

PLANNING AND ENVIRONMENT COURT

JUDGE ROBIN QC

P & E No 1510 of 2007

PARINGA PASTORAL COMPANY PTY LTD Appellant

and

PEAK DOWNS SHIRE COUNCIL Respondent

and

DEPARTMENT OF MAIN ROADS Co-Respondent

and

DEPARTMENT OF PRIMARY INDUSTRIES AND Co-Respondent
FISHERIES

BRISBANE

..DATE 24/10/2008

ORDER

CATCHWORDS: Integrated Planning Act 1997 Ch 3 part 2 -
s 4.1.5A, s 4.1.55 - indulgence granted to developer appellant
in respect of newly discovered omission to supply material as
required by the Act to one (only) of the referral agencies -
stages of certain steps in relation to the appeal caused by
extension of time.

HIS HONOUR: The Court makes an order in terms of the initialled draft. It contains some indulgences to rectify the failure by the appellant developer and the council to appreciate at the relevant time that the Main Roads Department was a referral agency for purposes of the development application which seeks approval for a feed lot in the Capella area.

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The requirement does not arise from the site being located directly on one of Department's roads but from the mere fact of the application being for a feed lot capable of accommodating animals beyond a certain number. Obviously there may be implications for use of the Main Roads network.

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The Department of Primary Industries' involvement had been acknowledged all along. It wasn't until the appeal against the council's refusal of the application that Mr Smith, the respondent's solicitor, became cognisant of the omission.

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Contact was made with the Main Roads Department then and it seems there are some issues which will have to be sorted out relating to its area of interest. The Department has now had the opportunity to put forward its views and will have that right in the appeal. It's represented by Ms Azimi, rather, the Chief Executive is, who offers no objection to the indulgence sought under section 4.1.5A of the Integrated Planning Act 1997 in respect of non-compliance with the requirements of Chapter 3 Part 2 of the Act relating to referral of the application to the second co-respondent.

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