



City of Parramatta Current Legal Cases & Status for the period of June 2024

Executive Summary

Advice on Council Court proceedings for the period of 1 June 2024 – 30 June 2024 inclusive, is contained in this report.

Current Legal Matter Statistics – June 2024

Federal Court

Federal Court Appeal	1
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Land and Environment Court

Class 1 Appeals	28
Class 4 Appeals	2

Local Court

Council Prosecutions	20
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District Court

District Court Appeal	1
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NCAT

Administrative Appeal	2
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Finalised Legal Matters Statistics – June 2024

Land and Environment Court

Class 1 Appeals	2
Class 4 Appeals	1

Local Court

Council Prosecutions	3
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District Court

District Court Appeal	0
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NCAT

Administrative Appeal	0
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Legal Services Status Report

As at 30 June 2024

Land and Environment Court proceedings – Class 1 Appeals

1.	<ul style="list-style-type: none"> • Property Address: 35 Simpson Street, Dundas Valley • Applicant: Dundas Valley Pty Ltd t/as ATF Dundas Valley Holding Trust • Proceedings No.: 236897/2024 • <u>New Matter</u> 	<p>Description: Appeal against the deemed refusal of Modification Application DA/255/2021/A seeking approval to modify the architectural and landscape plans approved by the Land and Environment Court in respect of DA/255/2021. .</p> <p>Issues: TBA</p> <p>Prospects: TBA</p>	<p>Status: Appeal is listed for First Return date on 25 July 2024.</p> <p>Solicitors: HWL Ebsworth</p> <p>External experts: N/A</p> <p>Internal experts: Planner</p>
2.	<ul style="list-style-type: none"> • Property Address: 15A-15B Moseley Street and 25-31 Donald Street, Carlingford • Applicant: Captag Investments Pty Ltd ATF Captag Investments Trust • Proceedings No.: 238881/2024 • <u>New Matter</u> 	<p>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 child care 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.</p> <p>Issues: TBA</p> <p>Prospects: TBA</p>	<p>Status: Appeal is listed for First Return date on 25 July 2024.</p> <p>Solicitors: HWL Ebsworth</p> <p>External experts: N/A</p> <p>Internal experts: Planner</p>
3.	<ul style="list-style-type: none"> • Property Address: 31 Moses Way, Winston Hills • Applicant: Moses & Moses • Proceedings No.: 189730/2024 • <u>Existing Matter</u> 	<p>Description: Appeal against the delegated refusal of DA/56/2023, seeks consent for construction of an attached two storey dual occupancy with basement, lifts, retaining walls and Torrens Title subdivision into 2 lots. .</p> <p>Issues: Geotech/Engineering</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for Section 34AA Conciliation Conference and Hearing on 2-3 October 2024.</p> <p>Solicitors: In-house</p> <p>External experts: Geotech Engineer</p> <p>Internal experts: Planner</p>
4.	<ul style="list-style-type: none"> • Property Address: 54-56 Marshall Road, Telopea • Applicant: Martopea P/L • Proceedings No.: 170114/2024 • <u>Existing Matter</u> 	<p>Description: Appeal against the delegated refusal of DA/115/2023, seeks consent for the Construction of a three storey 92 place childcare centre with 23 at grade parking spots.</p> <p>Issues: Height/Bulk & Scale/Design Excellence/Stormwater</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for Section 34 Conciliation Conference on 14 October 2024.</p> <p>Solicitors: In-house</p> <p>External experts: TBA</p> <p>Internal experts: Planner Civil Engineer Urban Design Officer</p>
5.	<ul style="list-style-type: none"> • Property Address: 32 Eastwood Avenue, Eastwood • Applicant: Lee • Proceedings No.: 189730/2024 • <u>Existing Matter</u> 	<p>Description: Appeal against the imposition of conditions on development consent DAR/2/2024 which approved the construction of a new front fence driveway and landscaping works.</p> <p>Issues: Validity of condition</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for Section 34 Conciliation Conference on 1 August 2024.</p> <p>Solicitors: In-house</p> <p>External experts: TBA</p> <p>Internal experts: Planner Heritage</p>

<p>6.</p>	<ul style="list-style-type: none"> • Property Address: 14 Cunningham Street, Telopea • Applicant: Wong • Proceedings No.: 105750/2024 • <u>Existing Matter</u> 	<p>Description: Appeal made directly to the Court pursuant to s4.55(8) of the Environmental Planning and Assessment Act 1979 to modify Development Consent DA/968/2021 granted by the Land and Environment Court on 11 October 2023 (Wong v City of Parramatta Council [2023] NSWLEC 1596) to reduce the number of parking spaces from 15 to 5 and reduce the number of basement and lower ground parking levels from 3 to 1.</p> <p>Issues: Traffic and Parking</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for Section 34 Conciliation Conference on 11 September 2024.</p> <p>Solicitors: In-house</p> <p>External experts: TBA</p> <p>Internal experts: Engineer</p>
<p>7.</p>	<ul style="list-style-type: none"> • Property Address: 30 Rickard Street, Carlingford • Applicant: Serobian • Proceedings No.: 90500/2024 • <u>Existing Matter</u> 	<p>Description: Appeal against the deemed refusal of the Applicant's Development Application No. 6/2024 lodged with City of Parramatta Council on 10 January 2024 seeking consent for the demolition of existing buildings, tree removal and construction of a two storey 63 place child-care centre.</p> <p>Issues: Bulk, Scale and Design, Stormwater, Traffic, Earthworks, Accessibility</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for Section 34 Conciliation Conference on 26 September 2024.</p> <p>Solicitors: In-house</p> <p>External experts: TBA</p> <p>Internal experts: Planner Development Engineer Traffic Engineer Accessibility Officer</p>
<p>8.</p>	<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 further Section 34 Conciliation Conference on the 10 July 2024.</p> <p>Solicitors: In-house</p> <p>External Experts:</p> <p>Internal Experts: Certifier/Planner Compliance Officer Engineer</p>
<p>9.</p>	<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 was listed for s34 conciliation conference with the court adjourning the s34 conciliation conference for online court communication on 12 July 2024.</p> <p>Solicitors: In-house</p> <p>External Experts:</p> <p>Internal Experts: Planner Landscape Officer Accessibility Officer Engineer</p>
<p>10.</p>	<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 childcare 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 s34 conciliation conference on 11 July 2024.</p> <p>Solicitors: In-house</p> <p>External Experts: Nil</p> <p>Internal Experts: Planner Urban Designer</p>

11.	<ul style="list-style-type: none"> • Property Address: 1 Tracey Avenue, Carlingford • Applicant: 1 Tracey Pty Ltd • Proceedings No.: 325214/23 <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 and design, objectives of the R2 Zone, Storage, Parking, Landscaping, Storm Water, Acoustics, Accessibility</p> <p>Prospects: Good</p>	<p>Status: Appeal was listed for s34 conciliation conference with the court adjourning the s34 conciliation conference on 19 July 2024.</p> <p>Solicitors: In-house External experts: Nil Internal Experts: Planner Accessibility Officer Engineer Traffic Engineer Landscape Officer</p>
12.	<ul style="list-style-type: none"> • Property Address: 29 Camelot Court, Carlingford • Applicant: Chenglong Huang • Proceedings No.: 265675/23 <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 hearing on 25-26 July 2024.</p> <p>Solicitors: In-house</p> <p>External experts: Surveyor - George Stojanovski Barrister – Ryan Coffey</p> <p>Internal experts: Development Control Officer – Pitou Yi</p>
13.	<ul style="list-style-type: none"> • Property Address: 135 Victoria Road, North Parramatta • Applicant: JS Architects • Proceedings No.: 268375/23 <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 hearing on 24-25 October 2024.</p> <p>Solicitors: In-house</p> <p>External Experts: Geotechnical Expert</p> <p>Internal Experts: Planner Development Engineer Traffic Engineer Urban Designer</p>
14.	<ul style="list-style-type: none"> • Property Address: 7 Yates Avenue, Dundas Valley • Applicant: M Group Invest Pty Ltd • Proceedings No.: 260699/23 <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 further s34 conciliation conference on 29 July 2024.</p> <p>Solicitors: In-house</p> <p>External Experts: Nil</p> <p>Internal Experts: Planner Landscape Officer Traffic Engineer</p>
15.	<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 8-9 August 2024.</p> <p>Solicitors: In-house</p> <p>External experts: Nil</p> <p>Internal experts: Planner Development Engineer</p>

16.	<ul style="list-style-type: none"> • Property Address: 132 Victoria Road, Rydalmere • Applicant: J S Architects Pty Ltd • Proceedings No.: 200193/2023 • <u>Existing Matter</u> 	<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 hearing on 5-6 August 2024.</p> <p>Solicitors: In-house</p> <p>External experts: Hydraulic and geotechnical engineering - Dr Daniel Martens</p> <p>Internal experts: Planner Landscape officer Urban designer</p>
17.	<ul style="list-style-type: none"> • Property Address: 52 Essex Street, Granville • Applicant: Archian Pty Ltd • Proceedings No.: 96466/2023 • <u>Existing Matter</u> 	<p>Description: Appeal against refusal by PLPP of DA/416/2022 seeking approval for tree removal and construction of an 80-place childcare 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: Decision Reserved. Appeal was listed for Hearing on 10-12 April 2024.</p> <p>Solicitors: In-house</p> <p>External experts: Ken Hollyoak – Traffic Consultant</p> <p>Internal experts: Planner</p>
18.	<ul style="list-style-type: none"> • Property Address: 21B-23 Barangaroo Road, Toongabbie • Applicant: Pankhurst & Anor • Proceedings No.: 293029/23 • <u>Existing Matter</u> 	<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 Hearing on 9-10 October 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 • <u>Existing Matter</u> 	<p>Description: Appeal against the deemed refusal of the PLPP of DA/900/2022 for demolition, tree removal and construction of a centre-based childcare 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 Hearing on 19-20 August 2024.</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: 15, 29 and Carter Street, Lidcombe • Applicant: Australia YMCI Pty Ltd • Proceedings No.: 121594/2024 • <u>Existing Matter</u> 	<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>Prospects: Good</p>	<p>Status: Appeal is listed for s34 Conciliation Conference on 30 September 2024.</p> <p>Solicitors: Holding Redlich</p> <p>External experts: TBA</p> <p>Internal experts: Planner Civil Engineer</p>

<p>21.</p>	<p>• Property Address: 188 Church Street, Parramatta</p> <p>• Applicant: G & J Drivas Pty Ltd and Telado Pty Ltd</p> <p>• Proceedings No.: 455119/23</p> <p>• Existing Matter</p>	<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: Heritage/FSR/Flood/Bulk and Scale</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for Hearing on 12-14 November 2024.</p> <p>Solicitors: Marsdens</p> <p>External Experts: Vanessa Holtham - Heritage Consultant Stephen Collier – Urban Design Consultant</p> <p>Internal Experts: Planner Catchment Engineer Landscape Officer</p>
<p>22.</p>	<p>• Property Address: 52 Hammers Road, Northmead</p> <p>• Applicant: Nortmead P Pty Ltd</p> <p>• Proceedings No.: 180452/23</p> <p>• Existing Matter</p>	<p>Description: Appeal against the PLPP deemed refusal of DA/314/2023 for demolition, tree removal and construction of a 76-place childcare centre with basement parking.</p> <p>Issues: Traffic</p> <p>Prospects: Good</p>	<p>Status: Decision reserved - Appeal was listed for Hearing on 16-17 May 2024.</p> <p>Solicitors: Marsdens</p> <p>External experts: Nil</p> <p>Internal experts: Planner Traffic Landscape</p>
<p>23.</p>	<p>• Property Address: 32-38 Silverwater Road and 1-17 Grey Street, Silverwater</p> <p>• Applicant: CK Design</p> <p>• Proceedings No.: 2466991/24</p> <p>• Existing Matter</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 premise, neighbourhood 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>Prospects: Good</p>	<p>Status: Appeal to be listed for section 34 conciliation conference on 10 September 2024</p> <p>Solicitors: Marsdens</p> <p>External Experts: Andrew Norris (Contamination) Jane Barnette (Air Quality)</p> <p>Internal Experts: Planner</p>
<p>24.</p>	<p>• Property Address: 11-17 Shirley Street, Carlingford</p> <p>• Applicant: Shirley Street Projects Pty Ltd</p> <p>• Proceedings No.: 127732/23</p> <p>• Existing Matter</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: Decision Reserved – s34 agreement filed with the Court</p> <p>Solicitors: Sparke Helmore</p> <p>External experts: Stephen Collier</p> <p>Internal experts: Planner Development Engineer Landscape Officer Accessibility Officer</p>
<p>25.</p>	<p>• Property Address: 9-11 Thallon Street, Carlingford</p> <p>• Applicant: Carlingford Projects Pty Ltd</p> <p>• Proceedings No.: 13483/23</p> <p>• Existing Matter</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: Decision Reserved – s34 agreement filed with the Court</p> <p>Solicitors: Sparke Helmore</p> <p>External experts: Stephen Collier</p> <p>Internal experts: Planner Development Engineer Landscape Officer Accessibility Officer</p>

26.	<ul style="list-style-type: none"> • Property Address: 189 Macquarie Street, Parramatta. • Applicant: JKN Parra P/L and Toplace Pty Ltd • Proceedings No.: 286544/22 • <u>Existing Matter</u> 	<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 12-14 August 2024.</p> <p>Solicitors: Sparke Helmore</p> <p>External experts: Stuart MacDonald (Planner) Stephen Collier (Urban Design) Che Wall (Environment Sensitive Design) Michael Eddy (Wind)</p> <p>Internal experts: Nil</p>
27.	<ul style="list-style-type: none"> • Property Address: 57 Ballandella Road, Toongabbie • Applicant: J Group Pty Ltd • Proceedings No.: • 281662/23 • <u>Existing Matter</u> 	<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 was listed for s34 conciliation conference with the court adjourning the matter for Online Court communication on 11 June 2024.</p> <p>Solicitors: Matthews Folbigg</p> <p>External experts: Acoustic Consultant</p> <p>Internal Experts: Planner Landscape Officer</p>
28.	<ul style="list-style-type: none"> • Property Address: 61 Boundary Street, Parramatta • Applicant: Elias Nehme • Proceedings No.: 31097/23 • <u>Existing Matter</u> 	<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 was listed for s34 conciliation conference with the court adjourning the matter for Online Court communication on 7 June 2024.</p> <p>Solicitors: Matthews Folbigg</p> <p>External experts: Nil</p> <p>Internal experts: Planner Heritage Advisor Accessibility Officer Engineer</p>

Land and Environment Court proceedings – Class 4 Appeals			
1	<ul style="list-style-type: none"> • Property Address: 40 Greens Avenue, Oatlands • Applicant: Abi-Khattar • Proceedings No. 244872/24 • <u>New Matter</u> 	<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> <p>Prospects: Good</p>	<p>Status: Appeal was listed for First Return date on 2 August 2024.</p> <p>Solicitors: Sparke Helmore</p> <p>External experts: Nil</p> <p>Internal experts: TBA</p>
2.	<ul style="list-style-type: none"> • Property Address: • Applicant: Chan Chen and Ying Weng and Chan Yu • Proceedings No. 233801/24 • <u>New Matter</u> 	<p>Description: Appeal seeks a declaration that complying development certificate CDC 3124328CDC issued by the Third Respondent is invalid</p> <p>Issues: Validity</p> <p>Prospects: Good</p>	<p>Status: Appeal was listed for First Return date on 2 August 2024.</p> <p>Solicitors: In-House</p> <p>External experts: Nil</p> <p>Internal experts: Nil</p>
Federal Court			
1.	<ul style="list-style-type: none"> • Property Address: Cowell's Lane Reserve • Applicant: Pamela Hardiman • <u>Existing Matter</u> 	<p>Description: Claim for disability discrimination regarding access to Cowell's Lane Reserve</p> <p>Issues: Disability discrimination</p> <p>Prospects: Good</p>	<p>Status: Matter is listed for hearing on 11-12 June 2024</p> <p>Solicitors: McCabes</p> <p>External Experts: Sarah Lebone, Deputy Internal Ombudsman City of Parramatta Council, Cumberland City Council and Inner West Council.</p> <p>Ranger and Parking Services Manager Sarah Labone, Deputy Internal Ombudsman, City of Parramatta, Cumberland City and Inner West Councils</p> <p>Internal Experts: Place Manager Universal Design & Access Officer Ranger & Parking Services Manager</p>
Local Court Proceedings			
1.	<ul style="list-style-type: none"> • Property Address: 11 Greenleaf Street, Constitution Hill • Defendant: Mumtasir Simmons • <u>New Matter</u> 	<p>Description: Penalty Notice – Court Elected – Fail to comply with Development Control Order</p> <p>Prospects: Good</p>	<p>Mention on 29 July 2024.</p> <p>Solicitors: In-house</p>
2.	<ul style="list-style-type: none"> • Property Address: 39 Fallon Street, Rydalmere • Defendant: Meadan Homes Australia • <u>Existing Matter</u> 	<p>Description: Penalty Notice – Court Elected – Pollute Waters – Class 1 Officer</p> <p>Prospects: Good</p>	<p>Mention on 14 October 2024.</p> <p>Solicitors: In-house</p>

4.	<ul style="list-style-type: none"> • Property Address: 33 Burke Street, North Parramatta • Defendant: Fares Walid • Existing Matter 	<p>Description: Penalty Notice – Court Elected – Fail to comply with Development Control Order</p> <p>Prospects: Good</p>	<p>Mention on 8 July 2024.</p> <p>Solicitors: In-house</p>
5.	<ul style="list-style-type: none"> • Property Address: O’Connell Street, Parramatta • Defendant: Sanjeeta Anand • Existing Matter 	<p>Description: Penalty Notice – Court Elected – Pollute Waters - Individual</p> <p>Prospects: Good</p>	<p>Mention on 21 October 2024.</p> <p>Solicitors: In-house</p>
6.	<ul style="list-style-type: none"> • Property Address: 29 Eleanore Street, Rosehill • Defendant: Li Bo • Existing Matter 	<p>Description: Penalty Notice – Court Elected – Development not in accordance with Development Consent</p> <p>Prospects: Good</p>	<p>Mention on 23 September 2024.</p> <p>Solicitors: In-house</p>
6.	<ul style="list-style-type: none"> • Property Address: • Defendant: Aaud Albadrani • Existing Matter 	<p>Description: Penalty Notice – Court Elected – Disobey No Stopping Sign</p> <p>Prospects: Good</p>	<p>Hearing on 17 October 2024.</p> <p>Solicitors: Police Prosecutors</p>
7.	<ul style="list-style-type: none"> • Property Address: • Defendant: Adam Abbas • Existing Matter 	<p>Description: Penalty Notice – Court Elected – Disobey No Stopping Sign</p> <p>Prospects: Good</p>	<p>Hearing on 20 September 2024.</p> <p>Solicitors: Police Prosecutor</p>
8.	<ul style="list-style-type: none"> • Property Address: 17-19 Bridge Street, Rydalmere • Defendant: Theo & Dennis Enterprises Pty Ltd • Existing Matter 	<p>Description: Penalty Notice – Court Elected – Fail to comply with Development Control Order</p> <p>Prospects: Good</p>	<p>Mention on 12 August 2024.</p> <p>Solicitors: In-house</p>
9.	<ul style="list-style-type: none"> • Property Address: 3 Saunders Road, Ermington • Defendant: Meadan Homes • Existing Matter 	<p>Description: Penalty Notice – Court Elected – Pollute Waters – Corporation – Class 1</p> <p>Prospects: Good</p>	<p>Mention on 14 October 2024.</p> <p>Solicitors: In-house</p>
10.	<ul style="list-style-type: none"> • Property Address: N/A • Defendant: Daniel Grace • Existing Matter 	<p>Description: Penalty Notice – Court Elected – Disobey No Stopping Sign</p> <p>Prospects: Good</p>	<p>Hearing on 9 August 2024.</p> <p>Solicitors: TBA</p>
11.	<ul style="list-style-type: none"> • Property Address: N/A • Defendant: Munish Jacku • Existing Matter 	<p>Description: Penalty Notice – Court Elected – Stopping in a Loading Zone</p> <p>Prospects: Good</p>	<p>Hearing on 19 July 2024.</p> <p>Solicitors: Police Prosecutor</p>
12.	<ul style="list-style-type: none"> • Property Address: N/A • Defendant: Joanne Tse • Existing Matter 	<p>Description: Penalty Notice – Court Elected – Disobey No Stopping Sign</p> <p>Prospects: Good</p>	<p>Hearing on 13 August 2024.</p> <p>Solicitors: Police Prosecutor</p>
13.	<ul style="list-style-type: none"> • Property Address: 41 Hughes Avenue, Ermington • Defendant: M Projects Pty Ltd • Existing Matter 	<p>Description: Penalty Notice – Court Elected – Development not in accordance with development consent - corporation</p> <p>Prospects: Good</p>	<p>Mention on 2 September 2024.</p> <p>Solicitors: In-house</p>

14.	<ul style="list-style-type: none"> • Property Address: Darcy Road, Pendle Hill • Defendant: Koushik Kannan • <u>Existing Matter</u> 	Description: Penalty Notice – Court Elected – Stop in bus zone (school zone) Prospects: Good	Hearing on 18 September 2024. Solicitors: Police Prosecutor
15.	<ul style="list-style-type: none"> • Property Address: 114 Park Road, Rydalmere • Defendant: Viscount Pty Ltd • <u>Existing Matter</u> 	Description: Penalty Notice – Court Elected – Development without development consent - corporation Prospects: Good	Hearing on 12 August 2024. Solicitors: In-house
16.	<ul style="list-style-type: none"> • Property Address: 53 Primrose Avenue, Rydalmere • Defendant: Ducksoo Kim • <u>Existing Matter</u> 	Description: Penalty Notice – Court Elected – Fail to comply with Development Control Order Prospects: Good	Mention on 2 September 2024. Solicitors: In-house
17.	<ul style="list-style-type: none"> • Property Address: 53 Primrose Avenue, Rydalmere • Defendant: Lisa Jungmee Kim • <u>Existing Matter</u> 	Description: Penalty Notice – Court Elected – Fail to comply with Development Control Order Prospects: Good	Mention on 16 September 2024. Solicitors: In-house
18.	<ul style="list-style-type: none"> • Property Address: 53 Primrose Avenue, Rydalmere • Defendant: Eric Kyungin Kim • <u>Existing Matter</u> 	Description: Penalty Notice – Court Elected – Fail to comply with Development Control Order Prospects: Good	Mention on 2 September 2024. Solicitors: In-house
19.	<ul style="list-style-type: none"> • Property Address: 100 Marsdens Street Parramatta • Defendant: Phoenix Building Approvals Pty Ltd • <u>Existing Matter</u> 	Description: Penalty Notice – Court Elected – Fail to Comply with requirements of investigating officer Prospects: Good	Mention on 5 August 2022. Solicitors: In-house
20.	<ul style="list-style-type: none"> • Property Address: 33 Bourke Street, North Parramatta • Defendant: Fares Walid • <u>Existing Matter</u> 	Description: Penalty Notice – Court Elected – Fail to comply with Development Control Order Prospects: Good	The matter is listed for mention 5 August 2024 Solicitors: In- house
1.	<ul style="list-style-type: none"> • Property Address: Victoria Road, Service Road - Rydalmere • Defendant: Franz Boensch • <u>Existing Matter</u> 	Description: Appeal against Local Court sentence – fine imposed of \$300 for each of the two offences. Prospects: Good	Matter is before Parramatta District Court 10 September 2024 for Hearing. Solicitors: In-house

NSW Civil and Administrative Tribunal (NCAT)		
<ul style="list-style-type: none"> • Property Address: N/A • Applicant: Franz Boensch • <u>New Matter</u> 	<p>Description: Appeal of the decision under Public Spaces (Unattended Property) Act 2021</p> <p>Prospects: Good</p>	<p>Matter is listed for hearing before the Tribunal on 6 September 2024.</p> <p>Solicitors: Matthews Folbigg</p>
<ul style="list-style-type: none"> • Property Address: N/A • Applicant: Councillor Kellie Darley • <u>Existing Matter</u> 	<p>Description: Application under the Government Information (Public Access) Act 2009 (NSW)</p> <p>Prospects: TBA</p>	<p>Matter is listed for hearing before the Tribunal on 8-10 October 2024.</p> <p>Solicitors: In-house</p>

Finalised Matters

Class 1 Land and Environment Court Proceedings			
1.	<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 • <u>Existing Matter</u> 	<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.</p> <p>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 Upheld in line with s34 conciliated agreement with amended plans</p> <p>Solicitors: Marsdens</p> <p>External Experts: Che Wall (ESD Consultant). Stephen Collier (Urban Design)</p> <p>Internal experts: Planner</p>
2.	<ul style="list-style-type: none"> • Property Address: 9 Mars Street, Epping • Applicant: Hilton Thomas Brown • Proceedings No.: 69039/23 • <u>Existing Matter</u> 	<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 upheld in line with s34 conciliated agreement with amended plans</p> <p>Solicitors: Bartier Perry</p> <p>External experts: Nil</p> <p>Internal experts: Planner Senior Catchment and Development Engineer</p>
Class 4 Land and Environment Court Proceedings			
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 • <u>Existing Matter</u> 	<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: Validity of modification development consent</p> <p>Prospects: Good</p>	<p>Status: Appeal Discontinued</p> <p>Solicitors: Marsdens</p> <p>External Experts: N/A</p> <p>Internal Experts: N/A</p>
1.	<ul style="list-style-type: none"> • Property Address: N/A • Defendant: Maheshwari Hirabhai Jhala 	<p>Description: Penalty Notice – Court Elected – Disobey No Stopping Sign (in school zone)</p> <p>Prospects: Good</p>	<p>Pin Withdrawn</p> <p>Solicitors: In-house</p>

	<ul style="list-style-type: none"> • Existing Matter 		
2.	<ul style="list-style-type: none"> • Property Address: 18 Kent Street Epping • Defendant: Liu • Existing Matter 	Description: Penalty Notice – Court Elected – Development without development consent Prospects: Good	Defendant found guilty and fined \$2,250 Solicitors: In-house
3.	<ul style="list-style-type: none"> • Property Address: 3/437 Wentworth Avenue, Toongabbie, NSW 2146 • Defendant: Manthan Gandhi • Existing Matter 	Description: Penalty Notice – Court Elected – Non-Compliance Unauthorised Works Prospects: Good	PIN Withdrawn Solicitors: In-house

District Court

Nil

NSW Civil and Administrative Tribunal (NCAT)

Nil

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 – 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	Eight (8) of the appeals won, were subject to s34 agreement with amended documents.

Land and Environment Court – Class 3 Appeals

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

Land and Environment Court – Class 4 Appeals

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

Local Court

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	

District Court

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

Costs to date:

City of Parramatta Land & Environment Court Costs Summary	FY 23/24
Land and Environment Court Costs – Class 1, 2, 3, 4, 5	\$646,343
Land & Environment Court Costs – External Experts (Consultants fees)	\$161,445
Local Court Prosecutions/Enforcements	\$0
Supreme Court Proceedings	\$0
Industrial relations Commissions (IRC)	\$0
NSW Civil and Administrative Tribunal (NCAT)	\$6,600
Total	\$814,388

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.
- 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.