

PIETY DEVELOPMENTS PTY LTD ACN 166 561 593
v
CUMBERLAND CITY COUNCIL ABN 22 798 563 329 & ANOR
[2024] HCASL 296
S106/2024

- 1 The applicant requires an extension of time within which to seek special leave to appeal from part of a judgment of the Court of Appeal of the Supreme Court of New South Wales (Griffiths A-JA, Payne and Adamson JJA agreeing) dismissing an appeal from a judgment of the Supreme Court of New South Wales (Parker J).
- 2 In circumstances in which the applicant did not rely in the courts below upon the submissions that are now said to support the first proposed ground of appeal, an appeal would be an unsuitable vehicle to address the first proposed ground of appeal. The second proposed ground of appeal does not raise a question of public importance and otherwise has insufficient prospects of success to warrant the grant of special leave to appeal. Accordingly, it would be futile to grant an extension of time.
- 3 Special leave to appeal is refused with costs.

Gageler CJ
Gordon J
Edelman J
Steward J
Gleeson J
Jagot J
Beech-Jones J

7 November 2024