

10.10.Current Appeals and Results - July 2025

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ENDORSED BY	Stephen Beattie, Service Unit Manager Development Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Current Matters List LEC July 2025 [10.10.1 - 4 pages] 2. Closed Matters List LEC July 2025 [10.10.2 - 1 page] 3. CONFIDENTIAL - Current Matters List LEC July 2025 [10.10.3 - 10 pages] 4. CONFIDENTIAL - Closed Matters List LEC July 2025 [10.10.4 - 2 pages]
CSP LINK	<p>Outcome 8 - An effective, accountable and sustainable Council that serves the community</p> <p>G3. Make it easy for our community to engage and participate in decision-making</p> <p>G6. Commit to efficiency and value for money in service delivery</p>

PURPOSE:

The purpose of this report is to provide Council with information on current appeal and prosecution matters.

EXECUTIVE SUMMARY:

- Lists of current appeal and prosecution matters as at 15 July 2025 are attached to this report, for Council's information.
- Four attachments are provided, including public listings and separate confidential reports. The confidential reports include additional detail (as highlighted) on the legal nature of the appeals, status updates, and legal issues relating to matters still afoot.
- Should Council wish to discuss this report it is noted that the attached confidential documents include advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community. As such should this report be discussed it should be considered in closed session.

RECOMMENDATION:

1. THAT the report be noted.

2. THAT, should Council resolve to debate or discuss this matter, that the meeting be closed to the public in accordance with Section 10A(2) of the Local Government Act and the Local Government (General) Regulation 2005 for the reason listed below:

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

It is further noted that release of this information would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community.

Background

The Current Appeals and Prosecutions list was last reported to the Council at its meeting of 9 October 2023.

Report

The defense of Land and Environment Court appeals and the prosecution of regulatory matters represent 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 15 July 2025.

Consultation requirements

Community engagement is not required.

Financial/Resource Implications

As at 15 July 2025, Council has incurred \$23,911.07 on legal fees for the 2025/26 financial year and recovered legal costs in the amount of \$0. The legal budget for the 2025/26 financial year is \$1,000,000.

**CURRENT MATTER – LAND & ENVIRONMENT COURT
As at 15 July 2025**

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Costs (\$)	Result/Status Improvements achieved
1 Warung St, McMahons Point DA 379/21 LEC 157325/22 DOA 01/06/22 MLG	Highbury Warung Pty Ltd	\$31,349.98	Appeal upheld Awaiting costs thrown away.
290 Pacific Highway, Crows Nest DA 66/23 LEC 185876/23 DOA 14/06/23 MF	PDS Engineering Division Pty Ltd	\$631,184.78	Appeal upheld Awaiting costs thrown away
270 Pacific Hwy, Crows Nest LEC 284108/23 DOA 06/09/23 H&W	Silvernight (Crows Nest) Landowner Pty Ltd	\$134,105.81	Appeal upheld. Awaiting costs thrown away
1 Spruson St, Neutral Bay, LEC 310163/23 DOA 29/09/23 HWL	Pertama Developments Pty Ltd	\$455,175.62	Appeal dismissed. Awaiting costs thrown away.

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Costs (\$)	Result/Status Improvements achieved
184B-190 Kurraba Rd, Kurraba Point LEC 224151/24 DOA 19/06/24 SH	N/D	\$132,649.93	Pending
40 Spofforth St, Cremorne LEC 301346/24 DOA 20/08/24 MF	Cremorne SP Pty Ltd ATF Cremorne SP Investment Trust	\$113,988.17	Appeal upheld. Awaiting costs thrown away.
55 - 89 Chandos St, St Leonards LEC 301278/24 DOA 20//08//24 HWL	TWT Property Group Pty Ltd	\$130,942.10	Pending
50 Grasmere Ln, Cremorne LEC 336739/24 DOA 17/09/24 MF	The Trustee for Grasmere Property Trust	\$121,607.04	Appeal upheld Awaiting costs thrown away
47 Kareela Rd, Cremorne Point LEC 380212/24 DOA 17/10/24 H&W	N/D	\$158,715.48	Appeal upheld in part. Final orders pending receipt of agreed conditions consistent with the judgment.
34C Pine St, Cammeray LEC 431386/24 DOA 29/11/24 MLG	N/D	\$14,557.61	Pending

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Costs (\$)	Result/Status Improvements achieved
58 Cowdroy Ave, Cammeray LEC 459523/24 DOA 12/12/24 MLG	N/D	\$49,602.18	Appeal dismissed.
35 East Crescent St, Lavender Bay LEC 21004/25 DOA 17/1/25 MLG	Craft Architecture Sydney	\$36,000.79	Pending
111-115 Chandos St, Crows Nest LEC 64238/25 DOA 19/2/25 MLG	Equicentia Pty Ltd	\$5,022.47	Pending
26 Milson Rd, Cremorne Point LEC 113659/25 DOA 25/03/25 H&W	Vigor Master Pty Ltd	\$7,872.92	Appeal upheld- amended plans
290 Pacific Highway, Crows Nest LEC 185876/23[D66/23] LEC 124288/25 DOA 01/04/25 MF	PDS Engineering Division Pty Ltd	\$158,917.34	Judgment reserved.

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Costs (\$)	Result/Status Improvements achieved
312 Falcon St, Neutral Bay LEC 149872/25 DOA 17/04/25 SH	Stilla Group Pty Ltd	\$11,344.92	Pending
37 Bay View St, Lavender Bay LEC 150766/25 DOA 22/04/25 MLG	N/D	\$5,787.24	Pending
290 Pacific Highway, Crows Nest LEC 204861/25 DOA 28/05/25 MF	Visionvest Pty Ltd	\$12,941.50	Pending

N/D – not disclosed

**CLOSED MATTERS IN THE LAST 3 MONTHS – LAND & ENVIRONMENT COURT
As at 15 July 2025**

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Costs (\$)	Result/Status
86A Kurraba Road, Neutral Bay LEC 119478/25 DOA 31/03/25 MLG	N/D	\$1,529.34	Discontinued.
126-128 Willoughby Road, Crows Nest LEC 173621/24 DOA 14/05/24 MLG	Keystone Property Consultants	\$39,151.22	Appeal dismissed.
75-77 Kirribilli Ave, Kirribilli LEC 379716/24 DOA 18/10/24 HWL	Made Property NSW Pty Limited	\$101,221.35	Appeal upheld.
21 Willoughby Rd, Crows Nest LEC 431854/24 DOA 25/11/24 H&W	Digital Books NSW Pty Ltd	\$20,925.63	Discontinued.

N/D – not disclosed