

Planning and Development Department
Court Action Status Report
11 October 2019
Total Number of Appeals - 7

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

Planning & Environment Court - 7 Appeal/s

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| Appeal No: 473 of 2018 | Appeal Date: 9/2/2018 | Case Name: HPC Urban Design & Planning Pty Ltd and Bio-Recycle Australia Pty Ltd v/s Ipswich City Council |
| Solicitor: N/A at this time | | Appeal Type: Applicant Appeal |
| P&D Register No: 139 | Application No: 4475/2017/MCU | Applicant: HPC Urban Design & Planning Pty Ltd |
| Division: 3 | | Property: 30 Memorial Drive, Swanbank |
| Appeal Summary: 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. | | |
| Status: Matter heard in court (25 March - 4 April 2019). Awaiting Judgement. | | |
| 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, traffic, and amenity. | | |
| Status: Experts engaged on 8 August 2019. Experts are meeting to discuss if issues can be resolved. JER's to complete report by 6 September 2019. Next court review 11 December 2019 | | |
| 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: 12-26 Eugene Street, Bellbird Park Lot 902 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: Without prejudice meeting scheduled for 4 October and a further review is scheduled for 11 October 2019. | | |

Planning & Environment Court - 7 Appeal/s

Appeal No: 6410 of 2018 **Appeal Date:** 20/9/2018 **Case Name:** Mirvac Queensland Pty Ltd v Ipswich City Council and Home Investment Consortium Company Pty Ltd
Solicitor: N/A **Appeal Type:** Originating Application
P&D Register No: 144 **Application No:** 911/2018/ADP **Applicant:** Home Investment Consortium Company Pty Ltd
Division: 1 **Property:** 95 Southern Cross Circuit, Springfield Central

Appeal Summary: 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.

Status: Matter is set down for a 4 day trial hearing commencing on 4 November 2019.

Appeal No: 4457 of 2018 **Appeal Date:** 12/12/2018 **Case Name:** Weyba3 Pty Ltd v Ipswich City Council
Solicitor: N/A at this time **Appeal Type:** Applicant Appeal
P&D Register No: 147 **Application No:** 7117/2017/CA **Applicant:** WEBYA3
Division: 2 **Property:** 45A Ascot Street, Goodna
45 Ascot Street, Goodna
16 Redbank Plains Road, Goodna

Appeal Summary: 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.

Status: Order given that experts are to prepare material in respect of a minor change with a further review by the court on 29 October 2019.

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 **Applicant:** Bio-Recycle Australia Pty Ltd
C/A
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: To be listed for review 14 days after the reasons for judgment are given by the court in appeal 473 of 2018.

Planning & Environment Court - 7 Appeal/s

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| Appeal No: 2473 of 2019 | Appeal Date: 25/9/2019 | Case Name: Lantrak Property Holdings (Qld) Pty Ltd v Ipswich City Council |
| Solicitor: N/A | | Appeal Type: Applicant Appeal |
| P&D Register No: 153 | Application No: 3343/2018/MCU | Applicant: Lantrak Property Holdings (QLD) Pty Ltd |
| Division: 10 | | Property: 272-292 Ipswich-Rosewood Road, Amberley |

312 Ipswich Rosewood Road, Amberley
37-89 Mt Elliot Mine Road, Amberley
131-155 Mt Elliot Mine Road, Amberley
Lot 198 Unnamed Road, Jeebropilly
460-482 Ipswich Rosewood Road, Jeebropilly
Lot 16 Ipswich Rosewood Road, Jeebropilly
Lot 17 Ipswich Rosewood Road, Jeebropilly
Lot 13 Ipswich Rosewood Road, Jeebropilly
358 Ipswich Rosewood Road, Jeebropilly
316-356 Ipswich-Rosewood Road, Amberley
91-109 Mt Elliot Mine Road, Amberley
111-129 Mt Elliot Mine Road, Amberley
372-406 Ipswich Rosewood Road, Jeebropilly
434-458 Ipswich Rosewood Road, Jeebropilly
Lot 199 Unnamed Road, Jeebropilly
410-432 Ipswich Rosewood Road, Jeebropilly
Lot 197 Unnamed Road, Jeebropilly
Lot 187 Unnamed Road, Amberley
Lot 10 Ipswich Rosewood Road, Jeebropilly
Lot 12 Ipswich Rosewood Road, Jeebropilly
248 Ipswich-Rosewood Road, Amberley
Lot 196 Unnamed Road, Jeebropilly
Lot 14 Ipswich Rosewood Road, Jeebropilly
Lot 15 Ipswich Rosewood Road, Jeebropilly
Lot 11 Ipswich Rosewood Road, Jeebropilly
29-35 Mt Elliot Mine Road, Amberley
226-246 Ipswich Rosewood Road, Amberley

Appeal Summary: This is an applicant initiated deemed refusal appeal. The proposal is for a Material Change of Use for Special Industry (Landfill for on-putrescible Waste and Waste Transfer Station); Environmentally Relevant Activity (ERA) 60 - Waste Disposal; and Environmentally Relevant Activity (ERA) 33 - Crushing, Milling, Grinding or Screening.

The due date for Council to make a decision was 13 September 2019 and the due date to issue the decision notice to the applicant was 20 September 2019. On 13 September 2019 the applicant refused Council's request for an extension of time for the decision period and subsequently lodged the deemed refusal appeal before Council was in a position to issue a decision.

Status: Awaiting directions