

IN THE PLANNING AND ENVIRONMENT COURT
AT BRISBANE

No. BD 2845 of 2006

BETWEEN: **CAROL JEANETTE BOOTH**

Applicant

AND: **RICHARD GEORGE YARDLEY**

First Respondent

ANTJE GESINA YARDLEY

Second Respondent

APPLICATION IN A PROCEEDING

Filed on: 10 April 2008

Filed by: Environmental Defenders Office (Qld) Inc

Service address: 30 Hardgrave Road
West End QLD 4101

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THE APPLICANT applies to the Planning and Environment Court at Brisbane for the following orders under section 4.1.5 of the *Integrated Planning Act 1997* and rule 926 of the *Uniform Civil Procedure Rules 1999*:

1. That the first respondent and the second respondent be punished for contempt of the Court by contravening an order of the Court, particulars of which are provided in the grounds set out below.

The grounds relied on are:

1. Judge Wilson SC DCJ made the following orders on 8 February 2008 in proceedings No. BD 2845 of 2006, for reasons given in *Booth v Yardley & Anor* [2008] QPEC 5:

1. *That on or before 31 March 2008 the respondents dismantle (or cause to be dismantled) the three electric grids constructed on their land at Hosking Road, Mirriwinni being the land described as Lot 1 on RP 712412, County of Nares, Parish of Bellenden Ker in the State of Queensland by pulling down and taking apart the horizontal wires and metal poles constituting the electric grids.*

2. *That there be liberty to apply on 14 days notice.*

2. The first respondent and the second respondent contravened order 1 made by Judge Wilson SC DCJ on 8 February 2008 by failing, before 31 March 2008, to dismantle (or

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Filed on behalf of the Applicant

PEC-4

Section 4.1.5 IPA; Rule 926 UCPR

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3. The respondents' electric grids had not been dismantled as at 4 April 2008.
4. At the date of filing this application the applicant believes the respondents' electric grids have not been dismantled.

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Jo Bragg (Principal Solicitor)
Environmental Defenders Office (Qld) Inc
Solicitor for the applicant

This application is to be heard for directions by the Court at Supreme and District Court Complex, George Street, Brisbane on 23 April 2008 at 9.15 am.

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Registrar

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

FURTHER, TAKE NOTICE THAT, should you not attend the Court in person or by your lawyer or agent on the date specified above the Court may issue a warrant for your arrest and detention in custody until the Court hears the charge.