanted to make sure we would be able to develop our community legally, without hassles from the council. Plus we were all on pretty tight budgets, and we wanted to make sure we could afford it. The shire clerk, Mr Thew, gave us a copy of Kyogle Shire's new multiple occupancy code, just passed. It had no mention of levies or road improvement, just all sensible and obvious things like not polluting the creek, and on the strength of it we signed the contract to buy our property.

To cut a long story short, it turned out, later, that although it had been passed by the council, this code hadn't been gazetted, and before it was gazetted council changed its mind and revoked it. But it was too late for us by then. All we could do was wait for SEPP 15, which even way back then was "immanent". Six years later, for all our good intentions, we're still fighting with the council.

Round One: At that time no permits were required for temporary or mobile dwellings, so we moved on to the property in tents and caravans, and after a couple of years some of us got sick of waiting and started more permanent dwellings. In about 1986, we got a letter saying the rules had changed, you now needed a permit for temporary dwellings, and you could only get the number of permits as were allowed houses (in our case one), and threatening demolition orders. So we applied for, and got Workers' Cottage approval to keep us going. There was much internal dissent about these workers' cottage approvals. We have 25 shares, but could only get approval for a maximum of 10 workers cottages. At the time we thought it would help our eventual application for MO to be legal at the time of applying. But in retrospect, I think the council was pulling a "divide and conquer" on us. Maybe not intentionally, but having some "legal" houses meant we had to get approval, on any terms, for the others, or have a divided community.

Round Two: As soon as SEPP 15 was passed, in fact before council even got a copy of it, we submitted our application for MO. Then we waited, and waited, and waited. After about 4 months we got our solicitor to write to the council saying that they were legally obliged to give us an answer within 30 days, and if we didn't get an answer out of the next meeting we'd take it to court. We finally got an answer. "No." On the grounds that our ownership provisions didn't meet SEPP 15. Any other grounds? Well there might be, but they hadn't thought of them yet. They'd tell us when we fixed that problem and submitted a new application. How would they like our ownership provisions changed? That was for us to figure out. We gave up, and paid a solicitor to have a chat with them. We weren't getting any useful information at all.

Round Three: New MO application, with our internal legals changed to new ownership provisions. Again a three month wait. Another solicitor's letter, and our application is approved, with several pages of conditions. Like that we clear a 20 metre wide firebreak around our boundary, which goes over the top of Mount Wyneden - a heavily forested very steep mountain. That we ignore the Dividing Fences Act and fully fence the property at our sole expense. That our membership in the local volunteer bush fire brigade be compulsory. Etc etc, including a "Right to Farm" clause.

After we stopped panicking, we decided that since they went purple at the very mention of court, we'd try negotiating with them first. But that got us absolutely nowhere fast, so we finally lodged an appeal with the Land and Environment Court.

Round Four: After the appeal was lodged, we began to make some headway in negotiations with the council. It was hard slow going, but over a period of a couple of months of going to every planning committee meeting, we managed to get some of the most ridiculous conditions deleted or changed. Our best success was in developing and writing up a very detailed, professional looking, feasible, sensible "Fire Plan", which they agreed to accept in lieu of all the fire conditions.

What we discovered in these negotiations though is that it is Pat Knight who processes all applications and correspondence and proposals relating to them, and writes a report for council. The Planning Committee rarely does anything except accept his report. So you have to either convince Pat Knight, which is hard given that he is so dead opposed to MO's on principle, or go in armed to the teeth with every bit of expertise you can muster and at least a couple of councillors already on side.

Round Five: We ended up having to go to Sydney to court, because council wasn't ready to appear at the time scheduled in Mullumbimby. Theoretically we could have applied for and probably got costs of going to Sydney, because council wanted the adjournment not us. But we would have had to go to Sydney again to apply for costs of the first trip. A nice Catch 22. Dave Lambert from RRTF represented us in court. So what it cost us in money was less than \$1500, and it was only this much because of the Sydney trip. Normally it would only be a few hundred. However, what it cost us in time and energy and stress was a lot more. If we'd been receiving wages for the amount of time we put into it, it would have cost us tens of thousands.

It ended up with only a few of us carrying the majority of the workload. Dave's representation is so cheap partly because it involves you doing the footwork, and there was a lot of it to do. We ended up gaining about \$16,000 worth by going to court, which is good, but not as good as we had hoped for. We still got levies, but reduced to \$1580 each, and on the basis that council spends it all, plus over \$20,000 more, on upgrading the 3 km of dirt road that leads to our property, rather than putting it into consolidated revenue. (Something they claimed they never ever do!!)

We underestimated how well council would perform in court, and how convincing they could make, at best half-truths. We needed a civil engineer with qualifications to match Pat Knight's to contest his evidence. On going to court, my advice now would be to be prepared to spend some money for professional advice, and lots of time and energy on it.

Round Six: Our big problem now is that council is insisting that ALL the conditions be met, completely, before one new building permit, or even temporary dwelling permit is issued. The Catch 22 is that we need more shareholders living here to supply the labour to meet the conditions. So we're back to negotiating again, and after six years, the energy levels are running very low.

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Around Nimbin, the issue has become a hot potato.

Kyogle Shire Council would like to end multiple occupancy settlements.

According to former shire president, banana farmer and grazier Mr David Lovell, new settlers are more trouble than they are worth.

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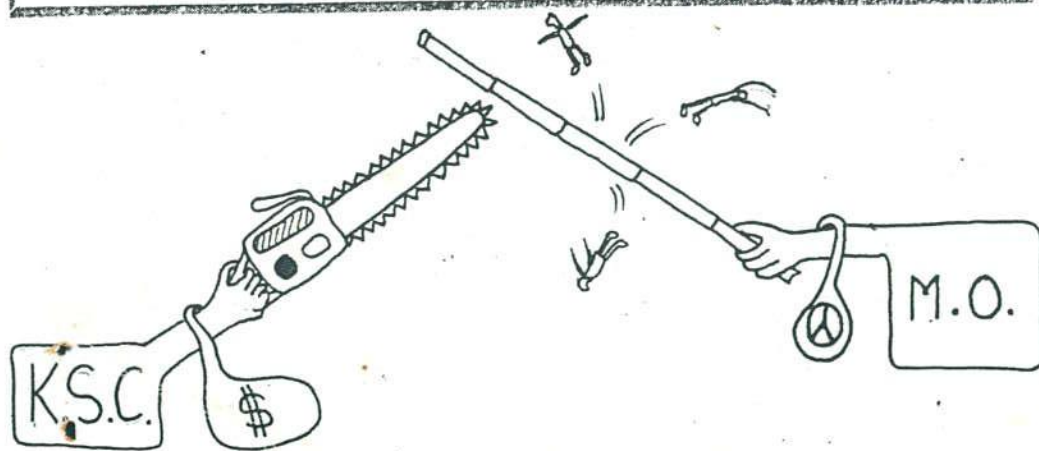
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"I really love this place and I'd like to live here... but it is just a place and it is just a building.

"It is not me or any of my children. I can't worry about it now. There is nothing I can do."

EVENTS LISTING:

- 22 May 1989; D. Lovell approaches Mr. Alun Edwards, (Avalon shareholder) offering assistance with house building in return for the right to remove timber from his share, (No.40). Mr. Edwards advised by Mr. H. Neville that D. Lovell has been told by Mr. Bill Blair that he may not remove any more timber from Avalon.
- 25 May 1989; Mr. Neville advises Mr. Bill Blair of D. Lovell's approach to Mr. Edwards. Mr. Blair telephones D. Lovell to re-state his refusal.
- 28 May 1989; D. Lovell, (with tractor), again approaches Mr. Edwards and is refused access to timber. D. Lovell is observed to be very angry. D. Lovell later drives his tractor to the home of Mr. Neville, (Share No.9), reverses into the driveway and drives off in a hurried manner.
- 3 June 1989. Meeting of Avalon shareholders support a motion to stop D. Lovell from taking any more timber from Avalon. This motion moved by Mr. Neville, seconded Ms. T. Jansen.
- 14 June 1989. Mr. Judd and Mr. Pearson conduct an inspection of Ms. Jansen's house in her absence.
- 15 June 1989. Ms. Jansen arrested for possession of cannabis seedlings, told by arresting officers that Kyogle Shire Council officers found the seedlings and took them to the Police. The arresting officers, (Nimbin Police Station), also advised Ms. Jansen that the Council would demolish her home whilst she was in jail.
- 16 June 1989. Mr. Judd and Mr. Pearson return to Ms. Jansen's home and are advised by Ms. Jansen and Mr. Neville that all future dealings regarding Ms. Jansen's home should be directed in the first instance to Staron Pty. Ltd.
- 29 June 1989. Issue of demolition order by Kyogle Shire Council.
- 3 July 1989; Demolition order received in the office of Mr. Bill Blair in Lismore. No demolition order delivered to Avalon Community or any other person or place.
- 8 July 1989; Planned meeting of shareholders to discuss Demolition order is cancelled due to the death of a community member on 3 July.



EVENTS LISTING: cont'd.

- 22 July 1989; Meeting of Avalon shareholders to discuss Demolition order.
- 14 Aug. 1989; Ms. T. Jansen and Mr. A. Edwards meet with Mr. Hannigan to discuss matters relating to Demolition order and payment of road levies. Ms. Jansen advised to seek an exemption from the road levies and to apply for a Temporary Dwelling Permit. This advice is taken and a receipt issued for a Temporary Dwelling Permit. Ms. Jansen advised that no action would be taken in the matter of the demolition order.
- 24 Aug. 1989; Letter sent to Ms. Jansen advising that no permit would be issued until road levies are paid in full, and that, as Ms. Jansen stated that she could not afford to pay this sum, the demolition would proceed.
- 25 Aug. 1989; Second letter sent to Ms. Jansen advising that a Temporary Dwelling Permit would not be issued and refunding \$15.00 of the \$30.00 application fee.
- Monday 28 Aug. 1989; Above letters received by Ms. Jansen, Mr. Neville approached as Pan Community Council rep. for assistance.
- 60 days after
date of
order. 29 Aug. 1989; Pan Council approaches media regarding demolition of Ms. Jansen's home. [9]
- 30 Aug. 1989; Pan Community Council meeting to discuss demolition order held at Ms. Jansen's home. As a result, an appeal *(against tdp refusal)* to the Land and Environment Court was lodged this day. *against tdp* [Ms. Jansen and Mr. Neville visit Kyogle Shire Council, talking to Mr. Judd and then Mr. Hannigan to ask if the matter could be dealt with outside the Courts and without media attention. Mr. Hannigan advised that the matter would be dealt with by Council and declined Pan Community Council's offer to mediate.]
- 31 Aug. 1989. Letter sent to Shire Clerk via FAX notifying Council as to the lodgement of the appeal to the Land and Environment Court. Copies of this letter also by FAX to the Minister for Local Government in Sydney.

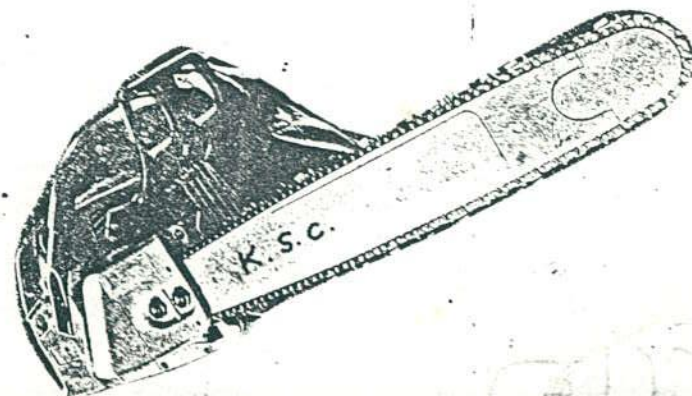
1.9.89

Appeal lodged against demolition order.

EVENTS LISTING: cont'd.

- 1 Sept. 1989; Three person delegation speaks to Shire Pres., Shire Clerk, Mr. Judd, and D. Lovell regarding the demolition
- 9 Sept. 1989; Meeting of Avalon shareholders is advised by Mr. Blair that legal advice in the matter of the demolition is that it cannot proceed. Ms. Jansen reassured.
- 11 Sept. 1989; Avalon Community workday to slash firetrails pending inspection by Fire Control Officer interrupted by arrival of police and Council employees. Demolition of Ms. Jansen's house, nine people arrested.

COMMENT: The above events are substantiated by witnesses in each matter. The present status of "illegal buildings" on Avalon Community is that two exist in an area defined as 'unapproved' in a letter from Council dated 11 January 1989. The house which was constructed on Share No. 22 has had building approval without the payment of Section 94 contributions, this particular building was erected with the assistance of D. Lovell with timber supplied by him in return for rights to remove logs from Avalon. These matters, and others are the subject of Avalon's desire to speak to a full Council meeting.



PAN-COM MEETING DATES

Sunday, November 12th 1.00 p.m. Dharmananda, Ross Road, The Channon (off Terania Creek Road). Note the later starting time so people can go to the Channon market first. Bring your own lunch and cup. Dharmananda will provide hot drinks and childcare.

Sunday, December 10th 12 midday, at Green Tomato Re-sauce Centre, Barjuma Community, Lillian Rock Rd., Lillian Rock Ph.897321.
- on left of Lillian Rock Rd., 500m past the concrete bridge nr. Robb Rd (2km from Blue Knob Hall on the Nimbin/Murwillumbah Rd.).

PAN-COM'S ANNUAL (ALMOST) GATHERING

The dates for the Gathering, are February 3rd and 4th, 1990. Currently we are looking into The Channon as a venue. More info soon. If you are interested in helping to get the Gathering off the ground, come to one of our next meetings. At our last meeting an enthusiastic but small sub-committee was formed and more volunteers will help lighten everyone's load.

NEWSLETTER DAYS

The next newsletter production dates are Saturday 18th November & Saturday 16th December, 10am at the Nimbin Neighbourhood & Information Centre. Contributions welcome including graphics. Come on all you frustrated cartoonists! This is your big chance.

FAIRMONT FESTIVAL, KYOGLE

Kyogle is holding the Fairymont Festival 4th to 11th November in Kyogle. Debbie Burcher from Blackhorse Creek is co-ordinating a Pan-Com stall and is looking for the following:

- i) Any photos depicting the activities of M.O.s and the contributions they make to the community - send with your name and address on the back for return to Debbie Burcher, Blackhorse Creek, White's Rd., Eden Creek, via Kyogle.
- ii) Volunteers to be at the stall for a while.
- iii) Bamboo to construct the stand.
- iv) Anything people would like to display.

Any big items can be sent to the Alternative Building Market in Kyogle (Ph. 32 1102) or to Kyogle Organic Growers (KOG) on Monday or Thursday (Ph. 322244).

If you would like to be involved in Street Theatre contact Peter Lewis at KOG. Street Theatre generally happens on the Friday, Nov.10. Buskers would be very welcome.

BAMBOO WORKSHOP

There will be another bamboo workshop on Avalon, Stoney Chute Rd., Stoney Chute on Saturday, October 28 at 10am. Everyone welcome.

GLENBIN

"Glenbin" community has changed its name to "Cornucopia"

BLACKHORSE CREEK

Blackhorse Creek are having a work day to build a home for Linda & Lewie on Sat. Nov.11th. For more info. ring K.O.G. on Mon & Thurs. Ph.322244.

NEW CO-ORDINATORS

Wally is extending his term as co-ordinator and Lance Meeton (Avalon) is taking over from Diana. Wally (What Com.) and Lance will be joining Des (Moondani) and Gordon (Tyamokari) as the four Pan-Com co-ordinators.

MEDIA REPRESENTATION

At our last meeting it was decided that all media and public matters (press, radio, TV, letters to public bodies, etc.) are to be brought to a Pan-Com meeting. If this is not possible, the matter must be referred to all co-ordinators before being pursued on behalf of Pan-Com. Diana Roberts (Pinpuna) was appointed media co-ordinator to facilitate the above and co-ordinate media action. If an urgent matter comes up needing immediate response, Diana was authorised to speak on Pan-Com's behalf. Diana can be contacted on 891 529.

LEGAL REPRESENTATION

An approach has been made by Pan-Com to solicitors Michelle Trudeau and John Maxwell to see if they are interested in becoming involved in legal issues affecting multiple occupancy. They have both expressed interest and a meeting is planned for the near future. More news later.

MEETING BETWEEN PAN-COM AND REPRESENTATIVES OF TUNTABLE

On Sunday October 1, 1989, Wally Wallace and Mike Shegog attended the Co-ordination Co-op's Tribal Meeting and discussed a more active liaison between the Co-op and Pan-Com.

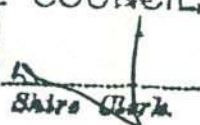
Wally and Mike raised the reciprocal matters that exist between the objectives of both organisations and suggested that "Tunable" has a great deal of experience, energy, skills and information that could be provided to the newer M.O.s represented by Pan-Com, and, that Pan-Com are prepared to support "Tunable" in any of its future endeavours. It was explained that Pan-Com Members were facing many of the problems overcome by "Tunable" during the past 16 years and there is a need to present a united effort to the Australian, New South Wales and local Governments in the maintenance and development of sustainable communities.

The October 1 meeting agreed to further discussions between representatives of "Tunable" (Phyl Braham, Board Member and Liz Jensen) and Wally, Mike and Diana Roberts on 11 October. These further discussions were held and it was agreed that "Tunable" would be represented at our next Pan-Com meeting and Phyl and Liz will report on all discussions back to the Tribal meeting on November 5. "Tunable" have subsequently advised that they are taking out 3 subscriptions to the Pan-Com newsletter.

To Whom It May Concern


This is to acknowledge receipt of Notice
of the Land & Environment Court of NSW. re appeal
lodged by M/s Tonia Louise Jansen of Lot 1
Stony Creek Rd Nimbin — Refusal to grant temporary
dwelling permit.

KYOGLE SHIRE COUNCIL


Shiro Clark

12/9/89

Further I acknowledge request from Tonia Jansen
for receipt of a copy of application for Temporary Dwelling
License lodged August 1989



STATEMENT.

I, David Alun Edwards, of Lot. 1, Stoney-Chute Rd., via Nimbin, in the State of New South Wales, do state the following;

On the 29th day of June, 1989, I was in the company of Ms. Tonia Jansen of Avalon Community, between the approximate hours of 10 a.m. and 3 p.m. I went with Ms. Jansen to Kyogle to pick up flooring materials for her house. I was at the time helping her to improve the house by laying timber flooring and installing an inside sink. We spent the early part of the day shopping and having lunch, then went to the Alternative Builder's Market to load the timber. At no time during the day was I aware that Ms. Jansen saw any officers of the Kyogle Council.

.....*D.A. Edwards*.....

D. A. Edwards. 30 October 1989.

.....*Sophia Andrea*.....

S. Andrea 30 October 1989.
Witness.

FACSIMILE TRANSMISSION FORM

TO TELEPHONE NO: 219982

DATE: 12.9.89

ATTN: T. Pagotto

FROM: W. BLAIR

AT: Walter

MESSAGE:

1. Sophie told the Shire President, D. Lovell & Shire clerk at an interview after the last demonstration that 2 appeals were lodged with LGE Court. She had two witnesses at the interview.
2. My diary says letter received at T.W.R on 3.7.89
3. Kyoyle Shire were given stamped appeal on 11.9.89.
4. Letter from Harry to Kyoyle Shire seems to miss out the second appeal.

NUMBER OF PAGES FOLLOWING: 3

PLEASE PHONE (066) 21 8544 IF ANY PART OF THIS TRANSMISSION FAILED OR WAS MISDIRECTED.

Your Ref: B.1-20 & 84/130.

Pan Community Council,
Post Office Box 102,
NIMBIN 2480.
31 August 1989.

The Shire Clerk,
Mr. P. D. Thew,
Kyogle Shire Council,
PO Box 11,
Kyogle 2474.

Dear Sir,


I write to inform you that the Pan Community Council has been asked to act on behalf of Ms. Tonia Jansen of Avalon Community, in the matter of the current demolition order placed on her dwelling.

As of this date, the matter of refusal to grant a temporary dwelling licence is the subject of appeal to the Land and Environment Court, a further appeal against the imposition of Section 94 road levies is to be lodged on the first of September. Subject to advice from our Solicitor, Mr. A. B. Pagotto of W. P. Walters & Co., Lismore, legal action of a civil nature may be entered into regarding the manner in which the entire matter of the demolition order has been conducted. Upon stamping of the appeal documents, a copy of these will be supplied to your Council.

I have further to inform you that the management and residents of Avalon Community take exception to the way your officers have behaved in this matter. Your letter dated August 25th states that Ms. Jansens' house poses a risk to neighbours of the house. I must assure you that the residents of Avalon are fully in support of Ms. Jansen, and that they do not consider themselves prejudiced by Ms. Jansen's house. The application of Section 137. (a)(b) of the Local Government Act seems inappropriate under these circumstances.

I would request an immediate letter from you undertaking no further action in this matter subject to the outcome of the appeal.

c.c. Rt, Hon.D. Hay.


Mr. H. Neville.



PAVN-COMMUNITY
COUNCIL
P.O. BOX 102,
NIMBIN 2480

12 September 1989.

Hon. D. Hay,
FAX (02) 233 5982.

Dear Sir,

With reference to our previous correspondence regarding the matter of demolition orders against Ms. Tonia Jansen, of Avalon Community, I wish to inform you that Kyogle Shire Council yesterday carried out the demolition.

The shire clerk of Kyogle Shire was advised in writing on the 31 August that an appeal had been lodged in the Land and Environment Court, and the relevant appeal documents were delivered to the Council at 4.30 pm on the 11 September. The documents were in fact in the letterbox at Avalon Community at the time the demolition was taking place. The officer in charge of the police who accompanied the officers of the Kyogle Council was informed as to the status of Ms. Jansen's appeal, as were the Council officers.

Subsequently, nine people were arrested. one of whom required seven stitches to wounds received during the demolition, and Ms. Jansen and her two small children were left homeless, with their personal possessions scattered around the grounds of her demolished home.

In view of the illegal actions of the Kyogle Shire Council, we hereby request your assistance in this matter, and upon your request we will supply your office with copies of all appropriate documents relating to this matter. There is widespread community concern over this issue, and we feel that the whole matter should not be viewed in isolation, but as part of a continuing campaign by the Kyogle Council to distract rate-payers' attention from the financial ineptitude of the Council.

Yours Sincerely,

Mr. H. Neville.

Incl.(2).

HOME DEMOLISHED

On September 11, 1989 Kyogle Shire Council demolished the home of Tonia Jansen and her 2 children, residents of Avalon, a multiple occupancy (M.O.) at Stoney Chute. Pan-Community Council, an organisation representing M.O. communities in northern NSW and other rural dwellers wish to take this opportunity to inform Numbin News readers of events leading up to the demolition, subsequent actions and the attitude of Kyogle Shire Council to M.O. development within the Shire.

1989 on Avalon

June 3 - Avalon hold a meeting and agree that David Lovell, a Kyogle Councillor, should be stopped from removing timber from Avalon, something he has been doing for many years. Tonia seconds this motion.

June 14 - Health and Building Inspectors from Kyogle Council inspect Tonia's home.

June 16 - The same 2 return, ostensibly to deliver a demolition order but they are walked off the property.

June 29 - A demolition order is issued on the grounds that Tonia's home is not Council approved.

July 3 - The Company Secretary of Staron Pty Ltd (the company that owns Avalon) receives the demolition order. The appeal period is within 60 days from date of service. Council claims it was delivered 4 days earlier.

August - Following advice Tonia writes to Council requesting negotiations and stating she is

unable to pay the Section 94 contributions. Subsequently she applies for a temporary dwelling licence.

August 25 - Council refuse Tonia's application on the following grounds:

- a) a demolition order has been issued in respect of her home.
- b) she stated she is unable to pay the section 94 contributions therefore it is reasonable to assume she could not afford to construct a permanent dwelling.
- c) the facilities are unsanitary.
- d) the structure poses a real risk of fire.

August 30 - Tonia lodges an appeal against the demolition order (58 days after Avalon received the order, 62 days after Council claims it was delivered) an appeal against the refusal to grant a temporary dwelling licence.

As previously stated, Tonia's home was demolished on September 11, 1989 in the presence of 21 police and 7 council employees. This heavy-handed approach, a perverse and unjustifiable waste of taxpayers' money, resulted in the arrest of 9 people who appeared in Court on October 4. Their case has been held over to March 3, 1990.

On the day of the demolition Avalon found formal acknowledgement from the Land and Environment Court of the appeal lodged against the demolition order. Had this been discovered hours earlier it is unlikely police would have allowed the demolition to go ahead.

.. .. Book Review.

FOODS THAT HEAL
by Bernard Jensen.

Throughout history, the greatest civilisations have known about the healing power of foods. But today, few doctors are required to study nutrition at all, resulting in an overwhelming ignorance on the subject.

Dr. Jensen hopes to remedy this by providing a history of the ideas of Hippocrates & Dr. V.-G. Vocine, examining the effects of vitamin & mineral deficiencies & excesses on the mind & body, & thoroughly evaluating the nutritional makeup of a vast number of foods.

Includes handy reference charts, tips on preparing foods to the best advantage, & quick juice remedies. 256 pp, illustrated. Price - \$18.

GOING WILD WITH GOD By PETER CULROSS. (New Age Poems of Transformation from a Spiritual Path).

This splendid book, illustrated by Always All Ways, has poems listed under the months, with an attractive format that represents a quality achievement for local publishing.

The poet Peter Culross has been on a spiritual journey through Asia, is initiated in I.A.M. and lives on the North Coast.

His poems approach a love of God, feminine or lover of the Spirit of ecstasy. The themes of infatuation with the lover take a large slice of his volume, occurring in most poems. A good book to give to a friend.

Sri Richard.

Reawakening to Love by Rainer Taeni
A Yulunga Publication


This brilliant, meditative and enlightening book is the fruit of ten year's healing work in the field of personal transformation.

One remembers reading and reviewing Rainer's first book- Latent Anxiety- The Taboo Against Living (In NN), the book being a best seller in Germany. One could imagine this book being a best seller like Born To Win.

The book revolves around Eva and Rainer's "Creative Refocussing", a course they present as overcoming ALC's (Addictive Limiting Concepts) through exploring them and then after some post-primal rebirthing techniques, offering affirmations to create a positive meditation. The meditations include an acknowledgement of Christian teaching and the guidance of God.

This book is a meditation on love, the healing power of the planet and a renewal through understanding and removing blockages of the psyche to let the soul express itself fully. Sri Richard.

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Love yourself before you love another.

By accepting yourself and joyfully being what you are, you fulfil your own abilities and your simple presence can make others happy.

Jane Roberts

IN KYOGLE SHIRE.

Subsequently Kyogle Shire Council have claimed that the appeal is invalid as it was not lodged within 60 days from date of service of the demolition order and it was lodged by Tonia Jansen and not Staron Pty Ltd. Pan-Com will represent Staron in Court (currently expected to be in late November) and will attempt to satisfy the Court that the appeal was lodged within the 60 day period, that Tonia, as a director of Staron, was authorised to act on the Company's behalf and that Kyogle Shire Council acted unreasonably.

Following the demolition, Pan Com organised a public meeting in Nimbin, attended by 200 people, and issued a media release deploring the actions of Kyogle Council, especially in view of the acute housing shortage on the North Coast at the present time. At a time when it is virtually impossible for low income earners to become homeowners, it would seem more appropriate that Tonia's efforts to provide her own low-cost housing should have been commended rather than totally negated by destruction. M.O. residents provide their own housing without access to low-income housing loans. Also, it has proved to be extremely difficult for M.O. residents to obtain the First Home Owners Grant or finance from a conventional lending institution since all these sources of finance are dependent upon individual ownership of land. Tonia's home was built out of bamboo and was erected by a reputable builder of bamboo homes who has had similar constructions approved in other shires as permanent dwellings.

Despite repeated requests by Pan

Com, both personally and publically, Kyogle Council still has not provided any information as to why the dwelling was considered to be unsanitary and a fire risk. At no time prior to demolition did Council advise Tonia how her temporary dwelling could be improved in order to avoid demolition. Temporary dwellings are merely a temporary form of accommodation used whilst a permanent home is being constructed. Tents and caravans meet these requirements. Tonia's home was more luxurious and less of a fire risk than any tent.

Home rebuilt

Following the demolition, donations were received from many sources and in late September a pole frame house was erected on Tonia's site thanks to many willing hands. Whilst still needing floors, walls, windows and doors its a great start. A temporary dwelling licence has been requested from Council but has not been issued at time of writing.



Tuntable Ch. Nursery

MANGO LYCHEE LONGAN
JABOTICABA OCKERBERRY
JAKFRUIT WHITE SAPOTE
BLACK SAPOTE ROLLINIA
INGA(ICE CREAM BEAN)
CHERIMOYA (GRAFTED
VARIETIES) CUSTARD APPLE
(GRAFTED VAR'S)
CARAMBOLA (5 CNR GRAFTED
VARIETIES) ETC. ETC.

PHONE  891403

Road levies and Development Conditions

In the State Environmental Planning Policy No 15, 1988 relating to multiple occupancy of rural land, Councils were directed to limit contributions for services and community facilities (commonly referred to as road levies) to a maximum of \$1,950 per dwelling. This maximum limit was removed by the NSW Liberal Government when it came to power and there is currently no maximum. In the same policy Councils were also directed to consider the availability and standard of public road access to M.O.'s. Pan Com feels that Councils... invariably make unreasonable demands on M.O. developments when considering these 2 issues. Developments are asked to do things such as bitumen sections of public road, provide concrete causeways, upgrade intersections onto public roads, gravel and widen existing public roads and the list goes on. The expense required to comply with conditions such as these is considerable and often prohibitive to development. In addition, Councils have imposed the maximum \$1,950 levy (currently \$1,985) without question or justification. Councils seem to forget that the very nature of multiple occupancy ie. multiple dwellings on a shared piece of land, involves the establishment and maintenance of an extensive internal road network at considerable expense to each community. If M.O.'s were subdivisions these networks would be the responsibility of Council.

In addition M.O.'s provide many other services such as their own power, sewerage disposal systems and water supply, recycling of resources, extensive voluntary involvement in community based

services and activities, enormous contributions to local business and employment creations, childcare facilities and activities for kids etc. etc. The list is considerable yet none of these aspects seem to be considered by Councils when they look at M.O. development applications.

Contrary to a claim by Philip Thew, Kyogle Shire Clerk, Pan Com stresses that residents of M.O.'s do not consider they "should occupy a privileged position" in society, "exempt from building regulations and development contributions". Currently, development conditions are imposed in an arbitrary and often unreasonable manner. This is substantiated by the fact that all communities who have had the stamina to contest Council imposed conditions at court have received favourable outcomes. For instance, Glen Bin community had their road levy cut from \$3,500 to \$350 per dwelling in Court.

It is interesting to note a statemnt made by Kyogle Shire engineer, Patrick Knight; "Time after time it has been shown that when M.O.'s are required to comply with reasonable conditions they end up being more expensive to build on than a normal town or village block with its established services". Firstly, this is quite untrue and secondly, from Pan Com's observations it would seem to be more the case that Kyogle Council is trying to make M.O. development as expensive as possible, by imposing unreasonable conditions in a bid to keep them out of the Shire. Kyogle Shire Council has recently adopted a policy that virtually prohibits new M.O. development in the Shire. Many M.O. residents in Kyogle Shire are frustrated by the unco-operative and obstructionist attitude often

adopted by Council and the absence of a uniform policy towards land-sharing communities. Pan-Com feels that Kyogle Council seems to have lost sight of the State Government's aims for M.O. development which includes "enabling the pooling of resources, particularly where low incomes are involved, to economically develop a wide range of communal rural living opportunities, including the construction of low cost buildings".

Recent events have focussed attention on M.O. developments and highlighted many of the problems surrounding such developments. Residents of M.O.'s are ordinary people, as diverse in their attitudes and outlooks as society generally. The only difference is that they share the ownership of their land.

While Pan-Com applauds Government support for the concept of M.O.'s the absence of any legislation not open to broad interpretations gives Councils a free hand in imposing development conditions and compounds the problems of all M.O.'s. It is this situation that Kyogle Shire Council are taking advantage of and which forces many communities to resort to the Land & Environment Court.

In the meantime Kyogle Council are threatening further demolitions in the Shire. They are also threatening to fine Avalon residents for carrying out building works without building approval and charge them \$308.10 to cover demolition costs. Should Avalon refuse to pay Council claim they will start bankruptcy proceedings against them.

Pan-Com is aware that some residents in Kyogle and neighbouring Shires feel Avalon

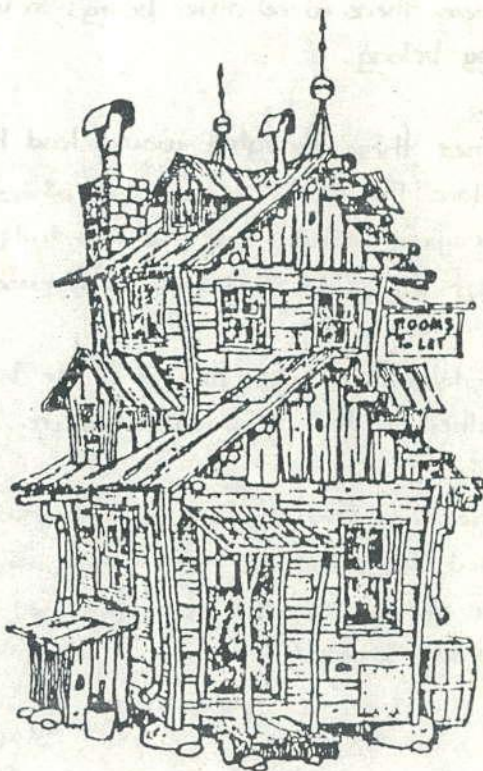
residents brought this situation on themselves but consider this - if you lived on an M.O. and you stopped a local Councillor removing timber from your property, thereby affecting his livelihood, do you think you could guarantee unprejudicial treatment by Council?

If you wish to support Pan-Com's activities, donations can be sent to P.O. Box 102, Nimbin 2480 or you can subscribe to our monthly newsletter, \$20 per year, to be kept informed.

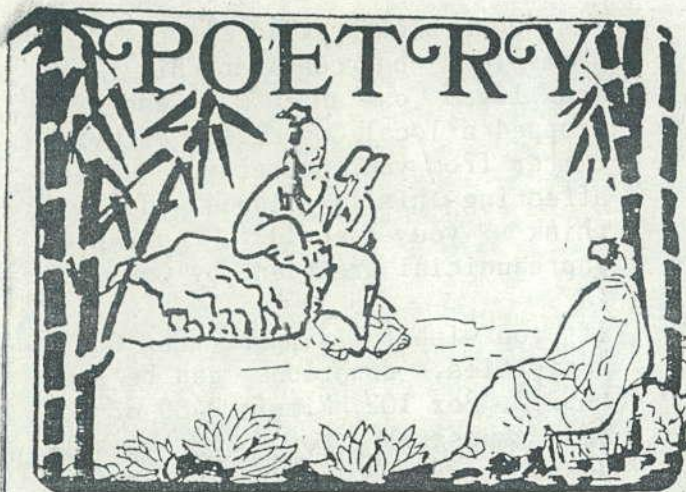
Diana Roberts



PAN-COMMUNITY
COUNCIL
P.O. BOX 102
NIMBIN 2480



"Don't talk to me about building standards"



Once upon a time, there was God
and He was alone in a seemingly endless
world of light and warmth.

He was aware of His existence,
and of the fact that He was alone,
and this led Him to wonder, that maybe
somewhere there were other beings to whom
He may belong.

At times these thoughts would lead Him
to explore His world in search of others,
but allways it seemed that He was truly alone,
and that His world stretched on forever.

His existence fascinated Him and He loved
and bathed in His affectionate nature.

Then one day, this child of the universe,
entertained the possibility of creating someone
to share His world and His happiness,
and created,
you and me.

Stephan

It is not so much that you are within the cos-
mos, as that the cosmos is within you.

Meher Baba

LOVE IS
If Love is
the power I serve:
wherein
shall I ever lack..?

If I dance
all my energies into joy:
How will
I ever feel lost..?
If I live
with every breath in the Now:
what can

I ever miss..?
Blessed am I
heir to all the wealth of creation
bliss is my learning
Truth the guide for my deeds
and there is no other place
but now
RIGHT WITHIN HER ARMS
no time now
FOREVER HERE
ENRAPT BY HER
LOVE

By Rainer Taeni

NIMBIN

Nimbin, lovely Nimbin
With it's coloured hills and pain
Mountain streams and flower-strew
Giant rocks, waterfalls and steep
Nimbin lovely Nimbin
Its social problems in the public
Its deep and valued friendship
Hidden from those who just pass b
I love you lovely Nimbin
You really are home to me.


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Ian Gilmour Watt, Pharmacist

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