



CURRENT LEGAL CASES & STATUS REPORT

Executive Summary

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

CURRENT LEGAL MATTERS STATISTICS – March 2025

LAND AND ENVIRONMENT COURT

Class 1 Appeals	11
Class 4 Appeals	2

LOCAL COURT

Council Prosecutions	10
Civil Proceedings	112

DISTRICT COURT

District Court Appeals	1
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NCAT

Administrative Appeals	2
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SUPREME COURT

Supreme Court Proceedings	3
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NSW INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Commission Proceedings	0
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FINALISED LEGAL MATTERS STATISTICS – March 2025

LAND AND ENVIRONMENT COURT

Class 1 Appeals	3
Class 4 Appeals	0

LOCAL COURT

Council Prosecutions	6
Civil Proceedings	0

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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NSW INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Commission Proceedings	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> <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> <div> <div>Solicitors: Marsdens</div> <div>Internal experts: Planner Heritage</div> <div>Proceedings No: 2024/00329199</div> <div>Prospects: Good</div> </div>
2.	<div> <div>Property Address: 183 Macquarie Street, Parramatta</div> <div>Applicant: Rapisarda Trust Pty Ltd Rapisarda Trust Pty Ltd</div> </div> <div> <div>Description: Appeal against the PLPP refusal of DA/837/2022 seeking approval for the construction of a 12-storey mixed use building containing ground floor retail/commercial space and 76 Co-Living rooms over one level of basement storage</div> <div>Issues: Site Suitability, Public Domain, Transport for NSW concurrence, site isolation, Amenity, Built Form and Accessibility</div> <div>Matter Status: Appeal is listed for hearing on 7-9 May 2025</div> <div>External experts: Nil</div> </div> <div> <div>Solicitors: Sparke Helmore Lawyers</div> <div>Internal experts: Planner Urban Designer Accessibility Officer</div> <div>Proceedings No: 2024/142854</div> </div>
3.	<div> <div>Property Address: 74 Keeler Street Carlingford</div> <div>Applicant: Juanting Zeng</div> </div> <div> <div>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.</div> <div>Issues: Objectives of R4 zone, Maximum Building Height, Bulk & Scale, Design & Character, Stormwater Management, Earthworks, Biodiversity, Accessibility, Waste and Site Consolidation</div> </div>

	<p>Matter Status: Appeal is listed for hearing on 27 August 2025</p> <p>External experts: Nil</p>	<p>Solicitors: Pikes & Verekers</p> <p>Internal experts: Planner Landscape Officer Urban Designer Biodiversity Officer Accessibility Officer Development Engineer</p>	<p>Proceedings No: 2024/281070</p>
4.	<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: Appeal listed for hearing on 1 October 2025</p> <p>External experts: Nil</p>	<p>Applicant: Legend Australian Investment Pty Ltd</p> <p>Solicitors: Pikes & Verekers</p> <p>Internal experts: Planner Landscape Officer Accessibility Officer Engineer Urban Design</p>	<p>Proceedings No: 2024/281104</p>
5.	<p>Property Address: 212 Windsor Road, Winston Hills</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: Owners consent for easement/Lapsing of Appeal rights</p> <p>Matter Status: s34AA Conciliation conference and hearing on 1 April 2025</p>	<p>Applicant: Urban Link Architects Pty Ltd</p> <p>Solicitors: Pikes & Verekers</p>	<p>Proceedings No: 2024/316284</p>

	External experts: Nil Internal experts: Planner Engineer
6.	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: Judgment reserved on 13 March 2025 Solicitors: Sparke Helmore Lawyers Proceedings No: 2024/229702 External experts: N/A Internal experts: Planner Landscape Officer Accessibility Officer Catchment & Development Engineer
7.	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: Judgement reserved on 24 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

8.	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: Appeal listed for hearing on 23-24 June 2025		Solicitors: Sparke Helmore Lawyers	Proceedings No: 2024/28881
	External experts: N/A	Internal experts: Planner		
9.	Property Address: 135 Victoria Road, North Parramatta		Applicant: J S Architects Pty Ltd	
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.				
Issues: Non-Compliance with Housing SEPP, Transport for NSW concurrence, Stormwater				
Matter Status: Judgment reserved on 25 March 2025				
External experts: Geotechnical Expert		Internal experts: Planner Development Engineer Traffic Engineer Urban Designer		

10.	<p>Property Address: 15 & 29 and Carter Street, Lidcombe 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: Appeal listed for hearing from 28 April to 1 May 2025 Solicitors: Holding Redlich Proceedings No: 2024/121594</p> <p>External experts: TBA Internal experts: Planner Civil Engineer</p>
11.	<p>Property Address: 1-17 Grey Street & 32-48 Silverwater Road, Silverwater 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 Solicitors: Marsdens Law Group Proceedings No: 2024/0006681</p> <p>External experts: Andrew Norris (Contamination) Jane Barnette (Air Quality) Internal experts: Planner</p>

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

LOCAL COURT – COUNCIL PROSECUTIONS

1.	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 28 April 2025	Solicitors: Sparke Helmore Lawyers		
2.	Property Address: 3-5 Bridge Street, Rydalmere	Applicant: Rydalmere Prestige Smash Repairs Pty Ltd		
	Description: Penalty Notice – Court Elected			

	Development not accord consent – any other case	
	Matter Status: Mention on 14 April 2025	Solicitors: Sparke Helmore Lawyers
3.	Property Address: 14 Sussex Street, Epping	Applicant: P G Binet Pty Ltd
	Description: Penalty Notice – Court Elected Pollute Waters – first offence	
	Matter Status: Mention on 18 April 2025	Solicitors: Matthews Folbigg Solicitors
4.	Property Address: 24 Hinkler Street, Ermington	Applicant: SSPN Pty Ltd
	Description: Penalty Notice – Court Elected Development not accord consent – class 1a/10 building	
	Matter Status: Mention on 7 April 2025	Solicitors: Matthews Folbigg Solicitors
5.	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: Hearing on 29 May 2025 Solicitors: Sparke Helmore Lawyers
6.	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 June 2025 Solicitors: Sparke Helmore Lawyers
7.	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 28 April 2025 Solicitors: Sparke Helmore Lawyers
8.	Property Address: 37 Hume Avenue, Ermington Applicant: Beechwood Homes (NSW) Pty Ltd
	Description: Penalty Notice – Court Elected Pollute Waters
	Matter Status: Hearing on 16 May 2025 Solicitors: Sparke Helmore Lawyers

9.	Property Address: 30 Donald Street, Carlingford Applicant: BCJ Pty Ltd
	Description: Penalty Notice – Court Elected Not complying with requirement under Chapter 7
	Matter Status: Mention on 17 June 2025 Solicitors: In-House
10.	Property Address: 29 Eleanore Street, Rosehill Applicant: Li Bo
	Description: Penalty Notice – Court Elected Development not in accordance with Development Consent
	Matter Status: Mention on 28 April 2025 Solicitors: Sparke Helmore Lawyers

LOCAL COURT – CIVIL PROCEEDINGS

Debt recovery matters

DISTRICT COURT

1.	Property Address: Freemasons Arms Lane (8 Phillip Street, Parramatta) Applicant: MN Builders Pty Ltd
	Description: Debt recovery proceedings in the amount of \$161,460

	Matter Status: Directions hearing on 4 April 2025	Solicitors: Executive Collections Legal Services	Proceedings No: 2023/00232859
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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 Decision reserved	Solicitors: Sparke Helmore Lawyers	Prospects: Fair

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.	<p>Property Address: 14-16 Hill Road, Wentworth Point Applicant: City of Parramatta Council</p> <p>First Defendant: Transport for NSW Second Defendant: Valuer-General of NSW</p> <p>Description: Judicial review application on valuation of land</p> <p>Matter Status: Hearing listed for 29-30 July 2025 Solicitors: Allens Linklaters</p>
3.	<p>Property Address: N/A Applicant: Councillor Kellie Darley</p> <p>First Defendant: City of Parramatta Council Second Defendant: Phil O’Toole</p> <p>Description: Judicial review application</p> <p>Matter Status: Hearing listed for 29 May 2025 Solicitors: HWL Ebsworth</p>

FINALISED MATTERS

LAND AND ENVIRONMENT COURT PROCEEDINGS – Class 1 Appeals

1.	<div> <div> Property Address: 35 Surrey Street, Epping </div> <div> Applicant: Sam Patrick Calleija </div> </div> <div> Description: Appeal against the refusal of Development Application No. DA/655/2023 for the Torrens title subdivision of the land into two lots and D associated civil works </div> <div> Issues: Owners consent, stormwater management, residential subdivision </div> <div> Matter Status: Proceedings have been finalised – appeal upheld </div> <div> Solicitors: Marsdens </div> <div> Proceedings No: 2024/00329199 </div> <div> External experts: NIL </div> <div> Internal experts: Planner Engineer </div>
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LOCAL COURT – COUNCIL PROSECUTIONS

1.	Property Address: N/A	Applicant: Xian, Hui
	Description: Penalty Notice – Court Elected Park vehicle strata parking area etc over max time permitted	
	Matter Status: Guilty	Solicitors: Police Prosecutor
2.	Property Address: N/A	Applicant: Rashed, Mohamed Abbas Hassan Hossny
	Description: Penalty Notice – Court Elected Double parking	
	Matter Status: Guilty	Solicitors: Police Prosecutor
3.	Property Address:	Applicant: Brown, Willie Marion
	Description: Penalty Notice – Court Elected Disobey no stopping sign	
	Matter Status: Guilty	Solicitors: Police Prosecutors

4.	Property Address: 39 Fallon Street, Rydalmere Applicant: Meadan Homes Australia
	Description: Penalty Notice – Court Elected Pollute Waters – Class 1 Officer Matter Status: Withdrawn Solicitors: Sparke Helmore Lawyers
5.	Property Address: 3 Saunders Road, Ermington Applicant: Meadan Homes
	Description: Penalty Notice – Court Elected Pollute Waters – Corporation – Class 1 Matter Status: Withdrawn Solicitors: Sparke Helmore Lawyers
6.	Property Address: N/A Applicant: Tsing (Andrew) Li
	Description: Penalty Notice – Court Elected Disobey no parking sign Matter Status: Dismissed Solicitors: Police Prosecutor

LEGAL SERVICES BUDGET

The Legal Services budget, which funds the legal and consultant fees referred to above, is currently:

	For March 2025			FY25 – YTD			Full year budget	
Category	March Actual	March Budget	March variance (Actual – Budget)	YTD Actual	YTD Budget	YTD variance (Actual – Budget)		Comments (FY25)
Legal – Planning & Development	38,511	60,791	(22,280)	360,554	404,256	43,702	750,000	
Legal – Other Services	59,877	36,843	23,034	1,227,580	1,089,262	(138,319)	1,102,130	
Total Legal Fees (CoP)	98,388	97,634	754	1,588,134	1,493,518	(94,616)	1,852,130	

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

Financial Year	Total Cases	Wins	Losses	Comments

23/24	34	24	3	Eighteen (18) of the appeals won were subject to s34 agreements with amended documents.
24/25	25	25	0	Twenty-two (22) of the appeals were subject to s34 agreements with amended documents and the other three were dismissed.

Land and Environment Court – Class 4 Prosecutions

Financial Year	Total Cases	Wins	Losses
23/24	1	1	0
24/25	0	0	0

Local Court Prosecutions

Financial Year	Total Cases	Wins	Losses
23/24	26	16	3
24/25	23	21	2

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.
- Court elected means that the recipient of a Penalty Infringement Notice (PIN) issued by Council officers for breach of the law 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 or in relation to civil proceedings against Council. For example, civil liability proceedings that are managed by Council’s insurers.
- 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.
- Local Court civil proceedings generally relate to debt recovery matters where Council is pursuing unpaid rates.