



CURRENT LEGAL CASES & STATUS REPORT

Executive Summary

Advice on Council Court proceedings for the period of 1 January – 31 January 2025 inclusive, is contained in this report.

CURRENT LEGAL MATTERS STATISTICS – January 2025

LAND AND ENVIRONMENT COURT

Class 1 Appeals	13
Class 4 Appeals	2

LOCAL COURT

Council Prosecutions	23
Civil Proceedings	2

DISTRICT COURT

District Court Appeals	4
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NCAT

Administrative Appeals	3
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SUPREME COURT

Supreme Court Proceedings	3
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FEDERAL CIRCUIT COURT

Federal Circuit Court Appeal	0
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FINALISED LEGAL MATTERS STATISTICS – January 2025

LAND AND ENVIRONMENT COURT

Class 1 Appeals	1
Class 4 Appeals	0

LOCAL COURT

Council Prosecutions	1
Civil Proceedings	2

DISTRICT COURT

District Court Appeals	0
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NCAT

Administrative Appeals	0
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SUPREME COURT

Supreme Court Proceedings	0
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FEDERAL CIRCUIT COURT

Federal Circuit Court Appeal	0
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LAND AND ENVIRONMENT COURT PROCEEDINGS – Class 1 Appeals

1.	<div> <div> Property Address: 63 Wigram Street, Harris Park </div> <div> Applicant: Anandsingh Jhala t/as 9 Flavours </div> </div> <div> Description: Appeal against the refusal of Development Application No. DA/742/2023 seeking approval for food and drink premises with associated signage including outdoor dining to operate from 11am to 12 midnight, Monday to Sunday </div> <div> Issues: Permissibility/Heritage </div> <div> Matter Status: Appeal listed for s34 conciliation conference on 29 April 2025 </div> <div> External experts: Planner Heritage </div> <div> Solicitors: Marsdens </div> <div> Internal experts: Planner Heritage </div> <div> Proceedings No: 2024/00329199 </div>
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	<p>External experts: Nil</p> <p>Internal experts: Planner Urban Designer Accessibility Officer</p>		
4.	<p>Property Address: 74 Keeler Street Carlingford</p> <p>Description: Appeal against the PLPP's deemed refusal of DA/317/2024 seeking approval for the Demolition, tree removal and construction of a five storey Co-Living Housing development comprising 43 rooms over basement parking.</p> <p>Issues: Objectives of R4 zone, Maximum Building Height, Bulk & Scale, Design & Character, Stormwater Management, Earthworks, Biodiversity, Accessibility, Waste and Site Consolidation</p> <p>Matter Status: Appeal listed for s34 conciliation conference on 3 February 2025</p> <p>External experts: Nil</p>	<p>Applicant: Juanting Zeng</p> <p>Solicitors: In-house</p> <p>Internal experts: Planner Landscape Officer Urban Designer Biodiversity Officer Accessibility Officer Development Engineer</p>	<p>Proceedings No: 2024/281070</p>
5.	<p>Property Address: 36 Keeler Street, Carlingford</p> <p>Description: Appeal against the refusal of DAR/4/2024 in relation to the refusal of a Section 8.3 Review of the Determination of DA/1006/2022 for a Staged development comprising of Stage 1: Tree removal, boundary adjustment, retention of the existing dwelling and Torrens title subdivision into 2 lots; and Stage 2: Construction of a single storey attached dual occupancy development with Torrens title subdivision.</p> <p>Issues: Housing SEPP, Height, Flooding, Water Management/Stormwater, Built Form, Amenity, Accessibility, ESD.</p> <p>Matter Status: Matter listed for Online Court on 12 February 2025</p> <p>External experts: Nil</p>	<p>Applicant: Legend Australian Pty Ltd</p> <p>Solicitors: In-house</p> <p>Internal experts: Planner Landscape Officer Accessibility Officer</p>	<p>Proceedings No: 2024/281104</p>



	Engineer Urban Design		
6.	Property Address: 212 Windsor Road, Winston Hills Applicant: Urban Link Architects Pty Ltd		
	Description: Appeal against the refusal of DAR/4/2024 in relation to the refusal of a Section 8.3 Review of the Determination of DA/1006/2022 for a Staged development comprising of Stage 1: Tree removal, boundary adjustment, retention of the existing dwelling and Torrens title subdivision into 2 lots; and Stage 2: Construction of a single storey attached dual occupancy development with Torrens title subdivision.		
	Issues: Owners consent for easement/Lapsing of Appeal rights		
	Matter Status: s34AA Conciliation conference and hearing on 1 April 2025	Solicitors: In-house	Proceedings No: 2024/316284
	External experts: Nil	Internal experts: Planner Engineer	
7.	Property Address: 23-27 Dixon Street, Parramatta Applicant: Z Boys Pty Ltd		
	Description: Appeal against the deemed refusal of DA/238/2024 seeking approval for the demolition of all existing structures across three allotments, tree removal and construction of a three-storey, one hundred and twenty (120) place childcare centre with basement carparking and associated landscaping, and amalgamation of three lots		
	Issues: Objectives of the Site, non-compliant, design principles for Child Cares, Urban Design, Landscape and Deep Soil, Public Domain, Water NSW.		
	Matter Status: Matter listed for Online Court on 21 February 2025	Solicitors: Sparke Helmore Lawyers	Proceedings No: 2024/229702
	External experts: N/A	Internal experts: Planner Landscape Officer Accessibility Officer Catchment & Development Engineer	



	\$28k-\$33k + GST should matter proceed to hearing		
8.	Property Address:	99 Parramatta Road, Granville	Applicant: Granville 101 Pty Ltd
	Description:	Appeal against the deemed refusal of DA/183/2024 seeking approval for the construction of a mixed-use building comprising of commercial tenancies, hotel accommodation, a 125-place childcare facility and basement car park with 84 car parking spaces across two (2) basement levels	
	Issues:	Bulk & Scale, overshadowing, non-compliant indoor and outdoor play space, accessibility, flooding, stormwater, landscaping	
	Matter Status:	Appeal listed for hearing on 24 and 25 March 2025.	Solicitors: Sparke Helmore Lawyers Proceedings No: 2024/218377
	External experts:	N/A	Internal experts: Planner Landscape Officer Accessability officer Catchment and Development Engineer
9.	Property Address:	15A-15B Moseley Street and 25-31 Donald Street, Carlingford	Applicant: Captag Investments Pty Ltd ATF; Captag Investments Trust
	Description:	Appeal against the SCCPP deemed refusal of DA/222/2024 seeking approval of a Staged Development comprising Stage 1 - Demolition of existing buildings, tree removal and construction of a part 4/part 7 storey residential flat building comprising 46 units and a shared basement carpark; Stage 2 - construction of a 6- storey mixed use development comprising an 80 place centre based childcare centre and 45 residential units. A total of 22 residential units will be allocated for affordable housing in accordance with the requirements of the State Environmental Planning Policy (Housing) 2021.	
	Issues:	Urban design	
	Matter Status:	Matter listed for Online Court on 3 February 2025	Solicitors: In-house Proceedings No: 2024/28881
	External experts:	N/A	Internal experts: Planner
10.	Property Address:	132 Victoria Road, Rydalmere	Applicant: J S Architects Pty Ltd



	<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>Matter Status: The appeal is Part-Heard. Matter listed for hearing on 27 February 2025</p> <p>External experts: Hydraulic and geotechnical engineering - Dr Daniel Martens</p> <p>Solicitors: In-house</p> <p>Internal experts: Planner Landscape Officer Urban Designer</p> <p>Proceedings No: 2023/200193</p>
11.	<p>Property Address: 135 Victoria Road, North Parramatta</p> <p>Applicant: J S Architects Pty Ltd</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>External experts: Geotechnical Expert</p> <p>Internal experts: Planner Development Engineer Traffic Engineer Urban Designer</p>
12.	<p>Property Address: 15 & 29 and Carter Street, Lidcombe</p> <p>Applicant: Australia YMCI Pty Ltd</p>



	<p>Description: Appeal against the imposition of conditions on development consent DA/965/2022 which approved a 3 lot Torrens Title subdivision, bulk earthworks, remediation works, site infrastructure works including construction of a new road, utility services, drainage works and works to create a future public open space.</p> <p>Issues: Validity and modification of conditions</p> <p>Matter Status: NOM hearing listed for 17 February 2025</p> <p>External experts: TBA</p> <p>Solicitors: Holding Redlich</p> <p>Internal experts: Planner Civil Engineer</p> <p>Proceedings No: 2024/121594</p>
13.	<p>Property Address: 8 Silverwater Road, Silverwater</p> <p>Applicant: CK Design</p> <p>Description: Appeal against the SCCPP's Refusal of DA/737/2022 seeking consent for the demolition of existing structures and the construction of a mixed-use development comprised of retail premises, business/office premises, neighborhood shops, a pub and a childcare centre, over two levels of basement parking.</p> <p>Issues: Height/FSR/contamination/air quality/site suitability for childcare guidelines</p> <p>Matter Status: Hearing on 8-9 May 2025</p> <p>External experts: Andrew Norris (Contamination) Jane Barnette (Air Quality)</p> <p>Solicitors: Marsdens Law Group</p> <p>Internal experts: Planner</p> <p>Proceedings No: 2024/0006681</p>

LAND AND ENVIRONMENT COURT PROCEEDINGS – Class 4 Appeals

1.	<p>Property Address: 40 Greens Avenue, Oatlands</p> <p>Applicants: Natalie Najaibie Ellie Abi-Khattar and John Paul Abi-Khattar</p> <p>Description: Appeal seeks a declaration from the Court that development was carried out on land in contravention of development consent DA/563/2018</p> <p>Issues: Development not carried out in line with development consent</p>
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	<p>Matter Status: Directions hearing on 7 February 2025</p> <p>External experts: Nil</p>	<p>Solicitors: Sparke Helmore Lawyers</p> <p>Internal experts: TBA</p>	<p>Proceedings No: 2024/244872</p>
2.	<p>Property Address: 4 Rosen Street, Epping</p> <p>Description: Failure to comply with removal order</p> <p>Issues: Removal orders</p> <p>Matter Status: Matter listed for directions hearing on 14 February 2024</p> <p>External experts: Nil</p>	<p>Applicant: Kerry Craddock</p> <p>Solicitors: Sparke Helmore Lawyers</p> <p>Internal experts: TBA</p>	<p>Proceedings No: 2024/002667318</p>

DISTRICT COURT

1.	<p>Property Address: Freemasons Arms Lane (8 Phillip Street, Parramatta)</p> <p>Description: Debt recovery proceedings in the amount of \$161,460</p> <p>Matter Status: Directions hearing on 4 April 2025</p>	<p>Applicant: MN Builders Pty Ltd</p> <p>Solicitors: Executive Collections Legal Services</p>	<p>Proceedings No: 2023/00232859</p>
2.	<p>Property Address: Epping</p>	<p>Applicant: Contractor</p>	



	Description: Employee Fall from Garbage Truck- Personal Injury Matter Status: Directions hearing on 22 May 2025 Solicitors: Gillis Delaney Proceedings No: 2024/00147093
3.	Property Address: Parramatta Applicant: Contractor Description: Employee Fall from Garbage Truck- Personal Injury Matter Status: Discovery phase due July 2025 Solicitors: McInnes Wilson Proceedings No: 2024/00159584
4.	Property Address: Parramatta Applicant: Contractor Description: Employee Fall from Garbage Truck- Personal Injury Matter Status: Initial discovery phase Solicitors: Sparke Helmore Lawyers Proceedings No: 2024/00159584

LOCAL COURT

1.	Property Address: N/A Applicant: Chaudhari, Shriram Description: Penalty Notice – Court Elected Park continuously for longer than indicated Matter Status: Hearing on 31 January 2025 Solicitors: Police Prosecutor Proceedings No:
5.	Property Address: N/A Applicant: George, Luke Edwin



	<p>Description: Penalty Notice – Court Elected Not stand vehicle in marked parking space</p> <p>Matter Status: Hearing on 31 January 2025</p> <p>Solicitors: Police Prosecutor</p> <p>Proceedings No:</p>
6.	<p>Property Address: N/A</p> <p>Applicant: Edessa (NSW) Pty Ltd</p> <p>Description: Penalty Notice – Court Elected Disobey no parking sign (in school zone)</p> <p>Matter Status: Hearing on 28 February 2025</p> <p>Solicitors: Police Prosecutor</p> <p>Proceedings No:</p>
7.	<p>Property Address: N/A</p> <p>Applicant: Latta, Bradley John</p> <p>Description: Penalty Notice – Court Elected Stand unregistered registrable Class A motor vehicle on road</p> <p>Matter Status: Hearing on 7 February 2025</p> <p>Solicitors: Police Prosecutor</p> <p>Proceedings No:</p>
8.	<p>Property Address: N/A</p> <p>Applicant: Xian, Hui</p> <p>Description: Penalty Notice – Court Elected Park vehicle strata parking area etc over max time permitted</p> <p>Matter Status: Hearing on 21 March 2025</p> <p>Solicitors: Police Prosecutor</p>



9.	Property Address: N/A Applicant: Tsing (Andrew) Li
	Description: Penalty Notice – Court Elected Disobey no parking sign
	Matter Status: Hearing on 20 March 2025 Solicitors: Police Prosecutor
10.	Property Address: N/A Applicant: Rashed, Mohamed Abbas Hassan Hossny
	Description: Penalty Notice – Court Elected Double parking
	Matter Status: Hearing on 31 March 2025 Solicitors: Police Prosecutor
11.	Property Address: 94 Wigram Street, Harris Park Applicant: Ginger Indian Restaurant
	Description: Penalty Notice – Court Elected Development without development consent – any other case – corporation
	Matter Status: Mention on 10 March 2025 Solicitors: Sparke Helmore Lawyers



12.	<div> <div> Property Address: 3-5 Bridge Street, Rydalmere Applicant: Rydalmere Prestige Smash Repairs Pty Ltd </div> <div> Description: Penalty Notice – Court Elected Development not accord consent – any other case </div> <div> Matter Status: Mention on 10 March 2025 Solicitors: Sparke Helmore Lawyers </div> </div>
13.	<div> <div> Property Address: 14 Sussex Street, Epping Applicant: P G Binet Pty Ltd </div> <div> Description: Penalty Notice – Court Elected Pollute Waters – first offence </div> <div> Matter Status: Mention on 28 April 2025 Solicitors: Sparke Helmore Lawyers </div> </div>
14.	<div> <div> Property Address: 24 Hinkler Street, Ermington Applicant: SSPN Pty Ltd </div> <div> Description: Penalty Notice – Court Elected Development not accord consent – class 1a/10 building </div> <div> Matter Status: Mention on 7 April 2025 Solicitors: Sparke Helmore Lawyers </div> </div>



15.	Property Address: 65 Wigram Street, Harris Park		Applicant: Singh, Habir	
	Description: Penalty Notice – Court Elected Fail to comply with terms of development control order			
	Matter Status: Mention on 24 February 2025		Solicitors: Sparke Helmore Lawyers	
16.	Property Address: 43 Donald Street, Carlingford		Applicant: BCJ Pty Ltd	
	Description: Penalty Notice – Court Elected Neglect/fail to comply with requirement under Chapter 7 of the Act (investigation) – corporation			
	Matter Status: Mention on 17 February 2025		Solicitors: Sparke Helmore Lawyers	
17.	Property Address: 77 Wigram Street, Harris Park		Applicant: SRP Enterprises Pty Ltd	
	Description: Penalty Notice – Court Elected Development without development consent – any other case			
	Matter Status: Mention on 3 February 2025		Solicitors: Sparke Helmore Lawyers	
18.	Property Address: 37 Hume Avenue, Ermington		Applicant: Beechwood Homes (NSW) Pty Ltd	



	<p>Description: Penalty Notice – Court Elected Pollute Waters</p> <p>Matter Status: Mention on 10 February 2025</p> <p>Solicitors: Sparke Helmore Lawyers</p>
19.	<p>Property Address: 30 Donald Street, Carlingford</p> <p>Applicant: BCJ Pty Ltd</p> <p>Description: Penalty Notice – Court Elected Not complying with requirement under Chapter 7</p> <p>Matter Status: Mention on 17 February 2025</p> <p>Solicitors: In-House</p>
20.	<p>Property Address:</p> <p>Applicant: Brown, Willie Marion</p> <p>Description: Penalty Notice – Court Elected Disobey no stopping sign</p> <p>Matter Status: Mention on 11 February 2025</p> <p>Solicitors: Police Prosecutors</p>
21.	<p>Property Address: 39 Fallon Street, Rydalmere</p> <p>Applicant: Meadan Homes Australia</p> <p>Description: Penalty Notice – Court Elected Pollute Waters – Class 1 Officer</p>



	<p>Matter Status: Mention on 10 March 2025</p> <p>Solicitors: Sparke Helmore Lawyers</p>
22.	<p>Property Address: 29 Eleanore Street, Rosehill</p> <p>Applicant: Li Bo</p> <p>Description: Penalty Notice – Court Elected Development not in accordance with Development Consent</p> <p>Matter Status: Mention on 27 February 2025</p> <p>Solicitors: Sparke Helmore Lawyers</p>
23.	<p>Property Address: 3 Saunders Road, Ermington</p> <p>Applicant: Meadan Homes</p> <p>Description: Penalty Notice – Court Elected Pollute Waters – Corporation – Class 1</p> <p>Matter Status: Mention on 10 March 2025</p> <p>Solicitors: Sparke Helmore Lawyers</p>
24.	<p>Property Address: 87 Church Street, PARRAMATTA NSW 2150 & 6 Great Western Highway, PARRAMATTA NSW 2150</p> <p>Applicant: SQ MUSTANG PTY LTD</p> <p>Description: Legal action for debt recovery</p> <p>Issues: Outstanding Rates</p>



	<div> Matter Status: SOLC Issued </div> <div> Solicitors: ECLS Pty Ltd </div> <div> Proceedings No: 2025/86940 </div>
25.	<div> Property Address: 10 James Street Carlingford </div> <div> Applicant: CHANDOS PROJECTS (CARLINGFORD) PTY. LTD </div> <div> Description: Legal action for debt recovery </div> <div> Issues: Outstanding Invoices </div> <div> Matter Status: Bank Garnishee Lodged </div> <div> Solicitors: ECLS Pty Ltd </div> <div> Proceedings No: 2021/353346 </div>



NSW CIVIL AND ADMINISTRATIVE TRIBUNAL (NCAT)				
1.	Property Address:	N/A	Applicant:	Franz Boensch
	Description:	Appeal of the decision under Public Spaces (Unattended Property) Act 2021		
	Matter Status:	Decision reserved	Solicitors:	Matthews Folbigg
			Proceedings No:	2024/00210974
2.	Property Address:	N/A	Applicant:	Councillor Kellie Darley
	Description:	Application under the Government Information (Public Access) Act 2009 (NSW)		
	Matter Status:	Hearing dates on 31 July, 14 November and 31 December 2024	Solicitors:	Sparke Helmore Lawyers
		Decision reserved		
3.	Property Address:	N/A	Applicant:	Pamela Hardiman
	Description:	Disability discrimination claim		
	Matter Status:	Awaiting final hearing date	Solicitors:	McCabes Lawyers



SUPREME COURT			
1.	Property Address:	N/A	Applicant: The Owners – Strata Plan 102896
	First Defendant:	City of Parramatta Council	Second Defendant: PCC Devco 1 Pty Ltd
	Description:	Claim against Council as the developer under s18 Home Building Act	
	Matter Status:	Directions hearing on 4 April 2025.	Solicitors: HWL Ebsworth
2.	Property Address:	14-16 Hill Road, Wentworth Point	Applicant: City of Parramatta Council
	First Defendant:	Transport for NSW	Second Defendant: Valuer-General of NSW
	Description:	Judicial review application on valuation of land	
	Matter Status:	Directions hearing on 18 February 2025	Solicitors: Allens Linklaters
3.	Property Address:	N/A	Applicant: Councillor Kellie Darley
	First Defendant:	City of Parramatta Council	Second Defendant: Phil O'Toole
	Description:	Judicial review application	
	Matter Status:	Notice of Motion hearing on 26 February 2025	Solicitors: HWL Ebsworth

FINALISED MATTERS



LAND AND ENVIRONMENT COURT PROCEEDINGS – Class 1 Appeals

1.	Property Address:	188 Church Street, Parramatta	Applicant:	G & J Drivas Pty Ltd and Telado Pty Ltd	
	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.			
	Issues:	Heritage/FSR/Flood/Bulk and Scale			
	Matter Status:	Hearing on 12-14 November 2024	Solicitors:	Marsdens Law Group	
		Appeal dismissed			Proceeding No: 2023/00455119
	External experts:	Vanessa Holtham - Heritage Consultant Stephen Collier – Urban Design Consultant	Internal experts:	Planner Catchment Engineer Landscape Officer	

LOCAL COURT

1.	Property Address:	N/A	Applicant:	MJA SYSTEMS PTY LTD	
	Description:	Penalty Notice - Court Elected Stop on/across driveway/any access to/from land			
	Matter Status:	Guilty – section 10(1)(a)	Solicitors:	Police Prosecutors	
2.	Property Address:	10 Merryl Avenue, OLD TOONGABBIE	Applicant:	BULLI 101 PTY LTD	
	Description:	Legal action for debt recovery			



	<p>Issues: Outstanding rates</p> <p>Matter Status: SOLC Issued</p> <p>Solicitors: ECLS Pty Ltd</p> <p>Proceedings No: 2025/43419</p>
3.	<p>Property Address: Property</p> <p>Applicant: Resident</p> <p>Description: Legal action for debt recovery</p> <p>Issues: Outstanding invoices</p> <p>Matter Status: Summons served</p> <p>Solicitors: ECLS Pty Ltd</p> <p>Proceedings No: 2025/43522</p>

Win/Loss Record

Please note the below relates to Class 1 appeals and Council prosecutions (Local Court and Class 4 proceedings) only. The total case number only relates to 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. For Class 1 appeals, the Wins record includes appeals resolved as a result of a section 34 conciliated agreement being entered into between the parties due to the Applicant amending their application to resolve the issues the subject of the appeal.

Land and Environment Court – Class 1 Appeals

Matter Type	Financial Year	Total Cases	Wins	Losses	Comments
In-house	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.
In-house	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.
In-house	23/24	21	14	7	Nine (9) of the appeals won, were subject to s34 agreement with amended documents.
External	23/24	13	9	3	The eight (8) of the appeals won, were subject to s34 agreement with amended documents.
In-house	24/25	14	14	0	The fourteen (14) appeals won were subject to s34 agreement with amended documents.
External	24/25	8	8	0	Of the eight (8) appeals won, three were dismissed and the others were subject to a s34 agreement with amended documents.

Land and Environment Court – Class 4 Prosecutions

Matter Type	Financial Year	Total Cases	Wins	Losses	Comments
In-house	23/24	0	0	0	
External	23/24	1	1	0	

In-house	24/25	0	0	0	
External	24/25	0	0	0	

Local Court – Prosecutions

Matter Type	Financial Year	Total Cases	Wins	Losses	Comments
In-house	22/23	10	10	0	
External	22/23	0	0	0	
In-house	23/24	24	13	3	
External	23/24	2	3	0	
In-house	24/25	11	10	1	
External	24/25	7	7	0	

Definitions and notes:

- A section 34 conciliation conference is presided over by a Commissioner of the Land and 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 and Environmental Court. If the parties do not reach an agreement onsite, the Commissioner will make a determination at a hearing.
- A section 56A appeal may be made to a judge against a Commissioner’s decision but this can only be a point of law and not about 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 elects 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. Litigation is a highly uncertain activity, so “good” or “fair” prospects advice

does not mean there is certainty in an outcome favorable to Council, just that Council is likely to be successful based on legal advice. For planning matters (Class 1 development application appeals) matters, where a legal matter state there are “good prospects” it means that Council is confident in its decision to decline a development application based on legal advice, but this may vary over time as the applicant amends plans and issues raised by Council are appropriately addressed. For regulatory (Local Court) matters, Council will generally not proceed with a penalty notice unless Council has legal advice that it has “good prospects” of a successful outcome, otherwise Council will withdraw the penalty notice. For other ongoing litigated matters, as litigation is inherently uncertain, prospects may change as a matter progresses, given that proceedings can take between 6 to 18 months to get to a final hearing and judgment. Prospects are generally described as “fair”. If a legal matter has poor prospects of success, then Council will attempt to resolve the matter as soon as possible.

- 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.
- NSW Civil and Administrative Tribunal (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.