

Nick Eastman



Martin Place Chambers

Level 32
52 Martin Place
SYDNEY NSW 2000

DX: 130 SYDNEY
T: 02 8227 9600
F: 02 8227 9699
E: nick.eastman@mpchambers.net.au

Areas of Practice

- Planning and Environmental Law
- Compulsory Acquisition and Valuation
- Local Government and Administrative
- Building and Construction
- Corporations and Insolvency
- Equity
- Property
- Appellate work

Qualifications

BA/LLB (UNSW) (2002)

Admissions

- As a solicitor, in December 2002
- As a barrister, in April 2006

Professional recognition

- Preeminent Junior Counsel 2017-2022; Leading Junior Counsel 2016; Recommended Junior Counsel 2013-2015 in *Doyle's Guide: Leading Planning and Environment Barristers*
- Listed in *Whos Who Legal: Australia & New Zealand – Environment and Climate Change*, 2022
- Nominated for the Justice Medal, *2005 NSW Law and Justice Foundation Awards* (awards presented by Sir Anthony Mason at NSW Parliament House, October 2005)

Other appointments

- Member of the NSW Bar Association Professional Conduct Committee #4 from 2015 to 2021
- 'Advocacy Coach' NSW Bar Practice Course from 2013 to the present
- Inaugural member of the Land and Environment Court duty barrister scheme from 2018 to the present
- Board Director, Loreto Normanhurst from 2019 to the present
- Chair of the Property Committee, Loreto Normanhurst (from 2019 to present, member from 2017)
- Chair of Rugby Committee, St Aloysius' College (member from 2017 to the present, chair from 2021)

Planning, Environment, Compulsory Acquisition and Valuation

I appear regularly in the Land and Environment Court, Supreme Court and NSW Court of Appeal for trial and appeals under the *Environmental Planning and Assessment Act 1979*, *Land Acquisition (Just Terms Compensation) Act 1991*, *Valuation of Land Act 1916*, *Local Government Act 1993*, *Community Land Development Act 1993* and *Conveyancing Act 1919*. I am instructed in a range of matters by individuals,

government, and in particular transport agencies, Councils, multi-national and Australian ASX 200 corporations, partnerships, small business and developers.

I have over 18 years' experience working in all aspects of property, planning, leasing, acquisition and development. This includes a specialist practice in compulsory acquisition and valuation. I regularly participate in mediation and conciliation of all such disputes.

Prior to my admission to the Bar, I worked as a public interest litigation solicitor from 2002 to 2006, predominately in the area of tenancy and public housing, at the Tenants Union of NSW and at the Office of Fair Trading funded schemes in the Tenants Advice and Advocacy Network. During that time, I also worked as a locum and volunteered at the University of New South Wales' Kingsford Legal Centre. I retain a strong commitment to pro bono work in these areas, as well as in environmental law, and am available to appear and advise in pro bono matters on request.

Selected reported decisions in the High Court, Court of Appeal and Land and Environment Court

- **Trustee for the Whitcort Unit Trust v Transport for New South Wales (No. 2)** (2022) 253 LGERA 342
- **Donvito v Hawkesbury City Council** (2022) 251 LGERA 198
- **Tahmoor Coal Pty Ltd v Visser** (2022) 250 LGERA 408 (Court of Appeal)
- **Nadilo v Eagleton** (2021) 250 LGERA 89 (Court of Appeal)
- **Alexandria Landfill Pty Ltd v Transport for NSW** (2020) 103 NSWLR 479 (Court of Appeal)
- **Apokis v Transport for NSW** (2020) 101 NSWLR 844 (Court of Appeal)
- **Croghan v Blacktown City Council** (2019) 100 NSWLR 757 (Court of Appeal)
- **Satmell Holdings Pty Ltd v Blacktown City Council** (2019) 239 LGERA 178
- **Loulach Developments v Roads and Maritime Services** (2019) 237 LGERA 273
- **Melino v Roads and Maritime Services** (2018) 98 NSWLR 625 (Court of Appeal)
- **Moloney v Roads and Maritime Services** (2018) 98 NSWLR 651 (Court of Appeal)
- **Carlewie v Roads and Maritime Services** (2018) 98 NSWLR 233 (Court of Appeal)
- **Cmunt v Snowy Monaro Regional Council** (2018) 231 LGERA 186 (Court of Appeal **as amicus**)
- **Denshire v Roads and Maritime Services** (2018) 229 LGERA 118
- **Dial A Dump Industries Pty Ltd v Roads and Maritime Services** (2017) 94 NSWLR 554 (Court of Appeal)
- **Melino v Roads and Maritime Service** (2017) 226 LGERA 337
- **Konduru (t/as Warringah Family Medical) v Roads and Maritime Services** (2017) 224 LGERA 262
- **Nash Bros Builders Pty Ltd v Riverina Water County Council** (2017) 92 NSWLR 766 (Court of Appeal)
- **Billinudgel Property Pty Ltd v Minister for Planning** (2016) 221 LGERA 1
- **Hoy v Coffs Harbour City Council** (2016) 218 LGERA 411 (Court of Appeal)
- **Dial A Dump Industries Pty Ltd v Roads and Maritime Services** (2016) 216 LGERA 285
- **Suh v Liverpool Council** (2016) 216 LGERA 84
- **Roads and Maritime Services v Allandale Blue Metal Pty Ltd** (2016) 212 LGERA 307 (Court of Appeal)
- **Golden Mile Properties (In liq) v Cudgegong Australia Pty Ltd** (2015) 89 NSWLR 237 (Court of Appeal)
- **Boronia Park Preservation Group v MSMG Developments** (2015) 209 LGERA 259
- **Tolson v Roads and Maritime Services** (2014) 201 LGERA 367 (Court of Appeal)
- **Willoughby City Council v Roads and Maritime Services** (2014) 201 LGERA 177
- **Rafailidis v Roads and Maritime Services** (2014) 200 LGERA 273
- **Ross v Lane Cove Council** (2014) 86 NSWLR 34 (Court of Appeal)
- **Allandale Blue Metal Pty Ltd v Roads and Maritime Services** (2013) 195 LGERA 182 (Court of Appeal)
- **Bardsley-Smith v Administration and Marketing Solutions** (2013) 195 LGERA 34 (Court of Appeal)
- **Barrington-Gloucester-Stroud Preservation Alliance v Minister for Planning** (2012) 194 LGERA 113
- **Coffs Harbour City Council v Minister for Planning & Sandy Shores Developments** (2013) 193 LGERA 203 (Court of Appeal)
- **Lester v Minister for Planning** (2013) 193 LGERA 97 (Court of Appeal)

- *Simpson v Wakool Shire Council & Dairy Fresh Pty Ltd* (2012) 190 LGERA 143
- *Bardsley-Smith v Penrith City Council & Chemist Warehouse* (2012) 189 LGERA 130
- *Reysson Pty Ltd v Roads and Maritime Services* (2012) 188 LGERA 252
- *Coffs Harbour City Council v Minister for Planning & Sandy Shores Developments* (2012) 187 LGERA 252
- *Cumerlong Holdings Pty Ltd v Dalcross Properties* (2011) 243 CLR 492 (High Court)
- *Dillon v Gosford City Council* (2011) 284 ALR 619 (Court of Appeal)
- *Woods & Thatcher v Gandangara Local Aboriginal Land Council* (2011) 180 LGERA 322
- *Reid's Farms v Murray Shire Council & KSK Developments Pty Ltd* (2010) 182 LGERA 1
- *Wollongong City Council v Vic Vellar Nominees Pty Ltd* (2010) 178 LGERA 445
- *Vis Visitor Investment Pty Ltd v Hawkesbury City Council and Another (No 2)* (2010) 178 LGERA 97
- *Cumerlong Holdings Pty Ltd v Dalcross Properties Pty Ltd* (2010) 175 LGERA 433 (Court of Appeal)
- *Reid's Farms Pty Ltd v Murray Shire Council & KSK Developments Pty Ltd* (2009) 169 LGERA 307
- *Conservation of North Ocean Shores v Byron Shire Council* (2009) 167 LGERA 52
- *Scicluna v NSW Land and Housing Corporation* (2008) 72 NSWLR 674 (Court of Appeal)
- *Neighbourhood Association 285249 & Ors v Watson* (2008) 162 LGERA 322

Publications

- *Lawyers Practice Manual* Chapter 4.15
- 9th Edition of the *Law Handbook* (Chapter 29)
- *Planning Principle: Height and Bulk of Proposed Developments* (2007) 6(1) L Gov R 13
- *Casenotes: Planning Principles in Helou and DFO* (2006) 4(10) L Gov R 148
- *Public Fear and Precaution: the decision in Telstra Corporation Ltd v Hornsby Shire Council* (2006) 4(8) L Gov R 109
- *The Social Impact of Residential Caravan Park Closures* (2005) 3(9) L Gov R
- *Whose obligation: Public Housing Reform and Litigating Rights (2004)* - National Association of Community Legal Centres Conference