

The following information is to replace pages 90 and 91 in the Wingecarribee Shire Council's Annual Report endorsed by Council on 15 November 2023 and published to Council's website.

Since the publication of the Report, amendments have been made to correct some of the information originally provided.

Legal Proceedings

Clause 217(1) (a3) Local Government (General) Regulation 2021.

The following is a summary of the amount incurred by Council in relation to legal proceedings in 2022/23 as well as the result (if the matter is concluded).

Note: A "No Order as to Costs" means that each party has to pay their own legal fees while "costs thrown away" are costs that may need to be paid for the other side's time.

Legal Matter	Amounts, costs and expenses paid or received		Summary of the state of progress	Result
	PAID	RECEIVED		
64 Farnborough Drive, Moss Vale Baron Corporation Pty Limited v Wingecarribee Shire Council Class 1 proceedings – Land & Environment Court DA23/0169	\$68,418		Ongoing	N/A
26 Elizabeth Street, Moss Vale Beaches Capital Venture Pty Limited v Wingecarribee Shire Council Interim Heritage Order - Land & Environment Court	\$10,866		Finalised	Appeal dismissed
511 Moss Vale Road, Bowral Captain Developments Pty Ltd v Wingecarribee Shire Council Class 1 proceedings – Land & Environment Court DA22/0335	\$46,780		Ongoing	N/A
3A Holly Road, Burradoo Nicholas Tang Holdings Pty Ltd v Wingecarribee Shire Council and others Class 4 proceedings - Land & Environment Court DA22/1717	\$944		Ongoing	N/A
Lots 33 & 34 Station Street, Bowral Sibin Djuric v Wingecarribee Shire Council Class 1 proceedings – Land & Environment Court DA22/1263	\$53,668		Ongoing	N/A
4-6 Etheridge Street, Mittagong Eisenschmitt Pty Ltd v Wingecarribee Shire Council Class 1 proceedings – Land & Environment Court DA22/0884	\$32,410		Judgement handed down	<ol style="list-style-type: none"> 1. The applicant granted leave to amend the DA to rely on the plans and documents listed at Condition 2 of Annexure A. 2. The applicant is to pay the respondent's costs thrown away as a result of the amendments made as agreed or assessed. 3. The appeal is upheld.

Legal Matter	Amounts, costs and expenses paid or received		Summary of the state of progress	Result
	PAID	RECEIVED		
				4. DA 22/0884 for demolition of the existing structures, removal of trees, construction of a multi-dwelling housing development comprising of 7 townhouses and associated car parking at 4-6 Etheridge Street, Mittagong, is determined by a grant of consent subject to conditions. Outstanding costs order
16 Ascot Road, Bowral ELK Designs Newcastle Pty Ltd v Wingecarribee Shire Council Class 1 proceedings – Land & Environment Court DA22/0548	\$26,577		Judgement handed down	1. The Applicant is to pay the Respondent's costs thrown away as a result of the amendment of the DA in the amount as agreed or assessed. 2. The appeal is upheld . 3. DA22/0548 for the demolition of the existing dwelling and ancillary structures and construction of a multi-dwelling housing development consisting of eight (8) dwellings at 16 Ascot Road, Bowral, is determined by way of granting development consent, subject to the conditions set out in Annexure "A" to this agreement.
61 Old Hume Highway, Mittagong Feldkirchen Pty Ltd v Development Implementation Pty Ltd & Wingecarribee Shire Council Notice of Appeal – Supreme Court of Australia	\$900		Finalised	1. The appeal is dismissed . 2. The appellant is to pay the respondents' costs of the appeal.
630 Colo Road, Colo Vale Holcim (Australia) Pty Ltd v Wingecarribee Shire Council Class 4 proceedings – Land & Environment Court DA2958 D2 – 385/90	\$3,256		Ongoing	N/A
160 Old South Road, Bowral Jeff Knox v Wingecarribee Shire Council Class 1 proceedings – Land & Environment Court DA327/2020	\$10,886		Finalised	Application withdrawn
421 Myra Vale Road, Wildes Meadow Lee Environmental Planning (Lasovase Pty Ltd) v Wingecarribee Shire Council	\$89,825		Ongoing	N/A

Legal Matter	Amounts, costs and expenses paid or received		Summary of the state of progress	Result
	PAID	RECEIVED		
Class 1 proceedings – Land & Environment Court DA19/0963				
381 Wildes Meadow Road, Wildes Meadow Long & Long v Wingecarribee Shire Council Class 1 proceedings – Land & Environment Court DA22/1350	\$59,959		Judgement handed down	<ol style="list-style-type: none"> 1. The Applicant is granted leave to amend the application to rely on amended plans and additional information listed in the Conditions of Consent at Annexure A. 2. The appeal is upheld. 3. DA 22/1350 for the construction of a timber framed weatherboard dwelling and conversion of the existing cottage to a studio, at 381 Wildes Meadow Road, Wildes Meadow, is determined by the grant of consent, subject to the Conditions of Consent at Annexure A.
603 Argyle Street, Moss Vale Moss Vale Highlands Pty Ltd (as trustee for the Moss Vale Highlands Unit Trust) v Wingecarribee Shire Council Class 1 proceedings – Land & Environment Court DA23/0517	\$23,527		Ongoing	N/A
6-8 Wiseman Road, Bowral Pepperfield 6 Wiseman Road Pty Ltd v Wingecarribee Shire Council Class 1 proceedings – Land & Environment Court DA22/0214	\$9,462		Ongoing	N/A
54-56, 58 Robertson Road, Moss Vale Powerex Group Pty Ltd v Wingecarribee Shire Council Class 1 proceedings – Land & Environment Court DA22/1318	\$110,356		Judgement handed down	<ol style="list-style-type: none"> 1. Leave is granted to amend the development application consistent with the plans and documents set out in Condition 2 of Annexure A. 2. The appeal is upheld. 3. DA22/1318 for the demolition of existing buildings and works, subdivision of land and carrying out of works to create 22 residential lots, and carrying out of works for the purposes of a road, and tree removal, at Lot 24 DP535979 and Lot 1 DP618016, known as 54-56 and 58 Robertson Road, Moss Vale NSW, is approved subject to the conditions in Annexure A.

Legal Matter	Amounts, costs and expenses paid or received		Summary of the state of progress	Result
	PAID	RECEIVED		
Ferguson Crescent & Belmore Road, Mittagong Rebecca White v Wingecarribee Shire Council Class 1 proceedings – Land & Environment Court DA22/0792	\$72,313		Judgement handed down	1. The Applicant is granted leave to amend the application to rely on amended plans listed in the Conditions of Consent at Annexure A. 2. The Applicant is to pay the Respondent's costs thrown away as a result of the amendment of the application, as agreed or assessed. 3. The appeal is upheld . 4. DA22/0792 for a seniors housing development comprising 40 self-contained dwellings and associated works, at Lots 21 and 22 Section 1 in DP 651 and Lots 3 and 4 in DP 1100480, located at Ferguson Crescent and Belmore Road, Mittagong, is determined by the grant of consent, subject to the Conditions of Consent at Annexure A.
27 Kimberley Drive, Bowral Wingecarribee Shire Council v Lake House Bowral Pty Ltd Unauthorised works	\$103,947		Ongoing	N/A
267 Bundanoon Road, Exeter Lee v Wingecarribee Shire Council Class 1 proceedings – Land and Environment Court DA22/0890	\$89,825		Ongoing	N/A
100 Bowral Road, Mittagong Mecone Group Pty Ltd v Wingecarribee Shire Council Class 1 proceedings – Land & Environment Court DA22/1193	\$6,297		Ongoing	N/A
51 Range Road, Mittagong Winifred West Schools Ltd v Wingecarribee Shire Council Class 1 proceedings – Land & Environment Court DA20/0747	\$1,500		Judgement reserved	Costs order outstanding
23 Innes Road, Moss Vale Ironlaw Pty Ltd v WSC Class 1 proceedings – Land & Environment Court DA22/1595	\$2014		Finalised	Discontinued
1 Willis Street, Bundanoon Maxson Developments Pty Ltd v WSC Class 1 proceedings – Land & Environment Court DA20/1123.01	\$8590		Judgement handed down	1. The appeal is upheld ; 2. DA20/1123 for land at 1 Willis Street, Bundanoon is modified in the terms in Annexure 'A' to this judgment;

Legal Matter	Amounts, costs and expenses paid or received		Summary of the state of progress	Result
	PAID	RECEIVED		
				3. DA20/1123.01 as modified by the Court is provided at Annexure 'B' to this judgment.
9A Henderson Ave, Mittagong Trio Enterprises v WSC DA23/0445	\$13,656		Ongoing	N/A
1 Red Fields Rd, Moss Vale Eilbeck Management Services Pty Ltd v WSC Class 2 proceedings – Land & Environment Court	\$8,736		Ongoing	N/A
2500 Canyonleigh Road, Canyonleigh Edwards Pension Fund v WSC Class 1 proceedings – Land & Environment Court DA22/0800	\$22,389		Ongoing	N/A
160 Old South Road, Bowral Knox v WSC Class 1 proceedings – Land & Environment Court DA23/0735	\$1,104		Ongoing	N/A
Claim for costs by Christine Fenwick (objector) in the matter of Woodside Properties Pty Ltd and Rochester Estate Pty Ltd v WSC Class 1 proceedings – Land & Environment Court 102-104 Old Wingello Road, Bundanoon	\$4,016		Finalised	Full and final payment of agreed costs made.