



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

Executive Summary

Advice on Council Court proceedings for the period of 1 July 2024 – 31 July 2024 inclusive, is contained in this report.

Current Legal Matter Statistics – July 2024

Federal Circuit Court

Federal Circuit Court Appeal	1
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Land and Environment Court

Class 1 Appeals	26
Class 4 Appeals	5

Local Court

Council Prosecutions	19
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District Court

District Court Appeal	1
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NCAT

Administrative Appeal	2
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Supreme Court

Supreme Court Appeal	1
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Finalised Legal Matters Statistics – July 2024

Land and Environment Court

Class 1 Appeals	4
Class 4 Appeals	0

Local Court

Council Prosecutions	7
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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 31 July 2024

Land and Environment Court proceedings – Class 1 Appeals

<p>1.</p>	<ul style="list-style-type: none"> • Property Address 23-27 Dixon Street, Parramatta • Applicant: Z Boys Pty Ltd • Proceedings No.: 229702/24 • NEW MATTER 	<p>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 carpark with 84 car parking spaces across two (2) basement levels</p> <p>Issues: Bulk & Scale, overshadowing, non-compliant indoor and outdoor play space, accessibility, flooding, stormwater, landscaping</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for a section 34 conference on 26 November 2024.</p> <p>Solicitors: Sparke Helmore Lawyers</p> <p>External experts: Nil</p> <p>Internal experts: Planner Landscape Officer Accessibility Officer Catchment & Development Engineer</p>
<p>2.</p>	<ul style="list-style-type: none"> • Property Address: 99 Parramatta Road, Granville • Applicant: Granville 101 Pty Ltd • Proceedings No.: 218377/2024 • NEW MATTER 	<p>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</p> <p>Issues: Objectives of the Site, non-compliant, design principles for Child Cares, Urban Design, Landscape and Deep Soil, Public Domain, Water NSW.</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for Section 34 Conciliation Conference on 20 September 2024.</p> <p>Solicitors: Sparke Helmore Lawyers</p> <p>External experts: N/A</p> <p>Internal experts: Planner Landscape Officer Accessibility Officer Catchment & Development Engineer</p>
<p>3.</p>	<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 • NEW MATTER 	<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 Directions Hearing August 2024.</p> <p>Solicitors: HWL Ebsworth</p> <p>External experts: N/A</p> <p>Internal experts: Planner</p>
<p>4.</p>	<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 • EXISTING MATTER 	<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 fir Section 34 Conciliation Conference on 12 December 2024</p> <p>Solicitors: In-house</p> <p>External experts: N/A</p> <p>Internal experts: Planner</p>
<p>5.</p>	<ul style="list-style-type: none"> • Property Address: 31 Moses Way, Winston Hills • Applicant: Moses & Moses • Proceedings No.: 189730/2024 	<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>Status: Appeal is listed for Section 34AA Conciliation Conference and Hearing on 2-3 October 2024.</p> <p>Solicitors: In-house</p>

	EXISTING MATTER	Prospects: Good	External experts: Geotech Engineer Internal experts: Planner
6.	<ul style="list-style-type: none"> • Property Address: 54-56 Marshall Road, Telopea • Applicant: Martopea P/L • Proceedings No.: 170114/2024 EXISTING MATTER	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. Issues: Height/Bulk & Scale/Design Excellence/Stormwater Prospects: Good	Status: Appeal is listed for Section 34 Conciliation Conference on 14 October 2024. Solicitors: In-house External experts: TBA Internal experts: Planner Civil Engineer Urban Design Officer
7.	<ul style="list-style-type: none"> • Property Address: 32 Eastwood Avenue, Eastwood • Applicant: Lee • Proceedings No.: 189730/2024 EXISTING MATTER	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. Issues: Validity of condition Prospects: Good	Status: Appeal is listed for Section 34A Conciliation Conference and Hearing on 18 – 19 December 2024 Solicitors: In-house External experts: TBA Internal experts: Planner Heritage
8.	<ul style="list-style-type: none"> • Property Address: 14 Cunningham Street, Telopea • Applicant: Wong • Proceedings No.: 105750/2024 EXISTING MATTER	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. Issues: Traffic and Parking Prospects: Good	Status: Appeal is listed for Section 34 Conciliation Conference on 11 September 2024. Solicitors: In-house External experts: TBA Internal experts: Engineer
9.	<ul style="list-style-type: none"> • Property Address: 30 Rickard Street, Carlingford • Applicant: Serobian • Proceedings No.: 90500/2024 EXISTING MATTER	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. Issues: Bulk, Scale and Design, Stormwater, Traffic, Earthworks, Accessibility Prospects: Good	Status: Appeal is listed for Section 34 Conciliation Conference on 26 September 2024. Solicitors: In-house External experts: TBA Internal experts: Planner Development Engineer Traffic Engineer Accessibility Officer
10.	<ul style="list-style-type: none"> • Property Address: 102 Eastwood Avenue, Epping • Applicant: Pengcheng Xue • Proceedings No.: 	Description: Appeal against a Development Control Order – Demolition of unlawful internal fit out of garage and restore as a garage. Issues: Unlawful works	Status: Decision reserved – Section 34 Conciliation agreement filed with the court Solicitors: In-house

	2023/00348034 EXISTING MATTER	Prospects: Good	External Experts: Internal Experts: Certifier/Planner Compliance Officer Engineer
11.	<ul style="list-style-type: none"> • Property Address: 5 Mary Street, Northmead • Applicant: Kirribilli Capital Pty Ltd • Proceedings No.: 341853/23 EXISTING MATTER	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. Issues: Bulk, Scale, Character, Visual Privacy, Site Suitability, landscaping, stormwater and accessibility. Prospects: Good	Status: Appeal was listed for s34 Conciliation Conference with the court adjourning, for 2 August 2024 Solicitors: In-house External Experts: Internal Experts: Planner Landscape Officer Accessibility Officer Engineer
12.	<ul style="list-style-type: none"> • Property Address: 53-57 Railway Street Granville • Applicant: Mick Riff Railway Pty Ltd • Proceedings No.: 423247/23 EXISTING MATTER	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. Bulk, Scale, Character, Visual Privacy, Site Suitability. Prospects: Good	Status: Decision Reserved – s34 Conciliated Agreement with amended plans filed with the court Solicitors: In-house External Experts: Nil Internal Experts: Planner Urban Designer
13.	<ul style="list-style-type: none"> • Property Address: 1 Tracey Avenue, Carlingford • Applicant: 1 Tracey Pty Ltd • Proceedings No.: 325214/23 EXISTING MATTER	Description: Appeal against the 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. Issues: Bulk scale and design, objectives of the R2 Zone, Storage, Parking, Landscaping, Storm Water, Acoustics, Accessibility Prospects: Good	Status: Decision Reserved – s34 Conciliated Agreement with amended plans filed with the court Solicitors: In-house External experts: Nil Internal Experts: Planner Accessibility Officer Engineer Traffic Engineer Landscape Officer
14.	<ul style="list-style-type: none"> • Property Address: 135 Victoria Road, North Parramatta • Applicant: JS Architects • Proceedings No.: 268375/23 EXISTING MATTER	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 Prospects: Good	Status: Appeal is listed for hearing on 24-25 October 2024 . Solicitors: In-house External Experts: Geotechnical Expert Internal Experts: Planner Development Engineer Traffic Engineer Urban Designer

15.	<p>• Property Address: 7 Yates Avenue, Dundas Valley</p> <p>• Applicant: M Group Invest Pty Ltd</p> <p>• Proceedings No.: 260699/23</p> <p>EXISTING MATTER</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 23 August 2024</p> <p>Solicitors: In-house</p> <p>External Experts: Nil</p> <p>Internal Experts: Planner Landscape Officer Traffic Engineer</p>
16.	<p>• Property Address: 45-49 Asquith Street, Silverwater</p> <p>• Applicant: ACFU International Pty Limited & Ors</p> <p>• Proceedings No.: 180452/23</p> <p>EXISTING MATTER</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>
17.	<p>• Property Address: 132 Victoria Road, Rydalmere</p> <p>• Applicant: J S Architects Pty Ltd</p> <p>• Proceedings No.: 200193/2023</p> <p>EXISTING MATTER</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 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>
18.	<p>• Property Address: 21B-23 Barangaroo Road, Toongabbie</p> <p>• Applicant: Pankhurst & Anor</p> <p>• Proceedings No.: 293029/23</p> <p>EXISTING MATTER</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 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.	<p>• Property Address: 32 Honiton Avenue, Carlingford</p> <p>• Applicant: Albert Abi-Khattar</p> <p>• Proceedings No.: 182424/23</p> <p>EXISTING MATTER</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 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.	<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</p>	<p>Status: Appeal is listed for s34 Conciliation Conference on 30 September 2024.</p>

	<ul style="list-style-type: none"> • Proceedings No.: 121594/2024 <p>EXISTING MATTER</p>	<p>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>Solicitors: Holding Redlich</p> <p>External experts: TBA</p> <p>Internal experts: Planner Civil Engineer</p>
21.	<ul style="list-style-type: none"> • Property Address: 188 Church Street, Parramatta • Applicant: G & J Drivas Pty Ltd and Telado Pty Ltd • Proceedings No.: 00455119/2023 <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 Law Group</p> <p>External Experts: Vanessa Holtham - Heritage Consultant Stephen Collier – Urban Design Consultant</p> <p>Internal Experts: Planner Catchment Engineer Landscape Officer</p>
22.	<ul style="list-style-type: none"> • Property Address: 52 Hammers Road, Northmead • Applicant: Northmead P Pty Ltd • Proceedings No.: 00227932/2023 <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. Awaiting notification from court matter listed for judgment.</p> <p>Solicitors: Marsdens Law Group</p> <p>External experts: Nil</p> <p>Internal experts: Planner Traffic Landscape</p>
23.	<ul style="list-style-type: none"> • Property Address: 38 Silverwater Road, Silverwater • Applicant: CK Design • Proceedings No.: 0006681/2024 <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 is listed for a s34 conference on 10 September 2024</p> <p>Solicitors: Marsdens Law Group</p> <p>External Experts: Andrew Norris (Contamination) Jane Barnette (Air Quality)</p> <p>Internal Experts: Planner</p>
24.	<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 <p>EXISTING MATTER</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 12-14 August 2024.</p> <p>Solicitors: Sparke Helmore Lawyers</p> <p>External experts: Stuart MacDona Id (Planner) Stephen Collier (Urban Design) Che Wall (Environment Sensitive Design) Michael Eaddy (Wind)</p>

			Internal experts: Nil
25.	<ul style="list-style-type: none"> • Property Address: 57 Ballandella Road, Toongabbie • Applicant: Josam Group Pty Ltd • Proceedings No.: 287010/2023 <p>EXISTING MATTER</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 centre 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: Decision Reserved – s34 Agreement filed with the court</p> <p>Solicitors: Matthews Folbigg</p> <p>External experts: Acoustic Consultant</p> <p>Internal Experts: Planner Landscape Officer</p>
26.	<ul style="list-style-type: none"> • Property Address: 61 Boundary Street, Parramatta • Applicant: Elias Nehme • Proceedings No.: 317097/23 <p>• EXISTING MATTER</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>Prospects:</p>	<p>Status: Matter listed for directions on 12 September 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: 11 Blenheim Rd Carlingford • Applicant: <i>Chao Chen Ying Wu and Chen Wu</i> • Proceedings No. 2024/00233801 <p>NEW MATTER</p>	<p>Description: Appeal seeking a declaration, pursuant to section 4.31 of the Environmental Planning and Assessment Act 1979 (Act) that the complying development certificate CDC 3124328CDC issued by the Third Respondent on 26 March 2023 (Certificate) for construction of a detached studio on land at Lot 2 DP39083, also known as 11 Blenheim Road, Carlingford NSW 2118 (Land), is invalid as it authorises the carrying out of development for which a complying development certificate is not authorised to be issued:</p> <p>Issues: Validity of Complying Development Certificate</p> <p>Prospects: Good</p>	<p>Status: Matter listed for directions hearing on 16 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: 40 Greens Avenue, Oatlands • Applicant: Abi-Khattar • Proceedings No. 244872/24 <p>EXISTING MATTER</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> <p>Prospects: Good</p>	<p>Status: Appeal was listed for First Return date on 2 August 2024.</p> <p>Solicitors: Sparke Helmore Lawyers</p> <p>External experts: Nil</p> <p>Internal experts: TBA</p>
3.	<ul style="list-style-type: none"> • Property Address: 9 McKay Street, Dundas Valley • Applicant: G & B Annechini • Proceedings No. 2024/00254003 <p>• NEW MATTER</p>	<p>Description: Class 4 Summons City of Parramatta v G & B Annechini</p> <p>Issues: Removal orders</p> <p>Prospects: TBA</p>	<p>Status: Matter listed for directions hearing on 23 August 2024</p> <p>Solicitors: Sparke Helmore Lawyers</p> <p>External experts: Nil</p> <p>Internal experts: TBA</p>
4.	<ul style="list-style-type: none"> • Property Address: 4 Rosen Street, Epping • Applicant: Craddock • Proceedings No. 2024/00267318 <p>• NEW MATTER</p>	<p>Description: Listed for 16 August 2024</p> <p>Issues: Removal orders</p> <p>Prospects: TBA</p>	<p>Status: Matter listed for directions hearing on 16 August 2024.</p> <p>Solicitors: Sparke Helmore Lawyers</p> <p>External experts: Nil</p> <p>Internal experts: TBA</p>
5.	<ul style="list-style-type: none"> • Property Address: 42 Carson Street, Dundas Valley • Applicant: Zouheir Masri, Qianyi Cai and Tianming Xia • Proceedings No. 2024/00260864 <p>• NEW MATTER</p>	<p>Description: Listed for 30 August</p> <p>Issues: Validity of Complying Development Certificate (CDC)</p> <p>Prospects: TBA</p>	<p>Status: Matter listed for directions hearing on 30 August 2024.</p> <p>Solicitors: Sparke Helmore Lawyers</p> <p>External experts: Nil</p> <p>Internal experts: TBA</p>

Federal Circuit Court			
1.	<ul style="list-style-type: none"> • Property Address: Cowells Lane Reserve • Applicant: Pamela Hardiman <p>EXISTING MATTER</p>	<p>Description: Claim for disability discrimination regarding access to Cowells Lane Reserve</p> <p>Issues: Disability discrimination</p> <p>Prospects: Good</p>	<p>Status: Matter is listed for hearing on 8-10 October 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>Internal Experts: Place Manager Universal Design & Access Officer Ranger & Parking Services Manager</p>
Local Court			
1.	<ul style="list-style-type: none"> • Property Address: • Defendant: LIANG, ZHI cheng <p>NEW MATTER</p>	<p>Description: Penalty Notice - Court Elected Section 10 1 (a)</p> <p>Prospects:</p>	<p>Mention on 2 August 2024</p> <p>Solicitors: Police Prosecutors</p>
2.	<ul style="list-style-type: none"> • Property Address: • Defendant: KARAM, Jean <p>NEW MATTER</p>	<p>Description: Penalty Notice - Court Elected, Disobey no stopping sign</p> <p>Prospects:</p>	<p>Mention on 31 October 2024</p> <p>Solicitors: Police Prosecutors</p>
3.	<ul style="list-style-type: none"> • Property Address: • Defendant: PATEL,Aaushik Ratilal <p>NEW MATTER</p>	<p>Description: Penalty Notice - Court Elected Stop within 10 meters of an intersection</p> <p>Prospects:</p>	<p>Mention on 30 September 2024</p> <p>Solicitors: Police Prosecutors</p>
4.	<ul style="list-style-type: none"> • Property Address: • Defendant: MJA SYSTEMS PTY LTD <p>NEW MATTER</p>	<p>Description: Penalty Notice - Court Elected Stop on/across driveway/any access to/from land</p> <p>Prospects:</p>	<p>Mention on 20 November 2024</p> <p>Solicitors: Police Prosecutors</p>
5.	<ul style="list-style-type: none"> • Property Address: • Defendant: BROWN, Willie Marion <p>NEW MATTER</p>	<p>Description: Penalty Notice - Court Elected Disobey no stopping sign</p> <p>Prospects:</p>	<p>Mention on 11 February 2025</p> <p>Solicitors: Police Prosecutors</p>
6.	<ul style="list-style-type: none"> • Property Address: • Defendant: SAAVEDRA, Andres Ivan Guacte <p>NEW MATTER</p>	<p>Description: Penalty Notice - Court Elected Obstruct access to ramp/path/passageway</p> <p>Prospects:</p>	<p>Mention on 3 February 2025</p> <p>Solicitors: Police Prosecutors</p>
7.	<ul style="list-style-type: none"> • Property Address: 39 Fallon Street, Rydalmere • Defendant: Meadan Homes Australia <p>EXISTING MATTER</p>	<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>

8.	<ul style="list-style-type: none"> • Property Address: O'Connell Street, Parramatta • Defendant: Sanjeeta Anand <p>EXISTING MATTER</p>	<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>
9.	<ul style="list-style-type: none"> • Property Address: 29 Eleanore Street, Rosehill • Defendant: Li Bo <p>EXISTING MATTER</p>	<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>
10.	<ul style="list-style-type: none"> • Property Address: • Defendant: Aaud Albadrani <p>EXISTING MATTER</p>	<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>
11.	<ul style="list-style-type: none"> • Property Address: • Defendant: Adam Abbas <p>EXISTING MATTER</p>	<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>
12.	<ul style="list-style-type: none"> • Property Address: 17-19 Bridge Street, Rydalmere • Defendant: Theo & Dennis Enterprises Pty Ltd <p>EXISTING MATTER</p>	<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>
13.	<ul style="list-style-type: none"> • Property Address: 3 Saunders Road, Ermington • Defendant: Meadan Homes <p>EXISTING MATTER</p>	<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>
14.	<ul style="list-style-type: none"> • Property Address: 41 Hughes Avenue, Ermington • Defendant: M Projects Pty Ltd <p>EXISTING MATTER</p>	<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>
15.	<ul style="list-style-type: none"> • Property Address: Darcy Road, Pendle Hill • Defendant: Koushik Kannan <p>EXISTING MATTER</p>	<p>Description: Penalty Notice – Court Elected Stop in bus zone (school zone)</p> <p>Prospects: Good</p>	<p>Hearing on 18 September 2024.</p> <p>Solicitors: Police Prosecutor</p>
16.	<ul style="list-style-type: none"> • Property Address: 53 Primrose Avenue, Rydalmere • Defendant: Ducksoo Kim <p>EXISTING MATTER</p>	<p>Description: Penalty Notice – Court Elected Fail to comply with Development Control Order</p> <p>Prospects: Good</p>	<p>Mention on 2 September 2024.</p> <p>Solicitors: In-house</p>
17.	<ul style="list-style-type: none"> • Property Address: 53 Primrose Avenue, Rydalmere • Defendant: Lisa Jungmee Kim <p>EXISTING MATTER</p>	<p>Description: Penalty Notice – Court Elected Fail to comply with Development Control Order</p> <p>Prospects: Good</p>	<p>Mention on 16 September 2024.</p> <p>Solicitors: In-house</p>

18.	<ul style="list-style-type: none"> • Property Address: 53 Primrose Avenue, Rydalmere • Defendant: Eric Kyungin Kim <p>EXISTING MATTER</p>	<p>Description: Penalty Notice – Court Elected Fail to comply with Development Control Order</p> <p>Prospects: Good</p>	<p>Mention on 2 September 2024.</p> <p>Solicitors: In-house</p>
19.	<ul style="list-style-type: none"> • Property Address: 100 Marsdens Law Group Street Parramatta • Defendant: Phoenix Building Approvals Pty Ltd <p>EXISTING MATTER</p>	<p>Description: Penalty Notice – Court Elected Fail to Comply with requirements of investigating officer</p> <p>Prospects: Good</p>	<p>Mention on 5 August 2022.</p> <p>Solicitors: In-house</p>

District Court

1.	<ul style="list-style-type: none"> • Property Address: Victoria Road, Service Road - Rydalmere • Defendant: Franz Boensch • Proceedings No. 283030/2022 & 00283031/2022 <p>EXISTING MATTER</p>	<p>Description: Appeal against Local Court sentence Fine imposed of \$300 for each of the two offences.</p> <p>Prospects: Good</p>	<p>Hearing on 10 September 2024</p> <p>Solicitors: Matthews Folbigg</p>
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NSW Civil and Administrative Tribunal (NCAT)

1.	<ul style="list-style-type: none"> • Property Address: N/A • Applicant: Franz Boensch • Proceedings No.: NCAT Proceedings 00210974/2024 <p>EXISTING MATTER</p>	<p>Description: Appeal of the decision under Public Spaces (Unattended Property) Act 2021</p> <p>Prospects: Good</p>	<p>Hearing on 6 September 2024</p> <p>Solicitors: Matthews Folbigg</p>
2.	<ul style="list-style-type: none"> • Property Address: N/A • Applicant: Councillor Kellie Darley <p>EXISTING MATTER</p>	<p>Description: Application under the Government Information (Public Access) Act 2009 (NSW)</p> <p>Prospects: TBA</p>	<p>Hearing on 9 September 2024</p> <p>Solicitors: Sparke Helmore</p>

SUPREME COURT

1.	<ul style="list-style-type: none"> • Property Address: N/A • Applicant: Councillor Kellie Darley • Second Defendant: Phil O'Toole <p>EXISTING MATTER</p>	<p>Description: Judicial review application</p> <p>Prospects: N/A</p>	<p>Status: First directions hearing on 3 September 2024</p> <p>Solicitors: HWL Ebsworth</p>
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FINALISED MATTERS

Land and Environment Court proceedings – Class 1 Appeal			
1.	<p>• Property Address: 52 Essex Street, Granville</p> <p>• Applicant: Archian Pty Ltd</p> <p>• Proceedings No.: 96466/2023</p> <p>FINALISED MATTER</p>	<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: Appeal Upheld in line with Consent Orders with amended plans</p> <p>Solicitors: In-house</p> <p>External experts: Ken Hollyoak – Traffic Consultant</p> <p>Internal experts: Planner</p>
2.	<p>• Property Address: 11-17 Shirley Street, Carlingford</p> <p>• Applicant: Shirley Street Projects Pty Ltd</p> <p>• Proceedings No.: 127732/23</p> <p>FINALISED 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: Appeal Upheld in line with s34 conciliated agreement with amended plans</p> <p>Solicitors: Sparke Helmore Lawyers</p> <p>External experts: Stephen Collier</p> <p>Internal experts: Planner Development Engineer Landscape Officer Accessibility Officer</p>
3.	<p>• Property Address: 9-11 Thallon Street, Carlingford</p> <p>• Applicant: Carlingford Projects Pty Ltd</p> <p>• Proceedings No.: 13483/23</p> <p>FINALISED 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>Appeal Upheld in line with s34 agreement with amended plans</p> <p>Solicitors: Sparke Helmore Lawyers</p> <p>External experts: Stephen Collier</p> <p>Internal experts: Planner Development Engineer Landscape Officer Accessibility Officer</p>
4.	<p>• Property Address: 29 Camelot Court, Carlingford</p> <p>• Applicant: Chenglong Huang</p> <p>• Proceedings No.: 265675/23</p> <p>FINALISED MATTER</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: Order was withdrawn by Council and proceedings were dismissed</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>

Land and Environment Court proceedings – Class 3 Appeals
Nil

Land and Environment Court Proceedings – Class 4 Appeals
Nil

Local Court

1.	<ul style="list-style-type: none"> • Property Address: 11 Greenleaf Street, Constitution Hill • Defendant: Mumtasir Simmons FINALISED MATTER	Description: Penalty Notice – Court Elected Fail to comply with Development Control Order Prospects: Good	Solicitors: In-house
2.	<ul style="list-style-type: none"> • Property Address: 33 Burke Street, North Parramatta • Defendant: Fares Walid FINALISED MATTER	Description: Penalty Notice – Court Elected Fail to comply with Development Control Order Prospects: Good	Solicitors: In-house
3.	<ul style="list-style-type: none"> • Property Address: 8 Phillip Street • Defendant: MN BUILDERS FINALISED MATTER	Description: Development without development consent Prospects:	Solicitors: In-house
4.	<ul style="list-style-type: none"> • Property Address: N/A • Defendant: Daniel Grace FINALISED MATTER	Description: Penalty Notice – Court Elected Disobey No Stopping Sign Prospects: Good	Solicitors: In-house
5.	<ul style="list-style-type: none"> • Property Address: N/A • Defendant: Munish Jacku FINALISED MATTER	Description: Penalty Notice – Court Elected Stopping in a Loading Zone Prospects: Good	Solicitors: Police Prosecutor
6.	<ul style="list-style-type: none"> • Property Address: 114 Park Road, Rydalmere • Defendant: Viscount Pty Ltd FINALISED MATTER	Description: Penalty Notice – Court Elected Development without development consent - corporation Prospects: Good	Solicitors: In-house
7.	<ul style="list-style-type: none"> • Property Address: N/A • Defendant: Joanne Tse FINALISED MATTER	Description: Penalty Notice – Court Elected Disobey No Stopping Sign Prospects: Good	Solicitors: Police Prosecutor

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
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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.
In-house	24/25	1	1	0	The appeal won, was subject to consent orders with amended documents
External	24/25	2	2	0	The two (2) 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	
In-house	24/25	0	0	0	
External	24/25	0	0	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	
In-house	24/25				
External	24/25				

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	
In-house	24/25	2	1	1	
External	24/25	0	0	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	
In-house	24/25	0	0	0	
External	24/25	0	0	0	

Costs to date:

Note: the costs referred in the cost summary table are subject to change due to financial audit requirements

City of Parramatta Land & Environment Court Costs Summary	FY 24/25
Land and Environment Court Costs – Class 1, 2, 3, 4, 5	\$4,925
Other Legal Services	\$65,137
Total	\$70,062

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, choses 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.