

NOTICE OF MOTION



FILED ON

22 JUL 2024

COURT DETAILS

Court Land and Environment Court of New South Wales
Class 1
Case number 2023/266853

TITLE OF PROCEEDINGS

Applicant **Waluya Pty Ltd**
Respondent **Minister for Planning and Public Spaces**

FILING DETAILS

Filed for **Waluya Pty Ltd, Applicant**
Legal representative Aaron Gadiel
Mills Oakley
Level 7, 151 Clarence Street
SYDNEY NSW 2000
Legal representative reference AXGS/JZAS/3698757
Contact name and telephone Julide Ayas (02) 8035 7918
Contact email jayas@millsoakley.com.au

PERSONS AFFECTED BY ORDERS SOUGHT

Waluya Pty Ltd, Applicant and
Minister for Planning and Public Spaces, Respondent.

HEARING DETAILS

This motion is listed on 29 July 2024.

A copy of this document
must be served

by *23 July 2024*

ORDERS SOUGHT

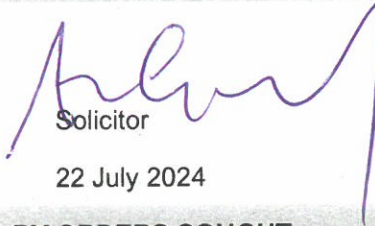
1. The Court, exercising under s 39(2) of the *Land and Environment Court Act 1979* the function of the consent authority under clause 38(1) of the *Environmental Planning and Assessment Regulation 2021* approves the Applicant's application for an amendment to development application no. 23/1084 to rely on the drawings and documents listed in the Schedule.
2. The Applicant is to pay the Respondent's costs thrown away pursuant to section 8.15(3) of the *Environmental Planning and Assessment Act 1979* as agreed or assessed.
3. The Respondent is to file and serve its amended statement of facts and contentions by **19 August 2024**.
4. The Applicant is to file and serve any amended statement of facts and contentions in reply by **26 August 2024**.
5. The matter be listed for an online court communication on 6 September 2024 to enable the parties to seek any orders for expert evidence.
6. Vacate the online court listing on **9 August 2024**.

SIGNATURE

Signature of legal representative

Capacity

Date of signature


Solicitor
22 July 2024

NOTICE TO PERSON AFFECTED BY ORDERS SOUGHT

If you do not attend, the court may hear the motion and make orders, including orders for costs, in your absence.

REGISTRY ADDRESS

Street address	The Land and Environment Court of NSW Level 4, 225 Macquarie Street Windeyer Chambers Sydney NSW 2000
Postal address	GPO Box 3565 SYDNEY NSW 2001
Telephone	02 9113 8200

Schedule

- (a) Addendum statement of environmental effects prepared by Urbis dated 18 July 2024;
- (b) Schedule of amendments summarising architectural changes prepared by DEM dated 15 July 2024;
- (c) Architectural plans prepared by DEM:
 - (i) Cover Page (Drawing no. ar-cv00, Revision a03) dated 19 March 2024;
 - (ii) Site Plan (Drawing no. ar-0200, Revision a07) dated 15 July 2024;
 - (iii) Site analysis (Drawing no. ar0201, Revision a01) dated 16 December 2022;
 - (iv) Demolition plan (Drawing no. ar-0300, Revision a03) dated 13 February 2024;
 - (v) Ground floor plan – part 1 (Drawing no. ar-1200, Revision a05) dated 15 July 2024;
 - (vi) Ground floor plan – part 2 (Drawing no. ar-1201, Revision a04) dated 15 July 2024;
 - (vii) First floor plan – part 1 (Drawing no. ar-1202, Revision a05) dated 15 July 2024;
 - (viii) First floor plan – part 2 (Drawing no. ar-1203, Revision a04) dated 15 July 2024;
 - (ix) Roof plan – part 1 (Drawing no. ar-1204, Revision a05) dated 15 July 2024;
 - (x) Roof plan – part 2 (Drawing no. ar-1205, Revision a04) dated 15 July 2024;
 - (xi) Sections (Drawing no. ar-2200, Revision a05) dated 15 July 2024;
 - (xii) Building sections sheet 1 (Drawing no. ar-2210, Revision a05) dated 15 July 2024;
 - (xiii) Building sections sheet 2 (Drawing no. ar-2211, Revision a04) dated 15 July 2024;
 - (xiv) Site elevations (Drawing no. ar-2600, Revision a03) dated 15 July 2024;
 - (xv) Building elevations sheet 1 (Drawing no. ar-2610, Revision a03) dated 15 July 2024;

- (xvi) Building elevations sheet 2 (Drawing no. ar-2611, Revision a03) dated 15 July 2024;
 - (xvii) Building elevations sheet 3 (Drawing no. ar-2612, Revision a03) dated 15 July 2024;
 - (xviii) Shadow diagram 9am Mid-Winter (21 June) (Drawing no. arsk5300, Revision -02) dated 15 July 2024;
 - (xix) Shadow diagram 12pm Mid-Winter (21 June) (Drawing no. arsk5301, Revision -02) dated 15 July 2024;
 - (xx) Shadow diagram 3pm Mid-Winter (21 June) (Drawing no. arsk5302, Revision -02) dated 15 July 2024.
- (d) Schedule of amendments summarising landscape plan amendments prepared by Studio IZ Pty Ltd dated 15 July 2024;
 - (e) Landscape plans prepared by Studio IZ Pty Ltd:
 - (i) Cover Sheet (Drawing No. LA-000, Issue F) dated 15 July 2024;
 - (ii) Legends & General Notes (Drawing No. LA-001, Issue F) dated 15 July 2024;
 - (iii) General Arrangement Plan – Sheet 1 (Drawing No. LA-101, Issue F) dated 15 July 2024;
 - (iv) General Arrangement Plan – Sheet 2 (Drawing No. LA-102, Issue F) dated 15 July 2024;
 - (v) Planting Plan – Sheet 1 (Drawing No. LA-201, Issue F) dated 15 July 2024;
 - (vi) Planting Plan – Sheet 2 (Drawing No. LA-202, Issue F) dated 15 July 2024;
 - (vii) Specification Notes (Drawing No. LA-500, Issue F) dated 15 July 2024.
 - (f) Visual impact assessment prepared by DEM (Aust) Pty Ltd dated 17 July 2024;
 - (g) Updated transport impact assessment prepared by Stantec dated 17 July 2024;
 - (h) Detailed site investigation prepared by Stantec dated 8 February 2024;
 - (i) Hazardous materials survey prepared by Remedy Enviro Services dated 17 May 2024;
 - (j) Remediation Action Plan prepared by Stantec dated 19 July 2024;

- (k) Report on Geotechnical Investigation prepared by Stantec dated 19 July 2024;
- (l) Biodiversity Development Assessment Report prepared by Travers Bushfire & Ecology dated 19 July 2024;
- (m) Arboriculture Impact Assessment Report prepared by Travers Bushfire & Ecology dated 18 July 2024;
- (n) Civil Stormwater Management Report prepared by AT&L dated April 2024:
 - (i) Appendix A: Detailed site survey;
 - (ii) Appendix B1: Civil Development Application Drawings;
 - (iii) Appendix B2: Retaining Walls Package and Design Certificate;
 - (iv) Appendix C: MUSIC Model and Report;
 - (v) Appendix D: Dial Before You Dig (DBYD);
 - (vi) Appendix E: Drains Results;
 - (vii) Appendix F: Flood Assessment dated 7 May 2024;
- (o) Letter summarising amendments to flood assessment post-DA prepared by AT&L dated 16 July 2024;
- (p) Flood Emergency Response Plan prepared by AT&L dated 18 July 2024;
- (q) Preliminary operational management plan prepared by Urbis dated 2 May 2024;
- (r) Operational Management Plan, Supplementary Information prepared by Urbis dated 11 July 2024;
- (s) Site survey drawings prepared by Beveridge Williams (Version B) dated 21 July 2023;
- (t) Concept signage plan prepared by Stantec (Sheet 1 of 1) dated 1 February 2024;
- (u) Supplementary advice on extent of earthworks prepared by Stantec dated 11 July 2024;
- (v) Racecourse Road License Agreement;
- (w) Structural drawings prepared by Triaxal Consulting;

- (i) Cover Sheet & Drawing List (Drawing No. S1.01, Issue A) dated 7 February 2024;
- (ii) General Notes Sheet 1 (Drawing No. S1.02, Issue A) dated 7 February 2024;
- (iii) General Notes Sheet 2 (Drawing No. S1.03, Issue A) dated 7 February 2024;
- (iv) Overall Site Retention Plan (Drawing No. S2.01, Issue B) dated 18 March 2024;
- (v) Shoring Wall RW No. 01 Plan (Drawing No. S2.02, Issue B) dated 18 March 2024;
- (vi) Shoring Wall RW No. 01 Plan Part 2 (Drawing No. S2.03, Issue B) dated 18 March 2024;
- (vii) Shoring Wall R1 No. 01 Elevations – E01 (Drawing No. S3.01, Issue B) dated 18 March 2024;
- (viii) Shoring Wall RW No. 01 Elevation – E02 (Drawing No. S3.02, Issue B) dated 18 March 2024;
- (ix) Shoring Wall RW No. 01 Elevation -E03 (Drawing No. S3.03, Issue B) dated 18 March 2024;
- (x) Shoring Wall RW No. 01 Elevation – E04 (Drawing No. S3.04, Issue B) dated 18 March 2024;
- (xi) Shoring Wall RW No. 01 Elevation – E05 Part 1 (Drawing No. S3.05, Issue B) dated 18 March 2024;
- (xii) Shoring Wall RW No. 01 Elevation – E05 Part 2 (Drawing No. S3.06, Issue B) dated 18 March 2024;
- (xiii) Shoring Wall RW No. 01 Elevation – E06, E07 & E08 (Drawing No. S3.07, Issue B) dated 18 March 2024;
- (xiv) Shoring Wall RW No. 01 Elevation -E09 (Drawing No. S3.08, Issue B) dated 18 March 2024;
- (xv) Shoring Wall RW No. 01 Elevation – E10 (Drawing No. S3.09, Issue B) dated 18 March 2024;
- (xvi) Shoring Wall RW No. 01 Construction Sequence (Drawing No. S3.10, Issue B) dated 18 March 2024;

- (xvii) Shoring Wall Details (Drawing No. S5.01, Issue B) dated 18 March 2024;
 - (xviii) Retaining Wall Part Plan (Drawing No. S6.01, Issue B) dated 7 February 2024;
 - (xix) Retaining Wall Details Sheet 1 (Drawing No. S6.02, Issue A) dated 7 February 2024; and
 - (xx) Retaining Wall Details Sheet 2 (Drawing No. S6.03, Issue A) dated 7 February 2024.
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- (x) Revised DA Design Report prepared by DEM dated 13 February 2024;
 - (y) Site survey – sewer location prepared by Beveridge Williams (Version A) dated 2 February 2024;
 - (z) Letter from Urbis – Revised Design Environmental Impact Assessment dated 11 July 2024;
 - (aa) Justification for maintaining the current location of the private vehicle ramp and retention of ‘potential future depot expansion area’ prepared by DEM dated 17 July 2024; and
 - (bb) Letter from Mills Oakley dated 22 July 2024.