

In the Planning and Environment Court
Held at: Maroochydore

Appeal No. D2 of 2016

Between:	W Donald Milligan Pty Ltd ACN 009 851 503	Appellant
And:	Noosa Shire Council	Respondent
And:	Joy Ringrose	First Co-respondent by Election
And:	Jennifer Mary Sadler	Second Co-respondent by Election
And:	Elizabeth Catherine Merritt	Third Co-respondent by Election
And:	Queensland Electricity Transmission Corporation Limited trading as Powerlink Queensland	Fourth Co-respondent by Election

ORDER

Before His Honour Judge Long SC

Date of Hearing: 18 November 2016

Date of Order: 18 November 2016

UPON THE COURT BEING SATISFIED THAT the appellant has given notice of the commencement of this proceeding in accordance with the requirements of the Sustainable Planning Act 2009.

AND UPON THE COURT BEING SATISFIED THAT the appellant has given public notice of the development application the subject of this proceeding in accordance with the requirements of the Sustainable Planning Act 2009.

ORDER

Filed on behalf of the Appellant

Form PEC-7

IT IS ORDERED THAT:

Notification to fourth co-respondent by election of issues

1. By 25 November 2016 the parties to the appeal notify the fourth co-respondent by election in writing of any issue with the fourth co-respondent by election's proposed conditions and advice statements set out in correspondence from Corrs Chambers Westgarth Lawyers dated 28 October 2016.
2. If the fourth co-respondent by election is not notified of any issue with its proposed conditions and advice statements referred to in paragraph 1 herein, the fourth co-respondent by election is excused from active participation in the appeal and from complying with all orders and directions made for the conduct of the appeal, until such time as:
 - (a) it is notified in writing of any proposed changes to the development application or the plans of development; or
 - (b) it is required to formulate conditions of approval, if approval is given.
3. The appellant shall give the fourth co-respondent by election written notice of:
 - (a) any proposed changes to the development application or the plans of development; or
 - (b) the formulation of any draft conditions of any approval of the development application.
4. Within 14 days of receiving notice under paragraph 3 herein, the fourth co-respondent by election is to advise the appellant of:
 - (a) its acceptance, or otherwise, of any proposed changes to the development application or the plans of development; or
 - (b) any additional conditions of approval.

Further information and responses

5. By 30 November 2016 the parties proposing to call experts in the fields of air quality attempt to agree upon the required equipment and methodology for undertaking
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further monitoring of on-site wind speed and wind direction, at 10 metres above ground level, for a representative period of 12 months including:-

- (a) branding and specifications of the sensors to be installed;
- (b) relevant standards and requirements for the further monitoring;
- (c) how it will be demonstrated that the sensors have been correctly installed; and
- (d) access to, and consideration of, interim data obtained after 3 months of monitoring.

6. By 16 December 2016 the appellant is to provide a response to the issues raised in:
 - (a) without prejudice correspondence from the respondent to the appellant dated 18 & 20 October 2016;
 - (b) without prejudice correspondence from the first co-respondent by election to the appellant dated 13 October 2016;
 - (c) without prejudice correspondence from the second and third co-respondents by election to the appellant dated 19 October 2016.
7. By 27 January 2017 the respondent and the first, second and third co-respondents by election are to provide a response to the further information provided by the appellant pursuant to paragraph 6 herein.
8. The proceeding is adjourned to 5 May 2017 for review

Filed on: 18/11/2016

Filed by: **GANTT LEGAL**
Service address: Level 22 69 Ann Street BRISBANE QLD 4000
Phone: 0401 102 694
Email: cliff.wirz@ganttlegal.com.au

Registrar