

PLANNING AND ENVIRONMENT COURT

JUDGE ROBIN QC

P & E Appeal No 873 of 2005

CARLO JAMES CROCETTI

Appellant

and

HERVEY BAY CITY COUNCIL

Respondent

BRISBANE

..DATE 01/09/2010

..DAY 1

CATCHWORDS

Old developer appeal dismissed on respondent council's
application - appeal not pursued - appellant consents

HIS HONOUR: The court makes an order in terms of the initialled draft which dismisses this very old appeal.

It commenced on 15 March 2005. Nothing happened in it apart from the council's entering an appearance considerably later in the year.

The council's current application filed last week seeks an order that the appeal be dismissed, presumably for want of prosecution.

Mr Phipps is able to place before the court a form of order dismissing the appeal, with no order as to costs, which has endorsed on it a consent by the appellant's solicitors on the record.

It may well be that the appellant has no further interest in this conditions appeal which related to a change of use for professional offices. Mr Phipps understands he has sold the relevant premises.

The court makes an order in terms of the initialled draft.
