



LAND AND ENVIRONMENT COURT OF NSW FILED ON	
08 SEP 2022	
	INT

## NOTICE OF MOTION

### COURT DETAILS

Court Land and Environment Court of New South Wales  
Class 1  
Case number 2022/83289 - 002 .

### TITLE OF PROCEEDINGS

Applicant **Michael Philip Bennett**  
  
Respondent **Northern Beaches Council**

### FILING DETAILS

Prepared for **Michael Philip Bennett, Applicant**  
Legal representative Stephanie Vatala, Dentons Australia  
Level 16  
77 Castlereagh Street  
Sydney NSW 2000  
  
Legal representative reference SSV:42019157  
Contact name and telephone Stephanie Vatala (02) 9035 7686  
Contact email stephanie.vatala@dentons.com

### PERSON AFFECTED BY ORDERS SOUGHT

**Northern Beaches Council** (respondent)

### HEARING DETAILS

This motion is listed at 9 am on Friday, 8 September 2022

TIME FOR SERVICE  
ABRIDGED TO  
ORDER  
Service Deputy  
REGISTRAR.

Jan 6. 9.12

*[Signature]*

[on separate page]

## ORDERS SOUGHT

- 1 This motion is returnable before the Registrar at 9 am on Friday, 9 September 2022.
- 2 The Court, exercising under s 39(2) of the *Land and Environment Court Act 1979* (NSW) the function of the consent authority under cl 55(1) of the *Environmental Planning and Assessment Regulation 2000* (NSW), agrees to the Applicant amending development application DA2021/0311 filed with the Court on 23 March 2022 by including and substituting (as the circumstances require) the amended plans and documents listed in Schedule A to this motion and contained in Exhibit SV-1 to the affidavit of Stephanie Vatala sworn on 8 September 2022.
- 3 The Applicant is to lodge the amended plans and documents referred to in Order 1 on the NSW planning portal within 7 days and notify the Respondent after they have been so lodged.
- 4 The Applicant to file an affidavit confirming satisfaction of Order 2 within 7 days after that Order has been complied with.
- 5 In the event that the Applicant is unable to lodge the amended plans and documents referred to in Order 1 on the NSW planning portal, the Applicant is to notify the Court via Online Court as soon as possible and by no later than 14 days of the date of these orders and request that the matter be relisted for further directions.
- 6 The Applicant is to pay the Council's costs thrown away as a result of the amendments pursuant to section 8.15(3) of the *Environmental Planning and Assessment Act* as agreed or assessed.
- 7 Such further or other orders as the Court sees fit.

## SIGNATURE

Signature of legal representative



Capacity

Solicitor

Date of signature

8 September 2022

## 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	Level 4, 225 Macquarie St Sydney NSW 2000
Postal address	GPO Box 3565 SYDNEY NSW 2001
Telephone	(02) 9113 8200

**Schedule A to Notice of Motion dated 8 September 2022**

Item No.	Document	Prepared by	Date
1	<p>Amended architectural plans:</p> <ul style="list-style-type: none"> <li>• Cover Sheet, Drawing No. DA00, Issue 2, dated 18/07/2022;</li> <li>• Site Analysis Plan, Drawing No. DA01, Issue 1, dated 19/03/2021;</li> <li>• Site/Roof Plan, Drawing No. DA02, Issue 2, dated 18/07/2022;</li> <li>• Ground Floor Plan, Drawing No. DA03, Issue 3, dated 18/07/2022;</li> <li>• First Floor Plan, Drawing No. DA04, Issue 2, dated 18/07/2022;</li> <li>• South Elevation (Streetscape) Plan, Drawing No. DA05, Issue 3, dated 18/07/2022;</li> <li>• East Elevation Plan, Drawing No. DA06, Issue 2, dated 18/07/2022;</li> <li>• North Elevation Plan, Drawing No. DA07, Issue 1, dated 19/03/2021;</li> <li>• West Elevation Plan, Drawing No. DA08, Issue 2, dated 18/07/2022;</li> </ul>	MCK Architects	Various

Item No.	Document	Prepared by	Date
	<ul style="list-style-type: none"> <li>• Section A Plan, Drawing No. DA09, Issue 2, dated 18/07/2022;</li> <li>• Section B Plan, Drawing No. DA10, Issue 1, dated 19/03/2021;</li> <li>• Section C Plan, Drawing No. DA11, Issue 1, dated 19/03/2021;</li> <li>• Compliance Table, Drawing No. DA12, Issue 1, dated 19/03/2021;</li> <li>• Shadow Diagrams, Drawing No. DA13, Issue 1, dated 19/03/2021;</li> <li>• Shadow Diagrams, Drawing No. DA14, Issue 1, dated 19/03/2021; and</li> <li>• Materials Board, Drawing No. DA15, Issue 1, dated 19/03/2021.</li> </ul>		
2	Bin Store Plan, Drawing No. SK04, Issue 1	MCK Architects	19/07/2022
3	Service Protection Report, Drawing No. SPR1, Issue 1	MGP Building & Infrastructure Services	13/7/2022