

LOUISE M. BYRNE

Barrister

FREDERICK JORDAN CHAMBERS

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With 25 years private practise experience as a lawyer and mediator, Louise has particular expertise in environment, planning and local government, real property and equitable claims, Crown lands and strata title law. She also conducts mediations in building and trata disputes and appears in the Court of Appeal, Supreme Court, Land and Environment Court and NSW Civil & Adminstrative Tribunal.

Her particular strengths lie in possessing an integrated knowledge of both planning law and real property law including strata law. Throughout the COVID years of 2020, 2021 she successfully acted in a number of complex Strata disputes which are ongoing. Louise is also an expert on obtaining and defending easement cases under s88K of the *Conveyancing Act* demonstrated by the *Gordon v Lever* litigation in 2017 – 2019 in the Supreme Court and Court of Appeal: see case references below. The case concerned expert flooding evidence of the Richmond River at the location of the dispute in rural NSW.

ADMISSIONS TO PRACTICE

- 1998 admitted to the New South Wales Bar, entitled to practice in 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
- 2020 AGSM (UNSW) Leadership 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 Keith 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

PROFESSIONAL APPOINTMENTS AND MEMBERSHIPS

- Alternative Chairpersons, appointed by the Minister under the *EPA Act 1979*, July 2021 – 2024 for:
 - (i) Hawkesbury City Council Planning Panel; and
 - (ii) Lane Cove Council Planning Panel
- Local Planning Panel independent member appointed by the Minister under the *EPA Act 1979* (Feb 2018)
- Member, New South Wales Bar Association (1998 - present)
- Pro Bono Scheme NSW Bar Association(2001 - present)

LOUISE M. BYRNE

Barrister

- Supreme Court Legal Assistance List under the UCPR (2006 - present)
- Mediator, Supreme Court and District Court Mediator Lists (2004 – 2007; 2011 - 2013)
- Member Professional Conduct Committee NSW Bar Association (2002 - 2007)
- Equal Opportunity Committee NSW Bar Association (1999 - 2004)
- Representative to the Law Council Equal Opportunites in Law Committee (2003 - 2004)

SELECT CASES

Appellate

- *Universal 1919 P/L v 122 Pitt St P/L* [2020] NSWCA 50
- *Gordon v Lever (No 2)* [2019] NSWCA 275
- *Gordon v Lever* [2018] NSWCA 43
- *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
- *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 select recent matters

- *Carmichael v The Owners SP 55135 and Ross & Colleen Porritt* [2022] NSWCATCD, 14.2.22 – ss 126 & 149 *Strata Schemes Management Act 2015* – unlawful building work to common property
- *Principal Healthcare Finance P/L v Blacktown City Council* [2021] NSWLEC 1247 – aged care facility at Marsden Park - Growth Centre SEPP – merit appeal
- *Principal Healthcare Finance P/L v Blacktown City Council (No 2)* [2021] NSWLEC 1548 – conditions of consent decision O’Neill Cmr - aged care facility at Marsden Park
- *Universal 1919 Pty Ltd v Council of the City of Sydney* [2019] NSWLEC 117 – judicial review, development control order, procedural fairness
- *Gordon v Lever* [2019] NSWSC 571 (costs), application of presumption under s88K(5) *Conveyancing Act*
- *Abagi v Rindfleish*, Supreme Ct (real property list), s88K easement application, 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
- *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
- *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 – application dismissed

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- *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 - settled
- *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: settled Sept 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) 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 (2015-2016)
- *Owners SP432 v Seddon, Larsen & Manly Council* [2015] NSWLEC 69 – complex judicial review proceedings concerning a complying development certificate

BOARD AND COMMITTEE POSITIONS (ELECTED AND APPOINTED)

- Environmental Reference Group, North Sydney Council (2014 - 2021)
- 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), awarded life member (2020)
- Animal Ethics Committee of University of New South Wales, Independent Member (statutory committee under Animal Research Act (NSW)) (1998 - 2006)

SELECT PAPERS AND PUBLICATIONS

- *“From Paris to Lord Howe: 2 degrees of separation”*, a paper examining domestic Commonwealth & State environment protection laws presented to the Learned Friends Conference on Lord Howe Island: 3 April 2016
- *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)