

**COURT OF APPEAL  
SUPREME COURT OF QUEENSLAND**

C.A. NUMBER: of 2017  
NUMBER: Planning and  
Environment Court  
Appeal No.  
2868 of 2015

Applicant: **KATE PETA BELL**  
(Appellant)

First Respondent: **BRISBANE CITY COUNCIL**  
(Respondent)

Second Respondent: **SUNLAND DEVELOPMENTS NO.8 PTY LTD**  
(Co-Respondent)

Third Respondent: **CHIEF EXECUTIVE ADMINISTERING THE**  
***SUSTAINABLE PLANNING ACT 2009***  
(Co-Respondent by Election)

**APPLICATION TO COURT OF APPEAL**

**TAKE NOTICE** that the Applicant, KATE PETA BELL, is applying to the Court of Appeal for the following orders:

**1. ORDERS -**

- A. That the Applicant be given leave to appeal against the decision of the Planning and Environment Court given on 10 May 2017 in relation to Planning and Environment Court Appeal No. 2868 of 2015 on the grounds appearing in the draft Notice of Appeal.
- B. That the First, Second and Third Respondents pay the Applicant's costs of and incidental to this application for leave to appeal.

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**APPLICATION TO COURT OF APPEAL**  
Filed on behalf of the Applicant  
Form 69 Rule 779(2)

**Connor O'Meara**  
Solicitors  
Level 4, 10 Eagle Street  
BRISBANE 4000  
Ph: (07) 3221 3033  
Fax: (07) 3221 6661

**2. THE DETAILS OF THE JUDGMENT APPEALED AGAINST ARE –**

Date of Judgment: 10 May 2017  
 Description of Proceedings: Planning and Environment Court Appeal  
 No. 2868 of 2015

Description of parties involved in the proceedings:

- (a) KATE PETA BELL as the Applicant;
- (b) BRISBANE CITY COUNCIL as the Respondent;
- (c) SUNLAND DEVELOPMENTS NO. 8 PTY LTD as the Co-Respondent;  
and
- (d) CHIEF EXECUTIVE ADMINISTERING THE *SUSTAINABLE PLANNING ACT 2009* as the Co-Respondent by Election.

Name of Primary Court Judge: His Honour Judge Rackemann

Location of Primary Court: Brisbane

**3. THE REASONS JUSTIFYING THE GRANTING OF LEAVE ARE –**

- A. In deciding the appeal the subject of Planning and Environment Court Appeal No. 2868 of 2015, the primary Judge erred in law for the reasons set out in the draft Notice of Appeal.
- B. The errors identified materially affected the decision of the primary Judge.
- C. The matters raised by the Applicant involve important questions relating to the proper interpretation of City Plan 2014.
- D. The proceeding relates to a development of significant importance to all parties to the appeal but especially the Applicant and the Second Respondent.

This Application will be heard by the Court of Appeal at Brisbane –

on:

at:

Filing date:

Registrar:

If you wish to oppose this application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you.

On the hearing of the application the Applicant intends to rely on the following affidavits:

Affidavit of Mr Michael John Connor, sworn on 21 June 2017.

**PARTICULARS OF THE APPLICANT:**

Name:	KATE PETA BELL
Business Address:	c/- Connor O'Meara Level 4, 10 Eagle Street BRISBANE 4000
Solicitor's name: and firm name:	Mr Michael Connor Connor O'Meara
Solicitor's business address:	Level 4, 10 Eagle Street BRISBANE 4000
Address for service:	Level 4, 10 Eagle Street BRISBANE 4000
Telephone:	(07) 3221 3033
Fax:	(07) 3221 6661
Email address:	<u><a href="mailto:michaelconnor@connoromeara.com.au">michaelconnor@connoromeara.com.au</a></u>

**PARTICULARS OF THE FIRST RESPONDENT:**

Name:	BRISBANE CITY COUNCIL
Business Address:	c/- Brisbane City Legal Practice
Solicitor's name: and firm name:	Mr James Langham Brisbane City Legal Practice
Solicitor's business address:	Level 20, Brisbane Square, 266 George Street,

Brisbane 4000

Address for service: Level 20, Brisbane Square, 266 George Street,  
Brisbane 4000

Telephone: 3178 9079  
 Fax: 3334 0058  
 Email address: [james.langham@brisbane.qld.gov.au](mailto:james.langham@brisbane.qld.gov.au)

**PARTICULARS OF THE SECOND RESPONDENT:**

Name: SUNLAND DEVELOPMENTS NO. 8 PTY LTD  
 Business Address: C/- McCullough Robertson, Level 11, 66 Eagle  
Street, Brisbane 4000

Solicitor's name: Ms Rachel Jones  
 and firm name: McCullough Robertson  
 Solicitor's business address: Level 11, 66 Eagle Street, Brisbane 4000

Address for service: Level 11, Central Plaza Two, 66 Eagle Street,  
Brisbane 4000  
GPO Box 1855, Brisbane 4001

Telephone: 07 3233 8888  
 Fax: 07 3229 9949  
 Email address: [rjones@mccullough.com.au](mailto:rjones@mccullough.com.au)

**PARTICULARS OF THE THIRD RESPONDENT:**

Name: CHIEF EXECUTIVE ADMINISTERING THE  
*SUSTAINABLE PLANNING ACT 2009*

Business Address: C/- Norton Rose Fulbright Australia, Level 21,  
ONE ONE ONE, 111 Eagle Street, BRISBANE  
4000

Solicitor's name: Naomi Field / Courtney Hassall  
 and firm name: Norton Rose Fulbright  
 Solicitor's business address: Level 21, ONE ONE ONE, 111 Eagle Street,  
BRISBANE 4000

Address for service: Level 21, ONE ONE ONE, 111 Eagle Street,  
BRISBANE 4000

Telephone: 07 3414 2888  
 Fax: 07 3414 2999  
 Email address: [naomi.field@nortonrosefulbright.com](mailto:naomi.field@nortonrosefulbright.com);  
[courtney.hassall@nortonrosefulbright.com](mailto:courtney.hassall@nortonrosefulbright.com)

Signed: *Connor O'Meara*  
Description: Connor O'Meara  
Solicitors for the Applicant  
Dated: 21.06.2017

This application is to be served on:

1.  
BRISBANE CITY COUNCIL  
c/- Mr James Langham  
Brisbane City Legal Practice  
Level 20, Brisbane Square, 266 George Street  
BRISBANE 4000
  
2.  
SUNLAND DEVELOPMENTS NO. 8 PTY LTD  
C/- Ms Rachel Jones  
McCullough Robertson, Level 11, 66 Eagle  
Street  
BRISBANE 4000
  
3.  
CHIEF EXECUTIVE ADMINISTERING THE  
*SUSTAINABLE PLANNING ACT 2009*  
C/- Naomi Field / Courtney Hassall  
Norton Rose Fulbright Australia  
Level 21, ONE ONE ONE, 111 Eagle Street  
BRISBANE 4000