

# LOUISE M. BYRNE

Barrister

## FREDERICK JORDAN CHAMBERS

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With 20 years experience as a practising barrister, Louise has particular expertise in environment, planning and local government, real property and equitable claims, strata title law and building & construction disputes. She has acted for and against local councils, architects, farmers, developers, public interest groups, private certifiers and owners corporations in leading cases in the High Court of Australia and other superior courts and tribunals: see *Heavens Door P/L v Hillpalm P/L* and *Wilkie v Blacktown City Council & Ors*.

Her experience as a barrister is complemented by a two year stint as in-house counsel at the City of Sydney, conducting significant litigation, particularly in the enforcement of the *Environmental Planning and Assessment Act 1979*, *Liquor Act 2007* and related legislation, and providing complex legal advice to the Council in all aspects of local government, liquor licensing, environment and planning law.

### ADMISSIONS TO PRACTICE

- 1998 Admitted to the New South Wales Bar, entitled to practice all Australian jurisdictions
- 1992 Admitted as a Solicitor of the Supreme Court of NSW

### PROFESSIONAL QUALIFICATIONS

- 1992 LLB, BSc (Hons – Biochem); University of New South Wales
- 1992 Diploma of Legal Practice, College of Law, UTS
- 1995 LEADR mediation certificate course

### PRINCIPAL AREAS OF PRACTICE

- Administrative Law
- Building and Construction
- Equity, Real Property and Strata Title
- Environment, Planning and Local Government

### PROFESSIONAL EXPERIENCE

- 2009 - present Barrister, Frederick Jordan Chambers
- 2007 - 2009 In-house Counsel, City of Sydney
- 1998 - 2007 Barrister, Frederick Jordan Chambers
- 1996 – 1998 Legal Researcher, President NSWCA, Justice Mahoney then Justice Mason
- 1993 - 1995 Senior Research Officer reporting to Hon Mahla Pearlman, L & E Court
- 1993 Policy Officer, Environment Protection Authority (NSW)
- 1991 - 1992 Research Officer, Australian Law Reform Commission

### SELECT CASES

#### Appellate

- *Gordon v Lever* [2018] NSWCA 43
- *LDF Enterprise Pty Ltd v State of NSW & Ors* [2017] NSWCA 89
- *Beverley Yule v Darcy Smith (No 2)* [2012] NSWCA 301
- *Beverley Yule v Darcy Smith* [2012] NSWCA 191
- *Meriton Apartments P/L v Council of the City of Sydney* [2011] NSWCA 17
- *Residents Against Improper Development Inc & Anor v Chase Property Investments Pty Ltd* [2006] NSWCA 323; (2006) 149 LGERA 360
- *Kyogle Shire Council v Muli Muli LALC* [2005] NSWCA 4; (2005) 62 NSWLR 361

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- *Murrumbidgee Groundwater Preservation Association Inc v Minister for Natural Resources* [2005] NSWCA 10; (2005) 138 LGERA 11
- *Hillpalm P/L v Heavens Door P/L* (2004) 220 CLR 472
- *Wilkie v Blacktown City Council & 3 Ors* [2002] NSWCA 284; (2002) 121 LGERA 444

## Trial level recent matters

- *Gordon v Lever* [2019] NSWSC 571 (costs), application of presumption under s88K(5) *Conveyancing Act*
- *Abagi v Rindfleish*, Supreme Ct (real property list), s88K *Conveyancing Act* application, appeared for Defendant, settled Feb 2019
- *Georges River Council v Owners Corporation SP 63227*, LEC No 18/282549, appeared for Defendant in contempt proceedings in relation to s121B Fire Orders, settled Dec 2018
- *Gordon v Lever* [2018] NSWSC 1888, remitter from NSWCA, s88K easement for right of carriage way
- *EPA v Golding (2 counts)* (settled February 2018), appeared for the Defendant in Land and Environment Court class 5 prosecution under *Native Vegetation Act 2003* (now repealed), settled with costs payable to client
- *Gordon v Lever* [2017] NSWSC 1282 – appeared for the Plaintiffs seeking a s88K easement for a ROW over an existing access road over rural land adjoining the Richmond River
- *LDF Enterprise Pty Ltd v Midcoast Council; Midcoast Council v LDF Enterprise Pty Ltd* [2017] NSWLEC 136 (settled) – appeared for the land owner LDF Enterprise Pty Ltd in a complex enforcement case in class 4 and in a class 1 appeal against a s121B Stop Work Order raising a question of law as to the validity of the s121B Order
- *Sydney City Council v Owners SP 18820* [2017] NSWLEC 81- appeared for the Respondent in contempt proceedings in relation to s121B Fire Orders
- *Zucker v Owners SP 85312 & 2 Ors* NCAT No 17/03762, (April – Sept 2017) – appeared for lot owner respondents defending an application under s237(3) of *Strata Schemes Management Act 2015* for compulsory appointment of a Strata Manager – strata complex in Bellevue Hill – application dismissed 29 Sept 2017
- *Thomas & Anor v Holmes & Anor* [2017] NSWLEC 1192 – tree matter
- *Owners SP89302 v Toplace P/L & 1 Or* - appeared for the Plaintiff in a large building defects matter in the Supreme Court (T&C List): June 2016 – Jan 2017
- *Owners SP89302 v Council of the City of Botany Bay & 2 Ors, Sup Ct* – appeared for the Plaintiff - developer non-compliance, Fire Safety conditions of consent (commenced by previous lawyers in the wrong jurisdiction) - settled: August/September 2015
- *Horne v James* [2015] NSWSC 465 – rural land with irrigation water extraction rights contractual dispute – Riverina District
- *Owners SP74667, SP74670, SP74662 v Auburn Council & 1 Or* (3 matters) – settled; and three related LEC proceedings in class 1 and class 4 – mediated by Commissioner O’Neill and resolved with consent orders – non-compliance with s 121B Fire Orders, negligent certification of RFBs – Pt 4A EPA Act: 2013 - 2015
- *Owners SP432 v Seddon, Larsen & Manly Council* [2015] NSWLEC 69 – complex judicial review proceedings concerning a complying development certificate invalidly granted to remove common property, construction of pre-EPA Act building approval, estoppel issue
- Appeared for Greg Pearce MLC (Minister for Sydney Water at relevant time) before Commissioner Latham at the Independent Commission Against Corruption (ICAC) in Operation Credo: April 2014

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## PROFESSIONAL MEMBERSHIPS AND APPOINTMENTS

- Mediator, Supreme Court and District Court Mediator Lists (2004 – 2007; 2011 - 2013)
  - Member, New South Wales Bar Association (since 1998)
  - Professional Conduct Committee NSW Bar Association (2002 - 2007)
  - Equal Opportunity Committee NSW Bar Association (1999 - 2004)
  - Pro Bono Scheme NSW Bar Association (2001 - present)
  - Supreme Court Legal Assistance List under the UCPR (2006 - present)
  - Representative to the Law Council Equal Opportunites in Law Committee (2003 - 2004)
  - NSW Women Lawyers, life member (since 1997), former President
  - Francis Forbes Society for Legal History (since 2012)
  - EDO (NSW) Ltd (since 1998)
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## BOARD AND COMMITTEE POSITIONS (ELECTED AND APPOINTED)

- Local Planning Panel independent member appointed by the Minister for Planning under section 2.18 of the *EPA Act 1979* (February 2018)
  - Environmental Reference Group, North Sydney Council (since 2014)
  - Property Assets Utilisation Taskforce (PAUT), NSW Government, Independent Member under chairmanship of Geoff Levy AO (2011 - 2012)
  - Environmental Defenders Office (NSW) Ltd, Board Member under Chairmanship of the Hon Murray Wilcox AO QC (2008 - 2009)
  - Australian Women Lawyers, Board Member and Vice President (2005 - 2007): organised inaugural national Women Lawyers Conference and instituted first Court Appearances Study
  - NSW Women Lawyers, committee (2000 – 2004); President (2005 - 2006)
  - Animal Ethics Committee of University of New South Wales, Independent Member (statutory committee under Animal Research Act (NSW)) (1998 - 2006)
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## SELECT PAPERS AND PUBLICATIONS

- *“From Paris to Lord Howe: 2 degrees of separation”*, a paper examining the significance of international agreements (Paris COP21 in December 2015) in the context of domestic Commonwealth & State environment protection laws presented to the Learned Friends Conference on Lord Howe Island: 3 April 2016
  - Chapter on *Crown Land & Protected Areas*, in Professor David Farrier’s *Environmental Law Handbook*: 5th edition (2011) and 6th edition (2015)
  - *Disclosure of Documents since Practice Note Supreme Court Equity 11 – is the tail wagging the dog?* Commercial Litigation Seminar, NSW State Legal Conference: 26 March 2015
  - *Licensed Premises in a Planning Context*, NSW College of Law: May 2010
  - *Legal History – The Women Reader’s Room*, Bar News, NSW Bar Association: Summer 2008
  - *Taking up the Challenge – Women coming to the Bar*, Bar News, NSW Bar Association: April 2006
  - *Professional Ethics*, paper presented to the Regional CLE mini-conference for the NSW Bar Association in Newcastle: April 2005
  - *Litigants in Person: Procedural and Ethical Issues for Barristers*, (1999) 19 *Australian Bar Review* 41, with Craig Leggat
  - *Case Reporter for the Local Government and Environment Reports of Australia*, LBC Thomson Publishing (1998 - 2001)
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