

PLANNING AND ENVIRONMENT COURT

Number: D29/25

Registry: -Maroochydore-Queensland

Appellant:

Mark and Julianne Grunske

Respondent:

Fraser Coast Regional Council

Co Respondent

Chief Executive-Queensland Government

AFFIDAVIT

I Warren Bolton of 558 Mooloo Road MOOLOO under affirmation say:

1. In July 2019 I participated in an Alternative Dispute Resolution (ADR) provided as a facility of the Planning and Environment Court Act. I found the process to be the most significantly innovation I have been part of since my involvement in the local government court in the 1980s and its subsequent replacement, the Planning and Environment (P&E) Court, in effecting an expedient, efficiently and cost effectively method for deal with particularly, preliminary issues that form part of the process within the P&E Court.
2. As a consequence of that experience when preparing to lodge an appeal against conditions placed on a *decision notice* by an *assessment manager*, I determined to prepare materials within a dedicated website (<https://tuangld.site>) to assist the expeditious, efficient and cost-effective method for dealing with the accumulated materials, by providing easy and universal access to all parties to the appeal for all the materials I believed necessary to support my position.
3. On 5 February 2025 in preparation for filing in the P&E Court Registry I solicited administrative advice from that Court's Registrar as to the current operation of the ADR facility of the P&E Court.

The Registrar advised that one of the early steps in an appeal is 'ADR referral' and confirming that the process is still the same as it was in 2019 [Attachment A {(AA)-No5)} & (AA-6)

AFFIDAVIT

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Form PEC-4

Planning Act 2020

Deponent



Version 1

Name: Warren Bolton

Service Address: 558 Mooloo Road
MOOLOO

Phone no: 04 29 39 49 04

Email: me@warrenbolton.com

July 2017

Fraser Coast

Taken By

15/04/2025



To ensure that I had a workable understanding of how the current ADR Registry functioned, I carried out a telephone conversation with the ADR Registrar - Steve Adams.

Having acquired what, I believe was workable knowledge of the system, I proceeded to draft my *Notice of Appeal*.

4. On 19 March 2025 I lodged in the Maroochydore Registry of the P&E Court the Notice of Appeal D29/25. (NoP-29) Cognisant of the availability of the ADR I couched the NoP-19 in terms of seeking an order to have the matter initially referred to ADR and that for any issues that can't be resolved in that format to be returned to the court for determination.

5. On 20 March 2025 I emailed the Respondent and the Co Respondent a copy of the NoP-19 (AA-11]

6. On 21 March 2025 I receive notification from the lawyer representing the Respondent that they had filed an Entry of Appearance (EoP) (AA-15)

On 23 March 2025 I acknowledge receipt of their EoP and issued an invitation to 'chat when they were ready' (AA-16)

7. On 26 March 2025 I receive notification from the lawyer representing the Co Respondent that they had filed an EoP. (AA-18)

On 27 March 2025 I acknowledge receipt of the EoP. (AA-20)

8. On 30 March 2025 I emailed both lawyers enquiring 'if, at this stage, they were in a position to indicate their position in relation to the proposal for dealing with the appeal, going forward, as defined within NoP-29. (AA-26)


9. On 2 April 2025 lawyers for the Co Respondent sought confirmation that it was the Appellant's preference '...in the first instance to have the parties attend a mediation with the P&E ADR Registrar'(AA-28)

I responded that day confirming that it was the 'preference of the Appellant to travel down the ADR process'. (AA-29)

Later that day the lawyer for the Co Respondent again sought clarity that 'the Appellant's preference was mediation within the P&E ADR Registry'. (AA-30)


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I again responded confirming that it was the Appellant preference - as stated. I also advised the lawyer that I was still awaiting engagement by the lawyer representing the Respondent. (AA-31)

Under separate email I forwarded to the lawyer for the Respondent the email discussion carried out with the lawyer for the Co Respondent. (AA-32)

10. On 3 April 2025 I emailed both lawyers drawing to their attention the existence of the website I constructed and that it contained all the material that I believe is relevant to supporting the position of the Appellant, particular to mediation, so they may be able to use the material, if they were so inclined, to expedite the process. (AA-33)

No response from either of the lawyers were forthcoming, in this regard this facility.

11. On 7 April 2025 I again emailed the lawyer for the Respondent requesting advice as to when they 'might be in a position to provide some feedback in relation to my enquiry of 30 March'

I included in that email the 30 March email and cc: the lawyer for the Co Respondent. (AA-34)- No response from the lawyers for the Respondent was forthcoming.

12. On 7 April 2025 lawyers for the Co Respondent indicated that their client was agreeable to proceeding with the P&E Court ADR Registrar and to start the process, provided dates that were suitable to their client. (AA-37)

I responded that day, mentioning that I was still awaiting a response from the lawyers of the Respondent and raising the question of whether or not we could proceed to 'mediation' in the absence of the party representing the Respondent. (AA-38)

That day I then sent an email to the ADR Registrar seeking clarity on whether a subset of all parties could participate in mediation, in the absence of another party. (AA-39)


13. On 9 April 2025 after waiting two days for a response, I contacted the ADR registrar by phone to seek an answer to my enquiry.

I was verbally advised that it was possible for a subset of the parties to enter into the mediation process, provided all parties were extended an invitation to participate in this process.

That day I also sent a copy of my email to the ADR Registrar, to the lawyer for the Respondent (AA-40) ; AND


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I then notify the lawyer for the Co Respondent of the advice that I had received from the ADR registrar (AA-41)

In response I was advised by the lawyer for the Co Respondent they would seek instruction from their client as to alternative dates. But also advised that their preference was that Mr Connor (lawyer for the Respondent) confirm that he does not wish to participate, before the mediation can be scheduled.

I was advised that they would respectfully invite Mr Connor to respond in this regard as it may be that, if his client was prepared to be involved in mediation, then dates suitable to Mr Connor client, would need to be considered.

14. On 10 April 2025 I advise the lawyer for the Co Respondent that the nominated date of 7 May at 2 PM in Maroochydore was fine by me and upon confirmation I would arrange to have that session booked.

By return email, lawyer for the Co Respondent, advise that that date 'was no longer convenient to their client'.

By return email I advised the lawyer for the Co Respondent that as I was retired any date would suit me, so please just selected date suitable to your client and to let me know.

15. On 11 April 2025 out of frustration with the delays and lack of cooperation I sent an email to both lawyers trying to broker another way forward.

This involved a discussion by all parties around what of the issues may be able to be dealt with outside of the mediation process altogether and eliminating those issues so as to benefit the mediation process by and identifying the issues for which there is consensus, thus reducing the issues left for either mediation or those issues any particular party requires to be settled by the court. (AA-46)

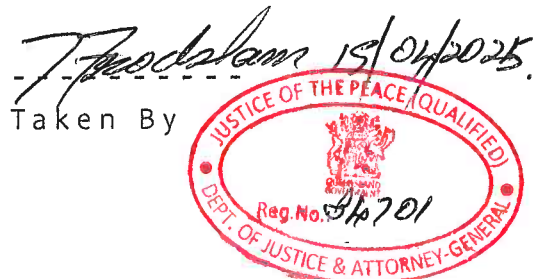

16. At the time of drafting this affidavit (15/04/2025 2:32 PM)
- No participation by lawyer for the Respondent has been forthcoming; And
 - I have had no response from either of the lawyers in relation to the state of the mediation process or my suggestion of some cooperative approach to try and reduce the number of issues to be determined.

Attachment A - Contains true copies of emails, relevant to this affidavit.



Deponent




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Attachment A

Communication chronology

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| February 3, 2025 | 1. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Monday, February 3, 2025 4:55 PM To: Courthouse Maroochydore Courthouse.Maroochydore@justice.qld.gov.au</p> <p>Subject: Alternative dispute resolution</p> <p>Hi Maroochydore</p> <p>Is there any ADR Guidelines published to assist people in understanding the ADR process? And If so would you be kind enough to give me a reference or a link to where they could be obtained</p> <p>Thanking you in advance</p> <p>Regards Warren</p> |
| 5 February 2025 | 2. | <p>From: Courthouse Maroochydore Courthouse.Maroochydore@justice.qld.gov.au Sent: Wednesday, 5 February 2025 10:33 AM To: me@warrenbolton.com Subject: RE: Alternative dispute resolution</p> <p>Hello, please see the below link from the Queensland Courts Website for Alternative Dispute resolution. That page has links to Mediation Services and Dispute resolution Centre contacts.</p> <p>https://www.courts.qld.gov.au/going-to-court/alternative-dispute-resolution</p> <p>Meagan</p> |
| February 5, 2025 12:33 PM | 3. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Wednesday, February 5, 2025 12:33 PM To: Courthouse Maroochydore Courthouse.Maroochydore@justice.qld.gov.au</p> <p>Subject: RE: Alternative dispute resolution</p> <p>Hi Megan</p> <p>Thanks for the prompt response</p> <p>I am a little confused, the last time I was involved in the ARD process (2019) it was arranged via the Planning and Environment Court, initiated by lodgement of appeal in that court with both parties agreeing at the first mention it was referred by the judge to the ADR process</p> |

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| | | <p>The whole process was then controlled by the appointed person in the ARD</p> <p>I found it very effective and cost efficient process with all matter being resolved with the need for occupying the time of the court</p> <p>However- The reference you supplied mentioned only: Arranging ADR through the courts Arranging consent To arrange a consent order for alternative dispute resolution (ADR) through the Magistrates or Supreme and District Courts:</p> <p>Is that system now no longer an options or a process in that court?</p> <p>Regards</p> |
| 5 February 2025 12:37 PM | 4. | <p>From: Courthouse Maroochydore <Courthouse.Maroochydore@justice.qld.gov.au> Sent: Wednesday, 5 February 2025 12:37 PM To: me@warrenbolton.com Subject: RE: Alternative dispute resolution Hello, as your email didn't refer to a specific Court matter or dispute I just gave you the General link for the QLD Website.</p> <p>Do you have a matter pending before a Court ?</p> <p>Meagan</p> |
| February 5, 2025 12:41 PM | 5. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Wednesday, February 5, 2025 12:41 PM To: Courthouse Maroochydore Courthouse.Maroochydore@justice.qld.gov.au</p> <p>Subject: RE: Alternative dispute resolution</p> <p>Not pending, but I will be filing in the P&E Court, in your registry, with the next week.</p> <p>And as it is now 5 year since I was involved with that process I was just checking to see if it had changed substantially or not since that time</p> <p>Regards Warren</p> |
| February 5, 2025 12:59 PM | 6. | <p>From: Courthouse Maroochydore <Courthouse.Maroochydore@justice.qld.gov.au> Sent: Wednesday, February 5, 2025 12:59 PM To: me@warrenbolton.com Subject: Alternative dispute resolution</p> |

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| | | <p>Hi Warren,</p> <p>Steve Adams is the ADR Registrar in Brisbane. He travels throughout Queensland and does the P&E mediations at Maroochydore. (he probably did yours 5 years ago)</p> <p>If you file an appeal or application with us, we will provide you with an information pack.</p> <p>One of the early steps is ADR referral, so to answer your question that part of the process is still the same.</p> <p>Kind Regards Tony Hennessy</p> |
| | 7. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Thursday, February 6, 2025 12:53 PM To: Courthouse Maroochydore Courthouse.Maroochydore@justice.qld.gov.au Subject: RE: Alternative dispute resolution</p> <p>Hi Tony</p> <p>I have been on the Queensland courts web site to find out the fee for filing (Got That [\$709.50]) but I could not find out if I can pay by debit card on the day at the registry?</p> <p>Also</p> <p>As I live in Gympie can I lodge there even if I want the matter to be handled by the Maroochydore Registry?- save be a 2 hour trip</p> <p>Regards Warren</p> |
| 6 February 2025 4:40 PM | 8. | <p>From: Courthouse Maroochydore <Courthouse.Maroochydore@justice.qld.gov.au> Sent: Thursday, 6 February 2025 4:40 PM To: me@warrenbolton.com Subject: Alternative dispute resolution</p> <p>Hi Warren,</p> <p>Yes, \$709.50 is the correct filing fee.</p> <p>We do accept payment via eftpos.</p> |

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| | | <p>You have a choice where you file it – either the Planning and Environment Court in Gympie or Maroochydore.</p> <p>If you file the documents in Gympie it will remain with that courthouse. If you didn't want to drive to Maroochydore, you could post the documents by express post.</p> <p>Our mailing address is:- Registrar District Court PO Box 732 MAROOCHYDORE Q 4558</p> <p>You can always make payment of the filing fee over the telephone.</p> <p>Kind Regards Tony Hennessy</p> |
| February 20, 2025 | 9. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Thursday, February 20, 2025 4:21 PM To: Courthouse Maroochydore Courthouse.Maroochydore@justice.qld.gov.au</p> <p>Subject: RE: Alternative dispute resolution</p> <p>Hi Tony</p> <p>Asi mentioned it's been a few years since I had a matter before the planning environment court and, as I also mentioned, utilise the ADR process, finding it a very effective mechanism for dealing with minor disagreements in relation to planning development application matters.</p> <p>In that instance both parties were able to arrive at common ground and the matter was settled with the appropriate consent orders. However, in reading the legislation and the explanatory notes it's not abundantly clear exactly what would happen if there was still some matters left that were not reconciled and exactly what the process would be to take the matter back before the court.</p> <p>I'm aware section 23 of the Planning And Environment Court Act 2016 makes provision for the ADR register to deal with the matter in a way the registrar see fit but I'm wondering if you know if that extends to the register referring the matter back to the court for any particular matter upon which the parties could not find common ground or for example, the determination of the application of particular section of legislation.</p> <p>I asked this only because I am preparing the form PEC1 and I just to word it in such a way that ensures that facility is incorporated into the Notice. At present the only order I am seeking is the the matter be referred for the ADR process.</p> |

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| | | <p>Thank you for any light you might shed on this.</p> <p>In relation to documents, can they be electronic and uploaded or must they be in paper and posted?</p> <p>My regards Warren</p> |
| | 10. | <p>Sent: Monday, 24 February 2025 3:39 PM To: me@warrenbolton.com Subject: RE: Alternative dispute resolution</p> <p>Good afternoon, Mr Hennessy is out of office.</p> <p>I can confirm that you need to file the original & 2 copies, these cannot be filed electronically.</p> <p>In Mr Hennessy's absence a I have raised your other queries with the ADR Manager and he will get in touch with you.</p> <p>Meagan Meagan Murry</p> |
| | 11. | <p>From: me@warrenbolton.com Sent: Thursday, 20 March 2025 6:25 AM To: 'pecappeals@dsdilgp.qld.gov.au'; 'enquiry@frasercoast.qld.gov.au' Cc: Luke Lankowski SARA Subject: Notice of Appeal D29-25 Attachments: Notice-of-Appeal.pdf Tracking: Recipient Read 'pecappeals@dsdilgp.qld.gov.au' 'enquiry@frasercoast.qld.gov.au' Luke Lankowski SARA Mud Crab Direct</p> <p>SARA Appeals Read: 20/03/2025 7:33 AM</p> <p>Please find attached for service, your copy of the Notice of Appeal filed in Planning and Environment court – Maroochydore</p> <p>Would you please acknowledge receipt</p> <p>My Regards Warren</p> |
| March 20, 2025 4:55 PM | 12. | <p>From: Courthouse Maroochydore <Courthouse.Maroochydore@justice.qld.gov.au> Sent: Thursday, March 20, 2025 4:55 PM</p> |

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| | | <p>To: me@warrenbolton.com Cc: Steven Adams <steven.adams@justice.qld.gov.au> Subject: D 29/25 P & E Appeal- GRUNSKE-V- Fraser Coast Council & Chief Executive QLD Government</p> <p>To Warren Bolton (Agent)</p> <p>I note you are an Agent for the self-represented litigants mark & Julianne Grunske in the above matter before the Planning & Environment (P&E) Court at Maroochydore.</p> <p>You will need to File the Form 10 to act as Agent.</p> <p>In accordance with P&E Court Practice Direction 11 of 2023, attached to this email are documents that form the "Kit for Self-Represented Parties". The Kit is not a step by step guide on how to participate in an matter before the P&E Court, it merely contains some useful information to assist you as a self-represented party. Included in this Kit is a:</p> <ul style="list-style-type: none"> • copy of Practice Direction 11 of 2023 "Self-Represented Litigants" • blank Planning & Environment Court form PEC-10 "Notice of Appointment of Agent" • guide about what advice Registry staff can and cannot provide • list of website addresses where the following documents can be obtained: <ul style="list-style-type: none"> o Planning & Environment Court Act 2016 o Planning & Environment Court Rules 2018 o Uniform Civil Procedure Rules 1999 o other Planning & Environment Court Practice Directions o other forms used by the Planning & Environment Court o The Community Litigant's Handbook produced by the Environmental Defenders Office (Qld) <p>Meagan Murry</p> |
| March 20, 2025 5:48 PM | 13. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Thursday, March 20, 2025 5:48 PM To: Courthouse Maroochydore Courthouse.Maroochydore@justice.qld.gov.au Subject: RE: D 29/25 P & E Appeal- GRUNSKE-V- Fraser Coast Council & Chief Executive QLD Government</p> <p>Hi Meagan</p> <p>Thank you for providing the attached information</p> <p>Putting aside the fact I have been working firstly in the local government court since the 1980s and then the Planning and Environment Court, prior to my retirement, I find this an interesting development. No doubt there are some reasonable explanations for its introduction.</p> |

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| | | <p>A few questions if I may</p> <p>1. It has always been my practice since I started acting as an agent in the early 1990s to actually sign the bottom of the form PEC 1 which is also signed by the Appellants and I do note that until now the court has always accepted that I had the Appellants authority to act on their behalf because of my system.</p> <p>The PEC1 also contained all the information that is now required by the new form PEC 10.</p> <p>It does appear on the surface that this is a duplication of information and thereby contra indicated to achieving the outcome sought by Section 10(1)(b) of the Planning and Environment Court Act 2016</p> <p>2. I take it that now my system is no longer acceptable to the court?</p> <p>3. I note, in the Practice Direction Number 11 of 23 Clause 2 the advice that this Practice Direction applies in the Brisbane Registry. Does the Brisbane Registry encompass Maroochydore?</p> <p>4. The PEC10 Form has a statement Name of Party with a dotted line above. I take it this where the party appointing an agent is to sign?</p> <p>And Given in my particular circumstances for this matter, I appear on behalf of two parties, I take it that it'll be okay for me a modified form (as I did with the PEC1) so that both parties can sign?</p> <p>Also I see there is nowhere on the form for the agent to sign, which would indicate that the agent is accepting the appointment.</p> <p>Is this an oversight or is it just that the court accepts that if the agent appears in court, then the agent has accepted the duty.</p> <p>5. When completing form PEC 10 I take it that the assigned number for the Notice of Appeal is completed on the form along with the venue.</p> <p>Thanking you for your response</p> <p>Regards Warren</p> |
| March 21, 2025 9:35 AM | 14. | <p>From: Courthouse Maroochydore Courthouse.Maroochydore@justice.qld.gov.au Sent: Friday, March 21, 2025 9:35 AM To: me@warrenbolton.com</p> |

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| | | <p>Subject: RE: D 29/25 P & E Appeal- GRUNSKE-V- Fraser Coast Council & Chief Executive QLD Government</p> <p>Good morning, I have spoken to the Senior Registrar and have been advised that the Form 10 is not necessary.</p> <p>With reference to the practise direction # 11, please find the below Maroochydhore direction which clarifies your question at #9. https://www.courts.qld.gov.au/_data/assets/pdf_file/0008/797669/maroochydhore-registry-application-of-pd-1-of-2023.pdf</p> <p>Meagan Murry</p> |
| March 21, 2025 5:47 PM | 15. | <p>From: Michael Connor <michaelconnor@connoromeara.com.au> Sent: Friday, March 21, 2025 5:47 PM To: me@warrenbolton.com Subject: Mark and Juilanne Grunske v Fraser Coast Regional Council & Chief Executive Queensland Government (P&E Appeal No. D29 of 2025)</p> <p>Dear Sir</p> <p>Please find attached a letter.</p> <p>Regards,</p> <p>Michael Connor Partner Connor O'Meara Solicitors [Note: 2 attachments {1=Entry of Appearance 2= authority/advice to act}]</p> |
| March 23, 2025 | 16. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Sunday, March 23, 2025 5:29 AM To: 'Michael Connor' <michaelconnor@connoromeara.com.au> Cc: Mud Crab Direct <mudcrabsdirect@gmail.com> Subject: RE: Mark and Juilanne Grunske v Fraser Coast Regional Council & Chief Executive Queensland Government (P&E Appeal No. D29 of 2025)</p> <p>Hi Michael</p> <p>It certainly must be a small world</p> <p>Thanks for your advice on filing</p> <p>Happy to chat whenever you're ready</p> <p>My regards</p> |

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| | | Warren |
| March 26, 2025 | 17. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Wednesday, March 26, 2025 8:05 AM To: Courthouse Maroochydore Courthouse.Maroochydore@justice.qld.gov.au</p> <p>Subject: RE: D 29/25 P & E Appeal- GRUNSKE-V- Fraser Coast Council & Chief Executive QLD Government</p> <p>Morning Meagan</p> <p>Could you please point me to where I can find some information on the court website -as to how to find the online case management documents for this matter.</p> <p>I tried the Qcase file and Management link but it's appears it is for civil matters and the current Queue Case Portal seems to be only for magistrate civil and the Administrative Tribunal matters - no mention their of planning and environment Court and the new QGov System says it doesn't seem to come into operation until next month.</p> <p>I know in 2019 (the last time of my involvement with the system) the files were accessible online</p> <p>Any assistance you can give in pointing me to info on how the current online system operates - would be appreciated</p> <p>My regards Warren</p> |
| March 26, 2025 6:09 PM | 18. | <p>From: Wendy Evans <wevans@claytonutz.com> Sent: Wednesday, March 26, 2025 6:09 PM To: me@warrenbolton.com Cc: Nicole Besgrove <nbesgrove@claytonutz.com>; Aidan Bryant <aibryant@claytonutz.com >; John Bull jbull@claytonutz.com</p> <p>Subject: Grunske v Fraser Coast Regional Council & Chief Executive (Queensland Government) - 0029 of 2025</p> <p>Dear Mark and Julianne</p> <p>Please find attached, by way of service, an unsealed copy of the Entry of Appearance to be filed on behalf of our client.</p> <p>We are in the process of filing the Entry of Appearance with the Maroochydore Planning & Environment Court and will provide a sealed copy on its return.</p> <p>Kindest regards Wendy</p> |

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| | | Wendy Evans Partner Clayton Utz |
| March 27, 2025 10:31 AM | 19. | <p>Sent: Thursday, March 27, 2025 10:31 AM To: me@warrenbolton.com Subject: FW: D 29/25 P & E Appeal- GRUNSKE-V- Fraser Coast Council & Chief Executive QLD Government</p> <p>Good morning, P & E matters are accessible on the below eCourts link. This is on the Queensland Courts website on the landing page "Search Civil files" https://www.courts.qld.gov.au/services/search-for-a-court-file/search-civil-files-ecourts</p> <p>Meagan</p> |
| March 27, 2025 2:36 PM | 20. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Thursday, March 27, 2025 2:36 PM To: 'Wendy Evans' <wevans@claytonutz.com> Subject: RE: Grunske v Fraser Coast Regional Council & Chief Executive (Queensland Government) - 0029 of 2025</p> <p>Thanks Wendy</p> <p>Regards Warren</p> |
| March 27, 2025 3:17 PM | 21. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Thursday, March 27, 2025 3:17 PM To: Courthouse Maroochydore <Courthouse.Maroochydore@justice.qld.gov.au> Subject: RE: D 29/25 P & E Appeal- GRUNSKE-V- Fraser Coast Council & Chief Executive QLD Government</p> <p>Hi Meagan</p> <div data-bbox="406 1440 671 1675" data-label="Image"> <p>The screenshot shows the Queensland Courts website with a search result of 0 records. The search criteria include File Number 029/25, Proceeding Category 1 Planning & Environment, and Proceeding Category 2 Planning & Environment Appeal. A message at the bottom states: 'Your search did not return any results. Search again.'</p> </div> <p>I took a practice run just to see if I knew what I was doing after I read the material and I come up with this It may be that I did something incorrect or just need to check is there anything on that file at present?</p> <p>Thanks Warren</p> |
| March 27, 2025 3:50 PM | 22. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Thursday, March 27, 2025 3:50 PM To: Courthouse Maroochydore Courthouse.Maroochydore@justice.qld.gov.au</p> <p>Subject: FW: Undelivered Mail Returned to Sender</p> <p>Hi Meagan</p> |

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| | | <p>I sent a email using the address on the Practice Direction you provided (DCPEListManager@justice.gld.gov.au)</p> <p>And got the following response below</p> <p>Warren</p> <p>-----Original Message----- From: Mail Delivery System <MAILER-DAEMON@h5.fbrelay.privateemail.com> Sent: Thursday, March 27, 2025 3:38 PM To: me@warrenbolton.com Subject: Undelivered Mail Returned to Sender This is the mail system at host h5.fbrelay.privateemail.com. I'm sorry to have to inform you that your message could not be delivered to one or more recipients. It's attached below.</p> <p>For further assistance, please send mail to support@namecheap.com If you do so, please include this problem report. You can delete your own text from the attached returned message. The mail system <DC-PEListManager@justice.gld.gov.au>: Host or domain name not found. Name service error for name=justice.gld.gov.au type=A: Host not found</p> |
| 27 March 2025 4:17 PM | 23. | <p>From: Courthouse Maroochydore <Courthouse.Maroochydore@justice.qld.gov.au> Sent: Thursday, 27 March 2025 4:17 PM To: me@warrenbolton.com Subject: RE: D 29/25 P & E Appeal- GRUNSKE-V- Fraser Coast Council & Chief Executive QLD Government</p> <p>Hello, in eCourts just put 29/25 (not the D) you should then see all statewide registries files for 29/25. Then select this appeal.</p> <p>Meagan</p> |
| 27 March 2025 4:34 PM | 24. | <p>From: Courthouse Maroochydore <Courthouse.Maroochydore@justice.qld.gov.au> Sent: Thursday, 27 March 2025 4:34 PM To: me@warrenbolton.com Subject: RE: Undelivered Mail Returned to Sender</p> <p>If your wanting to email the ADR Registrar see the below link, select Brisbane and you will see that address for the ADR Registrar.</p> <p>https://www.courts.qld.gov.au/contacts/planning-and-environment-court</p> <p>Meagan</p> |
| March 28, 2025 8:57 AM | 25. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Friday, March 28, 2025 8:57 AM To: 'dc-pelistmanager@justice.qld.gov.au' dc-pelistmanager@justice.qld.gov.au Subject: Planning & Environment Court - Maroochydore - D29.2025</p> |

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| | | <p>List Manager</p> <p>Hi.</p> <p>It has been five years since I practised in the planning environment court and this seems quite a bit has changed since then I've been trying to find information on the way that I can be aware of when the above matter will be set for its First return date Is there any way that I can register for notification either by text or email as to that date? or</p> <p>Is it simply a matter of me finding out where on the court page listings are displayed this information and how long in advance they are displayed</p> <p>Any advice in this regards would be appreciated</p> <p>Thank you Warren</p> |
| March 30, 2025 | 26. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Sunday, March 30, 2025 6:23 AM To: Wendy Evans - Clayton Utz <wevans@claytonutz.com>; Michael Connor - Connor O'Meara <michaelconnor@connoromeara.com.au> Subject: Appeal D29/25 - Grunske V FCRC & CE Qld Gov</p> <p>Hi Wendy and Michael</p> <p>I am enquiring as to if, at this stage, you are in a position to indicate your position in relation to the proposal for dealing with this appeal, going forward, as defined within the notice.</p> <p>Regards Warren</p> |
| April 1, 2025 10:40 AM | 27. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Tuesday, April 1, 2025 10:40 AM To: Courthouse Maroochydore <Courthouse.Maroochydore@justice.qld.gov.au> Cc: Wendy Evans - Clayton Utz <wevans@claytonutz.com>; Michael Connor - Connor O'Meara <michaelconnor@connoromeara.com.au>; ADR Registry <pe.registrar@justice.qld.gov.au> Subject: P&E Court D29/25</p> <p>Hi Meagan</p> <p>Having reviewed all the material, I believe that this matter come can now commence within the facility of the ADR system of the Planning & Environment court, if all parties, in the appeal, consent to this process - and there is no</p> |

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| | | <p>requirement, in that circumstance, to have it formally transferred to that section of the planning and environment Court by a judge.</p> <p>My understanding is that if the Registrar of the ADR facility, receive advice from all parties confirming their agreement to that process it can then be scheduled with that system.</p> <p>I am in the process of consulting with the other parties as to their opinions in this regard and if favourable intend to initiate that process.</p> <p>Thanking you for your consideration as to the administrative processes of the P&E Court.</p> <p>My regards Warren</p> |
| April 2, 2025 3:01 PM | 28. | <p>From: Wendy Evans <wevans@claytonutz.com> Sent: Wednesday, April 2, 2025 3:01 PM To: me@warrenbolton.com; Michael Connor - Connor O'Meara <michaelconnor@connoromeara.com.au> Cc: Mud Crab Direct <mudcrabsdirect@gmail.com>; Nicole Besgrove <nbegrove@claytonutz.com> Subject: RE: Appeal D29/25 - Grunske V FCRC & CE Qld Gov</p> <p>Dear Mr Bolton</p> <p>We acknowledge receipt of your email.</p> <p>Could we encourage you to familiarise yourself with (in amongst other provisions) section 45 of the Planning and Environment Court Act 2016, which confirms that it is in fact your client who has the onus of proof in relation to this appeal. You might also like to consider the various Practice Directions of the Planning and Environment Court, including but not limited to Practice Direction 11 of 2023 (self-represented litigants), as well as the Kit for Self- Represented Parties.</p> <p>In the event that on behalf of the Appellant, you are suggesting in your email to the Court yesterday, that your preference in the first instance would be for the parties to attend a mediation with the P&E ADR Registrar, could you kindly confirm this so that we may take instructions from our client?</p> <p>Kindest regards</p> <p>Wendy Wendy Evans</p> |
| 2 April 2025 5:06 PM | 29. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Wednesday, 2 April 2025 5:06 PM To: Wendy Evans <wevans@claytonutz.com></p> |

Subject: RE: Appeal D29/25 - Grunske V FCRC & CE Qld Gov
External Email

Hi Wendy

I do appreciate you taking the time to respond to my email, your PA did alert me to the current demands upon your time.

And I also thank you for your advice, I am however, not new to the Planning and Environment Court, in fact I first started in the local government court in the 1980s in the Judge Rowe era, starting my journey in local government in 1968, but I retired 16 years ago and oh so much has changed in that period of time, so yes I am on a bit of a steep relearning curve, but I'm sure it won't take that long for me to catch up. My son dubbed me in to his neighbour who was experiencing some DA problems with bureaucracy.

I have already attended to Practice Direction 11 matter and I'm sorry but I don't hold the view that I constitute a self-represented party.

The Planning and Environment Court has long held a recognition of individuals (Agents) who while not lawyers, possess certain skills/knowledge most relevant to the materials dealt with in that domain.

I concluded my professional career worked with the Department of Local Government in Brisbane and on occasions acted as Referees in what is was then the Planning and Building Tribunal (Now I understand is the Development Tribunal), so I'm pretty familiar with the general concepts of the processes, it's just my observation is that technology and Covid 19 has accelerating change, but I think that's a good thing also.

Now getting to the question that you raised in relation to my communication with you. Yes it is my preference/proposal that we take the matter directly to ADR process first. [(S26(2)- P&C-CR-2018] as you know.

I take it you have will have perused the Notice of Appeal and appreciate that the vast number of issues relate to the appropriateness or otherwise of a considerable number of the conditions of the Decision Notice.

I am sure, as you wade through the material from your client (If you find it necessary to do that at this stage) you will see I earnestly attempted to sort this all out, so we wouldn't have to go down this path, but I found both the Council and SARA unresponsive to my attempts. Old godgers I fear, don't appear to have much to offer the up an coming young Turks.

I am very confident that in the right environment, a large number of those matters will be resolved and not require any further attention, I suspect that there may be only one or two that do not get resolved and I would not be surprised if the number left unresolved after ADR was zero.

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| | | <p>So I would welcome you seeking instruction from your client as to my proposal and yes I am well aware of where the onus sits, in the carriage of this matter.</p> <p>You can clearly see however from the length of my response, that I'm not a lawyer.</p> <p>My warmest regards</p> <p>Warren</p> |
| April 2, 2025 5:24 PM | 30. | <p>From: Wendy Evans <wevans@claytonutz.com> Sent: Wednesday, April 2, 2025 5:24 PM To: me@warrenbolton.com Cc: Nicole Besgrove <nbegrove@claytonutz.com>; michaelconnor@connoromeara.com.au Subject: RE: Appeal D29/25 - Grunske V FCRC & CE Qld Gov</p> <p>Thanks Warren</p> <p>Just to be clear – on behalf of the Appellant, were you suggesting in your email to the Court yesterday, that your preference in the first instance would be for the parties to attend a mediation with the P&E ADR Registrar?</p> <p>If so – could you kindly confirm this so that we may take instructions from our client?</p> <p>Kindest regards Wendy Wendy Evans</p> |
| April 2, 2025 5:34 PM | 31. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Wednesday, April 2, 2025 5:34 PM To: 'Wendy Evans' <wevans@claytonutz.com> Subject: RE: Appeal D29/25 - Grunske V FCRC & CE Qld Gov</p> <p>Hi Wendy</p> <p>Yes you are correct. " ..our preference, in the first instance, would be for the parties to attend a mediation with the P&E ADR Registrar".</p> <p>You will note on my Notice of Appeal, that was the order I was seeking, from the court, because the last time I worked in the P&E court a Notice of Appeals automatically went directly to a Direction Hearing and then you would get that referral from there. But I see now they have streamlined the system, which I think is excellent, and has been confirmed by the Registrar of the ADR as long as all parties agree we can lodge it with him to commence that process.</p> <p>I am also currently waiting on a response from Michael but he might be snowed under as well</p> |

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| | | <p>Thank you</p> <p>Regards Warren</p> |
| <p>April 2, 2025 5:41 PM</p> | 32. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Wednesday, April 2, 2025 5:41 PM To: Michael Connor - Connor O'Meara <michaelconnor@connoromeara.com.au> Subject: FW: Appeal D29/25 - Grunske V FCRC & CE Qld Gov</p> <p>Sorry Michael</p> <p>Got to get use to this 'Reply All' thing</p> <p>See my communication with Wendy below</p> <p>Regards Warren</p> |
| <p>April 3, 2025 6:08 AM</p> | 33. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Thursday, April 3, 2025 6:08 AM To: Wendy Evans - Clayton Utz <wevans@claytonutz.com> Cc: Michael Connor - Connor O'Meara <michaelconnor@connoromeara.com.au>; ADR Registry <pe.registrar@justice.qld.gov.au> Subject: Appeal D29/25</p> <p>Morning Wendy</p> <p>Further to our communications yesterday, in preparation for filing, I prepared, for my own purposes, a website which contained all the material that I felt relevant and which I may need to have access to in any locality on any device if, or should I say when, we proceeded to mediation.</p> <p>You will see the website also contains my argument, with links to supporting documents, that underpinned my client's position, plus in mediation, a party may be seeking to have their memories refreshed on any particular matter, event or document.</p> <p>See https://tuanqld.site</p> <p>In the spirit of Section 10 of the P&C Court Act 2016 and Section 41 the P&E Court Rules 2018 I gladly make known to you and your client, the availability of this resource, should it's existence be useful to any party in expediting a process for them and or reducing their outlays.</p> <p>My warmest regards Warren</p> |

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| <p>7 April 2025 5:32 AM</p> | <p>34.</p> | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Monday, 7 April 2025 5:32 AM To: Michael Connor - Connor O'Meara michaelconnor@connoromeara.com.au Cc: Wendy Evans <wevans@claytonutz.com>; ADR Registry <pe.registrar@justice.qld.gov.au> Subject: FW: Appeal D29/25 - Grunske V FCRC & CE Qld Gov External Email</p> <p>Morning Michael</p> <p>Could you please tell me when you think you will be in a position to provide feedback in relation to my enquiry of 30th March (See Below)</p> <p>Thanks Warren</p> <p>[Copy of email sent March 30, 2025 6:23 AM]</p> |
| <p>April 7, 2025 8:45 AM</p> | <p>35.</p> | <p>From: Planning and Environment Registrar <PE.Registrar@justice.qld.gov.au> Sent: Monday, April 7, 2025 8:45 AM To: me@warrenbolton.com Subject: Re: Appeal D29/25 - Grunske V FCRC & CE Qld Gov</p> <p>Warren,</p> <p>I don't need to be copied into normal correspondence between yourself and the other parties. The behind the scenes discussions should stay between the parties.</p> <p>It does not assist myself or the court to be copied in.</p> <p>Thanks Steve Adams ADR Registrar (Planning and Environment Court)</p> |
| <p>April 7, 2025 9:44 AM</p> | <p>36.</p> | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Monday, April 7, 2025 9:44 AM To: 'Planning and Environment Registrar' <PE.Registrar@justice.qld.gov.au> Subject: RE: Appeal D29/25 - Grunske V FCRC & CE Qld Gov</p> <p>Thanks Steve</p> <p>That what I thought at first, but given the advice about "Parties must always copy all other parties into any email communications sent to the Court or Court staff" I guess I was just erring on the side of caution.</p> <p>Appreciate your clarification</p> <p>So I will not include the Court staff in future as a CC to the other parties.</p> |

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| | | Regards Warren |
| 7 April 2025 12:01 PM | 37. | <p>From: Nicole Besgrove <nbesgrove@claytonutz.com> Sent: Monday, 7 April 2025 12:01 PM To: me@warrenbolton.com Cc: Wendy Evans; Michael Connor Subject: RE: Appeal D29/25 - Grunske V FCRC & CE Qld Gov [CU-L.FID4300628] Follow Up Flag: Follow up Flag Status: Flagged Dear Warren</p> <p>Where we understand from your emails dated 2 and 3 April 2025 that it is you client's preference for an early without prejudice meeting of the parties with the P&E Court ADR Registrar.</p> <p>We are instructed that our client is agreeable to attending a without prejudice meeting.</p> <p>Based upon the ADR Register's online calendar, we and our client are available on the following dates:</p> <ul style="list-style-type: none"> Wednesday 23 April at either 10 am or 2pm Wednesday 7 May at 2pm Thursday 8 May at either 10am or 2pm Friday 9 May at either 10am or 2pm Monday 12 May at either 10:30am or 2pm Tuesday 13 May at either 10:30am or 2pm <p>The ADR Registrar's online calendar can be found here - https://www.courts.qld.gov.au/courts/planning-andenvironment-court/advice-for-practitioners/booking-an-adr-conference-or-meeting.</p> <p>At this link the process for formally requesting mediation with the ADR Registrar, once the parties have agreed on a date, is explained.</p> <p>Kind regards Nicole Besgrove Senior Associate</p> |
| April 7, 2025 2:58 PM | 38. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Monday, April 7, 2025 2:58 PM To: 'Nicole Besgrove' <nbesgrove@claytonutz.com> Subject: RE: Appeal D29/25 - Grunske V FCRC & CE Qld Gov [CU-L.FID4300628]</p> <p>Thanks Nicole</p> <p>At this stage I'm still waiting for a response from the lawyers representing Fraser Coast Regional Council.</p> |

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| | | <p>According to my understanding of the legislation 'if the parties' consent (S18-P&C Court A 2016) then the mediation then the matter can be accepted by the ADR registrar.</p> <p>It is not abundantly clear to me however, whether the "the parties" means all 3 parties in the appeal or just the parties who wish to move to mediation with the ADR registrars - So far only 2</p> <p>However as the appeal actually has two sections. One related to the assessment manager's decision and one related to the advice of SARA to the assessment manager, I intend to make enquiries with the ADR registrar as to whether or not it is possible that we (the 2 parties) can proceed to a without prejudice meeting with the ADR registrar and deal with the just the issues relevant to SARA advice.</p> <p>Would you support this approach - if it can be arranged?</p> <p>Regards</p> |
| April 7, 2025 3:43 PM | 39. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Monday, April 7, 2025 3:43 PM To: ADR Registry <pe.registrar@justice.qld.gov.au> Cc: Nicole Besgrove Clayton Utz <nbesgrove@claytonutz.com> Subject: FW: Appeal D29/25 - Grunske V FCRC & CE Qld Gov</p> <p>Hi Steve</p> <p>I have just received advice from Clayton UTZ (Lawyers for the co-respondent) that their client is prepared to attend a without prejudice meeting with you.</p> <p>And they have provided me with the calendar of the dates and times they will be available.</p> <p>At this stage the lawyer representing the respondent is yet to communicate in this regards.</p> <p>My question is, given that the appeal notice addresses to sections (a) the assessment managers decisions and (b) the state assessment and referral authorities advice</p> <p>Is it possible/acceptable if at this stage just the appellant and the co-respondent move into mediation while awaiting a response from the respondent?</p> <p>My regards Warren</p> |
| April 9, 2025 2:56 PM | 40. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Wednesday, April 9, 2025 2:56 PM To: Michael Connor - Connor O'Meara michaelconnor@connoromeara.com.au</p> |

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| | | <p>Subject: FW: FW: Appeal D29/25 - Grunske V FCRC & CE Qld Gov</p> <p>Hi Michael</p> <p>Sorry forget the CC Bit</p> <p>Please find forwarded your copy</p> <p>Regards Warren</p> <p>[Email to ADR- April 7, 2025 3:43 PM]</p> |
| 9 April 2025 3:19 PM | 41. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Wednesday, 9 April 2025 3:19 PM To: Nicole Besgrove <nbesgrove@claytonutz.com> Subject: Mediation D29/25 External Email</p> <p>Hi Nicole</p> <p>I had a discussion this afternoon with Steve and he has confirmed that two parties (the State government and the appellant) can undertake a mediation process in the absence of the other part (respondent) provided of course that I extends an invitation to the respondent, to be present - if they so wish.</p> <p>Unfortunately, I will be away from 21st to the 28th April so it looks like 7 May at Maroochydore – if that is acceptable.</p> <p>The officers I have been dealing with, in this development process, have been located in the Wide Bay office so I think Maroochydore will also be more convenient for them as well.</p> <p>From my perspective, given the issues, I think two hours will be more than ample and I will be surprised if we can't reach a position within an hour. I have made available my argument on my website. It is here https://tuangld.site if Wendy did not pass it on.</p> <p>If you can confirm the location is acceptable I will try to catch the 7th May date - while it is available.</p> <p>Thanks again Warren</p> |
| 9 April 2025 8:30 PM | 42. | <p>From: Nicole Besgrove <nbesgrove@claytonutz.com> Sent: Wednesday, 9 April 2025 8:30 PM To: me@warrenbolton.com Cc: Wendy Evans; Michael Connor Subject: RE: Mediation D29/25</p> |

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| | | <p>Dear Warren</p> <p>Thank you for your email.</p> <p>Could we please request that moving forward, in order to maintain transparency for all parties involved in this appeal, that all written communications be sent to Wendy Evans and myself as the legal representatives of the Co-respondent and Michael Connor (and any solicitor at Connor O'Meara he nominates as a point of contact for this appeal) as the legal representative of the Respondent as we have done for this reply. As you can appreciate, this will mean that we are all on the "same page" to allow for the orderly conduct of the appeal.</p> <p>This will ensure that all parties are appropriately included in the steps being proposed in the proceedings, including the scheduling of any early mediation.</p> <p>Thank you for confirming your availability for the mediation on 7 May at 2pm in Maroochydore. We will seek instructions as to whether our client remains available for this date.</p> <p>We appreciate that as part of your discussion with the ADR Registrar, it was confirmed that two parties can proceed with mediation in the absence of a third party, however it is our preference that Mr Connor confirm that his client does not wish to participate before the mediation is scheduled in the absence of the Respondent.</p> <p>As such we respectfully invite Mr Connor to respond in this regard. If the Respondent does wish to participate in the mediation, we also request alternative dates be provided by Mr Connor if 7 May at 2pm in Maroochydore is not suitable.</p> <p>Kind regards, Nicole Besgrove Senior Associate</p> |
| 10 April 2025 10:08 AM | 43. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Thursday, 10 April 2025 10:08 AM To: Nicole Besgrove <nbesgrove@claytonutz.com> Cc: Wendy Evans <wevans@claytonutz.com>; 'Michael Connor' <michaelconnor@connoromeara.com.au> Subject: RE: Mediation D29/25 External Email</p> <p>Morning the Nicole</p> <p>Appreciate your response, and I concur with your sentiments entirely.</p> |

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| | | <p>At this stage however I have had no response at all from Michael from day 1, not even an acknowledgement that he received my emails. There, no doubt is, many and good reasons why Michael has been unable to engage at this stage, but this is my reason for exploring the possibility of moving this along with the parties that are interested in an expeditious dealing with this matter, while waiting until Michael provides me with some advice as to the way his client wishes to progress this matter.</p> <p>Also, it was and is, my intention that once we had settled on a venue and a date that I would invite Michael (as required) in this regard and at that point he is most welcome to provide a response and his preferences. Though from my perspective, the matters relevant to the Co- Respondent I believe will be much simpler to resolve than some of the matters relevant to the Respondent.</p> <p>As an aside I have been keeping Michael in the loop, it is just I have at times I forget to use the 'reply all' and the only communication I haven't included Michael in is where I think there is nothing in the communication that is relevant to his client - such as our current negotiations about venues and dates, given that Michael, if he has received my emails, would already will be aware of our proposal.</p> <p>I await your confirmation of 7 May at 2 PM in Maroochydore upon which I shall make that booking and notify all parties.</p> <p>My regards Warren</p> |
| 10 April 2025 3:26 PM | 44. | <p>From: Nicole Besgrove <nbesgrove@claytonutz.com> Sent: Thursday, 10 April 2025 3:26 PM To: me@warrenbolton.com Cc: Wendy Evans; 'Michael Connor' Subject: RE: Mediation D29/25</p> <p>Good afternoon Warren</p> <p>Unfortunately, our client is no longer available for a mediation on 7 May at 2pm in Maroochydore.</p> <p>Could you please propose some additional dates that would be suitable to you and the Appellant, and we will take instructions.</p> <p>Kind regards,</p> <p>Nicole Besgrove Senior Associate</p> |
| | 45. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Thursday, April 10, 2025 3:32 PM To: 'Nicole Besgrove' <nbesgrove@claytonutz.com></p> |

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| | | <p>Cc: 'Wendy Evans' <wevans@claytonutz.com>; 'Michael Connor' <michaelconnor@connoromeara.com.au> Subject: RE: Mediation D29/25</p> <p>Hi Nicole</p> <p>Almost any time suits me as I am now retired , so just select a date/time suitable to your client and let me know</p> <p>Regards Warren</p> |
| April 11, 2025 5:49 AM | 46. | <p>From: me@warrenbolton.com <me@warrenbolton.com> Sent: Friday, April 11, 2025 5:49 AM To: Nicole Besgrove Clayton Utz <nbesgrove@claytonutz.com> Cc: Wendy Evans - Clayton Utz <wevans@claytonutz.com>; Michael Connor - Connor O'Meara <michaelconnor@connoromeara.com.au> Subject: D29/29 -Process Verses Progress</p> <p>Hi Nicole</p> <p>I've been thinking about ways and strategies that we might be able to explore, to expedite this matter, and thereby reduce time and costs for our clients (Section 10 - P&EC Act 2019) I'm going to assume, and yes, I know is not the wisest of things to do, but in this case, I think it is supported, that you and hopefully all parties have had a look at my Argument, on the website, that underpins my clients appeal.</p> <p>It only has 3 aspects and I want to explore whether it is possible, at the lawyer level, to see if we can't prune out, some of the conditions in dispute, early in the process.</p> <p>No1 The first of those aspects is my proposition that 'For code assessable development, a decision notice can only attach a condition for the purposes of achieving compliance with the relevant identified assessment benchmark'</p> <p>This matter is, as you are well aware, just my interpretation of the legislation.</p> <p>Suppose, though I can get both lawyers to indicate whether they support that position or wish to challenge it and if a challenge is required then we can skip the mediation, because nobody is going to change their opinion on this, I should imagine, under mediation.</p> <p>Then I can initiate the necessary process to go to the court, to make a determination on this matter.</p> |

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| | <p>If, however, both lawyers support that proposition then we can attempt to cull the conditions, which under this criterion are fatally flawed, and put them aside to be dealt with in a final consent order</p> <p>No2</p> <p>My next proposition in the appeal is that even if a condition has a lawful basis for application, it won't necessarily pass the test of being 'reasonable' or 'reasonably required'.</p> <p>As you know a single assessment benchmarks, as I pointed out in my argument,^{p42} is required to deal with multiple of application circumstances. They can be in a wide order of magnitude for a particular development type or they can be in either or both of the assessment type and from my experience I know it is a challenge to see what, in a long list of requirements within a benchmark, are actually relevant <u>to that particular application</u> under assessment.</p> <p>Again, if both lawyers concur that this is the case, perhaps we could start the process of seeing if there's any consensus as to which of the remaining conditions get caught by this criterion and cull them as well.</p> <p>No3</p> <p>Finally</p> <p>Having done all that, I am of the view that maybe then, only a few of the conditions, will require to be the subject of mediation, thus reducing the time required and then, if we cannot reach consensus for amendments or re-tweaking of those conditions or any of the parties what to avoid the mediation process all together, we can move directly to determination by the court acting in its capacity as 'assessment manager'.</p> <p>Don't get me wrong, I'm a big fan of genuinely approached mediation. Having a central player that is neutral is very often the catalyst that is needed to efficiently reach some common ground.</p> <p>But I am just thinking this might be worth a shot, because I wish to avoid, as best as I can, this matter getting bogged down by the delays of process, instead of focusing on substance.</p> <p>How does that sound?</p> <p>My regards</p> <p>Warren</p> |
| 47. | <p>Your message</p> <p>To: Nicole Besgrove</p> <p>Subject: D29/29 -Process Verses Progress</p> <p>Sent: Friday, 11 April 2025 5:49:21 am (UTC+10:00) Brisbane was read on Friday, 11 April 2025 6:57:05 am (UTC+10:00) Brisbane.</p> |