

Environment and Planning Review Tribunal

PA 8900/20

Application of Appellant for the suspension of the permit



APPLICATION REQUESTING SUSPENSION OF PERMIT :

Whereas appellant humbly submits and premise as follows:

1. That this application for the suspension of the permit is being submitted together with an appeal from the Planning Commission's decision on the application for development permission application PA 8900/20.
2. That appellant Local Council is a third party registered objector and interested person for all intents and purposes at law.
3. That the appellant is aggrieved by the decision referred to above will result in a development which impinges upon the residential amenity of the locality and the ODZ.
4. That despite the fact that the **Superintendent of Cultural Heritage and ERA objected** to the take-up and formalization of ODZ, they were not taken into consideration.
5. Moreover the development approved is not in accordance with plans and policies and that incorrect information has formed the basis of the Planning Commission's decision.

6. That the permit holder will not suffer any disproportionate prejudice if this permit is suspended as the time limits for the hearing of this appeal will be abbreviated and he will benefit from legal certainty in a shorter period of time.
7. That the appellant Local Council cannot avail itself of any alternative interim remedies whilst appeal proceedings are underway, because the remedy provided is that of requesting a suspension under Chapter 551 which is the special law pertaining to the situation. The principle that a special law supercedes general law must be respected - *Lex specialis derogat legi generali*.
8. In view of the above if the permit is not suspended, the appellant Local Council and the locality it represents will suffer **disproportionate inconvenience and prejudice** during this time as the development will be completed and it is unlikely and improbable, if not impossible for it to be reversed.

For these reasons and others which may result during the hearing of the case, the appellant Local Council is humbly requesting this Honourable Tribunal to suspend the permit granted and to give such other directions as the Tribunal may deem fit.

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