

JOHN WARE

YEAR OF CALL: 2016

With over twenty-five years of experience as a leading lawyer in the fields of planning, environment and related administrative law for private and government entities, clients can be confident that John will guide them commercially, strategically and sensitively.

John advises and litigates for clients, acting both solo and in teams, in relation to matters concerning development approvals, infrastructure, energy and resources projects, environmental approvals, compliance and incident response, based on his extensive experience in the field as a partner at Clayton Utz and Herbert Smith Freehills.

As a solicitor, John was lauded by the market “...for his planning and infrastructure expertise. He offers significant experience in handling environmental approvals work associated with large scale projects” (Chambers & Partners Asia Pacific 2011-2016). He draws on his case management background to collaborate with clients in an expert and user friendly manner.

Whilst practicing predominantly in the planning and environment field, John is also instructed in disputes relating to energy and resources, water, valuation and administrative law.

AREAS OF PRACTICE

Building & Construction, Contract, Judicial Review & Administrative, Land Law & Property, Native Title & Cultural Heritage, Planning & Environment, Resources & Energy.

CASES

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

LEVEL

TWENTY
SEVEN

CHAMBERS



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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:

ENVIRONMENT

John assists the most significant multi-national and national companies as well as government bodies on sensitive environmental concerns surrounding their commercial projects.

As counsel:

- › 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 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. The matter settled after two days of the hearing.
- › Acting for an international gas company in relation to an environmental prosecution arising out of an uncontrolled release from an oil pipeline.
- › Acting and advising a property developer on approvals strategy in relation to a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999*.

As solicitor:

- › Advising a transnational utility company on environmental approvals associated with a CSG associated water recycling plant in the Surat Basin.
- › Advising the world's largest commercial explosives provider in relation to environmental issues associated with its Chemicals Complex.
- › Advising a state electricity operator in relation to all environmental, planning and cultural heritage approvals required for numerous major high voltage power line projects.
- › Acting for mining companies, property developers, service station operators and manufacturers in relation to environmental incident management, including environmental prosecution and enforcement proceedings.
- › Advising resource companies in relation to environmental approvals required for new projects and proposed expansions of existing mine sites including associated infrastructure.

PLANNING

Having worked with numerous commercial companies across a number of sectors and local and State government agencies, John is able to review matters from all angles to better inform clients regarding their infrastructure, commercial, resources, entertainment and residential projects.

As counsel:

- › Acting as junior counsel (led by Bain QC) for the successful local authority in the landmark Planning & Environment Court decision of *Ashvan Investment Unit Trust v Brisbane City Council & Ors* [2019] QPEC 16.
- › Acting in a matter concerning whether the circumstances warranted a decision to convert non-trunk

infrastructure, which was the subject of conditions, to trunk infrastructure.

- › Acting in a matter concerning the refusal of a masterplanned community of 12,000 persons on a greenfield site outside the urban designation under the relevant planning scheme.
- › Acting in a matter concerning an objector appeal against the approval of a solar farm.
- › Acting in a matter concerning refusal of a proposed 114 place child care centre.
- › Acting in a matter involving appeals related to competing local shopping centre proposals.
- › Acting in several appeals (including to the Court of Appeal) related to proposed service stations and convenience shops.
- › Acting in a matter concerning the refusal of the demolition of a heritage structure.
- › Acting in numerous matters involving appeals regarding multiple dwellings.
- › Acting in numerous matters involving appeals regarding proposed subdivision of land.
- › 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.

As solicitor:

- › Advising one of Australia's largest commercial real estate companies in relation to the ongoing development of a community project which comprises 28 stages and over 1,000 lots.
- › Advising a property developer on a AUD 1.2 billion development on a former railway yard comprising 1,100 units and houses as well as a commercial precinct.
- › Advising a state body in relation to town planning, environmental and heritage issues associated with the redevelopment of a major hospital.
- › Worked with a major resources, manufacturing and distribution organisation on all its environmental and planning approvals required for its 40 year quarry project which involved clearing native vegetation, State and Federal koala habitat approvals and clearances, water quality, traffic and infrastructure contribution issues.
- › Advising a state Government entity on all town planning and environmental issues associated with the AUD 603 million sale of Forestry assets.
- › Advising a multinational construction, property and infrastructure company in relation to a successful Planning and Environment Court action to defend a Council decision to refuse a regional shopping centre proposal.

› Advising on all planning approvals for a golf course, resort and residential development including the conduct of two successful Planning and Environment Court appeals.

ENERGY & RESOURCES

Over his career John has worked alongside many major companies concerning energy and resources projects. He is therefore well positioned to navigate all related approvals from a practical and commercial point of view.

As counsel:

› Retained as junior counsel (led by Clothier QC) for the applicant in *Burnett & Ors: Hannigan & Associates & Ors* (Land Court : MRA/EPA 398-15 to 405-15). The matter involved a Land Court hearing in relation to objections to mining leases and environmental authorities for the Moorlands Project, an open cut coal mining project. The matter was resolved after mediation.

As solicitor:

- › Providing advice on environmental approvals for the Adani Coal Mine.
- › 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 global coal company on the environmental aspects of its acquisition of a national coal company.
- › Acting for bidder for the Australian coal assets of Rio Tinto.
- › Advising a leading oil and gas producer on project approvals required for an AUD 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 a leading national energy company in relation to development approvals required for its proposed gas fired power station.
- › Advising an international oil and gas company on issues associated with national hydraulic fracturing operations.

RECOMMENDATIONS

As a barrister:

The Legal 500 Asia Pacific

Leading Junior in Environment & Planning

2021 – “...can claim to have a pure environment and planning practice”.

Doyle’s Guide to the Australian Legal Profession

2021 – Leading Junior Counsel for Planning & Environment (Qld)

2020 – Leading Junior Counsel for Planning & Environment (Qld)

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

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

Australian Financial Review *Best Lawyers*®

2020-22 – Planning and Environment Law

Who’s Who Legal

2018-2019 – Environment

As a solicitor:

Chambers & Partners Asia Pacific

2011-2016 – Environment

Australian Financial Review *Best Lawyers*®

2012-2016 – Environment & Climate Change

MEMBER

Member, Bar Association of Queensland

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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