

Item: COW003-16 ADVICE ON COURT PROCEEDINGS - MAY 2016

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Recommendation

THAT the information be received and noted.

Executive Summary

Advice on all Council’s Court proceedings for the month of May 2016 is contained within this report.

Background

All current Court proceedings for Council are set out below. The external costs include both external legal and consultants’ fees.

Property Address / Applicant / Proceeding Number	Description of matter	Status / Critical Dates	External Costs to date
14 Wright Street HURSTVILLE Applicant: Prajna Monastery Australia Inc. LEC Proceedings 10499 of 2015	Class I Appeal against actual refusal of development application DA2014/0978 for construction of a meditation/prayer hall with basement parking.	Matter heard 7 and 8 March 2016. Judgment reserved.	\$76,510.05
16-20 Tooronga Terrace BEVERLY HILLS Applicant: Baini Corp Pty Ltd LEC Proceedings 11019 of 2015	Class I Appeal against the actual refusal of development application DA2015/0009 for the construction of mixed use building, including four commercial premises and a boarding house with 13 rooms and retention of existing building.	Following s34 conciliation conference, applicant to redesign proposal. Matter discontinued 10 May 2016.	\$28,644.00
849 King Georges Road SOUTH HURSTVILLE Applicant: Hussein LEC Proceedings 11204 of 2015	Class I Appeal against the deemed refusal of development application DA2015/234 for demolition of existing dwelling and construction of a two storey place of public worship (being a mosque with associated classrooms) over three levels of basement car parking.	Matter listed for hearing on 22 August 2016.	\$48,003.19
48-50 Forest Road HURSTVILLE Applicant:	Class I Appeal against the deemed refusal of development application DA2015/0413 for the	Matter listed for S34 conciliation conference on 8 April 2016. Adjourned to allow	\$24,108.37

Adgemis Holdings Pty Ltd LEC Proceedings 11256 of 2015	construction of a three storey building comprising a childcare centre, two levels of residential apartments and basement car parking.	amended plans to 30 June 2016.	
Unit 53 2-8 Bridge Street HURSTVILLE Applicant: Marko Kozarovski LEC Proceedings 10105 of 2016	Class I Appeal against actual refusal of development application DA2014/1108 for conversion of office to child care centre.	Matter listed for further directions hearing 3 June 2016.	\$4,485.88
8 Cooloongatta Road BEVERLY HILLS Applicant: Deab-Anthony Succar & Sally Succar LEC Proceedings 10201 of 2016	Class I Appeal against actual refusal of development application DA2015/0129 for the demolition of existing dwellings and construction of dual occupancy.	Matter listed for conciliation hearing on 6 and 7 June 2016.	\$11,553.74
799 Forest Road PEAKHURST Applicant: CC Builders (NSW) Pty Ltd LEC Proceedings 10230 of 2016	Class I Appeal against deemed refusal of development application DA2015/0457 for demolition of existing dwelling and construction of a multi dwelling housing development including six dwellings.	Matter listed for S34 conciliation conference on 16 June 2016.	\$5000.00
106 Edgbaston Road BEVERLY HILLS Applicant: Steve Zhou LEC Proceedings 10241 of 2016	Class I Appeal against deferred commencement condition relating to storm water in development consent DA2015/0236 for demolition of existing dwellings and construction of new two storey attached dual occupancy.	Hydraulic engineers joint conferencing. Matter listed for hearing 28 and 29 June 2016.	\$0
45 Ogilvy Street PEAKHURST Applicant: Emad & Eva Nada LEC Proceedings 11040 of 2014	Class I appeal relating to a child care centre. Commissioner satisfied that DA worthy of approval, subject to storm water issues being resolved. Applicant attempted to obtain easements and was unsuccessful. Class I appeal re-opened with applicant's alternative storm water plan.	Final conditions of consent submitted to Court with applicant's version and Council's version. Awaiting Judgment.	\$124,576.93
59 Park Street PEAKHURST	Class I Appeal against actual refusal of	Matter listed for hearing 19 and	\$0

<p>Applicant: M & J Conradt Pty Ltd and M & J Conradt Investment Trust</p> <p>LEC Proceedings 10295 of 2016</p>	<p>development application DA2015/0209 for demolition of existing dwelling and construction of multi dwelling housing development comprising three dwellings and strata subdivision.</p>	<p>20 July 2016.</p>	
<p>78 Stuart Street BLAKEHURST</p> <p>Applicant: Nicaolas and Maria Kotsifas</p> <p>LEC Proceedings 10307 of 2016</p>	<p>Class I Appeal against actual refusal of Section 96 application to modify approved development application 306/2012/3 for detached extended family unit and swimming pool to delete conditions relating to vehicular and construction access from River Street.</p>	<p>Matter listed for S34 conciliation conference on 25 July 2016.</p>	<p>\$215.00</p>
<p>102 Gungah Bay Road OATLEY</p> <p>Applicant: Vincent Caristo</p> <p>LEC Proceedings 10402 of 2016</p>	<p>Class I Appeal against deemed refusal of development application DA2015/0404 for construction of new two storey dwelling with in- ground swimming pool and cabana. Only issue is proposed removal of significant tree on Council's nature strip.</p>	<p>Matter listed for s34AA conciliation and hearing on 15 July 2016.</p>	<p>\$0</p>
<p>58 Lawrence Street PEAKHURST</p> <p>Applicant: Mehedin Abdul- Rahman</p> <p>LEC Proceedings 10436 of 2016</p>	<p>Class I Appeal against deemed refusal of development application DA2016/0051 for demolition of existing dwellings and structures and subsequent construction of a multi dwelling housing development comprising seven dwellings, basement car parking and associated landscaping. Assessment being carried out by external planner.</p>	<p>Matter listed for directions hearing 8 June 2016.</p>	<p>\$0</p>
<p>26 Parkside Drive KOGARAH BAY</p> <p>Applicant: Jim and Harriet Raftopoulos</p> <p>LEC Proceedings 10441 of 2016</p>	<p>Class I Appeal against actual refusal of development application DA2015/0172 for the Torrens Title subdivision and construction of a new dwelling on a new rear lot.</p>	<p>Matter listed for directions hearing on 9 June 2016.</p>	<p>\$0</p>
<p>84D Roberts Avenue MORTDALE</p> <p>Applicant: Romanous Entities</p>	<p>Class 5 prosecution proceedings where 24 summons and Orders filed.</p>	<p>Romanous Construction and Romanous Contractors Pty Ltd have entered guilty pleas. Sentence</p>	<p>\$242,544.63</p>

<p>LEC Proceedings 51003 of 2014</p>		<p>hearing proceeded on 16 February 2016 and judgment reserved. Defendant's pleaded guilty to two offences and fined a total of \$254,000 with Orders to publish details of the offence.</p>	
<p>84D Roberts Avenue MORTDALE</p> <p>Parties: Romanous Developments Pty Ltd</p> <p>LEC Proceedings 40883 of 2013</p>	<p>Class 4 commenced in relation to unauthorised works. Following Court Orders, the respondents have complied with their initial obligations to appoint a site auditor and to finalise the necessary remediation plan. Council's costs paid by respondents.</p>	<p>Site subject to ongoing monitoring.</p>	<p>\$279,118.01</p>
<p>58 Johnstone Street PEAKHURST</p> <p>Parties: Kevin Jacobs</p> <p>LEC Proceedings 40060 of 2015</p>	<p>Class 4 commenced in relation to clean up of property. Council removed waste from premises.</p>	<p>Debt recovery proceedings commenced for approximately \$100,000 outstanding in costs orders for this and other matters.</p>	<p>\$66,602.02</p>
<p>58 and 60 Blackshaw Avenue MORTDALE</p> <p>Parties: Marion McDowell & Associates Pty Ltd</p> <p>LEC Proceedings 40249 of 2016</p>	<p>Class 4 commenced in relation to unauthorised use of premises as a waste transfer station.</p>	<p>Court Orders obtained to cease use until development consent is obtained. Costs to be paid by 1 August 2016.</p>	<p>\$0</p>
<p>37 Boronia Street KYLE BAY</p> <p>Parties: Mrs Megan McOnie</p> <p>LEC Proceedings</p>	<p>Class 4 commenced in relation to failing to comply with Council Notices/Orders relating to a non-compliant swimming pool fence, overgrown vegetation and unhealthy swimming pool water.</p>	<p>Court Orders in support of Council's Notices/Orders were provided on 21 April 2016. Orders not served due to Mrs McOnie's whereabouts being unknown (she has no fixed place of abode).</p>	<p>\$11,925.02</p>
<p>105 Forest Road HURSTVILLE</p> <p>Parties: Australian Consulting Builder Pty Ltd</p>	<p>Class 4 commenced in relation to failing to comply with Council Notices/Orders relating to overgrown vegetation, accumulation of waste and breeding place for vermin.</p>	<p>Matter listed for directions hearing 27 May 2016.</p>	<p>\$4,620.33</p>

LEC Proceedings 40361 of 2016			
1 Arnold Street PEAKHURST Parties: Mofeed Louis Tanious LEC Proceedings 20069 of 2016	Class 2 commencing in relation to failing to comply with Council Notices/Orders concerning keeping of poultry birds.	Matter listed for hearing on 2 and 3 August 2016.	\$0
13-17 Peake Parade PEAKHURST Parties: Oxford (NSW) Pty Ltd Local Court Matter	Appeal against PIN for breaches of development consent. Defendant pleaded not guilty.	Matter part heard on 20 May 2016. Listed for further hearing on 26 October 2016.	\$0
13-17 Peake Parade PEAKHURST Parties: Oxford (NSW) Pty Ltd Local Court Matter	Appeals against five PINs for breaches of development consent and one water pollution offence under POEO Act. Defendant entered not guilty pleas on all offences.	Matter listed for mention on 19 July 2016.	\$0
		TOTAL	\$927,907.17

Operational Plan Budget

Within budget allocation.