

## **AMENDED APPLICATION CLASS 1**

### **COURT DETAILS**

Court	Land and Environment Court of New South Wales
Class	1
Case number	2021/355201

### **TITLE OF PROCEEDINGS**

Applicant	<b>Urban Apartments Pty Ltd</b>
Respondent	<b>Penrith City Council</b>

### **FILING DETAILS**

Filed for	<b>Urban Apartments Pty Ltd, Applicant</b>	
Legal representative	Aaron Gadiel Mills Oakley Level 7, 151 Clarence Street SYDNEY NSW 2000	
Legal representative reference	AXGS/JZAS/3554691	
Contact name and telephone	Julide Ayas	(02) 8035 7918
Contact email	jayas@millsOakley.com.au	

### **HEARING DETAILS**

This application is listed at

### **TYPE OF CLAIM**

Planning law - appeal against deemed or actual refusal of development application (s 8.7 of the *Environmental Planning and Assessment Act 1979*)

## 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

Appeal against the Respondent's actual refusal of the Applicant's development application DA20/0167, for the construction of a mixed use development including residential apartments, services apartments, commercial/retail suites, car parking, associated landscape works and subdivision of land.

Act or instrument under which the proceedings are brought

Section 8.7(1) of the *Environmental Planning and Assessment Act 1979*

## ORDERS SOUGHT

- 1 The appeal is upheld.
- 2 Development application DA20/0167 is determined by the grant of consent.
- 3 The Respondent is directed to register the development consent on the NSW planning portal in accordance with section 4.20(1) of the *Environmental Planning and Assessment Act 1979* within 14 days of the date of these orders.
- 3A The Court directs the general manager of the Respondent to execute, for and on behalf of the Respondent, the 'Release or Extinguishment of Restriction on the Use of Land' (in relation to registered dealing DP1162271) before the Court such that the requirements for registration in that regard are satisfied.
- 4 Any other order the Court deems fit.

## SIGNATURE

Signature of legal representative

Capacity

Solicitor for the Applicant

Date of signature

## 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	Urban Apartments Pty Ltd
Address	Level 10 11-15 Deane Street BURWOOD NSW 2134

### Legal representative for Applicant

Name	Aaron Gadiel
Practising certificate number	50275
Firm	Mills Oakley
Contact solicitor	Julide Ayas
Address	Level 7, 151 Clarence Street SYDNEY NSW 2000
DX address	DX 13025 Sydney Market Street
Telephone	(02) 8035 7918
Email	jayas@millsoakley.com.au

## DETAILS ABOUT RESPONDENT

### Respondent

Name	Penrith City Council
Address	601 High Street PENRITH NSW 2750