

LEGAL SERVICES REGISTER as at 30 June 2013

Provider (Reference)	Cat.	Description of Matter	General Instructions	Previous Years	Current Year	Comments
HWL Ebsworth (2697)	1	Class 4 Appeal – DA08/0966 Refusal to determine Development Application and other issues impacting upon on-site sewerage management system at 49 Upper Crystal Creek Road Crystal Creek. File DA08/0966.	Defend the matter in the Land and Environment Court.	\$97,329	\$988 Total to date: \$98,317	In Progress – Land and Environment directions hearing held on 4 December 2009. Case heard on 4 February 2010. Case dismissed, costs awarded, Appeal dismissed by Supreme Court. Payment of \$7,106.53 for security of costs received. Matter of recovering further costs in progress.
Lindsay Taylor (2735)	1	Voluntary planning agreement - Altitude Aspire (Area E). File DA07/0701.	Provide appropriate advice.		\$17,423	Completed - advice provided.
Lindsay Taylor (2742)	1	Class 1 Appeal - applicants appeal against refusal - DA10/0860 & DA10/0801, 73 Sandy Lane, Cobaki Lakes	Defend the matter in the Land and Environment Court		\$64,947	In Progress - Land and Environment call over held on 12 March, Section 34 Conference held on 16 April, further conciliation conducted on 26 April.

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Marsdens	1	Class 4 Appeal – 7 Year Special Rate Variation. File Budget/Management Plan.	Defend the matter in the Land and Environment Court	\$493,120	Total to date: \$493,120	In Progress – Land and Environment judgement handed down 30 December 2008, applicants claim was unsuccessful, part costs claim awarded, Court of Appeal case heard on 5 February 2010. Applicant was unsuccessful, part costs awarded. Costs of LEC and Court of Appeal have been assessed. Application for Special Leave to Appeal refused by High Court on 12 August 2011 with costs. Recovery of costs currently being pursued.
Lindsay Taylor (2731)	1	Administrative Decisions Tribunal hearing - Leda Developments.	Assist Council in dealing with Tribunal hearing.		\$5,534	In Progress - informal hearing conducted, referred affidavit and documents lodged with the Tribunal for a decision "on papers".
Marsdens (2688)	1	Proposed Class 4 Proceedings. Unauthorised building work, 4 Wharf Street, Tweed Heads.	Council action in the Land and Environment Court.		\$954	In Progress - appropriate action commenced.

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Stacks	1	Appeal to Supreme Court of Appeal – M W Allen (Lizzio Subdivision – Condong). File GS4/95/73.	Represent Council in the Supreme Court and engage counsel where appropriate.	\$68,171	Total to date: \$68,171	In Progress – second appeal in the Supreme Court heard 16 October 2009, Judge reserved his decision. Judge upheld the appeal, costs awarded to Council. Council instructions to pursue matter of costs and associated expenses. Judgement handed down on 10 February 2012. Case to be reviewed by an independent legal provider.
Stacks (120111 120294)	District/ Local Court	Provide advice on proposed action on activities at Hacienda and Homestead Caravan Parks, Chinderah Bay Road.	Provide appropriate advice.	\$1,320	\$5,100 Total to date: \$6,420	In Progress - Detailed advice provided. Letters sent to owners of caravan parks. Council is considering its position in regard to further action.
HWL Ebsworth (2729)	1	Class 1 Appeal - appeal by objector - dissatisfied with the determination of a consent authority - Kingscliff Police Station. File DA11/0257.	Defend the matter in the Land and Environment Court.	\$17,171	\$25,015 Total to date: \$42,458	Completed - Judgement declared on 28 July 2012 that the development consent is invalid. Council ordered to pay agreed costs of \$15,000.
HWL Ebsworth (2734)	1	Provide advice on dwelling entitlements pertaining to undersize lots concerning operation of Clause 57 of Tweed LEP 2000.	Provide appropriate advice.		\$12,042	Completed - detailed advice provided.

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Lindsay Taylor (2725)	1	Class 1 Appeal - refusal of Optus Tower, 37 Boxhill Road, Limpinwood. File DA10/0295.	Defend the matter in the Land and Environment Court.	\$63,694	\$1,052 Total to date: \$64,746	Completed - Hearing part heard 22-23 March 2012. Adjourned to 8 May 2012. Judgement handed down 16 July 2012. Court dismissed the appeal by Optus.
Maddocks (2741 2743 728116)	1	General advice and information.	Provide general advice and information.		\$5,884	Completed - Advice provided to Council.
Maddocks (2736)	1	Provide advice on earthworks undertaken without an approved construction certificate. File K99/1124.	Detailed advices sent with compliance options.		\$113,295	Completed - Detailed advices provided outlining various compliance options.
Marsdens (2737)	1	Class 1 Appeal - appeal against refusal of DA10/0516, 57 Jabiru Drive, Cobaki Lakes. File DA10/0516.	Defend the matter in the Land and Environment Court.		\$806	Completed - notice of discontinuance executed on 3 August 2012.

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Sparke Helmore (2720 2722)	1	Class 4 Action - Institute Court Order to remove building works and unauthorised use, 576 Cudgen Road, Cudgen.	Commence action in the Land and Environment Court.	\$142,400	\$10,327 Total to date: \$152,727	Completed - Court order case heard on 30 November and 1 December 2011. Judgement handed down on 9 December 2011 in favour of council. Respondent to pay council costs. Action reported to council to enforce judgement. Orders heard on 20 April 2012. Council to file and serve any evidence. Notice of Motion listed for hearing 24 May 2012. Judgement handed down 24 May 2012 in favour of Council, including costs. Reimbursement of assessed costs of \$100,000 paid.
Stacks (2739)	District/ Local Court	Appeal against dangerous dog declaration in Local Court.	Defend the matter in Local Court.		\$909	Completed - appeal dismissed. Cost of \$330 awarded in Council favour.
Stacks (2740)	District/ Local Court	Appeal to District Court against issue of dog infringement notice.	Defend the matter in District Court		\$1,250	Completed - appeal dismissed. Fine of \$600 ordered.

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Stacks (2657)	District/ Local Court	Statement of Claim - DA04/1028- 207 Farrants Hill Road - building encroachment. File DA04/1028.	Defend the matter in the District Court of NSW.	\$61,873	-\$50,790 Total to date: \$11,083	Completed – Case has been struck out in the District Court. Costs awarded to defendants, matter of costs now to be pursued internally by council. Deed of Agreement entered into for recovery of costs. Costs of \$50,847 reimbursed to Council.
Stacks (2738)	District/ Local Court	Appeal in Local Court against infringement notice not to comply with notice to register animal.	Defend the matter in Local Court.		\$3,677	Completed - matter heard on 19 December 2012. Appeal dismissed. Fine and prosecutions legal costs awarded in Council's favour.
Piper Alderman (2689)		Appeal against Oakvale Capital			\$30,324	In progress - Oakvale under administration (Ferrier Hodgson) - pursuing settlement through mediation against Oakvale insurance
HWL Ebsworth (2721)	1	Viviateene v Tweed Shire Council			\$31,676	Ongoing Matter
Marsdens (2745)	1	Advice DA11/0055			\$648	Ongoing Matter
HWL Ebsworth (2746)	1	Class 1 Appeal Noble Lakes			\$51,325	Ongoing Matter
HWL Ebsworth (372209)	1	Advice regarding Business Investment Policy			\$2,610	Ongoing - further costs payable in 2013/2014

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Henry Davis York (449993 450480)		Advice			\$18,769	Engagement finalised
DLA Piper (713053937)		Advice regarding development of Twin Towns			\$2,147	Matter Finalised
Wilshire Webb Staunton Beattie	1	Advice regarding retaining wall at Boyle Avenue Banora Point			\$1,190	Matter Finalised
Stacks (2733)	District/ Local Court	Appeal Smith v Tweed Shire Council defend matter			\$8,285	Ongoing Matter