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EDO ALERT – Win for Yeronga Memorial Park!

Citation: Kirkham v Brisbane City Council [2007] QPEC

Excellent news – Ruth Woods and self-represented appellants, Rex Kirkham and Patricia Daly of Friends of Yeronga Memorial Park, have won their appeal against the Brisbane City Council's approval for a development application by Souths Rugby Union Club.

Many thanks to barrister Michael Labone who did an excellent job of appearing on behalf of Ruth Woods at short notice. Thanks also to Rod Litster, barrister, for his support and to Brent Lilywhite of Deacons who provided significant pro-bono assistance. The win would not have been possible without the expert evidence of Catherine Brouwer, Michael Kennedy, Margaret Cook, Chris Buckley and John Mulholland.

The EDO and community group *Friends of Yeronga Memorial Park* are celebrating a rare win against a council development approval. EDO Qld acted for Ruth Woods in a planning appeal against Brisbane City Council's decision to approve a rugby union field in Yeronga Memorial Park. Ruth Woods, together with self-represented appellants, Rex Kirkham and Patricia Daly of *Friends of Yeronga Memorial Park*, opposed an application by Souths Rugby Union club for a second competition oval in Yeronga Memorial Park. The proposed development was adjacent to a line of memorial fig trees planted in 1917 to commemorate local soldiers who did not return from WWI. The appeals were allowed and the Brisbane City Council's approval set aside.

His Honour Judge Brabazon of the Planning & Environment Court found the planning controls were against the proposal. Based on the appellants' expert evidence, Judge Brabazon found: *"The Physical alterations to the oval, and above all, its new and active use as a field for rugby games, would damage the landscape and cultural heritage of the park. ... There would be an adverse impact on the very sensitive memorial values of Honour Avenue."*

This case is an example of what can be achieved by a motivated and well organised community group. It is a well deserved win and the result of hard work by appellants Ruth Woods, Rex Kirkham and Patricia Daly together with their team of supporters.

For more information contact Anita O'Hart at EDO Qld.