

Planning and Development Department  
Court Action Status Report  
9 July 2020  
Total Number of Appeals - 12

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

Planning & Environment Court - 12 Appeal/s

<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 Ipswich City Council
<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

**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 submitted on a without prejudice basis a revised development proposal for consideration. Further without prejudice discussions to occur. Next court review is on 13 July 2020.

<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

**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 was set down for hearing from 14-21 February. The appellant submitted a revised proposal during the court proceedings and the hearing was suspended in order for without prejudice discussions to continue on the revised proposal. Next Court review is on 16 July 2020.

**Planning & Environment Court - 12 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:** 1    **Property:** 30 Memorial Drive, Swanbank

**Appeal Summary:** This is an applicant appeal against Council's decision to refuse a 'Minor Change' application which sought to extend the life of an existing landfill facility by increasing the landfill height from the approved RL75 to RL80.

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:** Without prejudice discussions occurring. Next Court review is on 6 July 2020.

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**Appeal No:** 2473 of 2019    **Appeal Date:** 25/9/2019    **Case Name:** Lantrak Property Holdings (Qld) Pty Ltd Development Planning Managers Meeting 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:** 1    **Property:** 460-482 Ipswich Rosewood Road, Jeebropilly

**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:** Without prejudice discussions occurring. Next Court review is on 24 July 2020.

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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:** 100 Chum Street, New Chum

**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:** Without prejudice discussions occurring. Next Court review is on 30 July 2020.

**Planning & Environment Court - 12 Appeal/s**

**Appeal No:** 4301 of 2019    **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:** 1    **Property:** 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:** Council circulated its issues relied upon to warrant the refusal on 28 May 2020. The Co-Respondents circulated their issues on 11 June 2020. On 25 June 2020 the Appellant is to file and serve list of matters relied upon. Next Court review is on 13 July 2020.

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**Appeal No:** 4514 of 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:** 1    **Property:** 6 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:** Without prejudice discussions occurring. Next Court review is on 3 July 2020.

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**Appeal No:** 297 of 2020    **Appeal Date:** 3/2/2020    **Case Name:** Jenolan Investments Pty Ltd & others v Ipswich City Council  
**Solicitor:** N/A at this time    **Appeal Type:** Applicant Appeal  
**P&D Register No:** 159    **Application No:** 9877/2017/CA    **Applicant:** Yamanto Holdings Joint Venture  
**Division:** 4    **Property:** 22 Saleyards Road, Yamanto

**Appeal Summary:** This is an applicant appeal against four (4) conditions included in Council's approval dated 28 November 2019. The conditions being appealed relate to road construction standards, particularly focused on the 'T' intersection between the internal road network and Saleyards Road and the advised prohibition on B-double access to the internal road network.

**Status:** Without prejudice discussions occurring. Next Court review is on 15 July 2020.

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**Appeal No:** 219 of 2020    **Appeal Date:** 23/3/2020    **Case Name:** Austin BMI Ltd CAN 164 204 308 v Ipswich City Council  
**Solicitor:** TBA    **Appeal Type:** Applicant Appeal  
**P&D Register No:** 160    **Application No:** 1149/2018/CA    **Applicant:** Austin BMI Pty Ltd  
**Division:** 3    **Property:** 191 Whitwood Road, New Chum

**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:** Without prejudice discussions occurring. Next Court review 7 August 2020.

**Planning & Environment Court - 12 Appeal/s**

<b>Appeal No:</b>	<b>Appeal Date:</b> 24/4/2020	<b>Case Name:</b> Mercantile Estates Pty Ltd v Ipswich City Council
<b>Solicitor:</b> TBA		<b>Appeal Type:</b> Applicant Appeal
<b>P&amp;D Register No:</b> 163	<b>Application No:</b> 6179/2019/RAL	<b>Applicant:</b> Mercantile Estates Pty Ltd
<b>Division:</b> 3		<b>Property:</b> 62 Stephenson Street, Coalfalls

**Appeal Summary:** This is an applicant appeal against Council's decision to refuse a development application for the Reconfiguration of a Lot [two (2) lots into three (3) lots] on land situated at 62 and 62A Stephenson Street, Coalfalls.

The application was refused on the basis that it is contrary to a number of assessment benchmarks, planning principles and relevant matters, as follows:

- The purpose of the Planning Act 2016 (Qld) and in particular s5(2)(f),(i), and (j);
- The applicable codes of the Planning Scheme;
- The planning principle that a development should provide for housing choice, diversity and affordability;
- The planning principle that development should apply amenity, conservation and health and safety in the built environment in ways that are cost- effective and of public benefit;
- The planning principle that development should avoid or minimise the adverse environmental effects of development.

Further, the development conflicts with the applicable codes of the Planning Scheme with no sufficient grounds to justify the decision despite the conflict. Specifically, the proposal does not comply with the Part 3 'Desired Environmental Outcomes and Performance Indicators', particular overall outcomes for the Residential Low Density Zone and particular specific and probable solutions of the Development Constraint Overlay Code and the Reconfiguring a Lot Code of the Ipswich Planning Scheme 2006.

**Status:** Without prejudice discussions occurring.

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<b>Appeal No:</b> 1293 of 2020	<b>Appeal Date:</b> 1/5/2020	<b>Case Name:</b> Nguyen v Ipswich City Council
<b>Solicitor:</b> TBA		<b>Appeal Type:</b> Notice of Appeal
<b>P&amp;D Register No:</b> 164	<b>Application No:</b> 9945/2018/CA	<b>Applicant:</b> Mr Binh Nguyen
<b>Division:</b> 3		<b>Property:</b> 40 Queen Street, Dinmore

**Appeal Summary:** This is an appeal against a refusal issued by Council for reconfiguring a lot (Boundary realignment – six (6) lots into six (6) lots) and material change of use (building envelopes on proposed Lot 1 and 2). The application was refused, as the submitted mining reports did not adequately address the potential subsidence on the site and how the development can minimise risk to property, health and safety in relation to possible subsidence from past mining activities on the site.

External Legal Contact: N/A at this time

**Status:** Without prejudice discussions occurring. Next Court review is on 15 July 2020.

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**Planning & Environment Court - 12 Appeal/s**

<b>Appeal No:</b> 1985 of 2020	<b>Appeal Date:</b> 1/7/2020	<b>Case Name:</b> Qld Tipper Hire Pty Ltd v Ipswich City Council
<b>Solicitor:</b> TBA		<b>Appeal Type:</b> Applicant Appeal
<b>P&amp;D Register No:</b> 166	<b>Application No:</b> 7487/2019/MCU	<b>Applicant:</b> QLD Tipper Hire Pty Ltd
<b>Division:</b> 4		<b>Property:</b> 239 Poplar Street, Walloon

**Appeal Summary:** This is an appeal against three (3) conditions included in Council's approval given by negotiated decision notice, dated 4 June 2020. The conditions being appealed relate to the requirements for the upgrade of the section of Poplar Street from the intersection of Anthony's Road up to 10m past the site access location, and/or further investigation of the pavement condition to determine the current suitability of the road and inform detailed design for upgrade works.

**Status:** Awaiting directions.

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