

Current Legal Cases – Status and Costs – January to April 2024

Advice on Costs and Status of Council's Court Proceedings

Executive Summary

1. Council's Court proceedings for the period 1 January 2024 to 30 April 2024 is contained within this report.
2. Total legal costs to date for the 2023/24 financial year are \$1,650,536.
3. Total legal costs recovered to date for the 2023/24 financial year are \$741,833.
4. Total costs incurred to date by Council in legal proceedings are \$1,390,186.
5. Net legal costs to date are \$908,654.

Background

6. Current court proceedings for the reporting period are broken down as follows:

Land and Environment Court

- 37 x Class 1 (DA/Order Appeals)
- 1 x Class 2 (Tree Disputes and Miscellaneous Appeals)
- 2 x Class 3 (Land Tenure, Valuation and Compensation Matters)
- 3 x Class 4 (Civil Enforcement Proceedings)
- 1 x Class 5 (Prosecution Proceedings)
- 3 x Class 6 (Appeal against Local Court Decision)

Local Court

- 17 x Prosecutions

Costs Recoveries

- 16 x cost recoveries

New Matters

7. There were 25 new matters in this reporting period:
 - LEC Class 1 Appeals: Janevski, Azer, Sims, Saia, Archispectrum Pty Ltd, Finn, Kotsis & Nehme, Construction by Design and Khouri Petroleum Pty Ltd;
 - LEC Class 2 Appeals: Watson;

- LEC Class 3: Perry Properties Pty Ltd and Eskander;
- LEC Class 6 Appeals: Sayed (x3);
- Local Court: Happy Family Kitchen, Gonzalas, Hartono, Koumis, Helou, Handmade Ramen (New Spring Pty Ltd), Green Commodities Pty Ltd, Zeidan, Collis and Bakamis.

Finalised matters

8. There were 22 matters that were finalised in this reporting period:

- 10 x LEC Class 1 Appeals: Hatch, Eskander, Bishay & Ors, NXT Developments Pty Ltd, Ayoubi, Kai Tian Group Pty Ltd, Christofi, Bob Qi Building Pty Ltd and Azzi x 2;
- 1 x LEC Class 3: Perry Properties Pty Ltd;
- 3 x LEC Class 4: PS Australia Investment Pty Ltd, Mifsud and Hamade;
- 8 x Local Court Matters: Taleb, Gonzalez, Kak, Futuristic Design Pty Ltd, Koumis, Hartono, Sayed and Happy Family Kitchen.

Current Table

9. Court proceedings for the current reporting period are set out below. The external costs include both external legal and expert consultants' (Court witnesses') fees.

No	Property Address Applicant Proceedings Number	Description of Matter	Status / Critical Dates
Land and Environment Court Proceedings – Class 1 Appeals			
1	36 – 40 Anderson Road, Mortdale John Hatch Proceedings No: 2022/335956	Appeal against refusal of Modification Application 2021/0193 for the increase in capacity from 68 children to 90, construction of new car park and play area, and other landscaping and building alterations.	The Court dismissed appeal on 14 February 2024.
2	95 – 99 Railway Parade, Mortdale NXT Developments Pty Limited Proceedings No: 2022/369251	Appeal against deemed refusal of DA2022/0113 for a seven storey shop top housing development.	Matter listed for hearing on 18 and 19 December 2023 however Applicant discontinued proceedings prior to hearing.
3	348 – 352 Railway Parade & 2 – 2A Garfield Street, Carlton	Appeal against deemed refusal of DA2022/0431 for demolition of existing structures and construction of a multi-storey shop top housing	Matter listed for hearing 12 & 13 February 2024. Consent granted subject to amended

	<p>Vortex Construction Pty Limited</p> <p>Proceedings No. 2022/383670</p>	development comprising of one commercial tenancy and 39 residential apartments and three level basement parking.	plans. S8.15 costs being negotiated.
4	<p>10 Spalding Crescent, Hurstville Grove</p> <p>Wageeh Ayoubi</p> <p>Proceedings No: 2023/26519</p>	Appeal against refusal of DA2022/0826 for demolition works and construction of a dual occupancy development.	Matter listed for S34AA Conciliation Conference on 7 and 8 November 2023 however the Applicant discontinued the proceedings.
5	<p>12 Ogilvy Street, Peakhurst</p> <p>Shady Eskander</p> <p>Proceedings No: 2023/91345</p>	Appeal against deemed refusal of DA2022/0387 seeking consent for the demolition and construction of a detached two storey dual occupancy development with two levels of basement, in-ground swimming pool, landscaping and fencing.	<p>The Court upheld the appeal and granted development consent including a deferred commencement condition requiring an easement over Council land.</p> <p>S56A Appeal filed 5 February 2024. Hearing 21 May 2024.</p>
6	<p>18 Victoria Street, Kogarah</p> <p>Kai Tian Group Kogarah Pty Limited</p> <p>Proceedings No: 2023/103213</p>	Appeal against deemed refusal of DA2023/0015 for alterations and additions to the upper level of an approved residential flat building (DA2017/0597) and the construction of two additional residential units.	Matter listed for S34 Conference on 5 September 2023 however terminated. Matter listed for hearing 18 and 19 March 2024. Appeal upheld.
7	<p>13-19 Hogben Street, Kogarah</p> <p>Adam Rennie</p> <p>Proceedings No: 2023/144342</p>	Appeal against the refusal of DA2021/0405 for two storey addition to an existing mixed use building comprising of 5 residential units.	Matter listed for hearing 6 and 7 May 2024. Matter discontinued by Applicant. Costs currently being negotiated.
8	<p>152 Stoney Creek Road, Beverly Hills</p> <p>Outdoor Systems Pty Ltd</p>	Appeal against deemed refusal of MOD2023/0026 for modification of an existing static advertising sign to a digital sign and removal of the existing sign.	Matter listed for S34 Conference on 10 November 2023 however terminated. Matter listed for hearing on 9 to 11 July 2024.

	Proceedings No: 2023/00152711		
9	9 Gloucester Road, Hurstville NSW 2220 GTB Hurstville Pty Ltd Proceedings No: 2023/18099	Appeal against the deemed refusal of DA2022/0061 for demolition and construction of a part 6 part 18 storey mixed used development across 4 buildings containing 349 residential apartments, retail, and office floor space above 3 basement levels containing 455 parking spaces and tree removal.	Matter listed for S34 Conference on 22 March 2024. A S34 Agreement entered into following amended plans. S8.15 costs of \$35,000 to be paid by 21 May 2024.
10	28 Carlton Crescent, Beverley Park Mona Kayrouz Proceedings No: 2023/20030	Appeal against the Interim Heritage Order that was resolved by Council on 22 June 2023 and gazetted on 26 May 2023.	Matter listed for hearing on 3 to 5 July 2024.
11	28 Carlton Crescent, Beverley Park Mona Kayrouz Proceedings No: 2023/19988	Appeal against deemed refusal of DA2023/0025 for subdivision, demolition works and construction of new dwellings, outbuildings, and ancillary works at 28 Carlton Crescent, Kogarah Bay.	Matter listed for hearing on 3 to 5 July 2024.
12	55 Halstead Street, South Hurstville ZML Family Trust and JVM Family Trust Proceedings No: 2023/22056	Appeal against deemed refusal of DA2023/0089 for demolition of an existing industrial premises to construct 29 industrial units, a food and drink premises, lobby area and outdoor recreation, vehicular parking and circulation areas for a total of 67 parking spaces, loading areas, perimeter deep soil landscaping and onsite planting including new trees	Matter listed for S34 Conference on 8 February 2024 however terminated. Matter listed for hearing on 6 to 8 August 2024.
13	17 Munmurra Road, Riverwood Reda Bishay & Ors Proceedings No: 2023/226903	Appeal against the refusal for dual occupancy. The proposed dual occupancy has a lot size of 626.4sqm. As such the site is 23.4sqm short and is 3.6% less than allowed under Clause 4.1B	Matter listed for S34 Conference on 21 December 2023. A S34 Agreement was entered into following amended plans.
14	3 Cross Street, Kyle Bay	Appeal against the deemed refusal of Modification Application MOD2023/0075, seeking to modify consent DA2020/0145 for demolition,	Matter listed for S34AA Conference on 29 February & 1 March 2024. Appeal

	Anastasi Christofi Proceedings No: 2023/247747	pool removal and construction of a new three-storey dwelling house with swimming pool, landscaping and site works at 3 Cross Street Kyle Bay NSW 2221.	upheld following amended plans.
15	31-33 Bailey Parade, Peakhurst Hassan Kabalan Proceedings No: 2023/27914	Appeal against deemed refusal of DA2021/0192 for demolition and construction of a two-storey 56 place childcare centre with basement parking.	Matter listed for S34 Conciliation for 13 March 2024 however terminated. Matter listed for hearing on 26 and 27 September 2024.
16	10-14 Vaughan Street, Blakehurst Mehanna Holdings Pty Ltd Proceedings No: 2023/279149	Appeal against deemed refusal of DA2023/0074 for demolition and construction of a residential flat building consisting of 39 apartments over basement parking	Listed for conciliation on 14 March 2024 and terminated. Matter now listed for hearing on 29 and 30 October 2024
17	300 Princes Highway, Carss Park Beaini Developments Pty Ltd Proceedings No: 2023/305736	Appeal against deemed refusal of DA2023/0278 for demolition and construction of four (4) dwellings in the form of two semi-detached dwelling houses with associated landscaping.	Matter listed for S34 Conference on 15 March 2024 and adjourned to 15 April 2024. A S34 Agreement filed and judgment reserved.
18	6-8 Vaughan Street, Blakehurst Princeton Capstack Pty Ltd ATF Princeton Blakehurst Equity Trust Proceedings No: 2023/307194	Appeal against deemed refusal of MOD023/0009 to modify DA2018/0237 as approved by Council on 20 August 2019, for amendments to approved plans, including changes to address water table, design development and necessary services and details.	Matter listed for S34 Conference on 20 May 2024.
19	1A Rose Street, Connells Point Bob Qi Building Pty Ltd	Appeal against actual refusal of DA2022/0075 seeking consent for construction of a dual occupancy building with basement parking and associated earthworks and landscaping	Matter listed for s34AA conciliation and hearing on 15 and 16 April 2024. A S34 Agreement was entered into following amended plans. Judgment delivered on 23

	Proceedings No: 2023/31530		April 2024 with appeal upheld.
20	62 Blackshaw Street, Mortdale TN Mortdale Pty Ltd Proceedings No: 2023/327295	Appeal against deemed refusal of DA2023/0345 seeking consent for construction of a dual industrial building at Lot 6 DP505378, and development and operation of a warehouse and storage building including other necessary works	Matter listed for S34 Conference on 29 May 2024.
21	18 Beach Street, Blakehurst Mohammad Chahine Proceedings No: 2023/346558	Appeal against deemed refusal seeking consent for demolition of existing structures and installation of an in-ground swimming pool, fire pit, covered area, filing and retaining wall.	Matter listed for s34AA Conciliation Conference on 27 and 28 May 2024.
22	11/30-32 Lawrence Street, Peakhurst Lulu Azzi Proceedings No: 2023/360600	Appeal against Council's Development Control Order (Demolish works Order-Schedule 5 Order 3 and Compliance Order Schedule 5 Order 11) issued on 17 October 2023	Matter listed for S34 Conference on 4 March 2024 however discontinued by Applicant.
23	12/30-32 Lawrence Street, Peakhurst Lulu Azzi Proceedings No: 2023/360608	Appeal against Council's Development Control Order (Compliance Order Schedule 5 Order 11) issued on 17 October 2023	Matter listed for S34 Conference on 4 March 2024 however discontinued by Applicant.
24	8 Gooroa Street, Carss Park Jamie Grounds Proceedings No: 2023/364013	Appeal against actual refusal of DA2022/0160 for demolition works, construction of an attached two-storey dual occupancy, a swimming pool for each dwelling, landscaping and site works.	Matter listed for s34AA Conciliation Conference on 19 and 20 June 2024.
25	319 Rocky Point Road, Sans Souci Arquero Architects Proceedings No: 2023/ 452959	Appeal against deemed refusal of DA2023/0492 for demolition works, construction of a two-storey 95 place centre based child care facility with 23 basement parking and associated landscaping and site works and lot consolidation.	Matter listed for S34 Conference on 13 June 2024.

26	8 Gover Street, Peakhurst Stephanie Kirovski Proceedings No: 2023/452834	Appeal against deemed refusal of DA2023/0468 for demolition, construction of a five-storey child care centre with basement parking and associated landscaping and site works and lot consolidation.	Matter listed for S34 Conference on 14 June 2024.
27	37 Princes Highway, Kogarah Fuse Architecture Pty Ltd Proceedings No: 2023/451344	Appeal against actual refusal of DA2021/0424 for demolition works, construction of a ten (10) storey shop top development over three levels of basement parking.	Matter listed for S34 Conference on 7 June 2024.
28	336 Stoney Creek Road, Kingsgrove Sarkis Lea Charlie Khoury Proceedings No: 2023/463032	Appeal against Council's Development Control order issued on 13 December 2023	Matter listed for S34 Conference on 19 July 2024.
29	12 Broughton Street, Mortdale Van Janevski Proceedings No: 2023/463812	Appeal against actual refusal of DA2022/0186 seeking consent for the demolition of the existing dwelling and construction of two x two storey attached dwellings, landscaping and site works	Matter listed for S34AA Conciliation Conference on 24 and 25 June 2024.
30	78 Bonds Road Peakhurst Michael Azer Proceedings No: 2024/56948	Appeal against deemed refusal of DA2023/0512 the demolition and construction of an early education and care facility at 78 Bonds Rd Peakhurst.	Matter listed for S34 Conference on 26 August 2024.
31	1 Moons Avenue Lugarno Philip Geoffrey Sims Proceedings No: 2024/57633	Appeal against actual refusal of DA2023/0026 the demolition and construction of a two-storey attached dual occupancy with a swimming pool for each dwelling and landscaping	Matter listed for S34AA Conciliation Conference on 22 and 23 August 2024.

32	20 Cedar Street, Lugarno Franco & Poppy Saia Proceedings No: 2024/90338	Appeal against deemed refusal of DA2023/0430 for demolition, construction of new dwelling and swimming pool	Matter listed for S34AA Conciliation Conference on 9 and 10 September 2024.
33	70 Kyle Parade, Kyle Bay Archispectrum Pty Limited Proceedings No: 2024/99588	Appeal against actual refusal of DA 2023/0361 for Torrens Title subdivision of an existing allotment into two lots.	Matter listed for S34 Conference on 3 September 2024.
34	4 The Esplanade, South Hurstville Gary Finn Proceedings No: 2024/87513	Appeal against deemed refusal of DA2023/0553 for demolition of existing structures and construction of a 52 place child care centre.	Matter listed for S34 Conference on 25 September 2024.
35	79 Queens Road, Connells Point Chris Kotsis & Tony Nehme Proceedings No: 2024/133536	Appeal against actual refusal of DA2023/0439 for demolition of existing structures and construction of detached dual occupancy, swimming pools and associated works.	Matter listed for S34AA Conciliation on 10 and 11 October 2024.
36	36 Beach Street, Blakehurst Construction by Design Proceedings No: 2024/142088	Appeal against deemed refusal of DA2023/0612 for demolition of existing dwelling and ancillary structures and construction of a 2 storey dwelling, swimming pool and landscape works.	Matter listed for first directions hearing on 9 May 2024.
37	294 Princes Highway, Carss Park Khoury Petroleum Pty Ltd & Ors Proceedings No: 2024/154732	Appeal against actual refusal of DA2023/0177 for alterations and additions to a service station and installation of business identification signage	Matter listed for first directions hearing on 29 May 2024.

Class 2 Proceedings			
1	115A Kyle Parade, Kyle Bay Suzanne Cristine Watson Proceedings No: 2024/139478	Appeal against a S23 direction by local authority under S26(1)(d) of the Swimming Pools Act 1992.	Matter listed for first directions hearing on 14 May 2024.
Class 3 Proceedings			
1	12 Ogilvy Street, Peakhurst Shady Eskander Proceedings No: 2023/304230	Applicant seeks an order that the Court impose an easement over land pursuant to s 40 regarding DA2022/0387 seeking consent for the demolition and construction of a detached two storey dual occupancy development with two levels of basement, in-ground swimming pool, landscaping and fencing.	Matter listed for first conciliation on 9 April 2024 however terminated. Matter listed for hearing 14 – 15 October 2024
2	247 Princes Highway, Carlton Perry Properties Pty Limited Proceedings No: 2023/463773	Class 3 Application in relation to compulsory acquisition of 247 Princes Highway, Carlton	Matter discontinued with order for costs in favour of applicant.
Class 4 Proceedings			
1	5 Maclaurin Street, Penshurst Emanuel Mifsud	Notice of Motion for Contempt of Court – Failure to comply with orders of the Court made on 2 December 2022.	Matter listed for hearing on 22 September 2023. Matter discontinued.
2	244 Connells Point Road, Connells Point Habib Hamade, Zeinab Hammoud, Carole Li and Winson Li	Proceedings into Contempt of Court - Failure to comply with orders of the Court made relating to unauthorised excavation works resulting in the undermining of a retaining wall and swimming pool at neighbour's property.	Guilty plea entered 15 September (plea withdrawn with leave 22 September) Listed for hearing 14 & 15 March 2024 however vacated as Deed of Agreement entered into to complete works.
3	324 Railway Parade, Carlton Prem Singh Proceedings No: 2023/308942	Failure to Comply with Development Order issued to him by Council on 15 June 2023, regarding DA2017/0464 as modified by MOD2020/0028.	Matter listed for mention on 3 November 2023. Listed for further mention 2 February 2024. Final orders made by consent.

Class 5 Proceedings			
1	34 Beach Street, Blakehurst Ahmad El Saadi t/a RNA Building Solutions Pty Ltd)	Proceedings in relation to unauthorised works.	Matter listed for preliminary hearing 5 April 2024. Matter listed for further mention on 3 May 2024.
Class 6 Proceedings			
1	8 Marine Drive, Oatley Rube Rabih Sayed Proceedings 2024/131266	Appeal against Local Court Decision in relation to the fine imposed at sentencing	Matter listed for first directions 7 June 2024.
2	8 Marine Drive, Oatley Rube Rabih Sayed Proceedings 2024/345439	Appeal against Local Court Decision in relation to the fine imposed at sentencing	Matter listed for first directions 7 June 2024.
3	8 Marine Drive, Oatley Rube Rabih Sayed Proceedings 2024/131198	Appeal against Local Court Decision in relation to the fine imposed at sentencing	Matter listed for first directions 7 June 2024.
Local Court Proceedings			
1	1 Ellen Subway, Mortdale Marritt Projects Pty Ltd	Construction work and road closure without a valid permit at 1 Ellen Subway, Mortdale on 11 March 2023 PIN: 3246230020	Hearing listed for 30 January 2024. Judgment listed for 9 May 2024.
2	1 Ellen Subway Mortdale Marritt Projects Pty Ltd	Construction work that was in breach of development consent for DA2017/0570 on 29 March 2023 PIN: 3246228307	Hearing listed for 30 January 2024. Judgment listed for 9 May 2024.

3	1 Ellen Subway Mortdale Marritt Projects Pty Ltd	No Consent for road closure or occupation of the road. Breach of Development Consent for DA2017/0570. PIN: 32462289316	Hearing listed for 30 January 2024. Judgment listed for 9 May 2024.
4	301 Kingsgrove Road, Kingsgrove Futuristic Design Pty Ltd Proceeding 2023/345439	Breach of condition 20 of DA2017/0487 for construction of child care centre. PIN: 3246230020	Matter finalised. Defendant was convicted and ordered a fine of \$5000 and ordered to pay \$2100 in professional fees.
5	8 Marine Drive Oatley Rube Rabih Sayed Proceeding 2023/345439	Three charges the Environmental Planning and assessment Act 1979 (EPA Act) in that the defendant carried out development without development consent, prohibited development and development contrary to consent.	Matter was listed for hearing on 5 December 2023. Defendant pleaded guilty, was convicted in all three matters, fined a total of \$70,000 and ordered to pay Council's costs.
6	52 Morshead Drive Connells Point Mohamed Taleb	Failure to Comply with written order issued on 1 August 2023. PIN: 326339470	Matter finalised. Defendant pleaded guilty and was fined \$550.
7	27 Iraga Avenue Peakhurst Gus Kak	Construction of a carport without consent at 27 Iraga Avenue, Peakhurst	Matter finalised. Defendant pleaded guilty and was fined \$1000.
8	293 Belmore Road, Riverwood Happy Family Kitchen	Defendant issued with 9 x Court Attendance Notices in relation to offences under Food Act 2003 (NSW) of Happy Family Ktichen, 293 Belmore Road Riverwood.	First directions hearing 26 March 2023. Defendant pleaded guilty, was convicted in all 9 matters and fined a total of \$7,200.
9	Boggwell Creek Lugarno George Helou	Charges for breaches of s16 of the Companion Animals Act 1998 relating to dog attack on 9 July 2023	Matter set down for further mention on 18 June 2024.
10	25 Pleasant Way Blakehurst Christian Gonzalez	Court election of penalty notice issued to owner of premises where there was a failure to comply with a written direction to complete fencing under the Swimming Pool Act 1992.	First mention listed 5 March 2024. Matter Withdrawn.
11	74 Carlton Crescent Kogarah Bay	Court election of penalty notice issued to owner of premises where there was a failure to comply with a written	First mention listed 19 March 2024. Matter Withdrawn

	Jack Koumis	direction to complete fencing under the Swimming Pool Act 1992.	
12	11 Louis Terrace Hurstville Rusli Hartono	Failure to comply with notice to register companion animals	First mention listed 11 January 2024. Matter withdrawn.
13	368 Forest Road, Hurstville Handmade Ramen (New Spring Pty Ltd)	Court Attendance Notice relating to an offence against section 21(1) of the Food Act 2003.	Matter listed for mention on 7 May 2024.
14	120/1 Barratt Street, Hurstville Green Commodities Pty Ltd Carlos Zeidan	Court election of penalty notice issued to owner for unauthorised advertising trailer.	Matter set down for hearing on 2 August 2024.
15	120/1 Barratt Street, Hurstville Carlos Zeidan	Court election of penalty notice issued to owner for standing unregistered motor vehicle on road	Matter set down for hearing on 2 August 2024.
16	74 Cronulla Street, Carlton Darren Collis	Court election of penalty notice issued to owner for dog attack	Matter listed for first mention on 23 May 2024.
17	8 Church Street, Blakehurst John Bakamis	Non-compliance with written direction in relation to a swimming pool	Matter listed for first mention on 9 June 2024.
Costs			
1	Lot 9, 29 Laycock Road, Penshurst Penshurst Laycock Pty Ltd as Trustee of Penshurst Laycock Unit Proceedings No. 20/208037	Class 1 Appeal against deemed refusal of DA2020/0160 for construction of a two-storey boarding house development containing 7 boarding rooms, excavation and construction of a basement containing two car parking spaces.	Matter listed for contested hearing on 29 to 31 March 2021. Appeal refused. Costs awarded as agreed or assessed on 30 June 2021. Applicant has failed to agree on an amount. Matter being prepared for costs assessment.

2	<p>Lot 10, 29 Laycock Road, Penshurst</p> <p>Penshurst Laycock Pty Ltd atf Trustee of Penshurst Laycock Unit</p> <p>Proceedings No. 20/208038</p>	<p>Class 1 Appeal against deemed refusal of DA2020/0160 for construction of a two-storey boarding house development containing 7 boarding rooms, excavation and construction of a basement containing two car parking spaces.</p>	<p>Matter listed for contested hearing on 29 to 31 March 2021. Appeal refused.</p> <p>Costs awarded as agreed or assessed on 30 June 2021.</p> <p>Applicant has failed to agree on an amount. Matter being prepared for costs assessment.</p>
3	<p>Lot 11, 29 Laycock Road, Penshurst</p> <p>Penshurst Laycock Pty Ltd atf Trustee of Penshurst Laycock Unit</p> <p>Proceedings No. 20/20803</p>	<p>Class 1 Appeal against deemed refusal of DA2020/0160 for construction of a two-storey boarding house development containing 7 boarding rooms, excavation and construction of a basement containing two car parking spaces.</p>	<p>Matter listed for contested hearing on 29 to 31 March 2021. Appeal refused.</p> <p>Costs awarded as agreed or assessed on 30 June 2021.</p> <p>Applicant has failed to agree on an amount. Matter being prepared for costs assessment.</p>
4	<p>2 – 4 Vaughan Street, Blakehurst</p> <p>Gianni Georges</p> <p>Proceedings No: 2019/282526</p>	<p>Class 1 Appeal against refusal of DA2018/0517 for demolition of existing dwellings and improvements and the erection of a strata residential flat building development comprising 24 units being 4 x 1 bed, 18 x 2 bed and 2 x 3 bed apartments above basement parking for 38 cars.</p>	<p>Matter listed for contested hearing 9 to 11 December 2020. Judgment handed down on 18 January 2021. Appeal dismissed.</p> <p>Costs awarded as agreed or assessed on 18 January 2021.</p> <p>Applicant has failed to agree on an amount.</p> <p>Costs assessment filed with Supreme Court. Certificate of Determination received. Proceeding with external lawyers for recovery of costs from Defendant.</p>
5	<p>5 Maclaurin Street, Penshurst</p> <p>Emanuel Mifsud</p> <p>Proceedings No: 2019/323436</p>	<p>Proceedings commenced requiring Respondent to remove articles and items from the Premises (hoarding).</p>	<p>Listed for a contested hearing on 28 and 29 July 2020. Judgment issued on 30 October 2020. Orders made for Respondent to remove articles and items within 28 days, failing which</p>

			<p>Council can carry out the works. Contractors arranged to carry out the works on 1 December 2020.</p> <p>Council awarded costs as agreed or as assessed. Respondent has failed to agree on an amount.</p> <p>Bill of costs prepared. Mediation with Defendant failed to resolve the matter. Costs assessment determination received.</p> <p>Costs respondent lodged an application for review of the costs determination. Further Certificate of Determination received. Proceeding with external lawyers for recovery of costs from Defendant.</p>
6	<p>297 Rocky Point Road, Sans Souci</p> <p>Alan Frederick Goddard</p> <p>Proceedings No: 2018/366019</p>	<p>Proceedings commenced for accumulation of items resulting in premises being in an unsafe or unhealthy condition under the <i>Local Government Act, 1993</i>.</p>	<p>On 24 September 2019 the Court held that the premises were unsafe or unhealthy and made Orders for de-accumulation of items in accordance with a schedule provided by Council. Costs awarded in favour of Council.</p> <p>Council awarded costs as agreed or as assessed.</p> <p>Certificate of Determination received. Proceeding with external lawyers for recovery of costs from Defendant.</p>
7	<p>34 Milsop & 47 Jersey Avenue, Mortdale</p> <p>Robert Stojanovski & Steven Stojanovski</p> <p>Proceedings No: 2018/99739</p>	<p>Proceedings commenced for unauthorised erection of structures and slabs, including habitation of structure at the premises.</p>	<p>Respondent found to be in Contempt of Court Orders on 30 September 2019.</p> <p>Costs assessment process undertaken.</p> <p>Bankruptcy proceedings commenced. Hearing of Creditor's Petition to take place on or about 11 November 2021.</p> <p>Further information from the Official Trustee in Bankruptcy is that there are</p>

			insufficient funds to pay Council its amount owed.
8	4 The Esplanade, South Hurstville Ekon Pty Limited Proceedings No: 2019/296629	Class 1 Appeal against refusal of DA2017/0659 for demolition of existing structures and construction of 68 place childcare centre at 4 The Esplanade, South Hurstville.	Matter listed for contested hearing on 24 and 25 May 2021. Appeal refused. Negotiations in relation to costs taking place with Applicant's solicitors.
9	88 – 92 Botany Street, Carlton Hurstville Community Centre Incorporated Proceedings No: 2021/360407	Class 1 Appeal against refusal of DA2019/0644 for demolition works, alterations to existing building and change of use from nursing home to place of public workshop, community facilities and associated works.	Matter listed for consent order hearing on 17 August 2022 following amendment of application. Appeal upheld subject to conditions. Negotiations in relation to costs have failed to resolve the costs issue. Matter has been determined after costs assessment.
10	5 Maclaurin Street, Penshurst Emanuel Mifsud & Crystina Mifsud Proceedings No: 2019/323436	Proceedings commenced requiring Respondent to remove articles and items from the Premises (hoarding).	Final orders made on 2 December 2022. Orders made the First Respondent carry out works within 60 days and costs of \$4,093.00 to be paid. Proceeding with external lawyers for recovery of costs from Defendant
11	49 Jersey Avenue, Mortdale Sharobem Holdings Pty Ltd Proceedings No. 2022/164067	Class 1 Appeal against refusal of DA2020/0354 for demolition works and the construction of a child care centre.	Matter listed for S34 Conference on 25 August 2022. Matter listed for hearing on 16 and 17 February 2023. A S34 Agreement was entered into following amended plans. Negotiations taking place in relation to costs.
12	26 Martin Place, Mortdale JAMG Holdings Pty Ltd as Trustee for the JAMG Property Trust	Appeal against demolition of existing structures, removal of trees, erection of a 4-storey residential flat building containing 5 units, parking on grade.	Matter listed for S34 Conference on 26 July 2022. S34 Conference terminated. Matter listed for hearing 29 November to 1 December 2022. Appeal upheld following amended plans. Applicant

	Proceedings No: 2022/83335		ordered to pay Council's costs currently being assessed. External lawyers preparing bill of costs for assessment.
13	117 Stuart Street Blakehurst Peter John El Khouri, Goumana Therese El Khouri and Effi Theodorakopoulos v Gemaveld Pty Ltd Proceedings 2022/197368	Supreme Court Summons (Judicial Review) of decision of Commissioner Horton of the Land and Environment Court on 7 April 2022 to grant development consent to DA2022/0247 for demolition works, construction of a multi-level dwelling house, swimming pool, front fence, landscaping and site work.	Matter listed for hearing on 6 April 2023. Court of Appeal handed down judgment dismissing application. Negotiations taking place in relation to costs. Applicant agreed to pay \$28,710 by 9 June 2024
14	6 – 10 Torrens Street, Blakehurst Lioncrest Capital Holdings Pty Limited Proceedings No: 2022/25659	Appeal against deemed refusal of DA2021/0478 which seeks consent for the demolition of existing dwellings and ancillary structures and construction of a five-storey residential flat building over basement parking.	Appeal upheld following amended plans. Applicant ordered to pay Council's costs of Appeal upheld following amended plans. Applicant ordered to pay Council's costs. Currently \$35,000 has been paid to Council with another \$35,000 to follow.

10. Costs to date are as follows:

Type	Amount
Class 1 Appeals – Consultants for Court Proceedings	\$646,220
Class 1 Appeals – Planning External Lawyers	\$488,122
Class 2 Appeals	\$0
Class 3 Appeals	\$25,074
Class 4 Appeals	\$121,545
Class 5 Appeals	\$57,864
Local Court Prosecutions	\$51,361
Supreme Court Proceedings	\$0
Industrial Relations Commission (IRC)	\$0
NSW Civil and Administrative Tribunal (NCAT)	\$0
Total	\$1,390,186