

IN THE PLANNING AND ENVIRONMENT COURT
AT BRISBANE

No. BD 4658 of 2004

BETWEEN: **CAROL JEANETTE BOOTH**

Applicant

AND: **FRIPPERY PTY LTD (ACN 010 890 007)**

First Respondent

MERVYN MEYER THOMAS

Second Respondent

PAMELA ANN THOMAS

Third Respondent

ORDER

Before His Honour: Judge Wilson SC

Date of Hearing: 16 February 2005

Date of Order: 16 February 2005

IT IS ORDERED THAT:

1. The Applicant is granted leave to file an Amended Originating Application, the substantive changes being to:
 - (a) remove the references to section 162 of the *Nature Conservation Act 1992*; and
 - (b) remove the reference in the third order sought to donating \$1,000.00, and substitute the words, “[an amount that the Court considers reasonable in the circumstances]”.
2. The proceedings be transferred to the Townsville Registry of the Planning and Environment Court.
3. The parties serve on the other parties a List of Documents which are or have been in their possession or under their control relating to the matters directly relevant to the issues in dispute in the proceedings and otherwise comply with their duty of disclosure on or before 4pm on Friday 6 May 2005.
4. Inspection of documents, if required, to be completed by 4pm on Friday 13 May 2005 and copies of documents provided within 5 business days of a request being made.

ORDER
Filed on behalf of the Applicant
PEC-8

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5. Unless the Court otherwise orders, the evidence-in-chief in the proceedings be by affidavit.
6. The Applicant files and serves any affidavit material upon which she relies by 4pm on Thursday 17 June 2005.
7. The Respondents file and serve any affidavit material upon which they rely by 4pm on Friday 1 July 2005.
8. The parties file and serve a list of any objections to the affidavit material of the other party, and the ground or grounds of the objection, by Friday 22 July 2005.
9. The parties confer on or before Friday 22 July 2005 on a without prejudice basis with a view to narrowing and resolving the disputed issues in the proceedings.
10. The hearing of the Originating Application be set down for the August 2005 Pool of the sittings of the Court at Townsville with an estimated hearing duration of 2 days.
11. The parties have liberty to apply for further orders upon the giving of 2 days notice to each active party.

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Judge Wilson SC