

Planning and Development Department  
Court Action Status Report  
7 February 2020  
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

<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> 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.		
<b>Appeal No:</b> 945 of 2018	<b>Appeal Date:</b> 14/3/2018	<b>Case Name:</b> Black Ink Architecture Pty Ltd v Ipswich City Council
<b>Solicitor:</b> N/A		<b>Appeal Type:</b> Applicant Appeal
<b>P&amp;D Register No:</b> 140	<b>Application No:</b> 3859/2017/MCU	<b>Applicant:</b> Black Ink Architecture Pty Ltd
<b>Division:</b> 4		<b>Property:</b> 41 Barclay Street, Bundamba 43 Barclay Street, Bundamba 39 Barclay Street, Bundamba
<b>Appeal Summary:</b> 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.		
<b>Status:</b> Statements of evidence to be exchanged by 14 February 2020. Appeal listed for pre-callover review on 19 February 2020.		
<b>Appeal No:</b> 1727 of 2018	<b>Appeal Date:</b> 11/5/2018	<b>Case Name:</b> C.B. Developments Australia Pty Ltd v ICC
<b>Solicitor:</b> N/A		<b>Appeal Type:</b> Applicant Appeal
<b>P&amp;D Register No:</b> 141	<b>Application No:</b> 4432/2017/RAL	<b>Applicant:</b> CB Developments Pty Ltd
<b>Division:</b> 2		<b>Property:</b> 12-26 Eugene Street, Bellbird Park Lot 902 Eugene Street, Bellbird Park
<b>Appeal Summary:</b> This is an applicant appeal against Council's decision to refuse an application to reconfigure land into 333 lots plus parkland.		
<b>Status:</b> As a consequence of the expert's reports, the appellant has indicated that they intend to change the development proposal. The Court order requires the appellant to notify of any amendment by 31 January 2020 and Council is required to provide a response to the proposed change by 21 February 2020. A further review is scheduled for 28 February 2020.		

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

**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:** Matter has been set down for hearing across 6 days starting on Friday 14 February and continuing Monday 17 to Friday 21 February. Site inspection expected to occur on the 14th and the trial to occur through the week of the 17th.

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**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:** Appeal listed for directions hearing on 14 February 2020.

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

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

Lot 15 Ipswich Rosewood Road, Jeebropilly  
226-246 Ipswich Rosewood Road, Amberley  
316-356 Ipswich-Rosewood Road, Amberley  
91-109 Mt Elliot Mine Road, Amberley  
434-458 Ipswich Rosewood Road, Jeebropilly  
Lot 198 Unnamed Road, Jeebropilly  
410-432 Ipswich Rosewood Road, Jeebropilly  
Lot 197 Unnamed Road, Jeebropilly  
358 Ipswich Rosewood Road, Jeebropilly  
248 Ipswich-Rosewood Road, Amberley  
111-129 Mt Elliot Mine Road, Amberley  
131-155 Mt Elliot Mine Road, Amberley  
372-406 Ipswich Rosewood Road, Jeebropilly  
Lot 199 Unnamed Road, Jeebropilly  
Lot 196 Unnamed Road, Jeebropilly  
Lot 187 Unnamed Road, Amberley  
Lot 10 Ipswich Rosewood Road, Jeebropilly  
Lot 14 Ipswich Rosewood Road, Jeebropilly  
Lot 12 Ipswich Rosewood Road, Jeebropilly  
29-35 Mt Elliot Mine Road, Amberley  
312 Ipswich Rosewood Road, Amberley  
460-482 Ipswich Rosewood Road, Jeebropilly  
Lot 16 Ipswich Rosewood Road, Jeebropilly  
Lot 17 Ipswich Rosewood Road, Jeebropilly  
Lot 11 Ipswich Rosewood Road, Jeebropilly  
Lot 13 Ipswich Rosewood Road, Jeebropilly  
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 provided its reasons for refusal on 4 December 2019. Appellant responded to the Council reasons for refusal on 3 February 2020. All parties must now nominate experts and attend a case management conference to be conducted by the Planning and Environment Court Alternative Dispute Resolution Register on 17 February 2020. Appeal listed for review on 21 February 2020.

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

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**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:** 20 Rhondda Road, New Chum  
100 Chum Street, 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:** Council to provide its reasons for refusal and context for the determination on or before 7 February 2020. Appeal listed for review on 12 February 2020.

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**Appeal No:** 4301/19    **Appeal Date:** 28/11/2019    **Case Name:** Fabcot Pty Ltd –v- Ipswich City Council  
**Solicitor:** N/A at this time    **Appeal Type:** Applicant Appeal  
**P&D Register No:** 157    **Application No:** 2269/2019/MCU    **Applicant:** Fabcot Pty Ltd  
**Division:** 7    **Property:** 93 Raceview Street, Raceview  
91 Raceview Street, Raceview

**Appeal Summary:** This is an applicant appeal against Council's decision to refuse an application for a Material Change of Use – Shopping Centre.

**Status:** I confirm the matter is not listed for directions at this stage. We have engaged Corrs Chambers Westgarth as our external solicitor for this matter.

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**Appeal No:** 4514/2019    **Appeal Date:** 17/12/2019    **Case Name:** Haines V Ipswich City Council  
**Solicitor:** N/A    **Appeal Type:** Planning and Environment Appeal  
**P&D Register No:** 158    **Application No:** 6300/2018/RAL    **Applicant:** The Planning Place  
**Division:** 9    **Property:** 6 Rice Road, Redbank Plains  
8A Rice Road, Redbank Plains  
10 Rice Road, Redbank Plains

**Appeal Summary:** This is an applicant appeal against Council's decision to refuse a development application for reconfiguring a lot (3 into 12 lots). The application was refused on the basis that it failed to demonstrate sufficient stormwater management practices, and it failed to demonstrate sufficient connectivity to surrounding land.

**Status:** The matter is listed for directions on 5 February 2020 and a ADR conference is scheduled for 19 February 2020.

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