

## **History of Gillion Pty. Ltd. – commercial water extraction** **22-26 Power Pde, Tamborine Mountain**

- 2004** Power Pde property/small extraction business bought by Gillion. Business expanded.
- 2007** Planning Scheme introduces new code – “Commercial Ground Water extraction”  
Gillion now without appropriate permit
- 2008** Show Cause Notice issued by Council because of neighbours’ complaints.  
Legal proceedings commence.
- 2010\*** Court declares Gillion operation unlawful. Operations to cease \* till a  
Development Application is applied for & approved by Council
- 2011** Feb. – Gillion files Development Application with Council for permit for commercial  
water extraction.  
Nearly 1,000 submissions received objecting to this application.
- 2011** Oct. - Council refuses Gillion Development Application
- 2011** Nov. - Gillion files appeal in Planning & Environment Court.  
83 residents, including former owner of bore site, elect to stand as Co-Respondents  
(opposing appeal). Without the restricting time limit for registering individuals, more  
would have stood.
- 2013** March - Gillion appeal refused by P & E Court. Council was correct to refuse.
- 2013** Gillion refers the case to the Appeals Court (Supreme Court) claiming P & E  
judge had erred in law
- 2013** Nov. - Gillion hearing held in the Appeals Court
- 2014** Feb - The three Justices of the Appeals Court unanimously agreed with decision of  
P & E Court. (case refused)
- 2014** April - Trading on Power Pde ceased.

**2010\***.....an 8 week suspension of a cease operations order (2010) was issued to allow  
Gillion to continue trading whilst a Development Application was filed

Approx. 20 extensions to this suspension were granted allowing Gillion to trade  
till April 2014.

Thus ended about five years’ of hearings delivering substantial costs to residents in financing  
its legal team and experts. Last estimates, several years ago, put Council costs at over \$1m.

- 2014** July - Gillion re-submits to Council virtually the same Development Application, this time with accent on economic need  
Approx. 1,200 objections filed by residents
- 2015** May - Council refuses Development Application
- 2015** June – Gillion files notice of appeal in the P & E Court  
104 residents elect to stand as Co-Respondents (opposing appeal). Again, time restricted the numbers.
- 2015** Dec. – without prejudice conference held to narrow disputed issues
- 2016** Sept. – mediation meeting of all parties held
- 2017** Feb.– planned Court booking for one week’s trial suspended to first determine Gillion’s Minor Change application
- 2017** April - \*Minor Change hearing
- \* Since lodgment of the D A in 2014, Gillion has sold the bottling part of the business. Gillion’s sole proposed operation now is to sell water “at the gate”
- 2017** April - Minor Change approved and Development Application now has a new format.
- The changed D A has required further input from lawyers and experts regarding additional issues in dispute arising from the changed application.  
Amended grounds of appeal, both sides, are to be exchanged before the trial
- 2017** 25th to 29th Sept. - Gillion trial in the P & E Court, Brisbane  
Mountains of input from lawyers, experts and witnesses from both sides.
- 2017** 15th November – final summaries, both sides, P & E Court
- 2018** May, June - further submissions from all parties following the Bell case in Bne
- 2018** 5th October - judgment presented. Appeal dismissed.  
Appellant failed to demonstrate that there is a planning need for another commercial water extraction facility on Tamborine Mountain.
- 2018** Nov. – SRRC, through its lawyers, file for costs.  
Q C’s from both sides file lengthy submissions.
- 2019** Judge decides not to approve Council’s claim for costs.