



City of Parramatta Current Legal Cases & Status for the period of December 2023

Executive Summary

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

Current Legal Matter Statistics – December 2023

Land and Environment Court

Class 1 Appeals	33
Class 3 Appeals	1
Class 4 Appeals	1

Local Court

Council Prosecutions	8
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District Court

District Court Appeal	1
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NCAT

Administrative Appeal	1
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Finalised Legal Matters Statistics – December 2023

Land and Environment Court

Class 1 Appeals	2
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Local Court

Council Prosecutions	2
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Legal Services Status Report

As at 31 December 2023

Land and Environment Court proceedings – Class 1 Appeals

1.	<ul style="list-style-type: none"> • Property Address: 188 Church Street, Parramatta • Applicant: G & J Drivas Pty Ltd and Telado Pty Ltd • Proceedings No.: 455119/23 <u>New Matter</u> 	<p>Description: Appeal against the PLPP refusal of DA/960/2022 seeking approval for stage 1 concept proposal for six-storey cantilevered commercial extension atop the existing heritage listed, Murray’s building, future part demolition of the Heritage item including internal realignment, amendments to the shop fronts, and part removal of the roof.</p> <p>Issues: TBA</p> <p>Prospects: TBA</p>	<p>Status: Appeal is listed for first return date on 31 January 2024</p> <p>Solicitors: TBA</p> <p>External Experts: TBA</p> <p>Internal Experts: TBA</p>
2.	<ul style="list-style-type: none"> • Property Address: 63 Wigram Street, Harris Park • Applicant: Alisten Ravindran Joseph • Proceedings No.: 2023/00433944 • <u>Existing Matter</u> 	<p>Description: Terms of order is to stop using the premises for the prohibited purpose of operating a food and drink premises.</p> <p>Issues: Prohibited Use</p> <p>Prospects: Good</p>	<p>Status: Appeal listed for hearing on the 18 January 2024</p> <p>Solicitors: Inhouse Legal</p> <p>External Experts: Nil</p> <p>Internal Experts: Compliance Officer - James Miller</p>
3.	<ul style="list-style-type: none"> • Property Address: 102 Eastwood Ave, Epping • Applicant: Pengcheng Xue • Proceedings No.: 2023/00348034 • <u>Existing Matter</u> 	<p>Description: Appeal against a Development Control Order – Demolition of unlawful internal fit out of garage and restore as a garage.</p> <p>Issues: Unlawful works</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for s34 on the 9 April 2024.</p> <p>Solicitors: Inhouse legal</p> <p>External Experts:</p> <p>Internal Experts: Certifier/Planner Compliance Officer Engineer</p>
4.	<ul style="list-style-type: none"> • Property Address: 5 Mary Street, Northmead • Applicant: Kirribilli Capital Pty Ltd • Proceedings No.: 341853/23 <u>Existing Matter</u> 	<p>Description: Appeal against the PLPP deemed refusal of DA/517/2023 seeking approval for the Demolition of existing structures, tree removal and construction of a part 2 and part 3 storey, 90 place Childcare Facility.</p> <p>Issues: Bulk, Scale, Character, Visual Privacy, Site Suitability, landscaping, stormwater and accessibility.</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for s34 conciliation conference on 16 May 2024.</p> <p>Solicitors: Inhouse legal</p> <p>External Experts:</p> <p>Internal Experts: Planner Landscape Officer Accessibility Officer Engineer</p>
5.	<ul style="list-style-type: none"> • Property Address: 53-57 Railway Street Granville • Applicant: Mick Riff Railway Pty Ltd • Proceedings No.: 423247/23 <u>Existing Matter</u> 	<p>Description: Appeal against the actual delegated refusal of DA/980/2022 seeking approval for the Demolition of existing structures, tree removal and construction of a 2 storey 109 place centre based child care facility with basement parking for 24 vehicles.</p> <p>Issues: Bulk, Scale, Character, Visual Privacy, Site Suitability.</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for first return date on 16 January 2024.</p> <p>Solicitors: Inhouse legal</p> <p>External Experts: Nil</p> <p>Internal Experts: Planner Urban Designer</p>

6.	<p>• Property Address: 1 Tracey Avenue, Carlingford</p> <p>• Applicant: 1 Tracey Pty Ltd</p> <p>• Proceedings No.: 325214/23</p> <p><u>Existing Matter</u></p>	<p>Description: Appeal against the Delegated deemed refusal of DA/823/2022 seeking approval for the demolition, tree removal and construction of a three-storey, 48 place childcare centre with basement parking for 12 vehicles.</p> <p>Issues: Bulk scale and design, objectives of the R2 Zone, Storage, Parking, Landscaping, Storm Water, Acoustics, Accessibility</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for s34 conciliation conference on 6 May 2024.</p> <p>Solicitors: In-House Legal</p> <p>External experts: Nil</p> <p>Internal Experts: Planner Accessibility Officer Engineer Traffic Engineer Landscape Officer</p>
7.	<p>• Property Address: 29 Camelot Court, Carlingford</p> <p>• Applicant: Chenglong Huang</p> <p>• Proceedings No.: 265675/23</p> <p><u>Existing Matter</u></p>	<p>Description: Appeal against order to demolish cubby house and remove fence which encroaches on Council reserve.</p> <p>Issues: Encroachment on Council Land, development without consent of cubby house.</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for Section 34 Conciliation Conference on 31 January 2024.</p> <p>Solicitors: In-House Legal</p> <p>External experts: Surveyor - George Stojanovski Barrister – Chris Koikas</p> <p>Internal experts: Development Control Officer – Pitou Yi</p>
8.	<p>• Property Address: 37 Hillcrest Avenue, Winston Hills</p> <p>• Applicant: Trevor Staveley</p> <p>• Proceedings No.: 237592/23</p> <p><u>Existing Matter</u></p>	<p>Description: Appeal against Development Control Order requiring the demolition of unauthorized retaining walls and fill.</p> <p>Issues: Consent required but not obtained</p> <p>Prospects: Good</p>	<p>Status: Matter remains in s34 to allow the applicant to provide the further material by 31 January.</p> <p>Solicitors: In-house legal</p> <p>External Experts: Nil</p> <p>Internal Experts: Planner</p>
9.	<p>• Property Address: 135 Victoria Road, North Parramatta</p> <p>• Applicant: JS Architects</p> <p>• Proceedings No.: 268375/23</p> <p><u>Existing Matter</u></p>	<p>Description: 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 State Title Subdivision into 10 lots.</p> <p>Issues: Non Compliance with Housing SEPP, Transport for NSW concurrence, Stormwater</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for s34 conciliation conference 29 January 2024.</p> <p>Solicitors: Inhouse legal</p> <p>External Experts: Nil</p> <p>Internal Experts: Planner Engineer</p>
10.	<p>• Property Address: 7 Yates Avenue, Dundas Valley</p> <p>• Applicant: M Group Invest Pty Ltd</p> <p>• Proceedings No.: 260699/23</p> <p><u>Existing Matter</u></p>	<p>Description: 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>Issues: LEP Objectives. Non Compliance with childcare Regulations and Guidelines Site Suitability and streetscape.</p> <p>Prospects: Good</p>	<p>Status: Appeal listed for s34 conciliation conference on 11 March 2024.</p> <p>Solicitors: In-house legal</p> <p>External Experts: Nil</p> <p>Internal Experts: Planner</p>

11.	<ul style="list-style-type: none"> • Property Address: 45-49 Asquith Street, Silverwater • Applicant: ACFU International Pty Limited & Ors • Proceedings No.: 180452/23 <p><u>Existing Matter</u></p>	<p>Description: 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>Issues: Stormwater</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for Hearing on 18-19 April 2024.</p> <p>Solicitors: In-House Legal</p> <p>External experts: Nil</p> <p>Internal experts: Planner Development Engineer</p>
12.	<ul style="list-style-type: none"> • Property Address: 132 Victoria Road, Rydalmere • Applicant: J S Architects Pty Ltd • Proceedings No.: 200193/2023 <p><u>Existing Matter</u></p>	<p>Description: 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>Issues: Height/FSR/Design Quality/landscaping/ ground water/geotechnical impacts of excavation</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for section 34 conciliation conference on 29 January 2024</p> <p>Solicitors: In-House Legal</p> <p>External experts: Hydraulic and geotechnical engineering - Dr Daniel Martens</p> <p>Internal experts: Planner Landscape officer Urban designer</p>
13.	<ul style="list-style-type: none"> • Property Address: 14 Windermere Avenue, Northmead • Applicant: Monique Barakat • Proceedings No.: 107525/2023 <p><u>Existing Matter</u></p>	<p>Description: 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>Issues: Bulk & Scale/Height/Heritage/Solar Access/Natural Light and Ventilation/Landscape/stormwater/emergency evacuation</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for hearing on 30 & 31 May 2024</p> <p>Solicitors: In-house Legal Services</p> <p>External experts: Nil</p> <p>Internal experts: Planner Development Engineer Landscape Officer Accessibility Officer Heritage Advisor</p>
14.	<ul style="list-style-type: none"> • Property Address: 79-79A Kissing Point Road & 7 St Andrews Street Dundas • Applicant: HVH Investments Pty Ltd • Proceedings No.: 63219/2023 <p><u>Existing Matter</u></p>	<p>Description: 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>Issues: WaterNSW and Transport for NSW concurrence, Bulk and Scale, Height, Earthworks</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for resumed section 34 Conciliation Conference on 29 January 2024.</p> <p>Solicitors: In-House Legal</p> <p>External experts: Matthew McCarthy - Traffic consultant</p> <p>Internal experts: Planner Urban Design Accessibility Stormwater management</p>
15.	<ul style="list-style-type: none"> • Property Address: 379 Kissing Point Road, Ermington. • Applicant: Ermington Projects Pty Ltd • Proceedings No.: 382243/2022 <p><u>Existing Matter</u></p>	<p>Description: 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>Issues: Stormwater, impact on adjoining properties</p> <p>Prospects: Good</p>	<p>Status: Decision reserved. Appeal was listed for further hearing on 8 November 2023 with the court reserving its decision.</p> <p>Solicitors: In-house Legal Services & Counsel: Matt Harker</p> <p>External experts: Nil</p> <p>Internal experts: Stormwater engineer Planner Landscape (horticulturalist/arborist)</p>

16.	<ul style="list-style-type: none"> • Property Address: 52 Essex Street, Granville • Applicant: Archian Pty Ltd • Proceedings No.: 96466/2023 <p><u>Existing Matter</u></p>	<p>Description: 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>Issues: Contamination/Heritage Conservation/Traffic</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for Hearing on 10-12 April 2024.</p> <p>Solicitors: In-House Legal Services</p> <p>External experts: Ken Hollyoak – Traffic Consultant</p> <p>Internal experts: Planner</p>
17.	<ul style="list-style-type: none"> • Property Address: 11-13 Campbell Street, Northmead • Applicant: GMD Campbell Unit Trust • Proceedings No.: 237489/23 <p><u>Existing Matter</u></p>	<p>Description: 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>Issues: Parking, Bulk & Scale, Visual Impacts</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for section 34 conciliation conference on 22 January 2024</p> <p>Solicitors: Pikes Verekers</p> <p>External experts: Nil</p> <p>Internal experts: Planner Traffic</p>
18.	<ul style="list-style-type: none"> • Property Address: 21B-23 Barangaroo Road, Toongabbie • Applicant: Pankhurst & Anor • Proceedings No.: 293029/23 <p><u>Existing Matter</u></p>	<p>Description: Appeal against the Delegated refusal of DA/961/2022 seeking approval for the demolition of existing childcare centre, tree removal and construction of a new 72 place childcare centre with at grade parking for 18 vehicles, signage and front fence. The development is Nominated Integrated Development pursuant to the Water Management Act 2000.</p> <p>Issues: Aims of LEP, Zone objectives, Site Suitability and Location, Character, Bulk & Scale, Landscaping, Acoustic and Visual Privacy, Noise and Air Pollution, Flooding, Traffic & Parking, Biodiversity.</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for section 34 conciliation conference date on 20 March 2024.</p> <p>Solicitors: Pikes & Verekers</p> <p>External experts: Nil</p> <p>Internal experts: Planning Biodiversity Landscape Flood Traffic</p>
19.	<ul style="list-style-type: none"> • Property Address: 32 Honiton Avenue, Carlingford • Applicant: Albert Abi-Khattar • Proceedings No.: 182424/23 <p><u>Existing Matter</u></p>	<p>Description: 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>Issues: Character/ Site selection/Bulk & Scale/ Landscape/Privacy Impacts/ Accessibility/Earthworks</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for online court communication on 31 January 2024 to allow the applicant to provide amended without prejudice material for Council consideration.</p> <p>Solicitors: Holding Redlich</p> <p>External Experts: Brian McDonald (Urban Design) Ken Hollyoak Traffic Consultant</p> <p>Internal experts: Planner Landscape Accessibility</p>
20.	<ul style="list-style-type: none"> • Property Address: 73 Murray Farm Road, Carlingford • Applicant: Joshua Glanville • Proceedings No.: 115894/23 <p><u>Existing Matter</u></p>	<p>Description: Refusal of DA/116/2023 seeking approval for the demolition of existing structures and construction of a two storey 65 place childcare center with 16 basement car parking spaces.</p> <p>Issues: Bulk & Scale/Non-compliance with Education and Childcare Regulations/Traffic and Parking/Landscaping/stormwater</p> <p>Prospects: Good</p>	<p>Status: Decision reserved, s34 agreement with amended plans, filed with the Court in line with PLPP minutes.</p> <p>Solicitors: Bartier Perry</p> <p>External experts:</p> <p>Internal experts: Planner Development Engineer Landscape Officer Accessibility Officer</p>

21.	<ul style="list-style-type: none"> • Property Address: 9 Mars Street, Epping • Applicant: Hilton Thomas Brown • Proceedings No.: 69039/23 <p><u>Existing Matter</u></p>	<p>Description: 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>Issues: Flooding, Aims of the LEP</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for s34AA conciliation conference and hearing on 26-27 February 2024</p> <p>Solicitors: Bartier Perry</p> <p>External experts: Nil</p> <p>Internal experts: Planner Senior Catchment and Development Engineer</p>
22.	<ul style="list-style-type: none"> • Property Address: 52 Hammers Road, Northmead • Applicant: Nortmead P Pty Ltd • Proceedings No.: 180452/23 <p><u>Existing Matter</u></p>	<p>Description: 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>Issues: Traffic</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for Hearing on 16-17 May 2024.</p> <p>Solicitors: Marsdens briefed.</p> <p>External experts: Nil</p> <p>Internal experts: Planner Traffic Landscape</p>
23.	<ul style="list-style-type: none"> • Property Address: 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford • Applicant: Karimbla Properties (No.59) Pty Limited • Proceedings No.: 142308/22178916/23 <p><u>Existing Matter</u></p>	<p>Description: Appeal against the SCCPP refusal of Development Application no. DA/53/2022 for Construction of seven 10-13 storey buildings comprising 620 residential units, childcare 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>Issues: Height/FSR/Urban Design/ Visual privacy/Solar Access/Amenity/Sustainability/Transport for NSW/Traffic impacts/Water Management</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for mention via MS teams on 2 February 2024.</p> <p>Solicitors: Marsdens Law Group briefed</p> <p>External Experts: Che Wall (ESD Consultant). Stephen Collier (Urban Design)</p> <p>Internal experts: Planner</p>
24.	<ul style="list-style-type: none"> • Property Address: 14-16 Hill Road, Wentworth Point • Applicant: SH Hill Road Development Pty Ltd • Proceedings No.: 15776/23 <p><u>Existing Matter</u></p>	<p>Description: 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>Issues: Transport for NSW conditions/Groundwater</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for hearing on 5 – 6 March 2024</p> <p>Solicitors: Marsdens Law Group</p> <p>External experts: Nil</p> <p>Internal experts: Planner Catchment Development Engineer</p>
25.	<ul style="list-style-type: none"> • Property Address: 32 Moses Way, Winston Hills • Applicant: Murphy Moses and Betty Moses • Proceedings No.: 150924/23 <p><u>Existing Matter</u></p>	<p>Description: Appeal against a Development Control Order requiring demolition of unlawful works.</p> <p>Issues: No development consent.</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for further section 34 conciliation conference on 24 January 2024</p> <p>Solicitors: Marsdens Law Group</p> <p>External experts:</p> <p>Internal experts: Development Control Officer</p>

26.	<p>• Property Address: 14-20 Lake Street and 55 – 57 Pennant Hills Road, North Parramatta</p> <p>• Applicant: Malouf & Malouf</p> <p>• Proceedings No.: 72317/23</p> <p><u>Existing Matter</u></p>	<p>Description: 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>Issues: Bushfire Prone Land, Transport for NSW Concurrence, stormwater</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for mention via MS teams on 29 January 2024.</p> <p>Solicitors: Marsdens Law Group</p> <p>External experts: Grahame Swain (Bushfire Consultant)</p> <p>Internal experts: Planner Development Engineer</p>
27.	<p>• Property Address: 11-17 Shirley Street, Carlingford</p> <p>• Applicant: Shirley Street Projects Pty Ltd</p> <p>• Proceedings No.: 127732/23</p> <p><u>Existing Matter</u></p>	<p>Description: SCCPP 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</p> <p>Issues: Minimum Site Area/Height/Floor Space Ratio/Earthworks/Site Compatibility/Natural Ventilation/Character/Building Orientation, Envelope & Design/ Landscaping/Traffic & Parking/Design Quality/stormwater/Accessibility</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for Hearing on 22-24 May 2024</p> <p>Solicitors: Sparke Helmore</p> <p>External experts: Stephen Collier</p> <p>Internal experts: Planner Development Engineer Landscape Officer Accessibility Officer</p>
28.	<p>• Property Address: 9-11 Thallon Street, Carlingford</p> <p>• Applicant: Carlingford Projects Pty Ltd</p> <p>• Proceedings No.: 13483/23</p> <p><u>Existing Matter</u></p>	<p>Description: SCCPP 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>Issues: WaterNSW Concurrence/Height/Floor Space ratio/ Natural Ventilation/Character/Building Orientation, Envelope & Design/Water Management</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for Hearing on 22-24 May 2024</p> <p>Solicitors: Sparke Helmore</p> <p>External experts: Stephen Collier</p> <p>Internal experts: Planner Development Engineer Landscape Officer Accessibility Officer</p>
29.	<p>• Property Address: 189 Macquarie Street, Parramatta.</p> <p>• Applicant: JKN Parra P/L and Toplace Pty Ltd</p> <p>• Proceedings No.: 286544/22</p> <p><u>Existing Matter</u></p>	<p>Description: Appeal 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>Issues: Design excellence under the LEP, Height, FSR, SEPP 65 – design quality, Wind shear impacts, Environmental Sensitive Design including: reflectivity, BASIX and ventilation</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for hearing on 26-29 March 2024.</p> <p>Solicitors: Sparke Helmore</p> <p>External experts: Stuart MacDonald (Planner) Stephen Collier (Urban Design) Che Wall (Environment Sensitive Design) Michael Eaddy (Wind)</p> <p>Internal experts: Nil</p>
30.	<p>• Property Address: 57 Ballandella Road, Toongabbie</p> <p>• Applicant: J Group Pty Ltd</p> <p>• Proceedings No.: • 281662/23</p> <p><u>Existing Matter</u></p>	<p>Description: Appeal against the deemed refusal of DA/70/2023 seeking approval for demolition of existing structures and construction of a two storey, 72 center based childcare facility.</p> <p>Issues: NSW Department of Education concurrence, Outdoor Unencumbered Space, Acoustic Impacts, Landscaping and Deep Soil, Bulk, Scale, Character, Solar Access, Overshadowing</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for s34 conciliation conference on 22 March 2024.</p> <p>Solicitors: Matthews Folbigg</p> <p>External experts: Acoustic Consultant</p> <p>Internal Experts: Planner Landscape Officer</p>

31.	<ul style="list-style-type: none"> • Property Address: 62 Boundary Street, Parramatta • Applicant: Elias Nehme • Proceedings No.: 31097/23 <p><u>Existing Matter</u></p>	<p>Description: Appeal against the Delegated deemed refusal of DA/823/2022 seeking approval for the demolition, tree removal and construction of a three-storey, 48 place childcare centre with basement parking for 12 vehicles.</p> <p>Issues: Bulk & Scale/Heritage/stormwater/accessibility</p>	<p>Status: Appeal is listed for s34 conciliation conference on 15 May 2024.</p> <p>Solicitors: Matthews Folbigg</p> <p>External experts: Nil</p> <p>Internal experts: Planner Heritage Advisor Accessibility Officer Engineer</p>
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Land and Environment Court proceedings – Class 4 Appeals

1.	<ul style="list-style-type: none"> • Property Address: 85 Church Street, Parramatta • Applicant: The Uniting Church in Australia Property Trust (NSW) • Proceedings No. 2023/00461423 <p><u>New Matter</u></p>	<p>Description: Appeal seeks a declaration from the Court that modified development consent DA/638/2019/C is invalid and of no effect.</p> <p>Issues: TBA</p> <p>Prospects: TBA</p>	<p>Status: Appeal is listed for first return date on 23 February 2024</p> <p>Solicitors: Marsdens</p> <p>External Experts: TBA</p> <p>Internal Experts: TBA</p>
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Land and Environment Court proceedings – Class 3 Appeals

1.	<ul style="list-style-type: none"> • Property Address: Horwood Place, Parramatta (land) <p><u>Existing Matter</u></p>	<p>Description: 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</p> <p>Issues: 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</p>	<p>Status: The appeal was heard in February 2023 and is reserved for judgment. It is subject to separate advice.</p> <p>Solicitors: Maddock (Council officer instructing – Justin Day)</p>
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Local Court

1.	<ul style="list-style-type: none"> • Property Address: 18 Kent Street Epping • Defendant: Liu <p><u>Existing Matter</u></p>	<p>Description: Penalty Notice – Court Elected – Development without development consent</p> <p>Prospects: Good</p>	<p>Hearing on 7 August 2022 vacated, as Council officer was unavailable to provide the brief.</p> <p>New hearing date of 3 April</p> <p>2024 Solicitors: In-house Legal</p>
2.	<ul style="list-style-type: none"> • Property Address: 18 Kent Street Epping • Defendant: Zhang <p><u>Existing Matter</u></p>	<p>Description: Penalty Notice – Court Elected – Development without development consent</p> <p>Prospects: Good</p>	<p>Hearing on 7 August 2022 vacated, as Council officer was unavailable to provide the brief.</p> <p>New hearing date of 3 April</p> <p>2024 Solicitors: In-house Legal</p>
3.	<ul style="list-style-type: none"> • Property Address: 18 Kent Street Epping • Defendant: Liu <p><u>Existing Matter</u></p>	<p>Description: Penalty Notice – Court Elected – Development without development consent</p> <p>Prospects: Good</p>	<p>Hearing on 7 August 2022 vacated, as Council officer was unavailable to provide the brief.</p> <p>New hearing date of 3 April</p> <p>2024 Solicitors: In-house Legal</p>

4.	<ul style="list-style-type: none"> • Property Address: 62 Langdon Road, Winston Hills • Defendant: Janet Addison • Existing Matter 	Description: Dog Attack Prospects: Good	Matter is listed before Parramatta Local Court for hearing on 5 March 2024 Solicitors: In-house Legal
5.	<ul style="list-style-type: none"> • Property Address: 3/437 Wentworth Avenue, Toongabbie, NSW 2146 • Defendant: Manthan Gandhi • Existing Matter 	Description: Non-Compliance Unauthorised Works Prospects: Good	The matter is listed for hearing 21 June 2024 . Solicitors: In-house Legal
6.	<ul style="list-style-type: none"> • Property Address: 3 Princeton Ave, Oatlands • Defendant: Sayed Fares • New Matter 	Description: Development not in accordance with consent Prospects: Good	The matter is listed for hearing 1 February 2024 . Solicitors: In- house legal
7.	<ul style="list-style-type: none"> • Property Address: 158 Midson Rd, Epping • Defendant: Manuel Caballes/Maribel Garza • New Matter 	Description: Four (4) Penalty Notice' – Court Elected – Fail to comply with development control order. Prospects: Good	Two matters listed for mention on 1 February and two matters listen for mention on 15 February 2024 Solicitors: In- house legal

District Court			
1.	<ul style="list-style-type: none"> • Property Address: Victoria Road, Service Road - Rydalmere • Defendant: Franz Boensch • New Matter 	Description: Appeal against Local Court sentence Prospects: Good	Matter is before Parramatta District Court 14 February 2024 first mention. Solicitors: In-house Legal

NSW Civil and Administrative Tribunal (NCAT)			
1.	<ul style="list-style-type: none"> • Property Address: Outside/Near 251-253 Victoria Road, Rydalmere • Defendant: Franz Boensch • New Matter 	Description: Applicant seeks the issuing of an urgent interim injunction preventing Council from taking possession of vehicles under section 25 of the <i>Public Spaces Act 2021</i> Prospects: Good	Matter is before Parramatta District Court 14 February 2024 first mention. Solicitors: In-house Legal

Finalised Matters

Land and Environment Court proceedings – Class 1 Appeal			
1.	<ul style="list-style-type: none"> • Property Address: 51 Railway Street, Granville • Applicant: Railway 51 Pty Ltd • Proceedings No.: 87203/2023 Finalised Matter	Description: 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. Issues: Bulk and Scale/flood/height Prospects: Good	Status: Appeal upheld in line with s34 agreement with amended plans. Solicitors: In-House Legal Services External experts: Nil Internal experts: Planner Urban Design Officer Senior Catchment and Development Engineer

2.	<p>• Property Address: 7-7A Gaggin Street North Parramatta</p> <p>• Applicant: Albert Sahyoun</p> <p>• Proceedings No.: 125558/2023</p> <p>Finalised Matter</p>	<p>Description: 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>Issues: Site selection/Bulk & Scale/ Landscape/Privacy Impacts/Stormwater/Accessibility/Earthwork</p> <p>Prospects: Good</p>	<p>Status: Appeal upheld in line with s34 agreement with amended plans.</p> <p>Solicitors: In-house Legal Services</p> <p>External experts: Nil</p> <p>Internal experts: Planner Development Engineer Landscape Officer Accessibility Officer</p>
3.	<p>• Property Address: 28 Harrison Street, Northmead</p> <p>• Applicant: Jane Francis</p> <p>• Proceedings No.: 445565/2023</p> <p>Finalised Matter</p>	<p>Description: Appeal against development consent DA/326/2023 approving tree removal and alterations and additions to the existing dwelling</p> <p>Issues: Rights of Applicant to commence proceedings</p> <p>Prospects: Good</p>	<p>Status: The proceedings were discontinued by the Applicant on 22 December 2023</p> <p>Solicitors: In-house Legal Services</p> <p>External experts:</p> <p>Internal experts:</p>

Local Court			
1.	<p>• Property Address: 138 Bungaree Road, Pendle Hill</p> <p>• Defendant: PHBS Pty Ltd</p> <p>Existing Matter</p>	<p>Description: Penalty Notice – Court Elected – Fail to comply with development control order</p> <p>Prospects: Good</p>	<p>Status: Matter withdrawn as per the agreement.</p> <p>Solicitors: In-house Legal</p>
2.	<p>• Property Address: 138 Bungaree Road, Pendle Hill</p> <p>• Defendant: PHBS Pty Ltd</p> <p>Existing Matter</p>	<p>Description: Penalty Notice – Court Elected – Fail to comply with development control order</p> <p>Prospects: Good</p>	<p>Status: The company was convicted of the one DCO breach pertaining to the operation of the factory without the odour unit and the OC issued.</p> <p>Solicitors: In-house Legal</p>

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.
- Prospects advice is given on the basis of the evidence at the time the opinion is provided. Prospects may vary as the applicant amends plans and issues raised by Council are appropriately addressed.
- A Fee Estimate is the total fees estimated to be incurred, from the commencement of the appeal until the conclusion of a final judgement. This estimate is set by Council’s external lawyers and any external experts required to be briefed.
- Appeals to the District Court may be made against the severity of penalty imposed by Local Court magistrate in response to Court Elected Penalty Infringement Notices.
- NCAT Matters are proceedings involving administrative reviews in relation to the actions of Council.
- A judicial review appeal may be made to the Land and Environment Court seeking a declaration that a development consent issued by the Council is invalid

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	10	10	6	Seven (7) of the appeals won, were subject to s34 agreement with amended documents.
External	23/24	6	3	3	Two (2) of the appeals won, were 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	
Inhouse	23/24	7	7	0	
External	23/24	0	0	0	

District Court

Matter Type	Financial Year	Total Cases	Wins	Losses	Comments
Inhouse	23/24	0	0	0	
External	23/24	0	0	0	

Costs to date are as follows:

City of Parramatta Land & Environment Court Costs Summary	FY 23/24
Land & Environment Court Costs - Class 1,2,3,4,5	\$340,637
Land & Environment Court Costs - External Experts (Consultants fees)	\$44,055
Local Court Prosecutions/Enforcements	\$0
Supreme Court Proceedings	\$0
Industrial Relations Commissions (IRC)	\$0
NSW Civil and Administrative Tribunal (NCAT)	\$0
Total	\$384,692