



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: S20/2025
File Title: Hunt Leather Pty Ltd ACN 000745960 & Anor v. Transport for NSW
Registry: Sydney
Document filed: Form 27B - Appellants' Joint Chronology (S20/2025; S21/2025)
Filing party: Appellants
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Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

Form 27B – Appellant’s chronology

Note: see rule 44.02.3.

S20/2025

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. S20 of 2025

BETWEEN:

HUNT LEATHER PTY LTD ACN 000745960

First Appellant

ANCIO INVESTMENTS PTY LTD ACN 136917041

Second Appellant

- and -

TRANSPORT FOR NSW

Respondent

No. S21 of 2025

BETWEEN:

HUNT LEATHER PTY LTD ABN 46000745960

First Appellant

SOPHIE IRENE HUNT

Second Appellant

ANCIO INVESTMENTS PTY LTD ABN 50319048217

Third Appellant

NICHOLAS ZISTI

Fourth Appellant

- and -

TRANSPORT FOR NSW ABN 18804239602

Respondent

APPELLANTS’ CHRONOLOGY

Part I: This chronology is in a form suitable for publication on the internet.

Part II:

Date	Event	CAB Reference
Around 1975	The first appellant in both S20/2025 and S21/2025 (Hunt Leather) is established. As at 2015, Hunt Leather operated a number of stores around Australia, including stores in the Strand Arcade and Queen Victoria Building in Sydney.	PJ [27] (CAB 19) PJ [991] (CAB 260)
May 2009 to April 2019	The second appellant in S20/2025 and the third appellant in S21/2025 (Ancio) operates a restaurant business on Anzac Parade in Kensington.	PJ [11(3)] (CAB 15)
Around 2012	Planning of the Sydney Light Rail project commences.	PJ [21] (CAB 17)
By 12 July 2013	The respondent (Transport for NSW) publishes a “Risk Register”. This register referred to the risks: (1) of a class action or an injunction on project as a result of construction fatigue experienced in the CBD and other high impact areas which was rated as “High (Reputation)”; and (2) that business owners might seek compensation based on loss of trade caused by the construction activity, including noise, vibration, dust, and general nuisance which was also rated as “High (Reputation)”.	PJ [131] (CAB 45) AFM 4 - 41
January 2014	Transport for NSW issues an updated Risk Register, which records the risk of a class action or an injunction on the project as a result of construction fatigue experienced in the CBD and other high impact areas as a “High (Reputation)” risk.	AFM 42 - 54
29 January 2014	In a Pre-Tender Assurance Review Report, Transport for NSW notes that the project delivery phase carried a number of risks including “noise, vibration and disruption of residents and businesses along the alignment”.	PJ [154] (CAB 51)
30 June 2014	Transport for NSW enters into an “Early Works contract” with Laing O’Rourke Australia Construction Pty Ltd. Scope includes comprehensive utility-treatment work at specified intersections.	PJ [181]-[187] (CAB 57 – 59)
18 July 2014	Transport for NSW issues an updated Risk Register for the Project, which identifies: (1) the following risks as “High (Reputation)”: <ul style="list-style-type: none"> • A class action or injunction on project as a result of construction fatigue experienced in the CBD and other high impact areas. • Small-business impacts along alignment resulting in opposition leading to claims against Transport for NSW. (2) the following risks as “High (Financial)”:	PJ [188] (CAB 59) AFM 55 - 90

Date	Event	CAB Reference
	<ul style="list-style-type: none"> • Compensation, injurious affection [sic], and nuisance claims from impacted stakeholders as a result of loss of access to businesses and residents temporarily due to construction. • Loss of trade caused by construction activity. • Noise, vibration, dust, and general nuisance claims. 	
17 December 2014	<p>Transport for NSW enters into the Project Deed with “OpCo”. Opco was a company nominated by “ALTRAC” (which was effectively a partnership of a number of commercial interests including the Spanish infrastructure company Acciona Concesiones SL).</p> <p>At the same time, OpCo executes a design and construct contract for the Sydney Light Rail with its nominated contractor, which was a joint venture between Acciona and the French rolling-stock manufacturer Alstom.</p>	PJ [122]-[123] (CAB 43 – 44)
May 2015	<p>Transport for NSW issues a media release stating that construction of the Sydney Light Rail will commence at Moore Park in September 2015 and on George Street in October 2015.</p> <p>Hunt Leather spends \$700,000 fitting out its Strand Arcade store.</p>	PJ [260], [994] (CAB 81, 261)
11 September 2015	The Sydney Light Rail is declared to be a “light rail system” for the purposes of the <i>Transport Administration Act 1988</i> (NSW).	PJ [731] (CAB 198)
15 October 2015	<p>Occupation of Fee Zone 5 (on George Street, Sydney CBD, the location of the Hunt Leather’s Strand Arcade Store) is scheduled to commence under the “Initial Delivery Program” (IDP) attached to the Project Deed.</p> <p>Occupation of “Fee Zone 5” in fact commences.</p>	PJ [759], [935] (CAB 204, 247 – 248)
November 2015	<p>Construction work commences outside Hunt Leather’s Strand Arcade store.</p> <p>Primary judge found substantial interference from this date</p>	PJ [842], [869], [875] (CAB 227, 234, 236)
7 May 2016	<p>Construction work commences in Fee Zone 29 outside Ancio’s restaurant on Anzac Parade, Kensington.</p> <p>Primary judge found substantial interference from this date.</p>	PJ [292], [909] (CAB 88, 242)

Date	Event	CAB Reference
21 July 2016	Occupation of Fee Zone 5 is scheduled to cease under the IDP.	PJ [759] (CAB 204)
1 November 2016	Occupation of Fee Zone 5 is scheduled to cease under the “amended IDP” prepared by the respondents’ programming expert, Mr Mark Griffith (Amended IDP). Date on which primary judge determined nuisance commenced in respect of Hunt Leather’s Strand Arcade store.	PJ [935] (CAB 247 – 248)
17 November 2016	Occupation of Fee Zone 29 is scheduled to commence under the IDP.	PJ [935] (CAB 247 – 248)
27 January 2017	Date on which primary judge determined nuisance commenced in respect of Ancio’s restaurant premises. (The primary judge derived this date from the period of occupation estimated in the Amended IDP.)	<i>Hunt Leather Pty Ltd v Transport for NSW (No 3)</i> [2023] NSWSC 1598 at [12] (CAB 359). CA [31] (CAB 434)
2 June 2017	Occupation of “Fee Zone 29” is scheduled to cease under the IDP.	PJ [759] (CAB 204)
3 September 2017	Occupation of Fee Zone 29 is scheduled to cease under Mr Griffith’s Amended IDP.	PJ [935] (CAB 247 – 248)
3 December 2017	Occupation of Fee Zone 5 ceases. Date on which primary judge determined nuisance in respect of Hunt Leather’s Strand Arcade store ceased.	PJ [759] (CAB 204) PJ [938] (CAB 248)
26 February 2019	Occupation of Fee Zone 29 ceases.	PJ [759] (CAB 204)
28 February 2019	Date on which primary judge determined nuisance in respect of Ancio’s restaurant premises ceased.	PJ [938] (CAB 248)
April 2019	The restaurant operated by Ancio ceases trading.	PJ [1071] (CAB 277)
March 2020	Construction of the Sydney Light Rail project is completed.	PJ [24], [757] (CAB 18, 203)

Dated 13 March 2025



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