

IN THE HIGH COURT OF AUSTRALIA
CANBERRA REGISTRY

No. C3 of 2014

ON APPEAL FROM THE SUPREME COURT OF THE AUSTRALIAN CAPITAL
TERRITORY, COURT OF APPEAL

BETWEEN: Argos Pty Ltd A.C.N. 008 524 418
First Appellant

10 Cavo Pty Ltd ATF Demos Family Trust T/AS IGA Kaleen Supermarket
A.C.N. 096 897 862
Second Appellant

Koumvari Pty Ltd ATF Vizadis Family Trust T/AS IGA Evatt Supermarket
A.C.N. 081 122 492
Third Appellant

and

20 Simon Corbell, Minister for the Environment and Sustainable Development
First Respondent

AMC Projects Pty Ltd A.C.N. 092 706 128
Second Respondent

Nikias Nominees Pty Ltd A.C.N. 008 519 775
Third Respondent

30 Australian Capital Territory Planning and Land Authority
Fourth Respondent

Australian Capital Territory Executive
Fifth Respondent



Combined Residents Action Association Incorporated
Association Number A05140
Sixth Respondent

40 **APPELLANTS' CHRONOLOGY**

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Part I:

I certify that this chronology is in a form suitable for publication on the internet.

Part II:

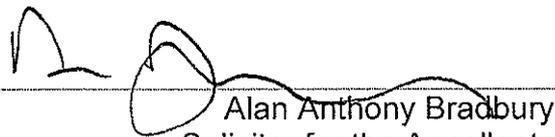
The following table sets out a chronology of the principal events in the litigation:

No.	Date	Event	Reference
1.	6 March 2008	Nikias makes development application (the first application) to develop Blocks 4 and 5 Section 79 Giralang (the Site) for a residential/commercial development comprising 3 commercial units and 13 residential units.	
2.	6 September 2008	The first application is refused by the ACT Planning and Land Authority (ACTPLA).	
3.	17 March 2009	Nikias lodges another development application (the second application) in relation to the Site, seeking approval for a commercial development comprising a supermarket of 2561m ² Gross Floor Area (GFA) and 5 specialty shops.	
4.	3 September 2009	ACTPLA refuses development approval to the second application.	
5.	1 March 2010	Nikias makes a further application for approval (the third application) to carry out commercial development at the Site, comprising a supermarket described in the application as 1666.7m ² GFA and specialty shops.	
6.	5 October 2010	ACTPLA approves the third application.	
7.	2 November 2010	The appellants (and several other persons) seek review of ACTPLA's decision to approve the third application in the ACT Civil and Administrative Tribunal (ACAT).	

8. 18 March 2011 By consent, ACAT orders that ACTPLA's decision approving the third application be set aside and substituted with a decision that the application is refused with each party to bear its own costs.
9. 14 April 2011 Economic Impact Assessment prepared for Nikias in relation to fourth application by Duane Location IQ.
10. 27 April 2011 Nikias makes a further development application (**the fourth application**) for the development of the Site for commercial purposes involving a supermarket described in the application as 1500m² GFA and specialty shops. This application was publicly notified from 29 April 2011 until 20 May 2011. The Economic Impact Assessment was included in this application, but was not made publicly available.
11. 6 May 2011 Chris Haridemos, a director of the second appellant, attends ACTPLA's offices to obtain copy of fourth application
12. 18 May 2011 Argos Pty Ltd (**the first appellant**) lodges representation on fourth application with ACTPLA. In support of and attached to this representation is an economic impact report prepared for the first appellant by Peter Leyshon dated 17 May 2011.
13. 18 May 2011 and 19 May 2011 Representations about fourth application made by Cavo Pty Ltd (**the second appellant**)
14. 18 May 2011 Representation about fourth application made by the Combined Residents Action Association Incorporated (**the sixth respondent**)
15. 18 May 2011 Representation about the fourth application made by Koumvari Pty Ltd (**the third appellant**)

16. 19 May 2011 CBRE Town Planning makes representations about the fourth application on behalf of the second appellant, the third appellant, the sixth respondent and also Supabarn Supermarkets Pty Ltd.
17. 16 June 2011 Direction by Minister to ACTPLA "calling in" the fourth application for determination by the Minister
18. 11 August 2011 Minister gives public notice of his decision to consider the fourth application
19. 17 August 2011 Minister approves the fourth application subject to conditions
20. 13 September 2011 Argos and others commence proceedings in ACT Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989*
21. 6 July 2012 Burns J dismisses the application.
22. 2 August 2012 Notice of Appeal filed with Court of Appeal
23. 26-29 March 2013 Appeal hearing in Court of Appeal before Cowdroy J, Penfold J and Nield AJ
24. 29 November 2013 Judgment in Court of Appeal
25. 21 May 2014 Grant of Special Leave by the High Court of Australia

Dated: 20 June 2014



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