



## **City of Parramatta Council Current Legal Cases & Status for the period of August 2023**

### **Executive Summary**

1. Advice on Council Court proceedings for the period of 1 August 2023 – 31 August 2023 inclusive, is contained in this report.

### **Current Legal Matter Statistics**

#### *Land and Environment Court*

- 30 x Class 1 Appeals
- 1 x Class 3 Appeal

#### *Local Court*

- 12 x Council Prosecutions

### **Finalised Legal Matters Statistics**

#### *Land and Environment Court*

- 2 x Class 1 Appeals

#### *Local Court*

- 0 x Local Court

Legal Services Status Report

*As at 31 August 2023*

**Land and Environment Court proceedings – Class 1 Appeals**

1.	<p>• <b>Property Address:</b> 135 Victoria Road, North Parramatta</p> <p>• <b>Applicant:</b> J S Architects</p> <p>• <b>Proceedings No.:</b> 268375/23</p> <p><u><b>New Matter</b></u></p>	<p><b>Description:</b> Appeal against the deemed delegated refusal of DA/330/2023 for demolition of the existing dwelling, tree removal and construction of a two storey boarding house with basement parking and Strata Title subdivision into 10 lots.</p> <p><b>Issues:</b> TBA</p> <p><b>Prospects:</b> TBA</p>	<p><b>Status:</b> Appeal is listed for first return date on <b>21 September 2023</b></p> <p><b>Solicitors:</b> TBA</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Planner</p>
2.	<p>• <b>Property Address:</b> 7 Yates Avenue, Dundas Valley</p> <p>• <b>Applicant:</b> M Group Invest Pty Ltd</p> <p>• <b>Proceedings No.:</b> 260699/23</p> <p><u><b>New Matter</b></u></p>	<p><b>Description:</b> Appeal against the PLPP deemed delegated refusal of DA/7/2023 for the amalgamation of two separate land parcels, tree removal, demolition of existing structures and construction of a two storey 83 place centre-based childcare facility with 22 parking spaces on the lower ground floor.</p> <p><b>Issues:</b> LEP Objectives. Non-compliance with childcare Regulations and Guidelines, Site Suitability and streetscape.</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for first return date on <b>13 September 2023</b></p> <p><b>Solicitors:</b> In-House Legal</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Planner</p>
3.	<p>• <b>Property Address:</b> 37 Hillcrest Avenue,</p> <p>• <b>Applicant:</b> Trevor Staveley</p> <p>• <b>Proceedings No.:</b> 237592/23</p> <p><u><b>New Matter</b></u></p>	<p><b>Description:</b> Appeal against a Development Control Order requiring the demolition of unauthorized retaining walls and fill.</p> <p><b>Issues:</b> Consent required but not obtained</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for section 34 conciliation conference on 18 December 2023.</p> <p><b>Solicitors:</b> In-House Legal</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Planner</p>
4.	<p>• <b>Property Address:</b> 52 Hammers Road, Northmead</p> <p>• <b>Applicant:</b> Nortmead P Pty Ltd</p> <p>• <b>Proceedings No.:</b> 180452/23</p> <p><u><b>New Matter</b></u></p>	<p><b>Description:</b> Appeal against the PLPP deemed refusal of DA/314/2023 for demolition, tree removal and construction of a 76 place child care centre with basement parking.</p> <p><b>Issues:</b> TBA</p> <p><b>Prospects:</b> TBA</p>	<p><b>Status:</b> Appeal is listed for section 34 conciliation conference on <b>11 September 2023</b></p> <p><b>Solicitors:</b> In-House Legal</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Planner</p>
5.	<p>• <b>Property Address:</b> 45-49 Asquith Street, Silverwater</p> <p>• <b>Applicant:</b> ACFU International Pty Limited &amp; Ors</p> <p>• <b>Proceedings No.:</b> 180452/23</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> Appeal against the s8.3 Review of the delegated refusal of DA/159/2021 for demolition of the existing dwellings, tree removal, and construction of a multi dwelling housing development containing eleven townhouses with basement level parking for twenty-two resident vehicles and three visitor spaces.</p> <p><b>Issues:</b> Stormwater</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for section 34 conciliation conference on <b>30 October 2023</b></p> <p><b>Solicitors:</b> In-House Legal</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Planner Development Engineer</p>

6.	<p>• <b>Property Address:</b> 132 Victoria Road, Rydalmere</p> <p>• <b>Applicant:</b> J S Architects Pty Ltd</p> <p>• <b>Proceedings No.:</b> 200193/2023</p> <p><b><u>New Matter</u></b></p>	<p><b>Description:</b> Appeal against the refusal of DA/210/2023 for demolition and construction of a 7-storey mixed use development to be comprised of 3 retail tenancies and 45 residential apartments, including affordable apartments, over 3 levels of basement parking. The application is made pursuant to the State Environmental Planning Policy (Housing) 2021. The development is Nominated Integrated pursuant to the Water Management Act 2000.</p> <p><b>Issues:</b> Height/FSR/Design Quality/landscaping/ ground water/geotechnical impacts of excavation</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for section 34 conciliation conference on <b>29 January 2024</b></p> <p><b>Solicitors:</b> In-House Legal</p> <p><b>External experts:</b> Hydraulic and geotechnical engineering - Dr Daniel Martens</p> <p><b>Internal experts:</b> Planner Landscape officer Urban designer</p>
7.	<p>• <b>Property Address:</b> 14 Windermere Avenue, Northmead</p> <p>• <b>Applicant:</b> Monique Barakat</p> <p>• <b>Proceedings No.:</b> 107525/2023</p> <p><b><u>Existing Matter</u></b></p>	<p><b>Description:</b> Appeal against deemed refusal by the PLPP of DA/964/2022 seeking approval for the demolition of existing structures, tree removal and construction of a three-storey, 88-place Child Care Facility.</p> <p><b>Issues:</b> Bulk &amp; Scale/Height/Heritage/Solar Access/Natural Light and Ventilation/Landscape/stormwater/emergency evacuation</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for section 34 conciliation conference on <b>11 September 2023</b></p> <p><b>Solicitors:</b> In-house Legal Services</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Planner Development Engineer Landscape Officer Accessibility Officer</p>
8.	<p>• <b>Property Address:</b> 7-7A Gaggin Street North Parramatta</p> <p>• <b>Applicant:</b> Albert Sahyoun</p> <p>• <b>Proceedings No.:</b> 125558/2023</p> <p><b><u>Existing Matter</u></b></p>	<p><b>Description:</b> Appeal against refusal by Council of DA/670/2022 seeking approval for the demolition, tree removal and construction of a two (2) storey, forty-three (43) place childcare centre with basement carparking.</p> <p><b>Issues:</b> Site selection/Bulk &amp; Scale/ Landscape/Privacy Impacts/Stormwater/Accessibility/Earthworks</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for section 34 conciliation conference on <b>10 October 2023</b></p> <p><b>Solicitors:</b> In-house Legal Services</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Planner Development Engineer Landscape Officer Accessibility Officer</p>
9.	<p>• <b>Property Address:</b> 19 Tracey Street, Carlingford</p> <p>• <b>Applicant:</b> St Joseph Company Pty Ltd</p> <p>• <b>Proceedings No.:</b> 61648/2023</p> <p><b><u>Existing Matter</u></b></p>	<p><b>Description:</b> Appeal against the deemed refusal by the PLPP of DA/5/2023 seeking approval for the Demolition, tree removal and construction of a part one and part three storey, 42 place childcare centre with basement parking.</p> <p><b>Issues:</b> Bulk &amp; Scale/Transport &amp; Infrastructure SEPP/stormwater/Landscape/accessibility/acoustics</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for resumed s34 conciliation conference on <b>11 September 2023</b></p> <p><b>Solicitors:</b> In-house Legal Services</p> <p><b>External experts:</b> Dan Dang (Acoustic Consultant)</p> <p><b>Internal experts:</b> Planner Development Engineer Landscape Officer Accessibility Officer</p>
10.	<p>• <b>Property Address:</b> 50 Thane Street, Wentworthville</p> <p>• <b>Applicant:</b> Canniesburn Pty Ltd ATF Syd Recon Trust</p> <p>• <b>Proceedings No.:</b> 44037/2023</p> <p><b><u>Existing Matter</u></b></p>	<p><b>Description:</b> Appeal against the refusal by Council of DA/1023/2021 seeking approval of a Staged development: Stage 1 - Torrens Title subdivision of existing lot into three (3) lots with retention of the existing dwelling on Lot 1, demolition of the existing swimming pool and outdoor shades, and tree removal; Stage 2 - Construction of two (2) dual occupancy developments on Lot 2 and Lot 3; Stage 3 - Torrens Title subdivision of the two (2) dual occupancies into four (4) lots.</p> <p><b>Issues:</b> Biodiversity, minimum lot size, traffic, design and amenity</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for resumed Section 34 Conciliation Conference on <b>11 September 2023</b></p> <p><b>Solicitors:</b> In-house Legal Services</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Planner Biodiversity Officer Traffic Engineer</p>

11.	<p>• <b>Property Address:</b> 79-79A Kissing Point Road &amp; 7 St Andrews Street Dundas</p> <p>• <b>Applicant:</b> HVH Investments Pty Ltd</p> <p>• <b>Proceedings No.:</b> 63219/2023</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> Appeal against the deemed refusal by the PLPP of DA/14/2023 seeking approval for Demolition, tree removal, site consolidation and construction of two part 5 and part 6 storey residential flat buildings with 3 levels of basement carparking. The application is Nominated Integrated development pursuant to the Water Management Act 2000.</p> <p><b>Issues:</b> WaterNSW and Transport for NSW concurrence, Bulk and Scale, Height, Earthworks</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for resumed section 34 Conciliation Conference on <b>11 September 2023</b></p> <p><b>Solicitors:</b> In-House Legal</p> <p><b>External experts:</b> Matthew McCarthy - Traffic consultant</p> <p><b>Internal experts:</b> Planner Urban Design Accessibility Stormwater management</p>
12.	<p>• <b>Property Address:</b> 379 Kissing Point Road, Ermington.</p> <p>• <b>Applicant:</b> Ermington Projects Pty Ltd</p> <p>• <b>Proceedings No.:</b> 382243/2022</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> Appeal seeking to modify Development Consent DA/399/2020 granted by the Land and Environment Court on 8 June 2021, approving the demolition, tree removal and construction of a two storey 78 place childcare centre over basement parking. The modification seeks deletion of the deferred commencement conditions relating to stormwater.</p> <p><b>Issues:</b> Stormwater, impact on adjoining properties</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for hearing on <b>27 and 28 September 2023</b></p> <p><b>Solicitors:</b> In-house Legal Services Counsel: Matt Harker</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Stormwater engineer Planner Landscape (horticulturalist/arborist)</p>
13.	<p>• <b>Property Address:</b> 441-443 Wentworth Avenue, Toongabbie</p> <p>• <b>Applicant:</b> JS Architects Pty Ltd</p> <p>• <b>Proceedings No.:</b> 286544/2022</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> Appeal against the refusal of DA/145/2022 seeking approval for demolition of existing structures, tree removal and construction of a multi housing development consisting of 12 x 2 storey plus attic dwellings (4 of which are to be used as 'affordable housing')</p> <p><b>Issues:</b> Bulk and Scale, Privacy, Overshadowing, Building Separation, Solar Access and Accessibility</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal was heard on 10 – 12 July 2023 and is reserved for judgment</p> <p><b>Solicitors:</b> In-House Legal Services Counsel - Matt Harker</p> <p><b>External Experts:</b> Nil</p> <p><b>Internal Experts:</b> Planner Urban Designer Stormwater engineer Landscape (horticulturalist/arborist) Environmental expert (biodiversity) Accessibility expert</p>
14.	<p>• <b>Property Address:</b> 14 Cunningham Road, Telopea</p> <p>• <b>Applicant:</b> Tham Wan Wong</p> <p>• <b>Proceedings No.:</b> 229334/2022</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> Appeal against the refusal of DA/968/2021 seeking approval for the demolition, tree removal and construction of a five storey boarding house comprising of 26 rooms with at-grade parking and 2 levels of basement parking. The application is Nominated Integrated Development under the Water Management Act 2000.</p> <p><b>Issues:</b> State Infrastructure contributions, Character, Design Excellence, Deep Soil/Landscaping, Parking, Bulk and Scale, Setbacks, Groundwater management, Room sizes</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for hearing on <b>13-15 September 2023</b></p> <p><b>Solicitors:</b> In-House Legal Counsel -Matt Harker</p> <p><b>External Experts:</b> Brendan Randles (Urban Design Expert)</p> <p><b>Internal Experts:</b> Planner Traffic engineer Stormwater engineer Accessibility expert</p>
15.	<p>• <b>Property Address:</b> 188-190 Junction Road, Winston Hills</p> <p>• <b>Applicant:</b> MNM Brothers Pty Ltd</p> <p>• <b>Proceedings No.:</b> 82808/2023</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> Appeal against the refusal of DA/13/2023 seeking approval for demolition, tree removal and construction of a two (2) storey, one-hundred (100) place childcare centre with basement carparking.</p> <p><b>Issues:</b> Bulk and Scale/Site Suitability/unencumbered outdoor play area/air pollution/parking</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for s34 conciliation conference status update via online Court on <b>11 September 2023</b></p> <p><b>Solicitors:</b> In-House Legal Services</p> <p><b>External experts:</b> Matt McCarthy (Traffic Consultant)</p> <p><b>Internal experts:</b> Planner Health Officer Accessibility Officer Traffic Engineer</p>

16.	<p>• <b>Property Address:</b> 51 Railway Street, Granville</p> <p>• <b>Applicant:</b> Railway 51 Pty Ltd</p> <p>• <b>Proceedings No.:</b> 87203/2023</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> Appeal against the refusal of DA/880/2021 seeking approval for Demolition and construction of a 5 storey residential flat building containing 4 units and basement parking.</p> <p><b>Issues:</b> Bulk and Scale/flood/height</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for s34 conciliation conference status update via online Court on <b>14 September 2023</b></p> <p><b>Solicitors:</b> In-House Legal Services</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Planner Urban Design Officer Senior Catchment and Development Engineer</p>
17.	<p>• <b>Property Address:</b> 52 Essex Street, Granville</p> <p>• <b>Applicant:</b> Archian Pty Ltd</p> <p>• <b>Proceedings No.:</b> 96466/2023</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> Appeal against refusal by PLPP of DA/416/2022 seeking approval for tree removal and construction of an 80 place child care centre with basement car parking. The development proposal has been re-notified in relation to modification to the site layout and external changes to the building and reduction in number of children from 88 places to 80 places.</p> <p><b>Issues:</b> Contamination/Heritage Conservation/Traffic</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for section 34 conciliation conference on <b>19 September 2023</b></p> <p><b>Solicitors:</b> In-House Legal Services</p> <p><b>External experts:</b> Ken Hollyoak – Traffic Consultant</p> <p><b>Internal experts:</b> Planner</p>
18.	<p>• <b>Property Address:</b> 11-13 Campbell Street, Northmead</p> <p>• <b>Applicant:</b> GMD Campbell Unit Trust</p> <p>• <b>Proceedings No.:</b> 237489/23</p> <p><u><b>New Matter</b></u></p>	<p><b>Description:</b> Appeal against the deemed delegated refusal of DA/996/2022 for the amalgamation of 2 lots, demolition, tree removal and construction of a two (2) storey 83 place centre based child care facility with basement parking for 23 vehicles.</p> <p><b>Issues:</b> TBA</p> <p><b>Prospects:</b> TBA</p>	<p><b>Status:</b> Appeal is listed for section 34 conciliation conference on <b>22 January 2024</b></p> <p><b>Solicitors:</b> Pikes Verekers</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Planner</p>
19.	<p>• <b>Property Address:</b> 32 Honiton Avenue, Carlingford</p> <p>• <b>Applicant:</b> Albert Abi-Khattar</p> <p>• <b>Proceedings No.:</b> 182424/23</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> Appeal against the deemed refusal of the PLPP of DA/900/2022 for demolition, tree removal and construction of a centre-based child care facility to accommodate 67 children with ground and basement level parking for 17 cars.</p> <p><b>Issues:</b> Character/ Site selection/Bulk &amp; Scale/ Landscape/Privacy Impacts/ Accessibility/Earthworks</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for section 34 conciliation conference on <b>15 December 2023</b></p> <p><b>Solicitors:</b> Holding Redlich</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Planner Landscape Accessibility</p>
20.	<p>• <b>Property Address:</b> 73 Murray Farm Road, Carlingford</p> <p>• <b>Applicant:</b> Joshua Glanville</p> <p>• <b>Proceedings No.:</b> 115894/23</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> Delegated refusal of DA/116/2023 seeking approval for the demolition of existing structures and construction of a two storey 65 place childcare centre with 16 basement car parking spaces.</p> <p><b>Issues:</b> Bulk &amp; Scale/Non-compliance with Education and Childcare Regulations/Traffic and Parking/Landscaping/stormwater</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for first s34 conciliation conference on <b>7 September 2023</b></p> <p><b>Solicitors:</b> Bartier Perry</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Planner Development Engineer Landscape Officer Accessibility Officer</p>

21.	<p>• <b>Property Address:</b> 378-380 Church Street, Parramatta</p> <p>• <b>Applicant:</b> APPWAN Pty Ltd</p> <p>• <b>Proceedings No.:</b> 57580/23</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> Delegated refusal of DA/878/2021 seeking approval for the demolition of the existing building and construction of an 8 storey mixed used building consisting of a boarding house development with ground floor commercial/retail space over 1 level of basement parking.</p> <p><b>Issues:</b> Inadequate information regarding BCA compliance/streetscape/public domain</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Decision Reserved – s34 agreement filed with the court.</p> <p><b>Solicitors:</b> Bartier Perry</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Planner</p>
22.	<p>• <b>Property Address:</b> 9 Mars Street, Epping</p> <p>• <b>Applicant:</b> Hilton Thomas Brown</p> <p>• <b>Proceedings No.:</b> 69039/23</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> Delegated refusal of DA/648/2021 seeking approval for Demolition of the existing structures, tree removal, and construction of a dual occupancy with Torrens Title subdivision into 2 lots.</p> <p><b>Issues:</b> Flooding, Aims of the LEP</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for s34AA conciliation conference and hearing on <b>26-27 February 2024</b></p> <p><b>Solicitors:</b> Bartier Perry</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Planner Senior Catchment and Development Engineer</p>
23.	<p>• <b>Property Address:</b> 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford</p> <p>• <b>Applicant:</b> Karimbla Properties (No.59) Pty Limited</p> <p>• <b>Proceedings No.:</b> 142308/22178916/23</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> Appeal against the SCCPP refusal of Development Application no. DA/53/2022 for Construction of seven 10-13 storey buildings comprising 620 residential units, child care centre for 110 children, 1,735sqm of 17 neighbourhood retail shops and 864 basement car parking spaces; publicly accessible open spaces and through site links; roads; landscaping; and tree removal.</p> <p><b>Issues:</b> Height/FSR/Urban Design/ Visual privacy/Solar Access/Amenity/Sustainability/Transport for NSW/Traffic impacts/Water Management</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for s34 conciliation conference on <b>20 October 2023</b></p> <p><b>Solicitors:</b> Marsdens briefed</p> <p><b>External Experts:</b> Che Wall (ESD Consultant). Stephen Collier (Urban Design)</p> <p><b>Internal experts:</b> Planner</p>
24.	<p>• <b>Property Address:</b> 14-16 Hill Road, Wentworth Point</p> <p>• <b>Applicant:</b> SH Hill Road Development Pty Ltd</p> <p>• <b>Proceedings No.:</b> 15776/23</p> <p><u><b>Existin Matter</b></u></p>	<p><b>Description:</b> Appeal against the delegated deemed refusal of DA/597/2021 seeking approval of a Section 4.55(1A) modification to an approved residential flat building development seeking additional windows to apartments on Levels 03 to 08 of Building J, correction to the lot numbering in the plan of subdivision, the deletion of Conditions 14, 15 and 66 (TfNSW conditions), deletion of Condition 54 requiring a tanked basement and amending Condition 12 to reflect the current long service levy requirements.</p> <p><b>Issues:</b> Transport for NSW conditions/Groundwater</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for section 34 conciliation conference on <b>20 September 2023.</b></p> <p><b>Solicitors:</b> Marsdens Law Group</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Planner Catchment and Development Engineer</p>
25.	<p>• <b>Property Address:</b> 32 Moses Way, Winston Hills</p> <p>• <b>Applicant:</b> Murphy Moses and Betty Moses</p> <p>• <b>Proceedings No.:</b> 150924/23</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> Appeal against a Development Control Order requiring demolition of unlawful works.</p> <p><b>Issues:</b> No development consent</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for section 34 conciliation conference on <b>19 October 2023</b></p> <p><b>Solicitors:</b> Marsdens Law Group</p> <p><b>External experts:</b> Nil</p> <p><b>Internal experts:</b> Development Control Officer</p>

26.	<p>• <b>Property Address:</b> 14-20 Lake Street and 55 – 57 Pennant Hills Road, North Parramatta</p> <p>• <b>Applicant:</b> Malouf &amp; Malouf</p> <p>• <b>Proceedings No.:</b> 72317/23</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> Delegated refusal of DA/221/2022 seeking approval for demolition of existing structures, removal of trees, reconfiguration of subdivision creating 9 lots, construction of 7x two storey dual occupancies and 1x dwelling house, retention of existing dwelling house on proposed Lot 9 and a new road. The proposal is Integrated Development under the Rural Fires Act 1997.</p> <p><b>Issues:</b> Bushfire Prone Land, Transport for NSW Concurrence, stormwater</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for resumed s34 conciliation conference on <b>18 September 2023</b></p> <p><b>Solicitors:</b> Marsdens Law Group</p> <p><b>External experts:</b> Grahame Swain (Bushfire Consultant)</p> <p><b>Internal experts:</b> Planner Development Engineer</p>
27.	<p>• <b>Property Address:</b> 94 Bettington Road, Telopea</p> <p>• <b>Applicant:</b> Mirvac (Residential) NSW Developments Pty Ltd</p> <p>• <b>Proceedings No.:</b> 99224/23</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> SCCPP deemed refusal of DA/1001/2022 seeking approval for Demolition of existing buildings and structures, tree removal and remediation works and construction of a temporary club house and associated temporary car parking spaces. Construction of seven (7) buildings (3 to 8 storeys) containing 155 independent living units for the purposes of seniors housing (including people with a disability); construction and operation of a new registered club (Oatlands Golf Club); and 405 car parking spaces over 2 basement levels (200 club and 205 residential spaces); and landscaping and ancillary facilities. Torrens title subdivision into 2 lots (to separate the site from the golf course land) and further, subdivision of one of the subject lot into 17 lots in a community scheme and strata subdivision of the independent living units. The application is Integrated Development under the Rural Fires Act 1997 and Nominated Integrated Development under the Water Management Act 2000.</p> <p><b>Issues:</b> Site Compatibility Certificate/Heritage/Impact on Vineyard Creek/Non-compliance with SEPP Seniors/Design Quality/Solar Access/Building Orientation, Public Domain Interface and Overshadowing/ Communal Open Space/ Visual Privacy/Pedestrian and Vehicle Access/Water Management/Landscape</p> <p><b>Prospects:</b> TBA</p>	<p><b>Status:</b> Appeal is listed for s34 conciliation conference on <b>7 July 2023</b> and for hearing on <b>27 November 2023 to 1 December 2023</b></p> <p><b>Solicitors:</b> Marsdens Law Group</p> <p><b>Counsel:</b> Nick Eastman</p> <p><b>External experts:</b> Brendan Randall – Urban Design Vanessa Hotham - Heritage</p> <p><b>Internal experts:</b> Planner Senior Catchment Engineer</p>
28.	<p>• <b>Property Address:</b> 11-17 Shirley Street, Carlingford</p> <p>• <b>Applicant:</b> Shirley Street Projects Pty Ltd</p> <p>• <b>Proceedings No.:</b> 127732/23</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> <b>SCCPP</b> deemed refusal of DA/843/2022 seeking approval for Demolition of existing buildings, tree removal and construction of a 12 storey mixed use development consisting of a future 76 place centre based childcare centre with 87 residential units above 3 levels of basement parking. The proposal is a Nominated Integrated development pursuant to the Water Management Act 2000.</p> <p><b>Issues:</b> Minimum Site Area/Height/Floor Space Ratio/Earthworks/Site Compatibility/Natural Ventilation/Character/Building Orientation, Envelope &amp; Design/ Landscaping/Traffic &amp; Parking/Design Quality/stormwater/Accessibility</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for first s34 conciliation conference on <b>3 October 2023</b></p> <p><b>Solicitors:</b> Sparke Helmore</p> <p><b>External experts:</b> Stephen Collier</p> <p><b>Internal experts:</b> Planner Development Engineer Landscape Officer Accessibility Officer</p>
29.	<p>• <b>Property Address:</b> 9-11 Thallon Street, Carlingford</p> <p>• <b>Applicant:</b> Carlingford Projects Pty Ltd</p> <p>• <b>Proceedings No.:</b> 13483/23</p> <p><u><b>Existing Matter</b></u></p>	<p><b>Description:</b> <b>SCCPP</b> deemed refusal of DA/845/2022 seeking approval for demolition of existing buildings, tree removal and construction of a 12 storey mixed use building comprising retail and restaurant on the ground floor, 91 apartments above and 4 levels of basement parking for 134 vehicles. The proposal is a Nominated Integrated development pursuant to the Water Management Act 2000.</p> <p><b>Issues:</b> WaterNSW Concurrence/Height/Floor Space ratio/ Natural Ventilation/Character/Building Orientation, Envelope &amp; Design/Water Management</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for first s34 conciliation conference on <b>3 October 2023</b></p> <p><b>Solicitors:</b> Sparke Helmore</p> <p><b>External experts:</b> Stephen Collier</p> <p><b>Internal experts:</b> Planner Development Engineer Landscape Officer Accessibility Officer</p>

30.	<ul style="list-style-type: none"> <li>• <b>Property Address:</b> 189 Macquarie St Parramatta.</li> <li>• <b>Applicant:</b> JKN Parra P/L and Toplace Pty Ltd</li> <li>• <b>Proceedings No.:</b> 286544/22</li> <li>• <b>Existing Matter</b></li> </ul>	<p><b>Description:</b> Appeal against the against the SCCPP refusal of a Section 8.3 Review, of the decision to refuse DA/493/2020, which sought approval for the construction of two residential towers comprising 708 apartments above the existing seven storey podium (total of 54 storeys and 45 storeys), the use of existing basement levels 1-5 for residential parking and various adjustments to the existing building to allow for the integration of those towers.</p> <p><b>Issues:</b> Design excellence under the LEP, Height, FSR, SEPP 65 – design quality, Wind shear impacts, Environmental Sensitive Design including: reflectivity, BASIX and ventilation</p> <p><b>Prospects:</b> Good</p>	<p><b>Status:</b> Appeal is listed for Section 34 Conciliation Conference on <b>13 June 2023</b></p> <p><b>Solicitors:</b> Sparke Helmore</p> <p><b>External experts:</b> Stuart MacDonald (Planner) Stephen Collier (Urban Design) Che Wall (Environment Sensitive Design) Michael Eaddy (Wind)</p> <p><b>Internal experts:</b> Nil</p>
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Land and Environment Court proceedings – Class 3 Appeal			
<ol style="list-style-type: none"> <li>1. <b>Property address:</b> Horwood Place, Parramatta (<b>land</b>)</li> <li>2. <b>Description:</b> Acquisition of Council land by Sydney Metro. Council has appealed the amount of compensation the Valuer General has estimated Sydney Metro is to pay Council for the land and relies upon its own valuation to dispute the amount.</li> <li>3. <b>Issue:</b> How much compensation Council should be paid by Sydney Metro to Council for the land acquisition. There is a vast difference in each parties' valuations.</li> <li>4. <b>Status:</b> The appeal was heard in February 2023 and is reserved for judgment. It is subject to separate advice.</li> <li>5. <b>Solicitors:</b> Maddock (Council officer instructing – Justin Day)</li> </ol>			
Local Court			
1.	<ul style="list-style-type: none"> <li>• <b>Property Address:</b> 138 Bungaree Road, Pendle Hill</li> <li>• <b>Defendant:</b> PHBS Pty Ltd</li> <li>• <b>New Matter</b></li> </ul>	<p><b>Description:</b> Penalty Notice – Court Elected – Fail to comply with development control order</p> <p><b>Prospects:</b> Good</p>	<p>Matter is listed before Parramatta Local Court for hearing <b>1 December 2023</b></p> <p><b>Solicitors:</b> In-house Legal</p>
2.	<ul style="list-style-type: none"> <li>• <b>Property Address:</b> 138 Bungaree Road, Pendle Hill</li> <li>• <b>Defendant:</b> PHBS Pty Ltd</li> <li>• <b>New Matter</b></li> </ul>	<p><b>Description:</b> Penalty Notice – Court Elected – Fail to comply with development control order</p> <p><b>Prospects:</b> Good</p>	<p>Matter is listed before Parramatta Local Court for hearing <b>1 December 2023</b></p> <p><b>Solicitors:</b> In-house Legal</p>
3.	<ul style="list-style-type: none"> <li>• <b>Property Address:</b> 18 Kent Street Epping</li> <li>• <b>Defendant:</b> Liu</li> <li>• <b>Existing Matter</b></li> </ul>	<p><b>Description:</b> Penalty Notice – Court Elected – Development without development consent</p> <p><b>Prospects:</b> Good</p>	<p>Hearing on <b>7 August 2022 vacated, as Council officer was unavailable to provide the brief.</b></p> <p>New hearing date of <b>3 April 2024</b></p> <p><b>Solicitors:</b> In-house Legal</p>
4.	<ul style="list-style-type: none"> <li>• <b>Property Address:</b> 18 Kent Street Epping</li> <li>• <b>Defendant:</b> Zhang</li> <li>• <b>Existing Matter</b></li> </ul>	<p><b>Description:</b> Penalty Notice – Court Elected – Development without development consent</p> <p><b>Prospects:</b> Good</p>	<p>Hearing on <b>7 August 2022 vacated, as Council officer was unavailable to provide the brief.</b></p> <p>New hearing date of <b>3 April 2024</b></p> <p><b>Solicitors:</b> In-house Legal</p>
5.	<ul style="list-style-type: none"> <li>• <b>Property Address:</b> 18 Kent Street Epping</li> <li>• <b>Defendant:</b> Liu</li> <li>• <b>Existing Matter</b></li> </ul>	<p><b>Description:</b> Penalty Notice – Court Elected – Development without development consent</p> <p><b>Prospects:</b> Good</p>	<p>Hearing on <b>7 August 2022 vacated, as Council officer was unavailable to provide the brief.</b></p> <p>New hearing date of <b>3 April 2024</b></p> <p><b>Solicitors:</b> In-house Legal</p>
6.	<ul style="list-style-type: none"> <li>• <b>Property Address:</b> 8/24-26 Clyde Street, Rydalmere</li> <li>• <b>Defendant:</b> JJJ Invest</li> <li>• <b>Existing Matter</b></li> </ul>	<p><b>Description:</b> Penalty Notice – Court Elected – Pollute Waters</p> <p><b>Prospects:</b> Good</p>	<p>Matter is part heard. Defendant to make submission by 7 July 2023, Council to respond by 19 July 2023</p> <p>Judgment was adjourned as Magistrate allowed for the defendants Solicitor to make further submissions.</p> <p>Judgement to be handed on <b>15 September 2023</b></p>



			<b>Solicitors:</b> In-house Legal
<b>7.</b>	<ul style="list-style-type: none"> <li>• <b>Property Address:</b> 255 Victoria Road, Rydalmere</li> <li>• <b>Defendant:</b> Franz Boench</li> <li>• <b><u>Existing Matter</u></b></li> </ul>	<b>Description:</b> Penalty Notice – Court Elected – Park continuously for longer than indicated  <b>(10 Matters)</b>  <b>Prospects:</b> Good	Matter is listed before Parramatta Local Court for hearing on <b>7 September 2023</b>  <b>Solicitors:</b> In-house Legal
<b>8.</b>	<ul style="list-style-type: none"> <li>• <b>Property Address:</b> 255 Victoria Road, Rydalmere</li> <li>• <b>Defendant:</b> Peter Leitmann</li> <li>• <b><u>Existing Matter</u></b></li> </ul>	<b>Description:</b> Penalty Notice – Court Elected – Dog attack  <b>Legal yet to be provided with the information and are yet to provide a prospect advice</b>  <b>Prospects:</b> TBA	Matter is listed before Parramatta Local Court for hearing <b>27 November 2023</b>  <b>Solicitors:</b> In-house Legal
<b>9.</b>	<ul style="list-style-type: none"> <li>• <b>Property Address:</b> 320 Marsden Road, Carlingford</li> <li>• <b>Defendant:</b> Abdishou Reyhanabad</li> <li>• <b><u>New Matter</u></b></li> </ul>	<b>Description:</b> Development without consent  <b>Prospects:</b> Good	Matter is listed before Parramatta Local Court for mention <b>7 September 2023</b>  <b>Solicitors:</b> In-house Legal
<b>10.</b>	<ul style="list-style-type: none"> <li>• <b>Property Address:</b> 320 Marsden Road, Carlingford</li> <li>• <b>Defendant:</b> Abdishou Reyhanabad</li> <li>• <b><u>New Matter</u></b></li> </ul>	<b>Description:</b> Development without consent  <b>Prospects:</b> Good	Matter is listed before Parramatta Local Court for mention <b>7 September 2023</b>  <b>Solicitors:</b> In-house Legal
<b>11.</b>	<ul style="list-style-type: none"> <li>• <b>Property Address:</b> 55-57 George Street, Clyde</li> <li>• <b>Defendant:</b> Joa Management</li> <li>• <b><u>New Matter</u></b></li> </ul>	<b>Description:</b> Development without consent  <b>Prospects:</b> Good	Matter is listed before Parramatta Local Court for mention <b>7 September 2023</b>  <b>Solicitors:</b> In-house Legal
<b>12.</b>	<ul style="list-style-type: none"> <li>• <b>Property Address:</b></li> <li>• <b>Defendant:</b> Janet Addison</li> <li>• <b><u>New Matter</u></b></li> </ul>	<b>Description:</b> Dog Attack  <b>Prospects:</b> Good	Matter is listed before Parramatta Local Court for hearing on <b>5 March 2024</b>  <b>Solicitors:</b> In-house Legal

#### Finalised Matters

Land and Environment Court proceedings – Class 1 Appeal			
<b>1.</b>	<ul style="list-style-type: none"> <li>• <b>Property Address:</b> Shop 1/109 – 113 George St Parramatta</li> <li>• <b>Applicant:</b> Soumaya Trad t/as All Grit Crossfit</li> <li>• <b>Proceedings No.:</b> 362499/22</li> <li>• <b><u>Existing Matter</u></b></li> </ul>	<b>Description:</b> Appeal against a Noise Prevention Notice issued by City of Parramatta Council pursuant to s96 of the Protection of the Environment Operations Act 1997.  <b>Issues:</b> Noise  <b>Prospects:</b> Good	<b>Status:</b> The proceedings were discontinued on <b>24 August 2023</b>  <b>Solicitors:</b> Blair Jackson - Reader In-house Legal Services  <b>External experts:</b> Chris Gordon (Acoustic expert)  <b>Internal experts:</b> Health Officer
<b>2.</b>	<ul style="list-style-type: none"> <li>• <b>Property Address:</b> 18 Burke Street, Telopea.</li> <li>• <b>Applicant:</b> A &amp; A Australian Investments Pty Ltd.</li> <li>• <b>Proceedings No.:</b> 378493/22.</li> <li>• <b><u>Existing Matter</u></b></li> </ul>	<b>Description:</b> Appeal against the Part Approval of a Building Information Certificate - <b>BC/42/ 2022</b> - for pergola and deck to the side of the existing dwelling only – BIC excluding any portion of the works that encroach within 900mm to the private property boundary.  <b>Issues:</b> Planning, deep soil planting and non-compliance with landscaping requirements  <b>Prospects:</b> Good	<b>Status:</b> Appeal upheld in line with s34 agreement with amended plans on <b>22 August 2023</b>  <b>Solicitors:</b> In-house Legal Services  <b>External experts:</b> Nil  <b>Internal experts:</b> Planner

## Finalised Matters

Local Court		
1.	NIL	

### Definitions:

- A section 34 conciliation conference is presided over by a Commissioner of the Land & Environment Court and explores options for the parties to resolve the appeal or narrow the issues.
- Section 34AA proceedings provides a fast appeal system for a limited range of residential development, which is presided over by a Commissioner of the Land & Environmental Court. If the parties do not reach an agreement onsite, the Commissioner will make a determination.
- A section 56A appeal may be made to a judge against a Commissioner's decision - only on a point of law and not the merits of the development.
- PN stands for a Penalty Notice issued by Council officers for a breach of the law and the imposition of a fine.
- Court elected means that the recipient of a PN, chooses to elect that the Local Court determine the alleged offence and the amount of fine, if any.

### Win/Loss Record for previous and current financial year:

Note: Total case number only relates to those court matters determined by the Court, in that financial year and does not relate the actual number of Land and Environment Court/Local Court matters received, in that financial year.

The Win record includes appeals upheld, as a result of a section 34 conciliated agreement entered into, due to the Applicant amending the application to resolve the issue.

#### Land and Environment Court

Matter Type	Financial Year	Total Cases	Wins	Losses	Comments
Inhouse	21/22	11	9	2	Three (3) of the Appeals won were subject to a section 34 conciliated agreement with amended plans that resolved the issues
External	21/22	19	13	6	Six (6) of the Appeals won were subject to a section 34 agreement with amended plans that resolved the issues
Inhouse	22/23	11	11	0	Four (4) of the Appeals won were subject to a section 34 conciliated agreement with amended plans that resolved the issues
External	22/23	12	11	1	Four (4) of the Appeals won were subject to a section 34 conciliated agreement with amended plans that resolved the issues
Inhouse	23/24	2	2	2	One (1) of the appeals won was subject to s34 agreement with amended documents.
External	23/24	4	1	3	The appeal won was subject to s34 agreement with amended documents.

#### Local Court

Matter Type	Financial Year	Total Cases	Wins	Losses	Comments
Inhouse	22/23	10	10	0	
External	22/23	0	0	0	

### Costs to date are as follows:

City of Parramatta Land & Environment Court Costs Summary	July 2023
Land & Environment Court Costs - Class 1,2,3,4,5	\$156,004
Land & Environment Court Costs - External Experts (Consultants fees)	\$10,217
Local Court Prosecutions/Enforcements	\$0
Supreme Court Proceedings	\$0
Industrial Relations Commissions (IRC)	\$0
NSW Civil and Administrative Tribunal (NCAT)	\$0
<b>Total</b>	<b>\$166,221</b>