

SUPREME COURT
OF QUEENSLAND

- 5 NOV 2004

COURT OF APPEAL
SUPREME COURT OF QUEENSLAND

FILED
BRISBANE

CA NUMBER: 9650 of 2004
NUMBER: 252 of 2004

Applicants (First and
Second Respondents)

PELICAN LINKS PTY LTD AND
TITANIUM ENTERPRISES PTY LTD

AND

Respondent (Applicant):

CALOUNDRA CITY COUNCIL

FEE: \$890.00
INIT: SA
REC: 1927073

APPLICATION TO THE COURT OF APPEAL

TAKE NOTICE that the Applicants, PELICAN LINKS PTY LTD AND TITANIUM ENTERPRISES PTY LTD, are applying to the Court of Appeal for the following orders:-

ORDERS SOUGHT:-

1. An order that the First and Second Respondents in Maroochydore Planning & Environment Court Application No. 252 of 2004 ("the P & E Application") be granted leave to appeal to the Court of Appeal against the decision of the Planning & Environment Court at Maroochydore given on 24 September 2004 in respect of the P & E Application;
2. An order that the Respondent pay the Applicants' costs of the application;
3. Such further or other orders as this Court deems fit.

Application to Court of Appeal
Filed on behalf of the Applicants
Form 69, CRU 779(2)

Connor O'Meara
Solicitors
Level 16
255 Adelaide Street
Brisbane Qld 4000
Tel: (07) 3221 3033
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0404178.application



DETAILS OF THE JUDGMENT APPEALED AGAINST ARE:-

Date of the Judgment: 24 September 2004
Description of Proceedings: Maroochydore Planning and Environment
Application No. 252 of 2004
Description of parties involved
in the proceedings: Caloundra City Council as Applicant
and
Pelican Links Pty Ltd as First Respondent
and
Titanium Enterprises Pty Ltd as Second Respondent

Name of Primary Court Judge: His Honour Judge J.M. Robertson
Location of Primary Court: Maroochydore

This Application will be heard by the Court of Appeal at Brisbane

on: D.T.B.F

at: T.B.F.

Filing date: 5/9/04

REGISTRAR:



If you wish to oppose this Application or to argue that any different Order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the Orders sought may be made without further notice to you.

On the hearing of the Application the Applicants intend to rely on the following

affidavit:

COPY

Affidavit of PHUC THANH LY, sworn 5th November 2004



PARTICULARS OF THE APPLICANTS:

Name: Pelican Links Pty Ltd and Titanium Enterprises Pty Ltd
Residential or business address: Suite 3, 118 Bulcock Street
CALOUNDRA 4551
Applicant's solicitor's name: Michael Connor
and firm name: Connor O'Meara
Solicitor's business address: Level 16, 255 Adelaide Street
BRISBANE 4000
Address for service: As above
Telephone: (07) 3221 3033
Fax: (07) 3221 6661
E-mail address: mail@connoromeara.com.au

PARTICULARS OF THE RESPONDENT:

Name: Caloundra City Council
Residential or business address: 1 Omrah Avenue
CALOUNDRA 4551
Respondent's solicitor's name: Michael Heiner
and firm name: Heiner & Doyle Solicitors
Solicitor's business address: 2 Otranto Avenue
CALOUNDRA 4551
Address for service: As above
Telephone: (07) 5491 7877
Fax: (07) 5491 7638

Signed: *Connor O'Meara*
Description: Solicitors for the Applicants
Dated: 5th November 2004

This Application is to be served on:-

The Respondent
Caloundra City Council

