



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

Executive Summary

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

Current Legal Matter Statistics – September 2024

Land and Environment Court

Class 1 Appeals	21
Class 4 Appeals	3

Local Court

Council Prosecutions	11
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District Court

District Court Appeal	0
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NCAT

Administrative Appeal	2
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Supreme Court

Supreme Court Appeal	1
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Federal Circuit Court

Federal Circuit Court Appeal	1
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Finalised Legal Matters Statistics – September 2024

Land and Environment Court

Class 1 Appeals	6
Class 4 Appeals	2

Local Court

Council Prosecutions	6
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District Court

District Court Appeal	1
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NCAT

Administrative Appeal	0
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Supreme Court

Supreme Court Appeal	0
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Federal Circuit Court

Federal Circuit Court Appeal	0
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Legal Services Status Report

As at 30 September 2024

Land and Environment Court proceedings – Class 1 Appeals

<p>1.</p>	<p>• Property Address 35 Surrey Street, Epping</p> <p>• Applicant: Sam Patrick Calleija</p> <p>• Proceedings No.: 00329199/2024</p> <p>NEW MATTER</p>	<p>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,</p> <p>Issues: Owners consent, stormwater management, residential subdivision</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for a s34AA Conciliation Conference and Hearing on 26 February 2025</p> <p>Solicitors: In-house</p> <p>External experts: Nil</p> <p>Internal experts: Planner Engineer</p>
<p>2.</p>	<p>• Property Address 183 Macquarie Street, Parramatta</p> <p>• Applicant: Rapisada Trust Pty Ltd</p> <p>• Proceedings No.: 142854/2024</p> <p>EXISTING MATTER</p>	<p>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</p> <p>Issues: Site Suitability, Public Domain, Transport for NSW concurrence, site isolation, Amenity, Built Form and Accessibility</p> <p>Prospects: Good</p>	<p>Status: The Appeal is listed for s34 conciliation conference on 11 October 2024</p> <p>Solicitors: In-house</p> <p>External experts:</p> <p>Internal experts: Planner Urban Designer Accessibility Officer</p>
<p>3.</p>	<p>• Property Address 74 Keeler Street Carlingford</p> <p>• Applicant: Zeng</p> <p>• Proceedings No.: 281070/2024</p> <p>EXISTING MATTER</p>	<p>Description: Appeal against the PLPP's deemed refusal of DA/317/2024 seeking approval for the Demolition, tree removal and construction of a five storey Co-Living Housing development comprising 43 rooms over basement parking.</p> <p>Issues: Objectives of R4 zone, Maximum Building Height, Builk & Scale, Design & Character, Stormwater Management, Earthworks, Biodiversity, Accessibility, Waste and Site Consolidation</p> <p>Prospects: Good</p>	<p>Status: The Appeal is listed for s34 conciliation conference on 3 February 2025</p> <p>Solicitors: In-house</p> <p>External experts:</p> <p>Internal experts: Planner Landscape Officer Urban Designer Biodiversity Officer Accessibility Officer Development Engineer</p>
<p>4.</p>	<p>• Property Address 36 Keeler Street, Carlingford</p> <p>• Applicant: Legend Australian Pty Ltd</p> <p>• Proceedings No.: 281104/2024</p> <p>EXISTING MATTER</p>	<p>Description: Appeal against the deemed refusal of DA/324/2024 seeking approval for the Demolition, tree removal and construction of a 5-storey Co-Living Housing development comprising 44 rooms over basement parking.</p> <p>Issues: Housing SEPP, Height, Flooding, Water Management/Stormwater, Built Form, Amenity, Accessibility, ESD,</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for s34 conciliation conference on 21 January 2025</p> <p>Solicitors: In-house</p> <p>External experts:</p> <p>Internal experts: Planner Landscape Officer Accessibility Officer Engineer Urban Design</p>

5.	<ul style="list-style-type: none"> • Property Address 23 Sirius Street, Dundas Valley • Applicant: Thomas • Proceedings No.: 281104/2024 <p>EXISTING MATTER</p>	<p>Description: Appeal against conditions on approved TA/187/2024</p> <p>Issues: Insufficient Information</p> <p>Prospects: Good</p>	<p>Status: Appeal is listed for Judgment on 8 October 2024</p> <p>Solicitors: In-house</p> <p>External experts:</p> <p>Internal experts: Landscape Officer</p>
6.	<ul style="list-style-type: none"> • Property Address 212 Windsor Road, Winston Hills • Applicant: Urtban Link Architects Pty Ltd • Proceedings No.: 316284/24 <p>EXISTING MATTER</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>Prospects: Good</p>	<p>Status: On 23 September 2024 the Council filed a Notice of Motion to strike out the proceedings on the basis the Applicant's appeal rights have lapsed. The Notice of Motion to Strike out is listed for hearing on 17 October 2023</p> <p>Solicitors: In-house</p> <p>External experts:</p> <p>Internal experts: Planner Engineer</p>
7.	<ul style="list-style-type: none"> • Property Address 23-27 Dixon Street, Parramatta • Applicant: Z Boys Pty Ltd • Proceedings No.: 229702/24 <p>EXISTING MATTER</p>	<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 Conciliation 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>
8.	<ul style="list-style-type: none"> • Property Address: 99 Parramatta Road, Granville • Applicant: Granville 101 Pty Ltd • Proceedings No.: 218377/2024 <p>EXISTING MATTER</p>	<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: Section 34 Conciliation Conference adjourned until 4 October 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>
9	<ul style="list-style-type: none"> • Property Address: 15A-15B Moseley Street and 25-31 	<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</p>	<p>Status: Appeal is listed for Section 34 Conciliation Conference on 12 December</p>

	<p>Donald Street, Carlingford</p> <ul style="list-style-type: none"> • Applicant: Captag Investments Pty Ltd ATF Captag Investments Trust • Proceedings No.: 238881/2024 <p>EXISTING MATTER</p>	<p>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>2024</p> <p>Solicitors: In-house</p> <p>External experts: N/A</p> <p>Internal experts: Planner</p>
10.	<ul style="list-style-type: none"> • Property Address: 31 Moses Way, Winston Hills • Applicant: Moses & Moses • Proceedings No.: 189730/2024 <p>EXISTING MATTER</p>	<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>
11.	<ul style="list-style-type: none"> • Property Address: 54-56 Marshall Road, Telopea • Applicant: Martopea P/L • Proceedings No.: 170114/2024 <p>EXISTING MATTER</p>	<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>
12.	<ul style="list-style-type: none"> • Property Address: 32 Eastwood Avenue, Eastwood • Applicant: Lee • Proceedings No.: 189730/2024 <p>EXISTING MATTER</p>	<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 34A Conciliation Conference and Hearing on 18 – 19 December 2024</p> <p>Solicitors: In-house</p> <p>External experts: TBA</p> <p>Internal experts: Planner Heritage</p>
13.	<ul style="list-style-type: none"> • Property Address: 30 Rickard Street, Carlingford • Applicant: Serobian 	<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:</p>	<p>Status: Appeal is listed for online court communication on 16 October 2024.</p> <p>Solicitors: In-house</p> <p>External experts:</p>

	<ul style="list-style-type: none"> • Proceedings No.: 90500/2024 <p>EXISTING MATTER</p>	<p>Bulk, Scale and Design, Stormwater, Traffic, Earthworks, Accessibility</p> <p>Prospects: Good</p>	<p>TBA</p> <p>Internal experts: Planner Development Engineer Traffic Engineer Accessibility Officer</p>
14.	<ul style="list-style-type: none"> • Property Address: 102 Eastwood Avenue, Epping • Applicant: Pengcheng Xue • Proceedings No.: 2023/00348034 <p>EXISTING MATTER</p>	<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: Decision reserved – Section 34 Conciliation agreement filed with the Court</p> <p>Solicitors: In-house</p> <p>External Experts: Internal Experts: Certifier/Planner Compliance Officer Engineer</p>
15.	<ul style="list-style-type: none"> • Property Address: 132 Victoria Road, Rydalmere • Applicant: J S Architects Pty Ltd • Proceedings No.: 200193/2023 <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 Part-Heard, and matter is listed for online court communication on 14 October 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>
16.	<ul style="list-style-type: none"> • Property Address:135 Victoria Road, North Parramatta • Applicant: JS Architects • Proceedings No.: 268375/23 <p>EXISTING MATTER</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>
17.	<ul style="list-style-type: none"> • Property Address: 21B-23 Barangaroo Road, Toongabbie • Applicant: Pankhurst & Anor • Proceedings No.: 293029/23 <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>

<p>18.</p>	<p>• Property Address:15, 29 and Carter Street, Lidcombe</p> <p>• Applicant: Australia YMCI Pty Ltd</p> <p>• Proceedings No.: 121594/2024</p> <p>EXISTING MATTER</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>Prospects: Good</p>	<p>Status: Appeal is listed for further s34 Conciliation Conference on 5 November 2024.</p> <p>Solicitors: Holding Redlich</p> <p>External experts: TBA</p> <p>Internal experts: Planner Civil Engineer</p>
<p>19.</p>	<p>• Property Address:188 Church Street, Parramatta</p> <p>• Applicant: G & J Drivas Pty Ltd and Telado Pty Ltd</p> <p>• Proceedings No.: 00455119/2023</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 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>
<p>20.</p>	<p>• Property Address: 38 Silverwater Road, Silverwater</p> <p>• Applicant: CK Design</p> <p>• Proceedings No.: 0006681/2024</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: Adjourned section 34 conciliation on 15 October 2024</p> <p>Solicitors: Marsdens Law Group</p> <p>External Experts: Andrew Norris (Contamination) Jane Barnette (Air Quality)</p> <p>Internal Experts: Planner</p>
<p>21.</p>	<p>• Property Address: 61 Boundary Street, Parramatta</p> <p>• Applicant: Elias Nehme</p> <p>• Proceedings No.: 317097/23</p> <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: Notice of Motion listed for 8 October 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 <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: Matter adjourned at directions hearing 20 September 2024 after BIC lodged</p> <p>Solicitors: Sparke Helmore Lawyers</p> <p>External experts: Nil</p> <p>Internal experts: TBA</p>
2.	<ul style="list-style-type: none"> • Property Address: 9 McKay Street, Dundas Valley • Applicant: G & B Annechini • Proceedings No. 2024/00254003 <p>EXISTING 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 25 November 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: 4 Rosen Street, Epping • Applicant: Craddock • Proceedings No. 2024/00267318 <p>EXISTING 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 25 October 2024.</p> <p>Solicitors: Sparke Helmore Lawyers</p> <p>External experts: Nil</p> <p>Internal experts: TBA</p>

Local Court

1.	<ul style="list-style-type: none"> • Property Address: • Defendant: KARAM, Jean <p>EXISTING 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>
2.	<ul style="list-style-type: none"> • Property Address: • Defendant: MJA SYSTEMS PTY LTD <p>EXISTING 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>
3.	<ul style="list-style-type: none"> • Property Address: 	<p>Description: Penalty Notice - Court Elected Disobey no stopping sign</p>	<p>Mention on 11 February 2025</p>

	<ul style="list-style-type: none"> • Defendant: BROWN, Willie Marion <p>EXISTING MATTER</p>	<p>Prospects:</p>	<p>Solicitors: Police Prosecutors</p>
4.	<ul style="list-style-type: none"> • Property Address: • Defendant: SAAVEDRA, Andres Ivan Guacte <p>EXISTING 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>
5.	<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>
6.	<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>
7.	<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 14 October 2024.</p> <p>Solicitors: In-house</p>
8.	<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>
9.	<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>Sentencing hearing on 8 October 2024.</p> <p>Solicitors: In-house</p>
10.	<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>
11.	<ul style="list-style-type: none"> • Property Address: 41 Hughes Avenue, Ermington 	<p>Description: Penalty Notice – Court Elected Development not in accordance with development consent – corporation</p>	<p>Mention on 14 October 2024.</p> <p>Solicitors:</p>

	<ul style="list-style-type: none"> • Defendant: M Projects Pty Ltd <p>EXISTING MATTER</p>	<p>Prospects: Good</p>	In-house
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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>Judgment reserved</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 14 November 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: Directions hearing on 5 November 2024</p> <p>Solicitors: HWL Ebsworth</p>

Federal Circuit Court			
1.	<ul style="list-style-type: none"> • Property Address: Cowell's Lane Reserve • Applicant: Pamela Hardiman <p>EXISTING MATTER</p>	<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 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:</p>

			Place Manager Universal Design & Access Officer Ranger & Parking Services Manager
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FINALISED MATTERS

Land and Environment Court proceedings – Class 1 Appeals			
1.	<ul style="list-style-type: none"> • Property Address: 14 Cunningham Street, Telopea • Applicant: Wong • Proceedings No.: 105750/2024 <p>EXISTING MATTER</p>	<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: Judgment delivered on 27 September – Appeal upheld after s34 agreement with amended plans filed with the Court</p> <p>Solicitors: In-house</p> <p>External experts: TBA</p> <p>Internal experts: Engineer</p>
2.	<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: Judgment delivered on 27 September 2024 – Appeal dismissed</p> <p>Solicitors: Sparke Helmore Lawyers</p> <p>External experts: Stuart MacDonald (Planner) Stephen Collier (Urban Design) Che Wall (Environment Sensitive Design) Michael Eaddy (Wind)</p> <p>Internal experts: Nil</p>
3.	<ul style="list-style-type: none"> • Property Address: 5 Mary Street, Northmead • Applicant: Kirribilli Capital Pty Ltd • Proceedings No.: 341853/23 <p>EXISTING MATTER</p>	<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: Judgment delivered on 27 September – Appeal upheld after s34 agreement with amended plans filed with the Court</p> <p>Solicitors: In-house</p> <p>External Experts: Internal</p> <p>Experts: Planner Landscape Officer Accessibility Officer Engineer</p>
4.	<ul style="list-style-type: none"> • Property Address: 32 Honiton Avenue, Carlingford • Applicant: Albert Abi-Khattar • Proceedings No.: 182424/23 <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: Judgment delivered on 27 September – Appeal upheld with amended plans</p> <p>Solicitors: Holding Redlich</p> <p>External Experts: Brian McDonald (Urban Design) Ken Hollyoak (Traffic Consultant)</p>

			Internal experts: Planner & Landscape Accessibility
5.	<ul style="list-style-type: none"> • Property Address: 53-57 Railway Street Granville • Applicant: Mick Riff Railway Pty Ltd • Proceedings No.: 423247/23 <p>EXISTING MATTER</p>	<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>Bulk, Scale, Character, Visual Privacy, Site Suitability.</p> <p>Prospects: Good</p>	<p>Status: Judgment delivered on 10 September 2024 – Appeal upheld after s34 Conciliated Agreement with amended plans filed with the court</p> <p>Solicitors: In-house</p> <p>External Experts: Nil</p> <p>Internal Experts: Planner Urban Designer</p>
6.	<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: Judgment delivered on 27 September 2024 – Appeal upheld with amended plans</p> <p>Solicitors: Marsdens Law Group</p> <p>External experts: Nil</p> <p>Internal experts: Planner Traffic Landscape</p>

Land and Environment Court proceedings – Class 4 Appeals			
1.	<ul style="list-style-type: none"> • Property Address: 11 Blenheim Rd Carlingford • Applicant: Chao Chen Ying Wu and Chen Wu • Proceedings No. 2024/00233801 <p>EXISTING 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 – matter discontinued by agreement between the parties</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: 42 Carson Street, Dundas Valley • Applicant: Zouheir Masri, Qianyi Cai and Tianming Xia • Proceedings No. 2024/00260864 <p>EXISTING 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 – matter discontinued by agreement between the parties.</p> <p>Solicitors: Sparke Helmore Lawyers</p> <p>External experts: Nil</p> <p>Internal experts: TBA</p>

Local Court			
1.	<ul style="list-style-type: none"> • Property Address: • Defendant: PATEL, Aaushik Ratilal <p>EXISTING 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 Outcome: Guilty \$210</p>
2.	<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 Outcome: Section 10(1)(a)</p>
3.	<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 Outcome: Section 10(1)(a)</p>
4.	<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 Outcome: Guilty, \$6000</p>
5.	<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> <p>Outcome: Guilty, \$7,000 plus \$500 professional costs for all three related matters</p>
6.	<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> <p>Outcome: Guilty, \$7,500</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 A \$300 fine imposed for each of the two offences.</p> <p>Prospects: Good</p>	<p>Appeal upheld by consent and matter dismissed</p> <p>Solicitors: Matthews Folbigg</p>

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.
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	

Definitions:

- A section 34 conciliation conference is presided over by a Commissioner of the Land & Environment Court and explores options for the parties to resolve the appeal or narrow the issues.

Section 34AA proceedings provides a fast appeal system for a limited range of residential development, which is presided over by a Commissioner of the Land & Environmental Court. If the parties do not reach an agreement onsite, the Commissioner will make a determination.

- A section 56A appeal may be made to a judge against a Commissioner's decision - only on a point of law and not the merits of the development.
- PN stands for a Penalty Notice issued by Council officers for a breach of the law and the imposition of a fine.
- Court elected means that the recipient of a PN chooses to elect that the Local Court determine the alleged offence and the amount of fine, if any.
- Prospects advice is given on the basis of the evidence at the time the opinion is provided. Prospects may vary as the applicant amends plans and issues raised by Council are appropriately addressed.
- A Fee Estimate is the total fees estimated to be incurred, from the commencement of the appeal until the conclusion of a final judgement. This estimate is set by Council's external lawyers and any external experts required to be briefed.
- Appeals to the District Court may be made against the severity of penalty imposed by Local Court magistrate in response to Court Elected Penalty Infringement Notices.
- NCAT Matters are proceedings involving administrative reviews in relation to the actions of Council.
- A judicial review appeal may be made to the Land and Environment Court seeking a declaration that a development consent issued by the Council is invalid.