

Our track record

Planning and Environment published judgments

In addition to the following proceedings with published judgments we have resolved many more through negotiated outcomes.

<i>McEneaney v Council of the City of Gold Coast [2024] QCA 246; McEneaney v Council of the City of Gold Coast & Anor [2024] QPEC 32</i>	Submitter appeal against 'other' change; where mixed use development started; community expectations informed by the adopted planning controls and by what exists on the ground
<i>S&S No.4 Pty Ltd v Council of the City of Gold Coast & Ors [2024] QPEC 42; S&S No.4 Pty Ltd v Council of the City of Gold Coast [2023] QPEC 23</i>	Approval of mixed use development in the Centre zone; building height uplift provisions; traffic safety
<i>1335 Waterford Tamborine Rd Pty Ltd v Logan City Council [2024] QPEC 14</i>	Service station and food and drink outlet; Regional landscape and rural production area; need; priority development area growth; landscape and built form character; noncompliance with planning strategy
<i>Pynhall Pty Ltd v Logan City Council [2024] QPEC 11</i>	Flood hazard; approach to assessment of flood risk; conditions to mitigate flood risk
<i>Heap & Ors v Logan City Council [2023] QPEC 52</i>	Childcare centre in Rural residential zone; amenity and character; need; planning scheme strategy for location of childcare centres
<i>Harbour Island Pty Ltd v Gold Coast City Council & Anor [2023] QPEC 29</i>	Preliminary approval for coordinated project Gold Coast International Marine Precinct; flood affected area
<i>Douglas Construction & Engineering Pty Ltd v Logan City Council [2023] QPEC 28</i>	Infrastructure charges; working out extra demand; where material change of use accepted development
<i>Council of the City of Gold Coast v DVB Projects Pty Ltd [2023] QCA 213; DVB Projects Pty Ltd v Council of the City of Gold Coast [2022] QPEC 40</i>	Approval for 26 storey multiple dwelling; varying site cover and slender tower

<i>Kirra Developments Pty Ltd v Council of the City of Gold Coast</i> [2022] QPEC 38	Minor change to development approval under construction; change to internal void; extra storey
<i>Tricare (Bayview) Pty Ltd v Council of the City of Gold Coast</i> [2022] QPEC 31; <i>Tricare (Bayview) Pty Ltd v Council of the City of Gold Coast</i> [2021] QPEC 31	Redevelopment of existing residential aged care facility; building height; relevant matters
<i>Burke v Minister for State Development, Infrastructure, Local Government and Planning & Anor and Pacific View Farm (Queensland) Pty Ltd</i> [2022] QCA 248	Dismissal of application for a protective costs order
<i>Burke v Minister for State Development, Infrastructure, Local Government and Planning & Anor and Pacific View Farm (Queensland) Pty Ltd</i> [2022] QPEC 23	Dismissal of application to challenge validity of Minister's decision to approve a change application for a variation approval subject of Ministerial call-in
<i>Surfers Beachfront Protection Association Inc. v Council of the City of Gold Coast & Anor (No 2)</i> [2022] QPEC 3; <i>Surfers Beachfront Protection Association Inc. v Council of the City of Gold Coast & Anor</i> [2021] QPEC 73	Dismissal of application to challenge approval to construct Gold Coast Oceanway; code assessment; compliance with State Development Assessment Provisions; exclusion of expert evidence
<i>TAL GP Projects No 3 Pty Ltd v Logan City Council</i> [2021] QPEC 78	Childcare centre; redesign to achieve residential built form character; minor change
<i>Pimpama Commercial Pty Ltd v Council of the City of Gold Coast (No.3)</i> [2020] QPEC 56; (No. 2) [2020] QPEC 48; [2020] QPEC 33	'Other' change to extend tavern operating hours to 2am; role and function of centre; condition seeking to limit patron numbers
<i>Wilhelm v Logan City Council & Ors</i> [2020] QCA 273; <i>Navara Back Right Wheel Pty Ltd v Logan City Council & Ors</i> ; <i>Wilhelm v Logan City Council & Ors</i> [2019] QPEC 67	Centre activities; hierarchy of centres; assessment and decision making process for impact assessment under <i>Planning Act 2016</i> (Qld)
<i>Logan City Council v Brookes (No 2)</i> [2020] QDC 221; <i>Logan City Council v Brookes</i> [2020] QDC 24	Development offences; shipping containers; assessable building work
<i>Supreme Renovators Pty Ltd v Logan City Council</i> [2019] QPEC 63	Dismissal of application by developer to file notice of appeal late

<i>WOL Projects Pty Ltd v Gold Coast City Council</i> [2018] QPEC 48	Multiple dwellings; built form, density and character in low density residential zone
<i>Consolidated Gold Coast Holdings Pty Ltd v Council of the City of the Gold Coast & Anor</i> [2017] QPEC 67.	Change from attached dwelling to detached dwelling in staged development; substantially different development test
<i>Mirvac Pacific Pty Ltd v Gold Coast City Council</i> [2017] QPEC 39	Joinder of a party; bridge in a railway corridor
<i>Logan City Council v Jones & Anor</i> [2016] QPEC 60	Contempt of court for contravention of enforcement orders
<i>Peet Flagstone City Pty Ltd v Logan City Council and Anor</i> [2016] QPEC 24	Service station in rural residential area; out-of-centre development; need; alternative sites;
<i>Logan City Council v Whelan</i> [2015] QPEC 23	Contempt of court for contravention of enforcement orders
<i>Driesen v Gold Coast City Council & Ridge Properties Pty Ltd</i> [2015] QCA 85; <i>Driesen v Gold Coast City Council & Ridge Properties Pty Ltd</i> [2014] QPEC 42	Refusal of application by submitter to appeal out of time
<i>Masonre Pty Ltd v Logan City Council</i> [2014] QPEC 51	Flood risk; residential development; evacuation strategy; weight to TLPI
<i>Braudmont Pty Ltd & Ors v Gold Coast City Council & Anor</i> [2014] QPEC 3	Environmental harm; application for declarations involving public access way; evidence excluded with costs
<i>Buckler & Anor v Gold Coast City Council & Anor</i> [2013] QPEC 48	Variation approval; whether change to proposed level of assessment table a minor change

<p><i>Littleford v Gold Coast City Council & Anor; Moon v Gold Coast City Council & Anor [2013] QCA 4; Moon & Littleford v Gold Coast City Council [2010] QPEC 26; Moon v GCCC & Anor; Littleford v GCCC & Anor [2009] QPEC 7; Moon v GCCC & Anor; Littleford v GCCC & National Trust, Queensland and Chief Executive, Department of Main Roads [2009] QPEC 3</i></p>	<p>Refusal for declaration and consequential orders challenging the validity of the making of the planning scheme; refusal of application for leave to withdraw abandonment of preliminary point; costs; conduct of appellants; refusal of application for extension of time for filing application for leave to appeal</p>
<p><i>Forward Project Management Pty Ltd v Gold Coast City Council [2012] QPEC 55</i></p>	<p>Minor change to increase lots and change in titling</p>
<p><i>Arora Construction Pty Ltd & Anor v Gold Coast City Council & Anor [2012] QPEC 52</i></p>	<p>Floodplain development; qualitative and quantitative assessment of flood risk; shelter in place strategy</p>
<p><i>Gold Coast City Council v Crest Hill Pastoral Company Pty Ltd [2012] QPEC 25</i></p>	<p>Condition for park dedication; interim enforcement order to prevent sale by mortgagee exercising power of sale</p>
<p><i>Braudmont Pty Ltd & Ors v Gold Coast City Council [2012] QCA 140; Braudmont & Ors v Gold Coast City Council & Anor [2011] QPEC 157</i></p>	<p>Setting aside of subpoenas as oppressive fishing exercise</p>
<p><i>Gates & Ors v Gold Coast City Council & Ors [2011] QPEC 120</i></p>	<p>Properly made development application; description of land use; excusal of non-compliance</p>
<p><i>Waverley Road Developments Pty Ltd v Gold Coast City Council [2011] QPEC 59</i></p>	<p>Infrastructure and land use sequencing; infrastructure capacity and connectivity; infrastructure charging</p>
<p><i>Sea World Management Pty Ltd v Gold Coast City Council [2011] QPEC 33</i></p>	<p>Construction of planning scheme Special Facilities preservation provisions and notation on scheme maps</p>
<p><i>Paul Dinning v Gold Coast City Council & Anor [2010] QPEC 56; Dinning v Gold Coast City Council & Anor [2008] QPEC 83</i></p>	<p>Inexcusable non-compliance with court order in appeal; deemed refusal of MCU for reception room (wedding reception venue) and wedding chapel; non-compliance with public notification</p>
<p><i>Hanson Construction Materials Pty Ltd v Gold Coast City Council [2009] QPEC 107</i></p>	<p>Refusal of MCU application for increase in quarry transport hours</p>

<i>Gold Coast City Council v Mountdene Pty Ltd & Ors</i> [2009] QPEC 2; <i>Gold Coast City Council v Mountdene Pty Ltd & Ors</i> [2008] QPEC 96; <i>Gold Coast City Council v Mountdene Pty Ltd & Ors</i> [2008] QPEC 112	Enforcement orders for rectification works to stabilise site; costs; contempt of court
<i>Andrews & Hansen Pty Ltd v Gold Coast City Council</i> [2008] QPEC 004	Reconfiguring a lot in Gilston Valley; bushfire; weight to be given to new planning scheme
<i>Davies v Gladstone City Council & Ors</i> [2007] QPEC 114	Submitter appeal struck out as submission not properly made
<i>Adam & Anor v Gold Coast City Council</i> [2007] QPEC 25	Infrastructure and land use sequencing; prematurity; preliminary approval, development permit or refusal
<i>Friends of Currumbin v Gold Coast City Council and Co-You Australia Pty Ltd</i> [2006] QPEC 059	Construction of planning scheme provisions about Special Facilities zoned land; whether impact assessable MCU application required
<i>Metrostar Pty Ltd v Gold Coast City Council</i> [2006] QCA 410; <i>Metrostar Pty Ltd v Gold Coast City Council</i> [2006] QPEC 022	Change to approved built form; visual amenity on prominent site; Court's excusal power
<i>Co-you Australia Pty Ltd v Gold Coast City Council & Anor</i> [2006] QPEC 001	Artificial waterway coastal management development application implications
<i>Heilbronn & Partners Pty Ltd & Ors v Gold Coast City Council</i> [2004] QPEC 080 [Broadlakes]	Floodplain development; waterbodies and development platforms; substantially different development
<i>Gold Coast City Council v Metrostar Pty Ltd & Anor</i> [2005] QPEC 099; <i>Gold Coast City Council v Metrostar Pty Ltd & Ors</i> [2004] QPEC 029; <i>Gold Coast City Council v Metrostar Pty Ltd & Ors</i> [2004] QPEC 024	Contravention of development approvals; remediation and revegetation; indemnity costs; undertaking; enforcement order
<i>Terton Corporation Pty Ltd v Gold Coast City Council</i> [2003] QPEC 060	Subdivision; steep slopes; environmental values, bushfire; uncertainty as to final design; onerous responsibility for Council taking over proposed park it did not want

<i>Friends of Springbrook Alliance Incorporated & Ors v Council of the City of Gold Coast & Anor</i> [2003] QPEC 014	Submitter appeal; whether public notification contained sufficient description of the proposal
<i>Kennedy v Gold Coast City Council</i> [2002] QPEC 86	Private building certifier obligations and professional misconduct; building work over easement
<i>Noel Hodges Consulting Services & Anor v Council of the City of Gold Coast</i> [2002] QPEC 056	Whether proposed changes to an impact assessable MCU application were minor
<i>Kilmister v Gold Coast City Council & Anor</i> [2001] QPEC 073; [2001] QPEC 072	Building certifier obligations; professional misconduct; necessary town planning approval; objective assessment of use and whether ancillary
<i>The Tugun Joint Venture Pty Ltd v Gold Coast City Council</i> [2001] QPEC 033	Gradation in building height
<i>Tricare Australia Ltd v Gold Coast City Council</i> [2001] 1 QdR 663; <i>Tricare Australia Ltd v Gold Coast City Council</i> [1999] QPEC 18; <i>Tricare Australia Ltd v Gold Coast City Council</i> [1997] QPEC 66	<i>Mixed Use Development Act 1993</i> conditions for floodplain development
<i>Deepcliffe Pty Ltd v The Council of the City of Gold Coast</i> [2001] QCA 342; <i>Howard v Gold Coast City Council & Deepcliffe Pty Ltd</i> ; <i>Deepcliffe Pty Ltd v Gold Coast City Council & Ors</i> [1996] QPEC 62	Car parking for existing commercial activity on neighbouring land; tort of nuisance in erection of parking signs
<i>Benerang Pty Ltd v Gold Coast City Council</i> [2000] QDC 383	Compensation claim for planning scheme change
<i>Macedonian Orthodox Church & Anor v Gold Coast City Council & Ors</i> [2000] QPEC 2	Deemed refusal to construct church in park residential zone; visual amenity; whether a minor modification
<i>Woodward v Gold Coast City Council</i> [1999] QPEC 24	Subdivision; scenic significance; environmental significance; dedication of public open space for public recreational purposes; bushfire management strategy

<i>Westfield Ltd v Gold Coast City Council, MEPC Australia Ltd & Ors [1998] QPEC 11</i>	Special Facilities zone; broad application for wide range of uses; plan of development
<i>Nifsan Pty Ltd v Gold Coast City Council [1997] QPEC 46 [Emerald Lakes]</i>	Floodplain development; cumulative effect of loss of flood storage; open space character; orderly traffic planning
<i>Tamborine Mountain Progress Association Inc v Beaudesert Shire Council [1995] 2 Qd R 231; Tamborine Mountain Progress Association Inc v Beaudesert Shire Council [1994] QCA 222</i>	Construction of development control plan
<i>Lewiac Pty Ltd v Gold Coast City Council [1995] 1 QdR 38; Lewiac Pty Ltd v Council of the City of Gold Coast [1993] QCA 264; Lewiac Pty Ltd v Errenmore Pty Ltd & Ors [1993] QPEC 67</i>	Shopping centre, hotel and commercial complex; validity of approvals; whether integrated complex
<i>Grimley Pty Ltd v Gold Coast City Council & Villa World Limited [1994] QPEC 10</i>	Properly made development application; identity of applicant
<i>Rodd v Council of the City of Gold Coast [1993] QPEC 32</i>	Rural zone subdivision
<i>Thomas Holdings Pty Ltd v Gold Coast City Council [1991] QPLR 32; [1991] QPLR 29; [1990] LG 718</i>	Service station and takeaway food premises; commercial intrusion; residential amenity; need; importance of strategic plan
<i>Raymond Giarola Pty Ltd & Anor v Gold Coast City Council [1990] QPLR 175; [1990] LG 664</i>	Multi-unit residential development; density; character; balance of zones

Contact our Planning and Environment leaders

Michelle Pennicott, Partner T +61 7 555 39 433
Carolyn Salam, Partner T +61 7 555 39 432
Vanessa Walsh, Special Counsel T +61 7 555 39 596
Tammy Tye, Special Counsel T +61 7 555 39 409

michelle.pennicott@redemont.com
carolyn.salam@redemont.com
vanessa.walsh@redemont.com
tammy.tye@redemont.com

