# JOHN WARE

**YEAR OF CALL: 2016**



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John's practice is focused on disputes involving planning, environmental and resource approvals and land valuation and compensation. He regularly appears in Planning and Environment Court matters concerning development approvals and infrastructure conditions and charges. John also has extensive experience acting in Land Court matters involving disputed mining and gas tenure approvals as well as water rights, land valuation and compensation disputes. He also advises and appears in environmental compliance matters.

John has long been recognised as a leader in his field by various directories. He is listed in the Financial Review's Best Lawyers® for Planning and Environment Law (2020-2025), as a leading Environment and Planning Junior in The Legal 500 Asia Pacific (2021-2024), as a Leading Junior Counsel for Planning & Environment (Qld) by Doyle's (2019-2025) and is recommended in Who's Who Legal nationally for Environment and Climate Change (2018-2024).

John previously worked as a planning and environment partner at national law firm Clayton Utz (2000-2008) and international law firm Herbert Smith Freehills (2008-2016).

## AREAS OF PRACTICE

Judicial Review & Administrative, Native Title & Cultural Heritage, Planning & Environment, Resources & Energy.

## CASES

***Chief Executive of the Department of Environment and Science v NuGrow Ipswich Pty Ltd (No. 2)*** **[2026] QPEC 37**
October 2026, Planning & Environment

***Sullivan & Ors v Council of the City of Gold Coast & Anor*** **[2026] HCA 226**
October 2026, Appellate, Planning & Environment

***Pat Nolan Butchery Pty Ltd & Ors v Department of Transport and Main Roads (No 2)*** **[2026] QLC 19**
September 2026, Land Law & Property

***Pat Nolan Butchery Pty Ltd & Ors v Department of Transport and Main Roads*** **[2026] QLC 13**
August 2026, Land Law & Property

***Sullivan v Council of the City of Gold Coast*** **[2026] QCA 105**
June 2026, Planning & Environment

***Aus 8 Pty Ltd v Brisbane City Council & Ors*** **[2026] QPEC 19**
May 2026, Planning & Environment

***SVMJ 1234 Pty Ltd v Moreton Bay Regional Council & Ors*** **[2026] QPEC 18**
May 2026, Planning & Environment

***Rivermakers Pty Ltd v Brisbane City Council & Ors*** **[2026] QPEC 11**
March 2026, Planning & Environment

***Sullivan & Ors v Council of the City of Gold Coast & Anor*** **[2025] QPEC 20**
September 2025, Planning & Environment

***Walker Road Pty Ltd v Valuer-General*** **[2025] QLC 19**
September 2025, Land Law & Property

***JJJM Pty Ltd v Council of the City of Gold Coast*** **[2024] QPEC 9**
March 2024, Planning & Environment

***Aurizon Property Pty Ltd v The Chief Executive, Department of Transport and Main Roads*** **[2023] QLAC 1**
December 2023, Appellate, Land Law & Property

***Palmer v Council of the City of Gold Coast*** **[2023] QPEC 47**
November 2023, Planning & Environment

***Coles Group Property Developments Limited v Sunshine Coast Regional Council & Ors*** **[2023] QPEC 35**
September 2023, Planning & Environment

***Cleanaway Solid Waste Pty Ltd v Ipswich City Council & Ors*** **[2023]QPEC 26**
June 2023, Planning & Environment

***Austin BMI Pty Ltd v Ipswich City Council & Ors*** **[2023] QPEC 27**
June 2023, Planning & Environment

***McLucas & Ors, Gri & Ors & Vidjon & Ors v Council of the City of Gold Coast & Marquee Flora Pty Ltd*** **[2022] QPEC 56**
December 2022, Planning & Environment

***Riverside Development Pty Ltd v Brisbane City Council & Ors*** **[2022] QPEC 53**
December 2022, Planning & Environment

***Aurizon Property Pty Ltd v Chief Executive, Department of Transport and Main Roads*** **[2022] QLC 22**
December 2022, Land Law & Property

***Cannon Hill Investments Pty Ltd & Anor v Brisbane City Council & Anor*** **[2022] QPEC 46**
November 2022, Planning & Environment

***Carmelo Ginardi & Anor v Brisbane City Council*** **[2022] QPEC 24**
July 2022, Planning & Environment

***JH Northlakes Pty Ltd v Moreton Bay Regional Council*** **[2022] QPEC 18**
June 2022, Planning & Environment

***Desbois v Chief Executive, Department of Transport and Main Roads; Chief Executive, Department of Transport and Main Roads v Desbois*** **[2022] QLAC 1**
May 2022, Appellate, Land Law & Property

***Cox v Brisbane City Council & Anor*** **[2022] QPEC 10**
March 2022, Planning & Environment

***Traspunt No 7 Pty Ltd v Moreton Bay Regional Council*** **[2021] QCA 275**
December 2021, Planning & Environment, Appellate

***Emmanuel Drivas v Brisbane City Council & Anor*** **[2021] QPEC 68/i>**
December 2021, Planning & Environment

***Friends of Buddina Ltd v Sunshine Coast Regional Council & Anor*** **[2021] QPEC 57**
September 2021, Planning & Environment

***JSFNQ 1 Pty Ltd v Townsville City Council*** **[2021] QPEC 28**
June 2021, Planning & Environment

***Wormell Pty Ltd v Gold Coast City Council & Anor (No 2)*** **[2021] QPEC 22**
April 2021, Planning & Environment

***E.J. Cooper & Son Pty Ltd v Townsville City Council & Anor*** **[2021] QPEC 20**
March 2021, Planning & Environment

***Barro Group Pty Ltd v Sunshine Coast Regional Council*** **[2021] QPEC 18**
March 2021, Planning & Environment

***Traspunt No. 7 Pty Ltd v Moreton Bay Regional Council*** **[2021] QPEC 9**
February 2021, Planning & Environment

***Nadi Lane Projects 1 Pty Ltd v Brisbane City Council*** **[2021] QPEC 5**
February 2021, Planning & Environment

***Wormell Pty Ltd v Gold Coast City Council & Anor*** **[2021] QPEC 12**
February 2021, Planning & Environment

***Cleanaway Solid Waste Pty Ltd v Ipswich City Council & Ors*** **[2020] QPEC 47**
September 2020, Planning & Environment

***K&K (GC) Pty Ltd v Gold Coast City Council*** **[2020] QPEC 40**
August 2020, Planning & Environment

***Pembroke Olive Downs Pty Ltd v Sunland Cattle Co Pty Ltd & Ors*** **[2020] QLC 27**
July 2020, Planning & Environment

***Richards & Ors v Brisbane City Council & Ors*** **[2020] QPEC 26**
May 2020, Planning & Environment

***Clermont Quarries Pty Ltd v Isaac Regional Council*** **[2020] QPEC 18**
May 2020, Planning & Environment

***Murphy v Moreton Bay Regional Council & Anor*** **[2020] QPEC 10**
March 2020, Planning & Environment

***Taylor & Anor v Brisbane City Council*** **[2020] QPEC 5**
February 2020, Planning & Environment

***Maroochydore Sands Pty Ltd v Minister for State Development, Manufacturing, Infrastructure and Planning*** **[2019] QSC 319**
December 2019, Judicial Review & Administrative, Planning & Environment

***Wilson v Brisbane City Council & Anor*** **[2019] QPEC 64**
December 2019, Planning & Environment

***Mirvac Queensland Pty Ltd v Ipswich City Council & Anor*** **[2019] QPEC 62**
December 2019, Planning & Environment

***Vella's Plant Hire Pty Ltd v Mackay Regional Council & Anor*** **[2019] QPEC 60**
November 2019, Planning & Environment

***Peach v Brisbane City Council & Anor*** **[2019] QPEC 41**
August 2019, Planning & Environment

***Brookside Estate Pty Ltd v Brisbane City Council & Anor*** **[2019] QPEC 33**
July 2019, Planning & Environment

***Gold Coast City Council v K & K (GC) Pty Ltd*** **[2019] QCA 132**
June 2019, Planning & Environment, Appellate

***Ashvan Investments Unit Trust v Brisbane City Council & Ors*** **[2019] QPEC 16**
April 2019, Planning & Environment

***Smout v Brisbane City Council* [2019] QPEC 10**
March 2019, Planning & Environment

***Murphy v Moreton Bay Regional Council & Anor; Australian National Homes Pty Ltd v Moreton Bay Regional Council & Anor* [2018] QPEC 63**
December 2018, Planning & Environment

***The Planning Place Pty Ltd v Brisbane City Council* [2018] QPEC 62**
December 2018, Planning & Environment

***Beauchamp v Brisbane City Council* [2018] QPEC 43**
September 2018, Planning & Environment

***Trask Development Corporation No 2 Pty Ltd v Moreton Bay Regional Council* [2018] QSC 170**
August 2018, Judicial Review & Administrative, Planning & Environment

***Parmac Investments Pty Ltd v Brisbane City Council* [2018] QPEC 32**
June 2018, Planning & Environment

***Guerin v Scenic Rim Regional Council* [2018] QPEC 016**
March 2018, Planning & Environment

***The Avenues Highfields Pty Ltd v Toowoomba Regional Council* [2017] QPEC 48**
August 2017, Planning & Environment

## EXPERIENCE

An overview and examples of John's experience, both as barrister and solicitor, include:

### PLANNING

John has extensive experience in representing private sector clients and local and State government agencies in planning disputes regarding their infrastructure, commercial, resources, entertainment and residential projects. His experience includes appearing in the following Planning and Environment Court matters:

> Successfully defending proceedings challenging the validity of a development approval for the landmark $2.5 billion Waterfront Brisbane project in Brisbane's CBD (including an appeal to the Court of Appeal, which was settled) (led by Gore KC).

> Successfully defending an appeal against the refusal of a proposed development comprising 3,000 multiple dwellings in 41 buildings of up to 8 storeys in height on 76 hectares of land at Merrimac on the Gold Coast (led by Litster KC).

> Appearing for the State of Queensland in three competing landfill facilities in Ipswich involving over 40 technical witnesses and a hearing time in the order of 8 weeks, one of the longest in the Court's history (led by D O'Brien KC).

> Successfully defending a three-week appeal against a refusal of proposed $2 billion satellite suburb south of Townsville featuring 5,100 lots on a large (1,189ha) rural holding (led by Job KC).

> Appearing in the first appeal to consider an application for the conversion of  non-trunk infrastructure, to trunk infrastructure (led by Gore KC)  .

> Successfully defending an appeal (including to the Court of Appeal) by a developer which sought to change an infrastructure condition from non-trunk (under s.145 of the *Planning Act 2016*) to necessary trunk infrastructure under s.128 of that same Act (leg by Gore KC).

> Appearing for the successful local authority in the landmark Planning and Environment Court decision of *Ashvan Investment Unit Trust v Brisbane City Council & Ors* [2019] QPEC 16 (led by Bain KC).

> Acting for a developer in relation to an appeal against the refusal of part of its master-planned residential and commercial on 400 hectare site, which was ultimately settled after two mediations (led by Gore KC).

> Acting for the proponent of a 40MW solar farm on Queensland's Darling Downs in an objector appeal against the local authority's approval, which settled before hearing.

> Appearing in an urgent application to extend a lapsed development approval for a 200MW solar farm on the Western Downs in Queensland which had commenced construction.

> Appearing in several appeals concerning development applications for child care centres.

> Acting in numerous appeals in relation to shopping centre proposals, often involving challenges by commercial competitors.

> Acting in several appeals (including to the Court of Appeal) related to proposed service stations and convenience shops.

> Acting in several matters concerning the refusal of development applications for the demolition of a character houses.

> Acting in numerous matters involving disputed extensions of currency periods for existing development approvals.

> Acting in numerous matters involving contested and uncontested applications for minor changes to development applications and approvals.

## ENVIRONMENT

John advises and appears for corporate entities as well as government bodies in relation to environmental approvals and compliance.

> Acting for an environmental regulator in relation to Planning and Environment Court proceedings for enforcement orders in relation to odour nuisance from a composting facility.

> Acting for a quarry operator in relation to a Planning & Environment Court proceeding involving an allegation that a proposed extractive industry use on a disused mine site would have unacceptable environmental impacts.

> Acting for a local authority in relation to Planning & Environment Court proceedings in relation to an application for enforcement orders regarding air and noise nuisance arising from the maintenance operations at a commercial marina.

> Acting for an international gas company in relation to an environmental prosecution arising out of an uncontrolled release from an oil pipeline.

> Acting for a manufacturing company in relation to an environmental prosecution arising out of dust emissions.

> Acting for landowners and local authorities in relation to numerous Planning and Environment Court enforcement proceedings for alleged earthworks and tree clearing offences.

> Acting for and advising a property developer on approvals strategy in relation to a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999*.

## ENERGY & RESOURCES – APPROVALS AND ASSOCIATED DISPUTES

Over his career John has worked alongside many major companies in relation to advising on approvals required for resources projects and handling associated disputes.

As counsel:

> Retained as junior counsel for the applicant a Land Court hearing in relation to objections to mining leases and environmental authorities and compensation for an open cut coal mining project in the Bowen Basin, which was resolved after mediation (led by Damian Clothier KC).

> Retained as junior counsel (led by S Holt KC) in an objections hearing in the Land Court in relation to mining lease applications for a $1 billion mining complex with steel making coal reserves of 529M tonnes in the Bowen Basin with an expected life of 80 years.

As solicitor:

> Advising on approvals strategy for the Ensham Mine expansion project.

> Acting for an applicant in relation to Land Court objection hearings for the expansion of the Ebenezer Mine.

> Advising a leading oil and gas producer on project approvals required for an $18 billion Liquefied Natural Gas project.

> Advising a leading national energy company in relation to environmental and water issues associated with the development of its coal seam gas assets.

> Advising an international oil and gas company on issues associated with national hydraulic fracturing operations.

## COMPULSORY ACQUISITION AND VALUATION DISPUTES

John regularly advises on and appears in the Land Court and Land Appeal Court in relation to compulsory acquisition claims for compensation and valuation disputes.

> Appearing for the claimant in a disputed compensation claim for compulsory acquisition of land for flood mitigation purposes in Townsville in the Land Court and Land Appeal Court which ultimately settled after being remitted for rehearing in the Land Court (led by Gore KC).

> Appearing for the resuming authority in a disputed compensation claim for compulsory acquisition of land for road purposes near Mackay in the Land Appeal Court and the remitted hearing to the Land Court (led by Rob Anderson KC).

> Acting for a local authority in defending a claim for compensation for compulsory acquisition of land for road purposes north of Brisbane in the Land Court.

> Acting for several claimants in relation to compensation claims for compulsory acquisition of land for the Cross River Rail project, including referrals to the Land Court for determination.

## RECOMMENDATIONS

As a barrister:

**The Legal 500** Asia Pacific

2026

2025 – *"His strengths include his technical legal skill, legal analysis and legal strategy. John has a very good temperament and rarely gets noticeably flustered. John respects and values the input of instructing solicitors".*

2024 – "*His strengths include his ability to stay clam and focused in working through each area of a matter. He has a great attention to detail. He is respectful in court and is not provocative or easily provoked. He is always courteous and professional and willing to match your teams needs*"

2021- 23 – "*…can claim to have a pure environment and planning practice*".

**Doyle's Guide to the Australian Legal Profession**

2019-2026 – Leading Junior Counsel for Planning & Environment (Qld)

2018 – Recommended Junior Counsel for Planning & Environment (Qld)

**Australian Financial Review *Best Lawyers*®**

2020-27 – Planning and Environment Law

2022 – "Lawyer of the Year" – Planning and Environmental Law in Brisbane

**Lexology Index (formerly Who's Who Legal)**

2022-25 – recommended nationally for Environment & Climate Change

2018-2025 – recommended globally for Environment

As a solicitor:

**Chambers & Partners Asia Pacific**

2011-2016 – Environment – *"…for his planning and infrastructure expertise. He offers significant experience in handling environmental approvals work associated with large scale projects"*

**Australian Financial Review *Best Lawyers*®**

2012-2016 – Environment & Climate Change

## MEMBER

Member, Bar Association of Queensland

Member, Bar Association of Australia

Member, Queensland Environmental Law Association

## CAREER

**2016** Barrister

**2008** Partner, Herbert Smith Freehills

**2000** Partner, Clayton Utz

**1995** Senior Associate, Clayton Utz

**1992** Solicitor, Clayton Utz

## EDUCATION

A graduate of the University of Queensland, John holds Bachelor of Arts (majoring in economics) and Bachelor of Laws degrees.

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