

JUDGMENT/ORDER

COURT DETAILS

Court Land and Environment Court
Class Class 4
Registry Sydney
Case number 40224 of 2009

TITLE OF PROCEEDINGS

Applicants Lyall Munro and Wayne Nean
First Respondent Moree Plains Shire Council
Second Respondent Minister for Planning



DATE OF JUDGMENT/ORDER

Date made or given 4th September 2009
Date entered 23/10/2009



TERMS OF JUDGMENT/ORDER

The Court notes that:

- 1 The decision of the first respondent on 10 July 2008 to recommend that development application 07-0100 be approved subject to certain conditions has been rescinded by the first respondent and the relief sought in paragraph 1 of the summons is not pressed.

The Court declares that:

- 2 Moree Local Environment Plan 1995 (Amendment No. 17) (LEP), purported to be made by the second respondent on 2 January 2009, is void and of no effect.
- 3 The decision of the first respondent on 8 November 2008 to forward the draft LEP to the Department of Planning is void and of no effect.

The Court notes that:

- 4 No concession or admission is made by the respondents that anything in Ground 2 of the Points of Claim filed on 12 June 2009 supports the declaration in paragraphs 2 and 3 above.

By consent the Court orders that:

5 The first respondent pay the applicant's costs as agreed in the amount of \$7,200.00.

6 The summons is otherwise dismissed.

SEAL AND SIGNATURE

Court seal

Signature

[Handwritten signature]

Capacity

ACTING REGISTRAR

Date

23/10/09



[Include the following section if the document is to be provided to the Registrar for sealing under UCPR 36.12.]

PERSON PROVIDING DOCUMENT FOR SEALING UNDER UCPR 36.12

Name	Environmental Defenders Office NSW – for applicant
Legal representative	Sue Higginson
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