

Current Legal Cases – Status and Costs – November & December 2023

Advice on Costs and Status of Council's Court Proceedings

Executive Summary

1. Council's Court proceedings for the period 1 November 2023 to 31 December 2023 is contained within this report.
2. Total legal costs to date for the 2023/24 financial year are \$962,677.
3. Total legal costs recovered to date for the 2023/24 financial year are \$380,728.
4. Total costs incurred to date by Council in legal proceedings are \$793,831.
5. Net legal costs to date are \$581,949.

Background

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

Land and Environment Court

- 35 x Class 1 (DA/Order Appeals)
- 1 x Class 3 (Land Tenure, Valuation and Compensation Matters)
- 6 x Class 4 (Civil Enforcement Proceedings)
- 1 x Class 5 (Prosecution Proceedings)

Local Court

- 23 x Prosecutions

Costs Recoveries

- 31 x cost recoveries

New Matters

7. There were four new matters in this reporting period:
 - LEC Class 1 Appeals:
 - Mohammad Chahine,
 - Lulu Azzi (x2),
 - Jamie Grounds.

Finalised matters

8. There were 6 matter that were finalised in this reporting period:
- a. 4 x LEC Class 1 Appeals: Michael Murr, Bentayga Pty Ltd, Skyton Developments No.2 Pty Ltd and Mustapha El Mir.
 - b. 2 x Local Court Matters: N& N Khan Pty Ltd and Faizal Azad.

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	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, reduction of units from 52 to 45 increase in the total height from 10 storeys to 12 storeys and an increase in parking in basement area.	The Court upheld the appeal and granted approval to the modification application.
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 12 storey mixed use development in elevation comprising ground floor retail/commercial floor space, 51 residential apartments above five levels of basement containing 76 car spaces, roof top communal open space, landscaping, site works and stratum subdivision.	The Court upheld the appeal and granted development consent based on the amendments that satisfied Council's requirements. Applicant has been ordered to pay cost thrown away as a result of the amendment as assessed and agreed.
3	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.	S34 Conference on 30 May 2023 terminated without agreement. Listed for hearing on 4 and 5 December 2023.
4	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 S34 Conference on 21 June 2023. Listed for Hearing 18 and 19 December 2023.

5	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 and subsequently terminated. Listed for hearing 12 & 13 February 2024
6	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 Mediation on 31 May 2023. S34AA scheduled for 7 and 8 November 2023
7	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. Matter listed for mediation on 7 December 2023.
8	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.	The Court upheld the appeal, development consent was granted based on amendments that satisfied the Council.
9	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 amendments that satisfied Council.
10	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.
11	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 hearing 18-19 March 2024.

12	13-19 Hogben Street, Kogarah Adam Rennie Proceedings 2023/144342	Appeal against the refusal for two storey addition to an existing mixed-use building comprising of 5 residential units.	Matter is listed for the first direction hearing on 2 June 2023. Matter listed for hearing 15 and 16 February 2024
13	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.
14	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	The Court upheld the appeal, development consent was granted based on amendments that satisfied the Council.
15	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
16	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 directions hearing 20 July 2023. Mediation listed for 11 January 2024
17	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 directions hearing 13 July 2023. Mediation listed for 11 January 2024
18	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 directions hearing on 8 August 2023.

19	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 first directions hearing on 8 August 2023. S34AA Conference and Hearing listed for 21 & 22 December 2023.
20	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 first directions hearing on 25 August 2023 S34AA Conference and Hearing for 29 February and 1 March 2024
21	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 for 13 March 2024
22	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 first direction hearing on 17 October 2023. Listed for conciliation on 14 March 2024
23	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 first direction hearing on 25 October 2023. Listed for conciliation on 15 March 2024
24	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 first directions hearing on 26 October 2023. Listed for conciliation on 20 May 2024

25	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. Listed for s34AA conciliation and hearing on 15-16 April 2024
26	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. Listed for conciliation on 29 May 2024
27	18 Beach Street, Blakehurst Mohammad Chahine Proceedings 2023/346558	Appeal against deemed refusal seeking consent demolition of existing structures and installation of an in-ground swimming pool, fire pit, covered area, filing and retaining wall.	Matter listed for first directions hearing on 22 November 2023. Listed for s34AA conciliation and hearing on 27-28 May 2024
28	11/30-32 Lawrence Street, PEAKHURST Lulu Azzi Proceedings 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 first directions hearing on 11 December 2023. Listed for conciliation on 4 March 2024
29	12/30-32 Lawrence Street, PEAKHURST Lulu Azzi Proceedings 2023/360608	Appeal against Council's Development Control Order (Compliance Order Schedule 5 Order 11) issued on 17 October 2023	Matter listed for first directions hearing on 11 December 2023. Listed for conciliation on 4 March 2024

30	8 Gooroa Street, CARSS PARK Jamie Grounds Proceedings 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 first directions hearing on 7 December 2023. Listed for s34AA conciliation and hearing on 19-20 June 2024
31	319 Rocky Point Road, SAN SOUCI Arquero Architects Proceedings 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 first directions hearing on 30 January 2024.
32	8 Gover Street, PEAKHURST Stephanie Kirovski Proceedings 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 first directions hearing on 17 January 2024.
33	37 Princes Highway KOGARAH FUSE Architecture Pty Ltd Proceedings 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 first directions hearing on 25 January 2024.
34	336 Stoney Creek Road KINGSGROVE Sarkis Lea Charlie Khoury Proceedings 2023/463032	Appeal against Council's Development Control issued on 13 December 2023	Matter listed for first directions hearing on 6 February 2024.

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. Listed for conciliation 9 April 2024
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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.
3	5 Maclaurin Street, Penshurst Parties: Emanuel and Crystina Mifsud	Failure to comply with the terms of an Order issued to each of them by Council dated 16 June 2023, regarding premises known as 5 Maclaurin Street Penshurst.	Matter listed for mention on 22 September 2023. Final orders made on 29 September 2024.
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. Matter discontinued.
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 mention on 3 November 2023. Listed for further mention 2 February 2024.

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 Matter listed for preliminary hearing 5 April 2024

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.	Guilty pleas entered, and Defendant was convicted and fined \$6,840 and ordered to pay professional cost of \$1,950.
8	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.
9	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.
10	1 Ellen Subway Mortdale Parties: Marritt Projects Pty Ltd	No Consent for Road Closure or occupation of the road. Breach of Development Consent for DA2017/0570. PIN: 32462289316	Hearing set for 30 January 2024.
11-18	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.	Matter finalised. Defendant was convicted and fined \$7,500.
19	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 9 February 2024
20	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
21	52 Morshead Drive Connells Point Mohamed Taleb	Failure to Comply with written order issued on 1 August 2023. PIN: 326339470	Matter listed for mention 9 January 2024.

Costs			
1	<p>Lot 9, 29 Laycock Road, Peshurst</p> <p>Applicant: Peshurst Laycock Pty Ltd as Trustee of Peshurst Laycock Unit</p> <p>Proceedings No. 20/208037</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>
2	<p>Lot 10, 29 Laycock Road, Peshurst</p> <p>Applicant: Peshurst Laycock Pty Ltd atf Trustee of Peshurst 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, Peshurst</p> <p>Applicant: Peshurst Laycock Pty Ltd atf Trustee of Peshurst 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: 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 recovery of costs from Defendant.</p>
7	<p>244 Connells Point Road, Connells Point</p> <p>Parties: Habib Hamade, Zeinab Hammoud, Carole Li and Winson Li</p>	<p>Class 4 Application in relation to unauthorised excavation works resulting in the undermining of a retaining wall and swimming pool at neighbour's property.</p>	<p>Consent Orders issued on 19 October 2020 including orders that the First and Second Respondents pay Council's costs as agreed or as assessed.</p> <p>Costs assessment review application filed with Supreme Court.</p>

	Proceedings: 2020/72897		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 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 Parties: 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. Awaiting payment of costs.
12	48 Oxford Street, Mortdale Applicant: Pyramid Consulting Pty Limited Proceedings No: 2022/96931	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	49 Jersey Avenue, Mortdale	Class 1 Appeal against refusal of DA2020/0354 for demolition works	Matter listed for S34 Conference on 25 August

	Applicant: Sharobem Holdings Pty Ltd Proceedings No. 2022/164067	and the construction of a child care centre.	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	15 Dalcassia Street, Hurstville Applicant: Wang Zhang Lin & Bao Zhen Qiu Proceedings No. 2022/189574	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	15 Greenbank Street, Hurstville Applicant: Carol Li Ma and De Yong Chen Proceedings No: 2022/254306	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	48 Oxford Street, Mortdale Applicant: Pyramid Consulting Pty Limited Proceedings No: 2022/96931	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	30 – 32 The Avenue, Hurstville Applicant: 32 The Avenue Hurstville Pty Ltd ATF 32 The Avenue Hurstville Trust Proceedings No: 2022/122081	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	26 Martin Place, Mortdale Applicant: JAMG Holdings Pty Ltd as Trustee for the JAMG Property Trust Proceedings No: 2022/83335	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 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 Proceedings No: 2023/7575	Appeal against deemed refusal of Modification Application MOD2022/0168 relating to DA2021/0227 which relate to the demolition works and construction of a detached dual occupancy.	Matter listed for S34AA Conference on 5 and 6 June 2023.
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.	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.
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	Proceedings in relation to unauthorised excavation works resulting in the undermining of a	Fines and Legal Costs Paid in Full

Parties: Habib Hamade, Zeinab Hammoud, Carole Li and Winson Li Proceedings: 2020/72897	retaining wall and swimming pool at neighbour's property.	
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10. Costs to date are as follows:

Type	Amount
Class 1 Appeals – Consultants for Court Proceedings	\$ 335,716
Class 1 Appeals – Planning External Lawyers	\$ 294,502
Class 2 Appeals	\$0
Class 3 Appeals	\$0
Class 4 Appeals	\$65,504
Class 5 Appeals	\$48,959
Local Court Prosecutions	\$229,631
Supreme Court Proceedings	\$0
Industrial Relations Commission (IRC)	\$0
NSW Civil and Administrative Tribunal (NCAT)	\$0
Total	\$793,831