



Land and Environment Court

New South Wales

Case Name: The Owners - Strata Plan No 17759 v City of Sydney Council

Medium Neutral Citation: [2018] NSWLEC 1141

Hearing Date(s): Conciliation conference on 20 March 2018

Date of Orders: 3 April 2018

Decision Date: 3 April 2018

Jurisdiction: Class 1

Before: Bish C

Decision: See [4] below

Catchwords: DEVELOPMENT APPLICATION: conciliation conference; agreement between the parties; orders

Legislation Cited: Land and Environment Court Act 1979

Category: Principal judgment

Parties: The Owners - Strata Plan No 17759 (Applicant)
City of Sydney Council (Respondent)

Representation: Solicitors:
Mr Anthony Murrell, Staunton and Thompson Lawyers (Applicant)
Mr Phillip Canning, Council of City of Sydney (Respondent)

File Number(s): 2017/321218

Publication Restriction: No

JUDGMENT

1 **COMMISSIONER:** In this matter, at or after a conciliation conference, an agreement under s 34(3) of the *Land and Environment Court Act 1979* (the

Court Act) was reached between the parties as to the terms of a decision in the proceedings that was acceptable to the parties. As the presiding Commissioner, I was satisfied that the decision was one that the Court could have made in the proper exercise of its functions (this being the test applied by s 34(3) of the Court Act). As a consequence, s 34(3)(a) of the Act required me to “dispose of the proceedings in accordance with the decision”.

- 2 The Court Act also required me to “set out in writing the terms of the decision” (s 34(3)(b)). The orders made to give effect to the agreement constitute that document.
- 3 In making the orders to give effect to the agreement between the parties, I was not required to make, and have not made, any merit assessment of the issues that were originally in dispute between the parties.
- 4 The final orders to give effect to the parties’ agreement under s34(3) of the Land and Environment Court Act 1979 are:
- 5 The terms of the decision are as follows:
 - (1) The appeal is upheld.
 - (2) Development application D/2016/1850 lodged on 29 December 2016 for repair and refurbishment of curved window bay at level 8 (corner of Loftus Lane and Young Street) of existing building known as ‘Former Booth House’. Works consist of the repainting of steel frames and replacement of glass, is approved subject to the conditions contained in Annexure “A”.

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Sarah Bish

Commissioner of the Court

[Annexure A \(223 KB, pdf\)](#)

[Annexure B \(1.25 MB, pdf\)](#)

material does not breach any such order or provision. Further enquiries may be directed to the Registry of the Court or Tribunal in which it was generated.