

Current Legal Cases – Status and Costs – October 2023

Advice on Costs and Status of Council's Court Proceedings

Executive Summary

1. Council's Court proceedings for the period 1 October 2023 to 31 October 2023 is contained within this report.
2. Total legal costs to date for the 2023/24 financial year are \$628,787.
3. Total legal costs recovered to date for the 2023/24 financial year are \$345,713
4. Total costs incurred by Council in legal proceedings are \$515,848.
5. Net legal costs are \$283,074.00

Background

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

Land and Environment Court

- 27 x Class 1 (Merit/DA Appeals)
- 6 x Class 4 (Civil Enforcement Proceedings)
- 1 x Class 5 (Prosecution Proceeding)

Local Court

- 20 x Prosecutions

Costs Recoveries

- 31 x cost recoveries

New Matters

There were 4 new matters in this reporting period: 2 x Class 1 Appeals: Bob Qi Pty Ltd, TN Mortdale.

Finalised matters

7. There were 1 matter that were finalised in this reporting period: 1 x Class 1 Appeal: Vi Phong Chau. 1x Local Court Matter: Tarek Hassan.

Current Table

8. 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	41 – 47 Princes Highway, Kogarah Bay Skyton Developments No 2 Pty Ltd Proceedings No: 2022/252723	Appeal against deemed refusal of MOD2022/0052 (seeking modification to conditions of DA183.20.2016) for minor modifications to address structural engineering requirements, reduction of units from 52 to 45 residential apartments to comply with ADG, increase in the total height from 10 storeys to 12 storeys and an increase in parking in basement area.	Matter listed for S34 Conference on 22 February 2023 however terminated. Matter is listed for hearing on 19 and 20 July 2023. Judgement Reserved.
2	21 Hogben Street, Kogarah Michael Murr trading as Michael Proceedings No: 2022/273362	Appeal against actual refusal of DA2020/0190 for demolition works, site preparation and construction of a twelve (12) storey mixed use development in elevation comprising ground floor retail/commercial floor space, 51 residential apartments above five (5) levels of basement containing 76 car spaces, roof top communal open space, landscaping, site works and stratum subdivision.	Matter listed for S34 Conference on 31 January 2023. Adjourned to 14 June 2023 The S34 agreement was filed on 9 July 2023. Judgement Reserved.
3	42 Treacy Street, Hurstville Vi Phong Chau Proceedings No: 2022/284572	Appeal against deemed refusal of DA2021/0448 for demolition of existing single storey brick building, construction of seven storey boarding house with two commercial units on ground floor over three levels of basement car parking.	The Land and Environment Court dismissed the appeal and refused consent.
4	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.	Matter listed for S34 Conference on 30 May 2023, Online Court hearing scheduled for 23 June 2023. Adjourned to 4 and 5 December 2023.
5	95 – 99 Railway Parade, Mortdale NXT Developments Pty Limited	Appeal against deemed refusal of DA2022/0113 for a seven storey shop top housing development.	Matter listed for S34 Conference on 21 June 2023. Listed for Hearing 18 and 19 December 2023.

	Proceedings No: 2022/369251		
6	348 – 352 Railway Parade & 2 – 2A Garfield Street, Carlton Vortex Construction Pty Limited Proceedings No. 2022/383670	Appeal against deemed refusal of DA2022/0431 for demolition of existing structures and construction of a multi-storey shop top housing development comprising of one commercial tenancy and 39 residential apartments and three level basement parking.	Matter listed for S34 Conference on 8 May 2023. Matter adjourned to 5 June 2023. S34 to be continued 31 July 2023. Listed for hearing 12 & 13 February 2024
7	10 Spalding Crescent, Hurstville Grove Wageeh Ayoubi Proceedings No: 2023/26519	Appeal against refusal of DA2022/0826 for demolition works and construction of a dual occupancy development.	Matter listed for S26 Mediation on 31 May 2023. S34AA scheduled for 7 and 8 November 2023
8	26 Bowden Crescent, Connells Point Yasser Elgammal Proceedings No. 2023/67101	Appeal against an order issued under Division 9.3 and Schedule 5, Part 5 (Order 2) of the Environmental Planning and Assessment Act by Council dated 1 February 2023 in respect of the above property.	Matter listed for S34 Conference on 7 August 2023.
9	202 – 206 Princes Highway, Kogarah Bay Bentayga Pty Limited Proceedings No: 2023/80478	Appeal against deemed refusal of DA2022/0379 for demolition of the existing commercial buildings and construction of a 6-storey residential flat building containing 39 units over basement parking.	Matter listed for S34 Conference on 10 July 2023.
10	2A Woodlands Avenue, Lugarno Russell Winston Green Proceedings No. 2023/78761	Appeal against refusal of Development Application DA2020/0460 for boundary adjustment and re-subdivision of two lots, including construction of driveway and partial demolition of dwelling and garage.	Matter listed for S34AA Conference on 16 and 17 August 2023. Appeal Upheld development consent granted based on alterations
11	12 Ogilvy Street, Peakhurst Shady Eskander Proceedings No: 2023/91345	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.	Matter listed for S34AA Conference on 23 and 26 June 2023. Matter listed for Hearing 20 and 21 November 2023.
12	18 Victoria Street, Kogarah Kai Tian Group Kogarah Pty Limited Proceedings No: 2023/103213	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. Matter listed for second directions hearing 12 September 2023
13	13-19 Hogben Street, Kogarah Adam Rennie	Appeal against the refusal for two storey addition to an existing	Matter is listed for the first direction hearing on 2 June 2023.

	Proceedings 2023/144342	mixed -use building comprising of 5 residential units.	Matter listed for hearing 15 and 16 February 2024
14	152 Stoney Creek Road, Beverly Hills Outdoor Systems Pty Ltd Proceedings 2023/00152711	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 first direction hearing on 9 June 2023 Matter listed for S34 Conference 10 November 2023.
15	26 Whitegates Avenue, Peakhurst Heights Mustapha El Mir Proceedings 2023/18099	Appeal against refusal of DA2022/0400 for demolition of dwelling and construction of dual occupancy	Matter listed for first hearing 28 June 2023. Matter listed for S34AA Conference on 13 and 14 November 2023.
16	9 Gloucester Road, Hurstville NSW 2220 GTB Hurstville Pty Ltd Proceedings 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 first hearing 12 July 2023. Matter listed for S34 Conference on 1 December 2023
17	28 Carlton Crescent, Beverley Park Mona Kayrouz Proceeding: 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 first hearing 20 July 2023. Mediation listed for 11 January 2024
18	28 Carlton Crescent, Beverley Park Mona Kayrouz Proceeding: 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 first hearing 13 July 2023. Mediation listed for 11 January 2024
19	55 Halstead Street, South Hurstville ZML Family Trust and JVM Family Trust Proceeding: 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 space and loading areas and perimeter deep soil landscaping and onsite planting including new trees	Matter listed for first hearing on 8 August 2023.
20	17 Munmurra Rd Reda Bishay & Ors Proceedings 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 the first direction hearing on 8 August 2023. S34AA Conference and Hearing listed for 21 & 22 December 2023.

21	3 Cross Street, Kyle Bay Anastasi Christofi Proceedings 2023/247747	Appeal against the deemed refusal of Modification Application MOD2023/0075, seeking to modify consent DA2020/0145 for demolition, 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.	Matter listed for the first directions hearing on 25 August 2023 S34AA Hearing for 29 February and 1 March 2024
22	31-33 Bailey Parade, Peakhurst Hassan Kabalan Proceedings 2023/27914	Appeal against deemed refusal of DA2021/0192 for demolition and construction of a two-storey 56 place childcare centre with basement parking.	S34 Conciliation hearing for 13 March 2024
23	10-14 Vaughan Street, Blakehurst Mehanna Holdings Pty Ltd Proceedings 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 on the land 10,12 and 14 Vaughan Street, Blakehurst. Respectfully known as Lot 10,11 and 12 in Deposited Plan 13988.	Matter listed for the first direction hearing on 17 October 2023.
24	300 Princes Highway, Carss Park Beaini Developments Pty Ltd Proceedings 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 the first direction hearing on 25 October 2023.
25	6-8 Vaughan Street, Blakehurst Princeton Capstack Pty Ltd ATF Princeton Blakehurst Equity Trust Proceedings 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 the first direction hearing on 26 October 2023.

26	1A Rose Street, Connells Point Bob Qi Building Pty Ltd Proceedings 2023/31530	Appeal against actual refusal of DA2022/0075 seeking consent for construction of a dual occupancy building with basement parking and associated earthworks and landscaping at Lot 3 DP1224518.	Matter listed for first directions hearing on 26 October 2023.
27	62 Blackshaw Street, Mortdale TN Mortdale Pty Ltd Proceedings 2023/00327295	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 first directions hearing on 14 October 2023.

Class 3 Proceedings

1	12 Ogilvy Street, Peakhurst Parties: 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 directions hearing on 24 October 2023.
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Class 4 Proceedings

1	26 Bowden Crescent, Connells Point, Parties: Yasser Elgammal & Abdul Hammoud Proceedings No: 2023/35778	Proceedings in relation to unauthorised works and validity of construction certificate.	Listed for mediation on 7 December 2023 alongside Class 4 Sader proceedings
2	18 Peake Parade Peakhurst NSW 2210 Parties: Peake and Pearce - LIV Developments Pty Ltd	Review for MOD2018/0027 that relates to DA2016/0366, for demolition and construction of new residential building with 25 units with a basement parking.	The court declared the determination of MOD2018/0037 to be invalid and of no effect. This matter is listed for mention on
3	5 Maclaurin Street, Penshurst	Failure to comply with the terms of an Order issued to each of them by Council dated 16 June	Matter listed for hearing on 22 September 2023.

	Parties: Emanuel and Crystina Mifsud	2023, regarding premises known as 5 Maclaurin Street Penshurst.	
4	5 Maclaurin Street, Penshurst Parties: 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.
5	244 Connells Point Road, Connells Point Habib Hamade, Zeinab Hammound, 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.
6	324 Railway Parade, Carlton Prem Singh Proceedings2023/00308942	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 hearing on 3 November 2023

Class 5 Proceedings

1	34 Beach Street, Blakehurst Ahmad El Saadi t/a RNA Building Solutions Pty Ltd)	Proceedings in relation to unauthorised works.	First mention listed for 8 September 2023. Matter adjourned to 6 October 2023
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Local Court Proceedings

1-7	532 King Georges Road, Beverly Hills Parties: N & N Khan Investments Pty Limited	Court Attendance Notices in relation to offences under Food Act 2003 (NSW) of Phillies, 532 King Georges Road, Beverly Hills.	Matters listed for hearing on 10 November 2023.
8	17 Raymond Street Oatley Parties: Tarek Hassan	Court Attendance Notice in relation to tree removal.	Matter withdrawn with no conviction or imposition of penalty on mutual agreement with defendant.
9	1 Ellen Subway, Mortdale Parties: 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 set for 30 January 2024.
10	1 Ellen Subway Mortdale Parties: Marritt Projects Pty Ltd	Construction work that was in breach of development consent for DA2017/0570 on 29 March 2023 PIN: 3246228307	Hearing set for 30 January 2024.
11	1 Ellen Subway Mortdale Parties: Marritt Projects Pty Ltd	No Consent for Road Closure or occupation of the road. Breach of Development Consent for	Hearing set for 30 January 2024.

		DA2017/0570. PIN: 32462289316	
12	31 Herbert Street Oatley Projects: HABUCO Projects Pty Ltd	Breach of Consent condition 2.41 of DA2017/0583 and MOD2022/0192	Guilty Plea was entered and Court ordered fine of \$1000 and Council cost of \$800.
13-20	14 Morts Road Mortdale Faisal Azad Pty Ltd	Court Attendance Notices in relation to offences under Food Act 2003 (NSW) of Bombay Grill , 14 Morts Road Mortdale.	Matters listed for hearing on 3 October 2023.
21	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 listed for hearing on 28 November 2023
22	8 Marine Drive Oatley Rube Rabih Sayed Proceeding 2023/345439	Breach of Section 4.2 (1)(a) of the Environmental Planning and assessment Act 1979(EPA Act) in that he carried out development without development, where an environmental planning instrument provides that the development may not be carried out except with development consent.	Matter listed for hearing on 5 December 2023
23	44 St Elmo Parade, Kingsgrove Futuristic Design Pty Ltd	Development not according to consent, no adequate controls in place to prevent tracking from site breaching condition 20 of DA2017/0487. PIN: 3246228545	Matter listed for hearing 28 November 2023.

Costs			
1	Lot 9, 29 Laycock Road, Penhurst Applicant: Penhurst Laycock Pty Ltd as Trustee of Penhurst 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	Lot 10, 29 Laycock Road, Penhurst Applicant: Penhurst Laycock Pty Ltd atf Trustee of Penhurst Laycock Unit Proceedings No. 20/208038	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.

3	<p>Lot 11, 29 Laycock Road, Penshurst</p> <p>Applicant: 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>Applicant: 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 recovery of costs from Defendant.</p>
5	<p>5 Maclaurin Street, Penshurst</p> <p>Parties: 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 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. Proceedings with recovery of costs from Defendant.</p>
6	<p>297 Rocky Point Road, Sans Souci</p> <p>Parties:</p>	<p>Proceedings commenced for accumulation of items resulting in premises being in an unsafe or</p>	<p>On 24 September 2019 the Court held that the premises were unsafe or unhealthy and</p>

	Alan Frederick Goddard Proceedings No: 2018/366019	unhealthy condition under the <i>Local Government Act, 1993</i> .	made Orders for de-accumulation of items in accordance with a schedule provided by Council. Costs awarded in favour of Council. Council awarded costs as agreed or as assessed. Certificate of Determination received. Proceeding with recovery of costs from Defendant.
7	244 Connells Point Road, Connells Point Parties: Habib Hamade, Zeinab Hammoud, Carole Li and Winson Li Proceedings: 2020/72897	Class 4 Application in relation to unauthorised excavation works resulting in the undermining of a retaining wall and swimming pool at neighbour's property.	Consent Orders issued on 19 October 2020 including orders that the First and Second Respondents pay Council's costs as agreed or as assessed. Costs assessment review application filed with Supreme Court. Certificate of Determination received. Proceedings with recovery of costs from Defendant.
8	34 Milsop & 47 Jersey Avenue, Mortdale Parties: Robert Stojanovski & Steven Stojanovski Proceedings No: 2018/99739	Proceedings commenced for unauthorised erection of structures and slabs, including habitation of structure at the premises.	Respondent found to be in Contempt of Court Orders on 30 September 2019. Costs assessment process undertaken. Bankruptcy proceedings commenced. Hearing of Creditor's Petition to take place on or about 11 November 2021. Awaiting further information from the Official Trustee in Bankruptcy.
9	4 The Esplanade, South Hurstville Applicant: 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.
10	88 – 92 Botany Street, Carlton Hurstville Community Centre Incorporated Applicant: Hurstville Community Centre Incorporated Proceedings: 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 sent for costs assessment.
11	5 Maclaurin Street, Penshurst	Proceedings commenced requiring Respondent to remove	Final orders made on 2 December 2022. Orders made

	<p>Parties: Emanuel Mifsud & Crystina Mifsud</p> <p>Proceedings No: 2019/323436</p>	articles and items from the Premises (hoarding).	the First Respondent carry out works within 60 days and costs of \$4,093.00 to be paid. Awaiting payment of costs.
12	<p>48 Oxford Street, Mortdale</p> <p>Applicant: Pyramid Consulting Pty Limited</p> <p>Proceedings No: 2022/96931</p>	Class 1 Appeal against deemed refusal of DA2022/0041 for demolition of existing structures and construction of a part 3, part 4 storey, 27 room boarding house over two basement levels of carparking.	Matter was listed for S34 Conference on 10 February 2023 however vacated. Matter is now listed for hearing on 19 to 21 April 2023. Matter discontinued by Applicant. Negotiations taking place in relation to costs.
13	<p>49 Jersey Avenue, Mortdale</p> <p>Applicant: Sharobem Holdings Pty Ltd</p> <p>Proceedings No. 2022/164067</p>	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.
14	<p>15 Dalcassia Street, Hurstville</p> <p>Applicant: Wang Zhang Lin & Bao Zhen Qiu</p> <p>Proceedings No. 2022/189574</p>	Class 1 Appeal against refusal of DA2020/0261 for demolition of existing structures and construction of a 12 room boarding house (one being a caretakers room), landscaping and site works.	Matter listed for S34 Conference on 10 October 2022 however terminated. Matter listed for hearing on 13 and 14 February 2023. A S34 Agreement was entered into following amended plans. Payment of costs in the amount of \$12,000 has been received.
15	<p>15 Greenbank Street, Hurstville</p> <p>Applicant: Carol Li Ma and De Yong Chen</p> <p>Proceedings No: 2022/254306</p>	Class 1 Appeal against actual refusal of DA2021/0401 for demolition works, subdivision of land into three lots, construction of 3 x 2 storey detached dwellings with a basement and a swimming pool on each proposed lot and associated works.	Matter listed for S34 Conference on 16 December 2022. Adjourned to 16 February 2023. A S34 Agreement was entered into following amended plans. Negotiations taking place in relation to costs.
16	<p>48 Oxford Street, Mortdale</p> <p>Applicant: Pyramid Consulting Pty Limited</p> <p>Proceedings No: 2022/96931</p>	Class 1 Appeal against deemed refusal of DA2022/0041 for demolition of existing structures and construction of a part 3, part 4 storey, 27 room boarding house over two basement levels of carparking.	Matter was listed for S34 Conference on 10 February 2023 however vacated. Matter is now listed for hearing on 19 to 21 April 2023. Negotiations taking place in relation to costs.
17	<p>30 – 32 The Avenue, Hurstville</p> <p>Applicant: 32 The Avenue Hurstville Pty Ltd ATF 32 The Avenue Hurstville Trust</p> <p>Proceedings No: 2022/122081</p>	Class 1 Appeal against deemed refusal of DA2021/0399 for demolition of existing structures, amalgamation of two existing lots and construction of a 4-storey mixed use residential flat building containing ground floor retail space, basement carparking and associated landscaping.	Matter listed for S34 Conference on 20 June 2022. Matter unresolved and listed for hearing on 31 October and 1 November 2022. Awaiting judgment.
18	<p>26 Martin Place, Mortdale</p> <p>Applicant: JAMG Holdings Pty Ltd as Trustee for the</p>	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

	JAMG Property Trust Proceedings No: 2022/83335		November to 1 December 2022. Appeal upheld following amended plans. Applicant ordered to pay Council's costs currently being assessed.
19	75 Boundary Road, Mortdale Parties: Macchina Espresso Pty Ltd	Court Attendance Notice in relation to development without development consent.	Matter listed for hearing on 30 March 2023. Defendant entered guilty plea and was convicted, fined \$1,000 and ordered to pay professional costs of \$600.
20	29 Regent Street, Kogarah Parties: Panlasang Pinoy Pty Ltd	Court Attendance Notice in relation to offences under Food Act 2003 (NSW)	Matter listed for mention on 16 May 2023. Guilty plea entered and Defendant was convicted and fined \$9,400 and ordered to pay professional cost of \$1,800 (\$500 received for professional cost received.)
21	59 Boundary Road, Mortdale Parties: The Baked Bakers Kitchen Pty Limited	Court Attendance Notice in relation to development without consent.	Matter listed for mention on 23 May 2023. Guilty plea entered and Defendant was convicted and fined \$1,500 and ordered to pay professional
22	117 Stuart Street Blakehurst Parties 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.
23	75 Boundary Road, Mortdale Parties: Macchina Espresso Pty Ltd	Court Attendance Notice in relation to development without development consent.	Matter listed for hearing on 30 March 2023. Defendant entered guilty plea and was convicted, fined \$1,000 and ordered to pay professional cost of \$600.
24	26 Regent Street, Kogarah Parties: Panalasang Piony	Court Attendance Notice in relation to offences under Food Act 2023 (NSW)	Matter listed for mention on 16 May 2023. Guilty pleas entered, and Defendant was convicted and fined \$9,400 and ordered to pay professional cost of \$1,800.
25	59 Boundary Road, Mortdale Parties: The Baked Bakers Kitchen Pty Ltd	Court Attendance Notice in relation to development without consent.	Matter listed for mention on 23 May 2023. Guilty plea entered and Defendant was convicted and fined \$1,500 and ordered to pay professional.
26	37 Inverness Avenue, Penshurst Applicant: Beaini Corp Pty Limited	Appeal against deemed refusal of Modification Application MOD2022/0168 relating to DA2021/0227 which relate to the	Matter listed for S34AA Conference on 5 and 6 June 2023.

	Proceedings No: 2023/7575	demolition works and construction of a detached dual occupancy.	
27	6 – 10 Torrens Street, Blakehurst Applicant: Lioncrest Capital Holdings Pty Limited Proceedings: 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.	Matter listed for hearing 20 and 21 September 2022. Matter adjourned to 30 May 2023. S34 Conference listed on 9 June 2023. 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 \$15,000 has been paid to Council with another \$55,000 to follow.
28	1 Butler Road, Hurstville Applicant: W H Project Management Pty Ltd Proceedings No. 2023/68786	Application direct to Land and Environment Court to modify development consent DA2017/0402 granted by the LEC in W H Project Management Pty Ltd v Georges River Council [2020] NSWLEC 1508 on 23 October 2020 for demolition of existing structures on the site; construction of new mixed-use buildings and ground floor commercial/retail. 11 levels of apartments and 3 levels of basement car parking and strata subdivision. The modification application seeks to modify condition B.1 of the consent to modify the southern fire stair egress and consequential amendments to the approved plans.	Matter listed for S34 Conference on 18 July 2023. Appeal upheld following amended plans.
29	14 Targo Road, Beverley Park Applicant: Patrick Yazbeck Proceedings No: 2023/96759	Appeal against refusal of application for a Building Information Certificate in relation to a retaining wall at the rear with back fill and additional hardstand area.	Matter listed for S34 Conference on 19 July 2023. Matter was withdrawn
30	36 – 38 Waterview Street, Carlton Applicant: Fardous & Saab Pty Limited Proceedings No: 2022/295282	Appeal against order under Division 9.3 and Schedule 5, Part 2 (Order 1) of the Environmental Planning and Assessment Act 1979 dated 5 September 2022.	Matter listed for S34 Conference on 19 December 2022 however terminated. Matter listed for hearing on 3 July 2023. Appeal upheld following amended plans.
31	244 Connells Point Road, Connells Point Parties: Habib Hamade, Zeinab Hammoud, Carole	Proceedings in relation to unauthorised excavation works resulting in the undermining of a retaining wall and swimming pool at neighbour's property.	Fines and Legal Costs Paid in Full

Li and Winson Li Proceedings: 2020/72897		
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9. Costs to date are as follows:

Type	Amount
Class 1 Appeals – Consultants for Court Proceedings	\$269,248
Class 1 Appeals – Planning External Lawyers	\$142,003
Class 2 Appeals	\$0
Class 3 Appeals	\$0
Class 4 Appeals	\$55,524
Class 5 Appeals	\$2,955
Local Court Prosecutions	\$46,119
Supreme Court Proceedings	\$768
Industrial Relations Commission (IRC)	\$0
NSW Civil and Administrative Tribunal (NCAT)	\$0
Total	\$515,848