

## **5.1. Current Appeals and Results - October 2021**

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**ENDORSED BY:** Shane Sullivan, Executive Manager Governance

**ATTACHMENTS:**

1. LP01 Current Matters List LEC Oct 2021 [5.1.1 - 3 pages]
2. LP01 Current Matters List Supreme Court and District Court Oct [5.1.2 - 1 page]
3. LP01 Current Matters List NCAT Oct 2021 [5.1.3 - 1 page]

**PURPOSE:**

Report on current appeal and prosecution matters.

**EXECUTIVE SUMMARY:**

Attached is a list of current appeal and prosecution matters as at 30 September 2021 for Council's information.

**FINANCIAL IMPLICATIONS:**

As at 30 September 2021, Council has incurred \$239,690 on legal fees for the 2020/21 financial year and recovered legal costs in the amount of \$21,171. The legal budget for 2021 financial year is \$ 1,500,000.

**RECOMMENDATION:**

1. **THAT** the Current Appeals and Results – October 2021 report be received.

## **LINK TO COMMUNITY STRATEGIC PLAN**

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.2 Council is well governed and customer focused

## **BACKGROUND**

The Current Appeals and Prosecutions list was last reported to the Legal and Planning Committee meeting of 7 June 2021.

## **CONSULTATION REQUIREMENTS**

Community engagement is not required.

## **DETAIL**

The defence of Land and Environment Court appeals and the prosecution of regulatory matters represents a major ongoing expense for Council. The attached list provides a summary of each current appeal(s) and prosecution(s) (including fees incurred) as at 30 September 2021.

**CURRENT MATTERS LIST – LAND & ENVIRONMENT COURT**  
As at 30 September 2021

<b>Legal Proceedings</b>	<b>Costs (\$)</b>	<b>Status</b>	<b>Result</b>
66 Shellcove Road, Neutral Bay Anne McCusker LEC 305102/19	\$88,734.61	Closed	Appeal dismissed
116 Blues Point Road, McMahons Point Blues Point Hotel Property Pty Ltd and Blues Point Hotel Property No 2 Pty Ltd LEC 373973/19	\$155,758.95	Closed	Appeal dismissed, costs awarded to Council
177-199 Pacific Hwy, North Sydney TPG Telecom Limited (formerly Vodafone Hutchison Australia Pty Limited) LEC 210569/20	\$83,253.60	Closed	Appeal upheld
58 Cowdroy Avenue. Camberay Renata Etherington LEC 277618/20	\$38,882.27	Closed	Appeal dismissed
62-64 Hayberry Street, Crows Nest Dr Eric Lim LEC 332718/20	\$7,212.38	Closed	Discontinued
5 Bay View St, Lavender Bay Yolenda Camuglia LEC 356210/20	\$55,361.71	Pending	N/A
18 Illiliwa St., Cremorne Connoisseur Property Holdings Pty Ltd LEC 356211/20	\$91,799.90	Closed	Appeal discontinued
6 John St, McMahons Point Stannards Marine Pty Ltd LEC 63136/21	\$142,399.03	Pending	N/A
101 Blues Point Rd, McMahons Point Peter Princi Architects LEC 75725/21	\$4,895	Pending	N/A

Legal Proceedings	Costs (\$)	Status	Result
17 Rowlison Pde, Cammeray Troy McGeachie LEC 89880/21	\$20,438.68	Closed	Section 34 Agreement Executed
101 Blues Point Rd, McMahons Point Deric Pty Limited LEC 101973/21	\$10,242.95	Pending	N/A
46 Burlington St, Crows Nest Eric Young Aun Lim LEC 123657/21	\$16,723.85	Closed	Appeal upheld
35 Kurraba Rd, Neutral Bay (20-24 Bray St, North Sydney) Loyito Pty Ltd LEC 141523/21	\$59,307.13	Pending	N/A
G01 - G07, 13 Eden St, North Sydney Myrtle 29 Pty Ltd LEC 168987/21	\$14,040.55	Pending	N/A
G01 - G06, 13 Eden St, North Sydney Myrtle 29 Pty Ltd LEC 168988/21	\$4,838.90	Pending	N/A
233-237 Military Rd, Cremorne Clusterduck Pty Ltd LEC 199168/21	\$3,483.70	Pending	N/A
30 Wilson Street, Cammeray Ben Turner and Rebecca Myer LEC 242732/21	\$0	Pending	N/A
105-153 Miller Street, North Sydney IOF Custodian Pty Limited aff the 105 Miller Street North Sydney Trust LEC 245302/21	\$0	Pending	N/A

Legal Proceedings	Costs (\$)	Status	Result
G01 - G06, 13 Eden St, North Sydney Myrtle 29 Pty Ltd LEC 255383/21	\$0	Pending	N/A

**CURRENT MATTERS LIST – SUPREME COURT & DISTRICT COURT**  
**As at 30 September 2021**

<b>Legal Proceedings</b>	<b>Costs (\$)</b>	<b>Status</b>	<b>Result</b>
Traffic Matter Matthew Norbury Williams DC 106191/20 DC 106192/20	\$6,476.80	Closed	Conviction and penalty affirmed. Costs awarded to Council

**NCAT MATTERS LIST**  
**As at 30 September 2021**

<b>Legal Proceedings</b>	<b>Costs (\$)</b>	<b>Status</b>	<b>Result</b>
NCAT <b>EIG</b> NCAT: 80016/21	\$102,163.72	Pending	N/A