

**IN THE PLANNING AND ENVIRONMENT COURT  
HELD AT: BRISBANE**

**No: BD 313 of 2010**

|          |                                                                                           |                      |
|----------|-------------------------------------------------------------------------------------------|----------------------|
| Between: | <b>JOHN EDWARD MYTTON BARNES<br/>and<br/>GEOFFREY FREDRICK COOK</b>                       | Appellants           |
| And      | <b>SOUTHERN DOWNS REGIONAL<br/>COUNCIL</b>                                                | Respondent           |
| And      | <b>THE CHIEF EXECUTIVE,<br/>DEPARTMENT OF ENVIRONMENT<br/>AND<br/>RESOURCE MANAGEMENT</b> | First Co-respondent  |
| And      | <b>THE McCONAGHY GROUP PTY LTD<br/>ACN 108 353 199</b>                                    | Second Co-respondent |

**ORDER**

Before His Honour: Judge Searles  
Date of Hearing: 23/03/2011  
Date of Order: 23/03/2011

**IT IS ORDERED THAT:**

**Notification of Experts**

1. By 28 March 2011, each party shall notify the other party in writing of the name, contact details (including firm name, address, telephone and fax numbers and email address) and field of expertise of each expert the notifying party intends to call to give evidence in relation to the issues in dispute.

**Issues in the Proceeding**

2. By 4 April 2011, the Respondent and/or Co-respondents deliver to the Appellant any request for particulars of the issues in dispute. The issues in dispute are those listed in paragraph 4 (a), (b) & (d) of the Notice of Appeal dated 28 January 2010, together with such further grounds as may be determined by the Court and the grounds notified pursuant to paragraph 4.
3. By 11 April 2011, the Appellant provide a response to the Respondents' request for particulars (if any).

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**ORDER**

Filed on behalf of the Second Co-Respondent  
Form PEC-7

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4. If any party intends to rely on grounds why the development should be approved notwithstanding any conflict it should do so by 27 April 2011..

#### **Disclosure**

5. By 27 April 2011, the parties are to make disclosure by list of the documents which they have in their possession or control which are directly relevant to the disputed issues raised in the Appeal.
6. A party must provide a copy of the disclosed documents within three (3) business days after receipt of a request from another party.

#### **Expert Meetings and Joint Reports**

7. By 11 May 2011, each of the expert witnesses in the same field of expertise, notified in accordance with paragraph 1 of this Order, shall hold a meeting of experts in accordance with Part 3 of the *Planning and Environment Court Rules 2010* (“the Rules”).
8. By 1 June 2011, experts in the same field of expertise who have held expert meetings shall complete their respective joint reports in accordance with Part 3 of the Rules.

#### **Evidence**

9. By 8 June 2011, the parties shall exchange expert statements of evidence (as that term is defined in Part 3 of the Rules) addressing the matters of disagreement identified in the joint reports.

#### **Alternative Dispute Resolution**

10. By 15 June 2011, the parties shall attend, participate in and act reasonably and genuinely in a mediation to be conducted by the Registrar P&E ADR, at a time and venue to be nominated by the Registrar P&E ADR after consultation with the parties.
11. The parties’ legal representatives and expert witnesses, if any, may also attend the mediation.

#### **Hearing**

12. The appeal be allocated 3 days for hearing in the July 2011 sittings.

#### **Review**

13. The appeal be listed for review on 21 April 2011 to determine additional issues in dispute and pre-callover review on 16 June 2011.

#### **Callover**

14. The appeal be listed for the callover on 17 June 2011.

#### **Liberty to Apply**

15. Each party has liberty to apply upon giving two business days notice, in writing.

Filed on: 23 March 2011  
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Registrar/Judge