

Address	WCC Officer	Status	Solicitor	Solicitors Ref.	Matter	Date Solic. engaged	CL decis.	Staff Rec.	Fees Pd Prv Yrs	Paid Jul 17- Jun 18	Total Costs to date	Solic.Est (excl. barrister/consult.)	Council's revised Estimate	Bal to be Paid	Total ltd Legal Cost Recovery
LAND AND ENVIRONMENT COURT															
10 Allambie Road	CWK	Class 1 development appeal against deemed (then refusal) refusal of a DA for dual occupancy development.	WWWSB	KW:SC:2 17258	Class 1 (Kaddour) - LEC: 234706 of 2017	15/08/2017	To be determined by Ward Councillors meeting on 1/11/2017.	Approval		\$606	\$606	\$606	\$606	\$0	
165 Ashley Street	AL	Class 1 development appeal against deemed (then refusal) refusal of a DA for childcare centre. S34 conference held on 26 November 2016. Matter adjourned to allow further amendments and further information. A series of adjourned conciliations between November 2015 to April 2016. S34 terminated. Matter relisted for resumed s34 conference on 9 February 2016. Matter heard before Commissioner Morris on 21-23 September 2016. Evidence heard from Traffic engineers, Arborist and landscaping experts, town planners and engineers. Appeal dismissed and development consent refused. Currently negotiating costs order.	HWLE	KMG-576982	Class 1 (Nan Wang) L&EC 10883 of 2015 - Refusal of DA for construction of Child Care Centre	1/10/2015	Refusal	Refusal	\$119,922		\$119,922	\$88,587	\$123,617	\$3,695	
46 Boundary Street	AT	Matter resolved with works being completed by the Blacks.	HWLE	KMG-663705	Class 1 (Alex Hugo Tian) - LEC: 2017/173448	21/07/2017	Refusal	Refusal		\$154	\$154	\$12,002	\$12,226	\$12,072	
37 Coolawin Road	AV	Appeal Pending	WWWSB	KW:SC:2 17257	Class 1 (Brent Paterson) - LEC: 214602 of 2017	14/08/2017	Approval with additional condition	Approval		\$1,234	\$1,234	\$1,234	\$1,234	\$0	
217 Eastern Valley Way	AL/ IA	Matter resolved by s34 Agreement on 3 February 2017. Orders sent to Council. Currently negotiating costs order made in favour of Council.	HWLE	KMG-598815	Class 1 (Middle Cove Investments (No 1) L&EC Proceedings 10235 of 2016	18/03/2016	Refusal	Refusal	\$33,530		\$33,530	\$31,130	\$33,530	\$0	
52 Findlay Avenue	MS	Prosecution of illegal tree removal	WWWSB	KW:UM:2 15623	Class 4 (Rahmani) Prosecution for Illegal	Dec-15	N/A	N/A	\$17,096	\$7,011	\$24,107		\$15,000	-\$9,107	
18 Harden Av	MF	Matter listed for conciliation conference on 6 June 2017. Applicant's SOFAC due 11 April 2017. Council's SOFAC due 9 May 2017. Matter conciliated on 6 June 2017 no resolution reached. Matter listed for hearing on 29 September 2017. Matter heard before Commissioner Chilcott on 29 September 2017. Judgment reserved	HWLE	TZM-648096	Class 4 - Appeal Against Order	10/03/2017	Enforce Order	Enforce Order	\$9,727		\$9,727	\$19,624	\$19,624	\$9,898	

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15A Hart Street	CP/AL	Peruse email and notice of determination Telephone attendance with A Leung Reviewing contentions	WWSB	KW:SC:2 17043	Class 1 (DM & Longbow) - 2017/41951 Refusal of Subdivision	14/02/2017	Refusal	Refusal	\$11,049	\$8,335	\$19,384	\$19,384	\$19,384	\$0	
15A Hart Street	PC	Under S56A Appeal	WWSB	KW:SC:2 17245	WCC ats DM & Longbow - LEC: 232317 of 2017	14/02/2017	Refusal	Refusal		\$1,606	\$1,606	\$13,000	\$20,420	\$18,814	
16-26 Linden Way	AV	Approved by L&E	WWSB	KW:SC:2 17061	Class 1 (Jayson Mai) Court Proceedings No. 59460 of 2017	24/02/2017	Refusal Defend Appeal	Refusal	\$5,834		\$5,834				
1/70 Lower Gibbes Street	AV	Consider satus of proceedings, Drafting, Peruse notice of discontinuance, Peruse emails/drafting/ finalising letter to solicitor for applicant Applicant withdrawn the appeal prior to conciliation conference. The application is therefore refused.	WWSB	KW:SC:2 16238	Class 1 Appeal Deemed Refusal of Childcare Centre	21/07/2016	Refusal	Refusal	\$9,675		\$9,675		\$12,000	\$2,325	
57 Minimbah Road	SB	Council commenced Class 5 prosecution action against owner and builder. Builder entered a plea of guilty to both charges and was sentenced on 16 February 2015. Builder convicted as charged and fined \$67,000. While technically Council have an award of costs in its favour, taking action to recover costs now is perhaps likely to encourage Livbuild to seek to set aside the decision. There is no time limit for commencing assessment. Council waiting a while to see what action, if any, Livbuild takes to set aside the judgment first before launching a costs assessment. The proceedings against the owner have faced a legal challenge centred on whether the proceedings were commenced on time. Defendant acquitted on 10 December 2015. Each party to pay own costs. MATTER COMPLETED.	Mallesons	02-5507-2563	Class 5 (Screnci) L&EC Proceedings 1092 of 2013 - Unauthorised foreshore works	Feb-14	N/A	N/A	\$279,914	\$3,995	\$283,909	\$154,000	\$300,000	\$16,092	

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130A Mowbray Road	MF	A development and consent history of the property was undertaken. Section 119J Notices have been sent to real estate agents which are currently or have previously managed the property and the responses received indicate a Building Certificate and DA will be lodged on return post 16 January 2016. Monitoring responses to statutory notices. Council awaiting building certificate/DA for use from owner/representative	HWLE	KMG-595444	Unauthorised works	29/02/2016	N/A	N/A	\$7,894		\$7,894	\$23,861	\$23,894	\$16,000	
290 Mowbray Road & 66 & 66A Stafford Road	IA	Class 1 appeal against Council's deemed refusal of childcare centre for 85 children. S.34 conciliation conference occurred on 14 April 2015. Conciliation phase of these proceedings terminated. Applicant granted leave to rely on amended application. Hearing of the matter took place on 2, 3, 4 and 16 December 2015. Expert evidence from traffic, heritage, landscape and arboricultural, and planning experts provided. Judgment delivered on 21 April 2016 "amber light". Approval granted for 72 children on conditions on 1 July 2016. Council has been awarded two separate 97B costs orders resulting from amendments to plans made by the applicant throughout the life of the proceedings. Letters have been provided to	HWLE	JAC:544422	Class 1 (Kamrani Holdings Pty Ltd and Darling Trading Pty Ltd) - 85 place childcare centre	18/02/2015	Refusal	Refusal	\$225,897		\$225,897	\$230,047	\$228,397	\$2,500	-\$4,648
73 Reserve Road	AV	Matter in Land & Environment Court. Not determined yet. S.34 conciliation conference occurred on 11/8/2017.	WWSB	KW:SC:217114	Class 1 - Deemed Refusal of Childcare Centre	Apr-17	Refusal. Defend Appeal	Refusal	\$2,421	\$5,904	\$8,325	\$12,000	\$11,579	\$3,254	

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58-70 Sailors Bay Road	CP/AL	Matter discontinued by Applicant with an order that the Applicant pay council's costs in the amount of \$7,000. Costs paid and cheque forwarded to Council of 5 April 2017. MATTER COMPLETED.	HWLE	KMG-634552	Class 1 Appeal (Artmade Architectural) - Sailors Bay Road Child Care Centre	18/11/2016	Refusal	Refusal	\$56,326		\$56,326	\$44,673	\$52,229	-\$4,097	
147-151 Sailors Bay Road	PK	Prosecution for non-compliance with Development Consent	WWSB	KW:SC:2 16120	Class 1 (Castlenorth P/L) - mixed use development	11/07/2016		Approval	\$27,599		\$27,599	\$40,000	\$40,000	\$12,401	
46 Strathallen	AL	Class 1 Appeal for mixed use shop top housing development in Northbridge Town Centre. Matter listed for conciliation conference on 7 February 2017. Council has briefed external town planner expert Steven Layman and urban design expert Peter Smith. Conciliation Conference occurred 7 February 2017 and was adjourned for amendments. Agreement reached and entered 7 March 2017. Costs of amendments to be considered and negotiated. Costs currently being negotiated.	HWLE	KMG-628686	Class 1(Bridgeland 14) L&EC Proceedings 2016/295688	12/10/2016	Upheld with Amended Plans		\$35,745		\$35,745	\$31,356	\$38,896	\$3,151	

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16 Tulloh Street	SB	Two stop work order appeals. Listed for conciliation conference on 16 and 17 February 2016, concurrently with conciliation conference/hearing for section 96 appeal seeking to regularise unlawful works. Orders made in section 96 appeal approving modified proposal for house pursuant to section 34 agreement with parties. Appeal with respect to Stop Work Order No. 2808 discontinued as a consequence of that approval. Appeal with respect to Stop Work Order No.2804 resolved by way of section 34 agreement. Section 121B orders made by Court requiring Mr Wykrota to carry out works in back yard in accordance with plan put forward by Council as acceptable on merits. Order made 24 June 2016. Matters now finalised. MATTER COMPLETED.	HWLE	KMG-572930	Class 4 (Wykrota) Stop Work Order - unlawful works. Order - Appeal.	21/09/2015	Approval with additional conditions	Approval with additional conditions	\$19,816		\$19,816	\$20,000	\$20,000	\$185	
1 & 1A Walter St	PC	Class 1 deemed refusal of Childcare Centre for 222 Children at 1 and 1A Walter Street and 452 - 460 Willoughby Road Willoughby. Matter listed for conciliation conference on 4 August 2017 and hearing on 23 Oct 2017.	HWLE	KMG-663761	Class 1(ArtMade Architectural) - LEC:2017	16/06/2017	Panel Decision Refusal	Refusal	\$1,155		\$1,155	\$42,822	\$53,198	\$52,043	
20 Weemala Rd	JF	Section 121B order appeal - resolved by section 34 agreement entered 7 June 2017. Applicant required to carry out further agreed works.	HWLE	KMG-639047	Class 1 (Viktorija Demian) - LEC. 2016/374203	19/12/2016	Defend appeals	Serve Orders, refuse Section 96 & refuse Building Certificate	\$7,430		\$7,430	\$17,283	\$17,466	\$10,036	

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155-156 Willoughby Rd	AV	Class 1 appeal against deemed refusal of residential flat building, Willoughby Road, Crows Nest. Matter listed for Section 34 Conference on 7 April 2017. Conciliation terminated without resolution listed for directions on 18 April 2017. Matter listed for hearing on 7 and 8 August 2017. Commencing on site at 9:30am - returning to Court 12 noon for hearing. Joint expert engineering reports to be filed 17 July 2017. Joint expert planning/urban design reports to be filed 20 July 2017.	HWLE	KMG-639555	Class 1 (MPG Investment) - LEC 2016/383215	21/12/2016	Refusal. Defend Appeal	Refusal	\$34,915		\$34,915	\$54,368	\$54,820	\$19,905	
Total - Land and Environment Court									\$905,944	\$28,845	\$934,789	\$855,976	\$1,098,120	\$169,166	-\$4,648
LOCAL COURT															
	MT	Completed (Win)	Chatswood Law	NG:88138	Prohibited Development - Petco Aimal Supplies Pty					\$3,920	\$3,920				
	MT	Completed (Win)	Chatswood Law	NG:88176	Prosecution of Ji Liang Wang					\$2,005	\$2,005				
	MT	Completed (Win)	Chatswood Law	NG:88168	North Sydney Bus Charter P/L					\$2,485	\$2,485				
Total - Local Court									\$8,194	\$8,410	\$16,604				-\$9,091
ADVICE															
96 Chandos St	BG	Draft warning letter prepared seeking undertaking to address fire safety concerns. Council has allowed further time for a response addressing concerns to be provided.	HWLE	KMG-640376	Advice re fire safety order				\$2,705		\$2,705				
144 Fullers Rd	PC	The application has been withdrawn	WWSB	KW:SC:217174	Advice on Development Standard in LEP	29/05/2017			\$170	\$1,524	\$1,694				
126 Greville St	MT	Compliance advice sought on Notice of Intention and Order served concerning hours of operation and potential breaches of consent. Documents received and verbal advice provided on enforcement prospects and options. MATTER COMPLETED.	HWLE	KMG-637676	Compliance advise re Church of Scientology	20/12/2016			\$1,848		\$1,848				
	IA	Advice provided. Further instructions provided regarding potential for easement by prescription. Advice being prepared.	HWLE	KMG-612574	Advice re legal right to obtain access over drainage reserve in West Chatswood	1/07/2016			\$4,795		\$4,795				
	MT	Advice provided. Awaiting further instructions, if any.	HWLE	KMG-615380	Advice re Powers of Entry onto residential land/search warrants	Sep-16			\$4,008		\$4,008				

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	COB	Advice re Proposed sale of portion of Scott Street Artarmon	Pikes & Verekers	130536	Proposed sale of portion of Scott Street Artarmon	19/01/2015			\$15,584		\$15,584				
Talus Street Reserve	MT	Completed	WWSB	KW:SC:2 17107	Advice on Parking Restriction on Crown	7/04/2017	Approved	Completed	\$1,527		\$1,527				
16 Tulloh Street	SB	Request to review notice of intention to issue order. Order considered. Advise provided regarding strategy, power of council to undertake works itself an dpotential means of recovering costs of doing so. Awaiting further instructions if any	HWLE	KMG-586200	Advice re works on Council land	30/06/2016			\$2,360		\$2,360				
	SB	Legal advice provided to Council on 16 March 2017. No further legal advice required at this point it time.	Mallesons		602-0022852 Advice - Livbuild Pty Limited	2/03/2017			\$3,141		\$3,141				
Total - Advice									\$36,138	\$2,014	\$38,152				

	<u>Prv Yrs</u>	<u>Actual</u>	<u>Bud Ytd</u>	<u>Bud Tot</u>
Total - Land and Environment Court	957,639	28,845		
Total - Local Court	-	8,410		
Total - Advice	36,138	2,014		
Total - July to September 2017 Total Expenditure	993,777	39,269		
Other Corporate Legal Expense		61,335		
Total - ALL Expenditure		100,604	178,833	715,333
<u>Other Corporate Legal by Cost Centre</u>				
Governance & Policy Admin		38,436		
The Concourse - Venue Management		22,899		
Total		61,335		