

Planning and Development Department
Court Action Status Report
21 November 2019
Total Number of Appeals - 9

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

Planning & Environment Court - 9 Appeal/s

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). Judgment handed down 13 November 2019. Appeal was dismissed and Council's decisions to refuse the development application was upheld.		
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: 43 Barclay Street, Bundamba 39 Barclay Street, Bundamba 41 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: All joint expert reports have been prepared. Appeal listed for pre call over review on 22 January 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: As a consequence of the expert's reports, the appellant has indicated that they intend to change the development proposal. The current Court order requires the appellant to notify of any amendment by 29 November 2019 and Council is required to provide a response to the proposed change by 20 December 2019. The appellant is seeking a new Court Order which provides for an extension of time to submit the change to the development proposal (18 December 2019) with Council's review period being extended until 31 January 2020 and a Court review on 14 February 2020. The Court is still to confirm the agreement with the revised timetable and issue a new Court Order.		

Planning & Environment Court - 9 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 heard in court (4-7 November 2019). Awaiting Judgement.

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: 45 Ascot Street, Goodna
16 Redbank Plains Road, Goodna
45A Ascot Street, 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: Applicant submitted minor change to the application. Appeal listed for 1 November 2019 for determination of minor change.

Planning experts to complete joint expert report by 29 November 2019 and a further review by Court listed on 5 December 2019.

Matter listed for hearing of 7 days in February 2020 sittings.

Planning & Environment Court - 9 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: 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 - 9 Appeal/s

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: 312 Ipswich Rosewood Road, Amberley

272-292 Ipswich-Rosewood Road, Amberley
316-356 Ipswich-Rosewood Road, Amberley
91-109 Mt Elliot Mine Road, Amberley
Lot 198 Unnamed Road, Jeebropilly
Lot 199 Unnamed Road, Jeebropilly
Lot 187 Unnamed Road, Amberley
Lot 11 Ipswich Rosewood Road, Jeebropilly
Lot 12 Ipswich Rosewood Road, Jeebropilly
358 Ipswich Rosewood Road, Jeebropilly
248 Ipswich-Rosewood Road, Amberley
111-129 Mt Elliot Mine Road, Amberley
372-406 Ipswich Rosewood Road, Jeebropilly
434-458 Ipswich Rosewood Road, Jeebropilly
410-432 Ipswich Rosewood Road, Jeebropilly
460-482 Ipswich Rosewood Road, Jeebropilly
Lot 196 Unnamed Road, Jeebropilly
Lot 10 Ipswich Rosewood Road, Jeebropilly
Lot 14 Ipswich Rosewood Road, Jeebropilly
Lot 17 Ipswich Rosewood Road, Jeebropilly
29-35 Mt Elliot Mine Road, Amberley
131-155 Mt Elliot Mine Road, Amberley
Lot 197 Unnamed Road, Jeebropilly
Lot 15 Ipswich Rosewood Road, Jeebropilly
Lot 16 Ipswich Rosewood Road, Jeebropilly
Lot 13 Ipswich Rosewood Road, Jeebropilly
226-246 Ipswich Rosewood Road, Amberley
37-89 Mt Elliot Mine 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: Council is to advise of its position (and reasons) in respect of the deemed refusal appeal by 29 November 2019. All Co-Respondents are to advise of their position (and reasons) in respect of the appeal by 11 December 2019. Matter listed for further review on 12 December 2019.

Planning & Environment Court - 9 Appeal/s

Appeal No: 4101 of 2019 **Appeal Date:** 14/11/2019 **Case Name:** Cleanaway Solid Waste Pty Ltd v Ipswich City Council

Solicitor: N/A

Appeal Type: Applicant Appeal

P&D Register No: 156

Application No: 4502/2018/MCU

Applicant: Cleanaway Solid Waste Pty Ltd

Division: 3

Property: 100 Chum Street, New Chum
20 Rhondda Road, New Chum

Appeal Summary: This is an applicant appeal against Council's decision to refuse a development application to extend upon an existing approved landfill. The application was refused on the basis that it failed to advance the purpose of the Planning Act 2016 and failed to demonstrate compliance with the South East Queensland Regional Plan, the State Planning Policy, the Ipswich Planning Scheme 2006 and the Temporary Local Planning Instrument No. 1 of 2018: Swanbank / New Chum Waste Activity Code (TLPI).
Matter listed for Court review on 12 December 2019.

Status: Awaiting directions

Appeal No: PE 4091/2019 **Appeal Date:** 14/11/2019 **Case Name:** PE 4091/2019

Solicitor: N/A

Appeal Type: Applicant Appeal – Originating Application

P&D Register No: 155

Application No: 7980/2009/MA/A

Applicant: Gohardsen Pty Ltd and Tivoli Estates Pty Ltd

Division: 5

Property: 7 Francis Street, Tivoli
21 Francis Street, Tivoli
61 Francis Street, Tivoli
14 Church Street, Tivoli

Appeal Summary: This is a request lodged by Oaklands Estate Pty Ltd c/- Keypoint Law to the Planning and Environment Court (PECA) for an originating application seeking that the currency period for the RAL component of the application be extended by 4 years.

Status: Matter to be heard 4 December 2019.
