

## JUDGMENT

IN THE PLANNING AND ENVIRONMENT  
COURT REGISTRY: BRISBANE

Appeal No. BD268 of 2009

BETWEEN:

**NEIL GRAHAM CRISP, CAROL ANNE CRISP,  
JULIE MAREE CRISP, PAUL JOHN RITCHIE,  
ROSS WILLIAM ST JOHN WOOD,  
BERYL DOROTHY EVANS, TATIANA GRABSON,  
ROMAN GRABSON & MICHELLE DIAN SPENCER**

Appellants

AND:

**BRISBANE CITY COUNCIL**

Respondent

AND:

**PETER ROSS TORNABENE**

Co-Respondent

Before His Honour Rackemann DCJ

Date of Hearing: 13 May 2009

Date of Judgment: 13 May 2009

**THIS MATTER HAVING** on the 13<sup>th</sup> day of May 2009 come on for hearing by way of appeal against the decision of the Respondent approving a development application made by the Co-Respondent under the *Integrated Planning Act 1997* in respect of land situated at 14 Elson Road and 31 Mann Avenue, Northgate, described as Lot 3 on RP76215 & Lot 39 on RP34599, Parish of Toombul, for:

- a) a development permit for a material change of use for a multi-unit dwelling; and
- b) a preliminary approval for building work for a multi-unit dwelling

**AND UPON HEARING** Mr Crisp in person for the Appellants, the Solicitor for the Respondent and Mr McGrath of Counsel for the Co-Respondent

**AND UPON READING** the Order dated 20 February 2009, and the Affidavit of John Patrick Carroll filed herein on the 13<sup>th</sup> day of May 2009

**UPON THE COURT BEING SATISFIED THAT** the changes to the development application as set out in proposal plan 02 exhibited to the

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### JUDGMENT

Filed on behalf of the Co-Respondent

Form No. PEC-8

### PORTA LAWYERS

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affidavit of John Patrick Carroll filed on 13<sup>th</sup> day of May 2009 are only minor  
change

**IT IS ADJUDGED THAT:**

1. The appeal be allowed in part; and
2. The application be approved subject to the amended conditions in the development approval package attached hereto and marked "A."

Filed on:        /        /

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Registrar