

Planning and Development Department  
Court Action Status Report  
29 March 2019  
Total Number of Appeals - 13

Note: Data is current as at close of business on the previous working day.

Planning & Environment Court - 13 Appeal/s

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| <b>Appeal No:</b> 2188 of 2017  | <b>Appeal Date:</b> 19/6/2017        | <b>Case Name:</b> Lipoma Pty Ltd v Ipswich City Council  |
| <b>Solicitor:</b> Daniel Best   |                                      | <b>Appeal Type:</b> Applicant Appeal   |
| <b>P&amp;D Register No:</b> 134   | <b>Application No:</b> 682/2003/MA/B | <b>Applicant:</b> Thomson Geer Lawyers   |
| <b>Division:</b> 6  |                                      | <b>Property:</b> 2 The Terrace, North Ipswich<br>6 The Terrace, North Ipswich                                    |
| <b>Appeal Summary:</b> This is an applicant appeal against Council's decision to refuse a permissible change request. The permissible change request which was refused by Council sought the deletion of the part of condition 5(a)(ii) of the Riverlink Approval relating to the Commercial Village Precinct that requires a QR land contribution and extended arts precinct contribution. |                                      |  |
| <b>Status:</b> Without prejudice discussions ongoing.   |                                      |  |
| <b>Appeal No:</b> 4050 of 2017  | <b>Appeal Date:</b> 24/10/2017       | <b>Case Name:</b> Tocchini V Ipswich City Council  |
| <b>Solicitor:</b> N/A at this time  |                                      | <b>Appeal Type:</b> Applicant Appeal   |
| <b>P&amp;D Register No:</b> 136   | <b>Application No:</b> 8948/2016/CA  | <b>Applicant:</b> Mr Samuel Mark Tocchini and<br>Mrs Danielle Clare Tocchini                                     |
| <b>Division:</b> 10   |                                      | <b>Property:</b> 201 Sids Dip Road, Lower Mount Walker   |
| <b>Appeal Summary:</b> This is an applicant appeal against Council's decision to part refuse an application. The refusal related to a proposed Intensive Animal Husbandry - Poultry Farm and Environmentally Relevant Activity 4(2) - Poultry Farm. The appeal also relates to the conditions of the approved Reconfiguring a Lot - one (1) Lot into two (2) Lots.                          |                                      |  |
| <b>Status:</b> Without prejudice discussions ongoing. Listed for review on 12th April 2019.   |                                      |  |
| <b>Appeal No:</b> 473 of 2018   | <b>Appeal Date:</b> 9/2/2018         | <b>Case Name:</b> HPC Urban Design & Planning Pty Ltd and Bio-Recycle Australia Pty Ltd v/s Ipswich City Council |
| <b>Solicitor:</b> N/A at this time  |                                      | <b>Appeal Type:</b> Applicant Appeal   |
| <b>P&amp;D Register No:</b> 139   | <b>Application No:</b> 4475/2017/MCU | <b>Applicant:</b> HPC Urban Design & Planning Pty Ltd  |
| <b>Division:</b> 3  |                                      | <b>Property:</b> 30 Memorial Drive, Swanbank   |
| <b>Appeal Summary:</b> This is an applicant appeal against Council's decision to refuse an application. The MCU application for Special Industry (Extension to an existing Landfill for Non-Putrescible Waste) was refused on the basis of amenity impacts on to adjoining residential areas specifically Ripley Valley.  |                                      |  |
| <b>Status:</b> Currently being heard in court (25 March - 4 April 2019)   |                                      |  |

**Planning & Environment Court - 13 Appeal/s**

**Appeal No:** 945 of 2018    **Appeal Date:** 14/3/2018    **Case Name:** Black Ink Architecture Pty Ltd v Ipswich City Council  
**Solicitor:** N/A    **Appeal Type:** Applicant Appeal  
**P&D Register No:** 140    **Application No:** 3859/2017/MCU    **Applicant:** Black Ink Architecture Pty Ltd  
**Division:** 4    **Property:** 39 Barclay Street, Bundamba  
41 Barclay Street, Bundamba  
43 Barclay Street, Bundamba

**Appeal Summary:** This is an applicant appeal against Council's decision to refuse an application. The refusal related to a material change of use - child care centre which was recommended for refusal based on flooding, access, mining constrained land and amenity.

**Status:** Without prejudice discussions ongoing.

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**Appeal No:** 1727 of 2018    **Appeal Date:** 11/5/2018    **Case Name:** C.B. Developments Australia Pty Ltd v ICC  
**Solicitor:** N/A    **Appeal Type:** Applicant Appeal  
**P&D Register No:** 141    **Application No:** 4432/2017/RAL    **Applicant:** CB Developments Pty Ltd  
**Division:** 2    **Property:** Lot 902 Eugene Street, Bellbird Park  
12-26 Eugene Street, Bellbird Park

**Appeal Summary:** This is an applicant appeal against Council's decision to refuse an application to reconfigure land into 333 lots plus parkland.

**Status:** Order given that ecological assessments are to be undertaken. Matter listed for further review on 18 April 2019.

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**Appeal No:** 2315 of 2018    **Appeal Date:** 22/6/2018    **Case Name:** Nugrow Metro Pty Ltd v Ipswich City Council  
**Solicitor:** Dale Ellerman from Anderssen Lawyers    **Appeal Type:** Applicant Appeal  
**P&D Register No:** 143    **Application No:** 7213/2014/MAM    **Applicant:** Nugrow Metro Pty Ltd  
C/A  
**Division:** 3    **Property:** Lot 3 Unnamed Road, Swanbank

**Appeal Summary:** This is an applicant appeal against Council's decision to refuse a 'Minor Change' application for Special Industry (Compost and Soil Conditioner Manufacturing Facility). The application was refused on the basis that the proposed changes would result in a substantially different development, change the operation of the development from that intended and is likely to introduce new impacts or increase the severity of known impacts including but not limited to environmental nuisances (i.e. odour).

**Status:** Matter listed for 3 April 2019 for the issuing of final orders associated with a minor change.

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**Planning & Environment Court - 13 Appeal/s**

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| <b>Appeal No:</b> 6410 of 2018   | <b>Appeal Date:</b> 20/9/2018       | <b>Case Name:</b> Mirvac Queensland Pty Ltd v Ipswich City Council and Home Investment Consortium Company Pty Ltd |
| <b>Solicitor:</b> N/A  |                                     | <b>Appeal Type:</b> Originating Application   |
| <b>P&amp;D Register No:</b> 144  | <b>Application No:</b> 911/2018/ADP | <b>Applicant:</b> Home Investment Consortium Company Pty Ltd  |
| <b>Division:</b> 1   |                                     | <b>Property:</b> 95 Southern Cross Circuit, Springfield Central   |
| <b>Appeal Summary:</b> This is an originating application seeking a declaration that Council's approval of 11 April 2018 to approve an Area Development Plan is invalid and of no legal effect, or alternatively is to be set aside owing to the approval not being a minor amendment for the purposes of the Springfield Structure Plan.  |                                     |   |
| Council granted an Area Development Plan approval to permit the establishment of a range of Supporting Uses in conjunction with the approved Retail Warehouse. The Supporting Uses were for the display and sale by retail of the goods as identified in the Master Area Development Plan – Toys, Fabrics, haberdashery and home décor, Craft and hobby supplies, Housewares, and Pet products.  |                                     |   |
| <b>Status:</b> Pre call over meeting scheduled for 25 July 2019.   |                                     |   |
| <b>Appeal No:</b> 4429/2018  | <b>Appeal Date:</b> 11/12/2018      | <b>Case Name:</b> Springfield Investments (Qld) Pty Ltd v Ipswich City Council                                    |
| <b>Solicitor:</b> N/A at this time   |                                     | <b>Appeal Type:</b> Applicant Appeal  |
| <b>P&amp;D Register No:</b> 146  | <b>Application No:</b> 7385/2018/OD | <b>Applicant:</b> Springfield Investments (Qld) Pty Ltd   |
| <b>Division:</b> 1   |                                     | <b>Property:</b> 37-43 Springfield Parkway, Springfield   |
| <b>Appeal Summary:</b> This is an applicant appeal against Council's decision to refuse an application. The refusal related to carrying out operational works for the erection of a pylon sign advertising Hungry Jack's. The grounds for refusal were primarily based around impacts to the amenity of the surrounding area and that the advertising does not relate to the premises (approved Hungry Jack's site is located at 15-17 Commercial Drive, Springfield). |                                     |   |
| <b>Status:</b> Without prejudice meeting held on 21 March 2019. Appellant to submit further information for consideration by 8 May 2019.   |                                     |   |
| <b>Appeal No:</b> 4457 of 2018   | <b>Appeal Date:</b> 12/12/2018      | <b>Case Name:</b> Weyba3 Pty Ltd v Ipswich City Council   |
| <b>Solicitor:</b> N/A at this time   |                                     | <b>Appeal Type:</b> Applicant Appeal  |
| <b>P&amp;D Register No:</b> 147  | <b>Application No:</b> 7117/2017/CA | <b>Applicant:</b> WEBYA3  |
| <b>Division:</b> 2   |                                     | <b>Property:</b> 45 Ascot Street, Goodna<br>16 Redbank Plains Road, Goodna<br>45A Ascot Street, Goodna            |
| <b>Appeal Summary:</b> This is an applicant appeal against Council's decision to refuse an application. The refusal related to reconfiguring the subject land into 78 residential lots and a material change of use for 78 Single Residential dwellings that are non-compliant with the planning scheme provisions.  |                                     |   |
| <b>Status:</b> Without prejudice meetings held on 5 February 2019 and 11 March 2019 to discuss issues in dispute. Without prejudice discussions ongoing.   |                                     |   |

**Planning & Environment Court - 13 Appeal/s**

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| <b>Appeal No:</b> 4567 of 2018  | <b>Appeal Date:</b> 19/12/2018       | <b>Case Name:</b> QLCL Member Development Fund Manager Pty Ltd v Ipswich City Council   |
| <b>Solicitor:</b> N/A at this time  |                                      | <b>Appeal Type:</b> Applicant Appeal  |
| <b>P&amp;D Register No:</b> 145   | <b>Application No:</b> 4540/2018/RAL | <b>Applicant:</b> Qlcl Member Development Fund Manager Pty Ltd  |
| <b>Division:</b> 2  |                                      | <b>Property:</b> 6003 Unnamed Road, Bellbird Park<br>31-33 Morgan Street, Bellbird Park<br>18-20 Harris Street, Bellbird Park<br>6002 Unnamed Road, Bellbird Park |
| <b>Appeal Summary:</b> This is an applicant appeal against the conditions of Council's decision to approve a reconfiguring a lot development permit for the creation of 29 residential lots. The appeal relates to Council's amendments to the reconfiguration layout and fencing conditions. |                                      |   |
| <b>Status:</b> Without prejudice meeting held on 1 March 2019 , without prejudice discussions ongoing.  |                                      |   |
| <b>Appeal No:</b> 261 of 2019   | <b>Appeal Date:</b> 29/1/2019        | <b>Case Name:</b> Golf Links Development Pty Ltd  |
| <b>Solicitor:</b> N/A at this time  |                                      | <b>Appeal Type:</b> Applicant Appeal  |
| <b>P&amp;D Register No:</b> 149   | <b>Application No:</b> 6770/2018/CA  | <b>Applicant:</b> Golf Links Land Development Pty Ltd   |
| <b>Division:</b> 2  |                                      | <b>Property:</b> 210-214 Jones Road, Bellbird Park<br>206-208 Jones Road, Bellbird Park<br>196-198 Jones Road, Bellbird Park<br>200-204 Jones Road, Bellbird Park |
| <b>Appeal Summary:</b> This is an applicant appeal against Council's decision to approve a reduced lot yield of 29 lots, achieving a dwelling density of 10du/ha and minimum lot size of 600m2 and conditions relating to flooding and stormwater management.                                 |                                      |   |
| <b>Status:</b> Without prejudice meeting held on 19 March 2019. Without prejudice discussions ongoing.  |                                      |   |
| <b>Appeal No:</b> 787/2019  | <b>Appeal Date:</b> 6/3/2019         | <b>Case Name:</b> Charlton Estate Pty Ltd vs ICC  |
| <b>Solicitor:</b> N/A at this time  |                                      | <b>Appeal Type:</b> Applicant Appeal  |
| <b>P&amp;D Register No:</b> 150   | <b>Application No:</b> 5794/2018/RAL | <b>Applicant:</b> Charlton Estate QLD Pty Ltd   |
| <b>Division:</b> 2  |                                      | <b>Property:</b> 67-69 Oak Street, Bellbird Park<br>71-73 Oak Street, Bellbird Park   |
| <b>Appeal Summary:</b> This is an applicant appeal against Council's decision to approve a reduced lot yield of from 23 residential lots to 17 lots to achieve a dwelling density of 10 dwellings per hectare, minimise earthworks and maintain the character of the surrounding area.        |                                      |   |
| <b>Status:</b> Awaiting directions  |                                      |   |

**Planning & Environment Court - 13 Appeal/s**

**Appeal No:** 939 of 2019    **Appeal Date:** 19/3/2019    **Case Name:** HPC Urban Design & Planning Pty Ltd and Bio-Recycle Australia Pty Ltd v Ipswich City Council

**Solicitor:** Allison Ferres-MacDonald    **Appeal Type:** Applicant Appeal

**P&D Register No:** 152    **Application No:** 5601/2004/MAM C/A    **Applicant:** Bio-Recycle Australia Pty Ltd

**Division:** 3    **Property:** 30 Memorial Drive, Swanbank

**Appeal Summary:** This is an applicant appeal against Council's decision to refuse a 'Minor Change' application for a combined approval for MCU for an Environmental Recycling Park (Soil Conditioner Manufacturing and Waste Disposal Facility).

The application was refused on the basis that:

It failed to demonstrate that the proposed development is not in conflict with the Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation).

It failed to demonstrate that there is a need to extend the life of the existing facility by increasing the landfill height from the approved RL75 to RL80. the proposed changes would result in a substantially different development to that which is currently permitted as they change the ability of the proposed development to operate as intended and introduce new impacts or increase the severity of known impacts including but not limited to visual and environmental nuisances.

**Status:** Awaiting Directions

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