

LAND AND ENVIRONMENT COURT OF NSW FILED ON	
- 1 MAR 2023	
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## APPLICATION CLASS 1

### COURT DETAILS

Court Land and Environment Court of New South Wales  
Class 1  
Case number 2023/ 68786

### TITLE OF PROCEEDINGS

Applicant WH Project Management Pty Ltd  
Respondent Georges River Council

### FILING DETAILS

Filed for WH Project Management Pty Ltd, Applicant  
Legal representative Aaron Gadiel  
Mills Oakley  
Level 7, 151 Clarence Street  
SYDNEY NSW 2000  
Legal representative reference AXGS/EBRS/3605742  
Contact name and telephone Emily Ryan (02) 8289 5833  
Contact email eryan@millsoakley.com.au

### HEARING DETAILS

This application is listed at 29 MAR 2023 LAND AND ENVIRONMENT COURT OF NSW  
225 Macquarie Street  
SYDNEY NSW 2000

### TYPE OF CLAIM

Planning law – appeal made directly to the Court to modify development consent (s 4.55(8) of the *Environmental Planning and Assessment Act 1979*)

A copy of this document  
must be served

- 8 MAR 2023

## DETAILS OF APPLICATION

Date or other identification of the decision, or other matter appealed against, objected to, complained of or referred or remitted to the court

Application to modify development consent DA2017/0402 granted by the NSW Land and Environment Court in *WH Project Management Pty Ltd v Georges River Council* [2020] NSWLEC 1508 on 23 October 2020 (proceedings 2020/60885) for 'demolition of existing structures on the site; construction of new mixed use buildings and ground floor commercial/retail, 11 levels of apartments and 3 levels of basement car parking; and strata subdivision'. The subject modification application seeks to modify condition B.1 of the consent to modify the southern fire stair egress and related and consequential amendments to the approved plans for 1 Butler Road Hurstville.

Act or instrument under which the proceedings are brought

Section 4.55(8) of the *Environmental Planning and Assessment Act 1979*

## ORDERS SOUGHT

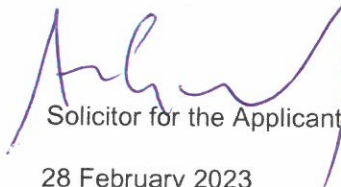
- 1 The application is approved.
- 2 The development consent granted by the NSW Land and Environment Court in DA2017/0402 on 23 October 2020 (proceedings 2020/60885) is modified by amending condition B.1 of the development consent to incorporate the plans and specifications set out in the application.
- 3 Any other order the Court deems fit.

## SIGNATURE

Signature of legal representative

Capacity

Date of signature

  
Solicitor for the Applicant

28 February 2023

## NOTICE TO RESPONDENT

If your solicitor, barrister, authorised agent or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the relief claimed in the application and for the applicant's costs of bringing these proceedings.

You must enter an appearance before you can appear before the court.

## HOW TO RESPOND

**Please read this application very carefully. If you have any trouble understanding it or require assistance on how to respond to the application you should get legal advice as soon as possible.**

You can get further information about what you need to do to respond to the application from:

- The court registry.

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au).
- Court forms are available on the LEC website at [www.lawlink.nsw.gov.au/lec](http://www.lawlink.nsw.gov.au/lec).

## **REGISTRY ADDRESS**

Street address	Level 4, 225 Macquarie Street, Windeyer Chambers, SYDNEY NSW 2000
Postal address	GPO Box 3565, SYDNEY NSW 2001
Telephone	(02) 9113 8200

## **FURTHER DETAILS ABOUT APPLICANT**

### **Applicant**

Name	WH Project Management Pty Ltd
Address	Level 9, 68 Dixon Street HAYMARKET NSW 2000

### **Legal representative for Applicant**

Name	Aaron Gadiel
Practising certificate number	50275
Firm	Mills Oakley
Contact solicitor	Emily Ryan
Address	Level 7, 151 Clarence Street SYDNEY NSW 2000
DX address	DX 13025 Sydney Market Street
Telephone	(02) 8289 5833
Email	eryan@millsoakley.com.au

## **DETAILS ABOUT RESPONDENT**

### **Respondent**

Name	Georges River Council
Address	Georges River Civic Centre Cnr MacMahon and Dora Streets Hurstville NSW 1481