



- **2.1 Matter Taken on Notice – Frequency of Compliance Inspections**
Response provided to councillors via email on 18 May 2021
- **6 Planning and Environment Court Action Status Report**
Attachment 1 Planning and Environment Court Action Status Report with
updated division included 3

--ooOoo--

DIVISION 1**R.J. Lang Nominees Pty Ltd v/s Ipswich City Council**

Register No: 176 **Appeal Type:** Applicant Appeal **Appeal No:** 530 of 2021
Application No: 3749/2019/MCU **Property:** 189 Briggs Road, Flinders View **Received Date:** 8/3/2021
Applicant: RJ Lang Nominees Pty Ltd
Appeal Summary: This is an applicant appeal against Infrastructure Charges Notice (ICN) issued by Council as part of negotiated decision notice dated 8 February 2021.
 The appellant claims that the ICN:
 contains an error relating to the application of the relevant adopted charge and an offset or refund;
 has no decision about an offset or refund; and
 charges are unreasonable
Status: Awaiting directions

DIVISION 3**Cleanaway Solid Waste Pty Ltd v Ipswich City Council**

Register No: 156 **Appeal Type:** Applicant Appeal **Appeal No:** 4101 of 2019
Application No: 4502/2018/MCU **Property:** 100 Chum Street, New Chum **Received Date:** 14/11/2019
Applicant: Cleanaway Solid Waste Pty Ltd
Appeal Summary: This is an applicant appeal against Council's decision to refuse a development application which sought to extend the life of an existing landfill facility by increasing the landfill height from the approved RL72 to RL85.
Status: Next Court review is on 6 May 2021. Hearing set down to commence 10 May 2021.

Austin BMI Ltd CAN 164 204 308 v Ipswich City Council

Register No: 160 **Appeal Type:** Applicant Appeal **Appeal No:** 912 of 2020
Application No: 1149/2018/CA **Property:** 191 Whitwood Road, New Chum **Received Date:** 23/3/2020
Applicant: Austin BMI Pty Ltd
Appeal Summary: This is an applicant initiated deemed refusal appeal. The development application was for a new construction and demolition (non-putrescible) landfill facility. The due date for Council to make a decision was 11 February 2020 and the due date to issue the decision notice to the applicant was 18 February 2020. On 4 February 2020 the applicant refused Council's request to extend the decision making period until 25 February 2020 and subsequently lodged the deemed refusal appeal before Council was in a position to issue a decision.
Status: Next Court review is on 6 May 2021. Hearing set down to commence 10 May 2021.

DIVISION 3**Nguyen v Ipswich City Council**

Register No:	164	Appeal Type:	Notice of Appeal	Appeal No:	1293 of 2020
Application No:	9945/2018/CA	Property:	40 Queen Street, Dinmore	Received Date:	1/5/2020
Applicant:	Mr Binh Nguyen				
Appeal Summary:	This is an appeal against a refusal issued by Council for reconfiguring a lot (Boundary realignment – six (6) lots into six (6) lots) and material change of use (building envelopes on proposed Lot 1 and 2). The application was refused, as the submitted mining reports did not adequately address the potential subsidence on the site and how the development can minimise risk to property, health and safety in relation to possible subsidence from past mining activities on the site. External Legal Contact: N/A at this time				
Status:	Without prejudice discussions occurring. The next Court review is on 13 May 2021.				

Edge Early Learning Holdings Pty Ltd vs Ipswich City Council

Register No:	173	Appeal Type:	Notice of Appeal	Appeal No:	239 of 2021
Application No:	2488/2020/CA	Property:	99 Blackstone Road, Silkstone	Received Date:	29/1/2021
Applicant:	Edge Early Learning Pty Ltd				
Appeal Summary:	This is an applicant appeal against Council's decision to approve, subject to conditions, a material change of use for community use (child care centre) and reconfiguring a lot (four (4) into two (2) lots), specifically relating to Condition 20: Acoustic Design Management. The reasons for the Disputed Condition are an unreasonable imposition on the development or use of the Land and are not reasonably required by the development or use of the Land in relation to complying with the Acoustic Quality Objectives of the Environmental Protection (Noise) Policy 2019 by constructing a 3m high acoustic barrier which would be in direct conflict with the 2m height limit required in Condition 20(c) of the approval. The appellants believe that the Environmental Protection (Noise) Policy 2019 is an inappropriate standard by which the proposed development should be conditioned to comply with, particularly with reference to road noise.				
Status:	Final Orders obtained on 24 March 2021. Matter Finalised.				

DIVISION 4**L&P Bachmann Nominees Pty Ltd v Ipswich City Council**

Register No:	167	Appeal Type:	Applicant Appeal	Appeal No:	2550 of 2020
Application No:	9579/2019/MCU	Property:	72-76 Junction Road, Karalee	Received Date:	8/9/2020
Applicant:	Plan A Town Planning Pty Ltd				
Appeal Summary:	This is an applicant appeal against Council's decision to refuse a development application for Business Use (Excluding Bulky Goods Sales, Hotel, Produce/Craft Market, Service Station, Shop and predominate use of premises for a skin penetrating activity other than acupuncture) at 72-76 Junction Road, Karalee. The application was refused primarily on the basis of traffic/access and noise related matters.				
Status:	Without prejudice discussions ongoing. The matter is listed for review on 3 June 2021.				

DIVISION 4**Fabcot Pty Ltd**

Register No:	172	Appeal Type:	Applicant Appeal – Originating Application	Appeal No:	3618 of 2020
Application No:	3394/2012/CA	Property:	19 Diamantina Boulevard, Brassall	Received Date:	18/12/2020
Applicant:	Fabcot Pty Ltd				
Appeal Summary:	<p>On 18 December 2020, the applicant lodged an originating application to the Planning and Environment Court Appeal seeking a ‘minor change’ to the development approval to adopt a revised roundabout design to access the development site which results in the removal of the properties located at 25 and 27 Diamantina Boulevard, Brassall from the approval. Notably, the development permit included 25 and 27 Diamantina Boulevard, Brassall (which are presently two (2) residential properties improved by a single residential dwelling on each site) to require a small portion of the sites frontages to facilitate part of the roundabout to access the centre. Upon further examination by the applicant, it was suggested that no road resumption requirements are necessary to facilitate for the roundabout to access the development site.</p> <p>The technical material to substantiate this determination is being reviewed by Council officers; however in the event that the traffic management and safety are not compromised, there is likely to be no objection to this change. It is further anticipated that the appellant will seek a further extension to the relevant period (beyond May 2021) following resolution of this design change to permit construction of the facility. Fabcot have indicated that they intend to proceed with construction once these matters are resolved.</p>				
Status:	Judgement obtained. Matter resolved.				

Fabcot Pty Ltd (ACN 002 960 983) vs Ipswich City Council

Register No:	177	Appeal Type:	Notice of Appeal	Appeal No:	652 of 2021
Application No:	2992/2008/MAEXT/B	Property:	198-238 Fernvale Road, Brassall	Received Date:	22/3/2021
Applicant:	Fabcot Pty Ltd				
Appeal Summary:	<p>: This is an appeal against a refusal to an extension to the currency period application based on the aspects of the development are in conflict with the current legislative framework that would apply to the development, if it were a new development. Specifically the State Planning Policy 2017 in relation to MSES – Wildlife Habitat for Koala classed as high value bushland and Schedule 10, Part 10, division 3 of the Planning Regulation 2017 (core koala habitat areas mapped on the site).</p>				
Status:	Matter listed for directions on 7 May 2021.				

DIVISION 1**Baycrown Pty Ltd v Ipswich City Council**

Register No:	174	Appeal Type:	Originating Application	Appeal No:	293/2021
Application No:	249/2007/CA	Property:	187 Grampian Drive, Deebing Heights	Received Date:	5/2/2021
Applicant:	Mr David William Hilzinger and Malu Sands Pty Ltd				
Appeal Summary:	<p>This is an Originating Application to make a change (Change Application) to the development approval granted via Consent Order (Court Appeal No. BD2016 of 2009) by the Planning and Environment on 13 May 2011.</p>				
Status:	Applicants are negotiating with State Government regarding conditions. Next review date not yet determined.				