

Court Action Status Report

Below is a list of Development Applications with open court appeals.

Total Number of Appeals - 13

(as at 20 April 2022)

DIVISION 1**Lantrak Property Holdings (Qld) Pty Ltd v Ipswich City Council**

Register No:	153	Appeal Type:	Applicant Appeal	Appeal No:	3473 of 2019
Application No:	3343/2018/MCU			Received Date:	25/9/2019
Property:	460-482 Ipswich Rosewood Road JEEBROPILLY QLD 4340				
Applicant:	Lantrak Property Holdings (QLD) 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 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:	Hearing concluded on the 13 August 2021. Awaiting judgement.				

Fabcot Pty Ltd v Ipswich City Council

Register No:	157	Appeal Type:	Applicant Appeal	Appeal No:	4301 of 2019
Application No:	2269/2019/MCU			Received Date:	28/11/2019
Property:	91 Raceview Street RACEVIEW QLD 4305				
Applicant:	Fabcot Pty Ltd				
Appeal Summary:	This is an applicant appeal against Council's decision to refuse an application for a Material Change of Use – Shopping Centre.				
Status:	Appeal dismissed. Ruling delivered 14 April 2022				

R.J. Lang Nominees Pty Ltd v Ipswich City Council

Register No:	176	Appeal Type:	Applicant Appeal	Appeal No:	530 of 2021
Application No:	3749/2019/MCU			Received Date:	8/3/2021
Property:	189 Briggs Road FLINDERS VIEW QLD 4305				
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:	Without prejudice discussions ongoing. The matter is listed for review on 4 May 2022.				

ASHWORTH & others v DEPUTY PREMIER

Register No:	195	Appeal Type:	Judicial Review	Appeal No:	2192 of 2022
Application No:	10674/2019/CA			Received Date:	24/2/2022
Property:	266-304 Coopers Road WILLOWBANK QLD 4306				
Applicant:	Wanless Recycling Park Pty Ltd				
Appeal Summary:	The application for a judicial review relates to the decision of the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympics Infrastructure (the First Respondent) to call in a development application made by Wanless Pty Ltd at 266-304 & 350 Coopers Road, Ebenezer. In summary, the grounds for the application are that a fair-minded observer might reasonably apprehend that the First Respondent did not bring an impartial mind to the exercise of the call-in power.				
Status:	Orders made 1 April 2022 regarding disclosure and timing of disclosure. Disclosure applications listed for 3 May 2022. Material is being review by external legal as it is being provided by the parties.				

VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD & another v DEPUTY PREMIER

Register No:	196	Appeal Type:	Judicial Review	Appeal No:	2198 of 2022
Application No:	10674/2019/CA			Received Date:	8/3/2022
Property:	266-304 Coopers Road WILLOWBANK QLD 4306				
Applicant:	Wanless Recycling Park Pty Ltd				
Appeal Summary:	The application for a judicial review relates to the decision of the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympics Infrastructure (the First Respondent) to call in a development application made by Wanless Pty Ltd at 266-304 & 350 Coopers Road, Ebenezer. In summary, the grounds for the application are that a fair-minded observer might reasonably apprehend that the First Respondent did not bring an impartial mind to the exercise of the call-in power.				
Status:	Orders made 1 April 2022 regarding disclosure and timing of disclosure. Disclosure applications listed for 3 May 2022. Material is being review by external legal as it is being provided by the parties.				

DIVISION 1

AUSTIN BMI PTY LTD v DEPUTY PREMIER

Register No:	197	Appeal Type:	Judicial Review	Appeal No:	2105 of 2022
Application No:	10674/2019/CA			Received Date:	8/3/2022
Property:	266-304 Coopers Road WILLOWBANK QLD 4306				
Applicant:	Wanless Recycling Park Pty Ltd				
Appeal Summary:	The application for a judicial review relates to the decision of the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympics Infrastructure (the First Respondent) to call in a development application made by Wanless Pty Ltd at 266-304 & 350 Coopers Road, Ebenezer. In summary, the grounds for the application are that a fair-minded observer might reasonably apprehend that the First Respondent did not bring an impartial mind to the exercise of the call-in power.				
Status:	Orders made 1 April 2022 regarding disclosure and timing of disclosure. Disclosure applications listed for 3 May 2022. Material is being review by external legal as it is being provided by the parties.				

Wild Mint Watercress Pty Ltd (ACN 647 174758) v Ipswich City Council

Register No:	194	Appeal Type:	Applicant Appeal	Appeal No:	584 of 2022
Application No:	13852/2021/VA			Received Date:	11/3/2022
Property:	7002 Watercress Boulevard REDBANK PLAINS QLD 4301				
Applicant:	Wild Mint Watercress Pty Ltd				
Appeal Summary:	This is an applicant appeal against conditions 5(a), 5(b) and 6(d) of Council's decision to approve a preliminary approval (variation request) for a material change of use to vary the effect of the Ipswich Planning Scheme to allow development to be carried out generally in accordance with the 'South Redbank Plains Land Use Concept Master Plan' at 7002 Watercress Boulevard, Redbank Plains. The conditions relate to: (a) the submission of a plan for a right turn lane in School Road; (b) the submission of a plan for the construction of a collector street within an adjoining road reserve; and (c) submitting an arborist assessment of the viability of trees to be retained in the future linear open space area. The appellant has sought to amend or delete the conditions on the basis of not being a necessary imposition of the subject development, being unlawful and contrary to Council's conditioning powers and not being reasonable and relevant.				
Status:	Without prejudice discussions occurring				

DIVISION 2

DIVISION 2

Spring Lake Holdings Pty Ltd (ACN 156 492 885) As Trustee for Spring Lake Trust v ICC

Register No:	184	Appeal Type:	Applicant Appeal	Appeal No:	1428 of 2021
Application No:	9446/2017/ADP			Received Date:	9/6/2021
Property:	1 Springfield Lakes Boulevard SPRINGFIELD LAKES QLD 4300				
Applicant:	Spring Lake Holdings Pty Ltd				
Appeal Summary:	This is an applicant appeal against a deemed refusal of an application to: (1) amend an existing approved Area Development Plan over the Spring Lake Metro site for: (a) An additional Child Care Centre; (b) A Motel (extension); and (c) Additional ground floor tenancies (Shop, Restaurant, Service Industry, Medical Centre, Fast Food Premises, Commercial Premises and/or Veterinary Clinic; and (2) operational work for advertising structures (above awning signs, below awning signs and awning fascia signs).				
Status:	Preliminary point (jurisdictional matter) was heard by Court on 21 February 2022. Awaiting outcome.				

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			Received Date:	14/11/2019
Property:	100 Chum Street NEW CHUM QLD 4303				
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:	Hearing concluded on the 13 August 2021. Awaiting judgement.				

Austin BMI Ltd (ACN 164 204 308) v Ipswich City Council

Register No:	160	Appeal Type:	Applicant Appeal	Appeal No:	912 of 2020
Application No:	1149/2018/CA			Received Date:	23/3/2020
Property:	191 Whitwood Road NEW CHUM QLD 4303				
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:	Hearing concluded on the 13 August 2021. Awaiting judgement.				

DIVISION 4

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

Register No:	177	Appeal Type:	Notice of Appeal	Appeal No:	652 of 2021
Application No:	2992/2008/MAEXT/B			Received Date:	22/3/2021
Property:	198-238 Fernvale Road BRASSALL QLD 4305				
Applicant:	Fabcot Pty Ltd				
Appeal Summary:	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).				
Status:	Without prejudice discussions ongoing. The matter is listed for review on 21 April 2022.				

Kelly Consolidated Pty Ltd v Ipswich City Council

Register No:	186	Appeal Type:	Submitter Appeal	Appeal No:	2165 of 2021
Application No:	6365/2020/CA			Received Date:	18/8/2021
Property:	9 Hall Street YAMANTO QLD 4305				
Applicant:	Yamanto Holdings Pty Ltd				
Appeal Summary:	This is a submitter appeal against Council's decision to approve an application for a Material Change of Use - Business Use (bulky goods sales, cafe, fast food premises, food delivery service, restaurant, shop, snack bar and/or takeaway food premises); and Operational Works - Advertising Devices (Five (5) Pylon Signs).				
	The primary grounds for Kelly Consolidated Pty Ltd lodging the appeal against Council's decision are as follows:				
	<ul style="list-style-type: none">- The Development Application does not comply with the relevant assessment benchmarks, namely the Ipswich Planning Scheme;- The imposition of the Condition does not cure or remedy the material non-compliance with the Planning Scheme; and- There are no relevant matters which support approval of the Development Application, and to the extent there are (which is not admitted), given the materiality of the non-compliance with the Planning Scheme, those matters do not warrant the exercise of the discretion to approve the Development Application.				
Status:	Without prejudice discussions occurring. The matter is listed for review on 20 April 2022. Currently listed for a 5 day hearing in May 2022.				

Griffith Group One Pty Ltd (ACN 617 348 133) v Ipswich City Council

Register No:	191	Appeal Type:	Applicant Appeal	Appeal No:	3276 of 2021
Application No:	5636/2021/MCU			Received Date:	16/12/2021
Property:	54-56 Arthur Summervilles Road KARALEE QLD 4306				
Applicant:	Griffith Group One Pty Ltd				
Appeal Summary:	This is an applicant appeal against Council's decision to refuse a development application for a Child Care Centre at 54-56 Arthur Summervilles Road, Karalee. The application was refused primarily on the grounds of significant detrimental effects on the amenity of nearby residents (noise, traffic, community safety, health and odour), community need and conflicts with the Community Use Code and Parking Code.				
Status:	Judge has ordered that a without prejudice meeting be held to discuss the matter between the parties (20 April 2022).				