



Media Release

No appeal on court decision

21 October 2004

The Department of Natural Resources and Mines (NR&M) believes that there are no strong legal grounds for appealing against the proposed works at Obi Obi Creek in Maleny.

The Planning and Environment Court ruled last month that the development application by Cornerstone Properties for proposed works at Obi Obi Creek does not require the consent of the State under the *Integrated Planning Act 1994*.

On 14 September 2004, the court said that the Obi Obi Creek watercourse does not extend above the low bank of the stream at the site.

NR&M South East regional services director Tom Crothers said the department had considered the possibility of an appeal against the decision, but did not believe that it was appropriate in the circumstances.

"An appeal can only be made on the basis of error or mistake in law," Mr Crothers said.

"Given the court's decision is a factual one based on the circumstances of the site and is not a mistake in law, it is not open to challenge on appeal."

"The department is currently reviewing the issue of watercourse boundaries, which may move with time, and is looking at ways to give greater planning certainty to landholders and other stakeholders," he said.

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