

10.1. Current Appeals and Results - June 2021

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ENDORSED BY: Ken Gouldthorp, General Manager

ATTACHMENTS:

1. LP01 Current Matters List LEC June 2021 [**10.1.1** - 2 pages]
2. LP01 Current Matters List Supreme Court and District Court June 2021 [**10.1.2** - 1 page]
3. LP01 Current Matters List NCAT June 2021 [**10.1.3** - 1 page]

PURPOSE:

Report on current appeal and prosecution matters.

EXECUTIVE SUMMARY:

Attached is a list of current appeal and prosecution matters as at 28 May 2021 for Council's information.

FINANCIAL IMPLICATIONS:

As at 28 May 2021, Council has incurred \$1,147,181 on legal fees for the 2020/21 financial year and recovered legal costs in the amount of \$124,287. The legal budget for 2021 financial year is \$ 1,500,000.

RECOMMENDATION:

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

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.3 Community is informed and consulted

BACKGROUND

The Current Appeals and Prosecutions list was last reported to the Legal and Planning Committee meeting of 8 March 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 28 May 2021.

CURRENT MATTERS LIST – LAND & ENVIRONMENT COURT
As at 28 May 2021

Legal Proceedings	Costs (\$)	Status	Result
66 Shellcove Road, Neutral Bay Anne McCusker LEC 305102/19	\$69,572.50	Pending	Judgment reserved
116 Blues Point Road, McMahons Point Blues Point Hotel Property Pty Ltd and Blues Point Hotel Property No 2 Pty Ltd LEC 373973/19	\$136,474.15	Closed	Appeal dismissed, costs awarded to Council
37-39 Murdoch Street, Cremorne Active Kids Group Pty Limited LEC 157515/20	\$48,946.70	Closed	Appeal upheld
177-199 Pacific Hwy, North Sydney TPG Telecom Limited (formerly Vodafone Hutchison Australia Pty Limited) LEC 210569/20	\$80,684.45	Pending	Judgment reserved
58 Cowdroy Avenue. Cammeray Renata Etherington LEC 277618/20	\$23,123.10	Pending	Judgment reserved
61 Ernest Street, Crows Nest TLB Trading Pty Ltd LEC 324022/20	\$9,827.40	Closed	Discontinued
15 Richmond Avenue. Cremorne Steve Laliotis LEC 328098/20	\$24,200	Closed	Discontinued
62-64 Hayberry Street, Crows Nest Dr Eric Lim LEC 332718/20	\$6,963.32	Pending	N/A
5 Bay View St, Lavender Bay Yolenda Camuglia LEC 356210/20	\$12,345.30	Pending	N/A

Legal Proceedings	Costs (\$)	Status	Result
18 Illiliwa St., Cremorne Connoisseur Property Holdings Pty Ltd LEC 356211/20	: \$69,857.83	Pending	N/A
6 John St, McMahons Point Stannards Marine Pty Ltd LEC 63136/21	\$36,753.75	Pending	N/A
101 Blues Point Rd, McMahons Point Peter Princi Architects LEC 75725/21	\$0	Pending	N/A
17 Rowlison Pde, Cammeray Troy McGeachie LEC 89880/21	\$0	Pending	N/A
101 Blues Point Rd, McMahons Point Dreic Pty Limited LEC 101973/21	\$0	Pending	N/A
46 Burlington St, Crows Nest Eric Young Aun Lim LEC 123657/21	\$0	Pending	N/A
35 Kurraba Rd, Neutral Bay (20-24 Bray St, North Sydney) Loyito Pty Ltd LEC 141523/21	\$0	Pending	N/A

**CURRENT MATTERS LIST –SUPREME COURT & DISTRICT COURT
As at 28 May 2021**

Legal Proceedings	Costs (\$)	Status	Result
Traffic Matter Matthew Norbury Williams DC 106191/20 DC 106192/20	\$0	Pending	N/A

NCAT MATTERS LIST
As at 28 May 2021

Legal Proceedings	Costs (\$)	Status	Result
NCAT EIG NCAT: 136495/20	\$80,653.65	Closed	Orders made against Council in relation to 4 of the 12 documents alleged to contain personal information of the Applicant
NCAT EIG NCAT: 80016/21	\$2,972.75	Pending	N/A