

APPLICATION CLASS 1

COURT DETAILS

Court Land and Environment Court of New South Wales
Class Class 1
Case number 20/254301

TITLE OF PROCEEDINGS

Applicant **ST MARY'S & ST MINA'S COPTIC ORTHODOX CHURCH**

Respondent **BAYSIDE COUNCIL**

FILING DETAILS

Filed for **ST MARY'S & ST MINA'S COPTIC ORTHODOX CHURCH, Applicant**
Legal representative Anthony Boskovitz, Boskovitz Lawyers
Legal representative reference 58738
Contact name and telephone Anthony Boskovitz, (02) 8711-0944
Contact email anthony@boskovitzlawyers.com

HEARING DETAILS

This application is listed at **29 SEP 2020** LAND AND ENVIRONMENT COURT OF NSW
225 Macquarie Street
SYDNEY NSW 2000

TYPE OF CLAIM

Planning Law, Appeal against Refusal of DA2019/255 s8.7 Environmental Planning and Assessment Act

eCOURT ACCESS

For eCourt purposes, please give access to the following accounts:

Anthony Boskovitz (Anthony.B)

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 DA2019/255 – 339-377 Forest Road, Bexley NSW 2207
Planning Law Appeal against refused Application
Demolition of existing structures and construction of a part two 92) and part three (3) storey child care centre with basement parking and roof top play area
Act or instrument under which the proceedings are brought Section 8.7 Environmental Planning and Assessment Act 1979

A copy of this document
must be served **8 SEP 2020**

by.....

ORDERS SOUGHT

The applicant seeks the following orders:

1. Approve development application number DA2019/255
2. That the appeal be upheld
3. Such further and other orders as the Court sees fit.

Documents

1. Development Application dated 27 June 2019 and development application checklist.
2. Development Application receipt dated 16 July 2019.
3. Disclosure Statement of Political Donations and Gifts
4. Minutes and Meeting Notice of a meeting of the Bayside Local Planning Panel dated 11 August 2020.
5. Notarial Certificate dated 22 July 2016.
6. Application for Approval of Development Application Notice to by Council to Sydney Airport dated 16 July 2019.
7. Elemental Summary DA Cost Report prepared by Mitchell Brandtman dated 3 May 2019.
8. Appendix 1 Design Statement Template prepared by Courvaras Architects
9. Statement of Environmental Effects prepared by Wynne Planning dated July 2019.
10. Statement of Compliance Access for People with a Disability report prepared by Accessible Building Solutions dated 6 June 2019.
11. Letter outlining gross floor area calculation prepared by Mitchell Brandtman Quantity Surveyors and Construction Expert Opinion dated 15 July 2019.
12. Air Quality and Odour Assessment Report prepared by Airsafe dated 4 March 2019.
13. Development Application Acoustic Report prepared by Acoustic Logic dated 28 February 2020.
14. Arboricultural Impact Assessment Report prepared by Jackson Nature Works dated 2 May 2019.
15. Geotechnical Investigation Report prepared by Geo-Environmental Engineering dated 22 February 2020.

16. Heritage Impact Statement prepared by Weir Phillips Heritage and Planning dated April 2019.
17. Traffic and Parking Impact Assessment prepared by Hemanote Consultants dated June 2019.
18. Construction Traffic Management Plan prepared by Hemanote Consultants dated February 2020.
19. Vehicle Swept Paths prepared by Hemanote Consultants dated 26 February 2020.
20. Architectural Plans prepared by Couvaras Architects including:
 - i. Cover Sheet 00 Issue M dated 25 May 2020;
 - ii. Context Plan 01 Issue I dated 26 June 2019;
 - iii. Site Analysis Plan 02 Issue I dated 26 June 2019;
 - iv. Site Plan 03 Issue L dated 17 February 2020;
 - v. Basement Plan 04 Issue L dated 17 February 2020;
 - vi. Basement Driveway Ramp 05 Issue L dated 17 February 2020;
 - vii. Ground Floor Plan 06 Issue L dated 17 February 2020;
 - viii. First Floor Plan 07 Issue L dated 17 February 2020;
 - ix. Roof Top Plan 08 Issue M dated 25 May 2020;
 - x. Elevations Plan 09 Issue L dated 17 February 2020;
 - xi. Elevations Plan 10 Issue L dated 17 February 2020;
 - xii. Elevations Plan 11 Issue L dated 17 February 2020;
 - xiii. Sections Plan 12 Issue L dated 17 February 2020;
 - xiv. Sections Plan 13 Issue L dated 17 February 2020;
 - xv. Height Comparison Plan 13A Issue L dated 17 February 2020;
 - xvi. Shadow Diagrams 14 Issue L dated 17 February 2020;
 - xvii. Area Calculation Plans 15 Issue M dated 25 May 2020;
 - xviii. Existing Building Area Calcs 15A Issue L dated 17 February 2020;
 - xix. Construction Management Plan 16 Issue I dated 26 June 2019;
 - xx. Tree Management Plan 17 Issue M dated 25 May 2020;
 - xxi. Waste Management Plan 18 Issue I dated 26 June 2019;

- xxii. Colours and Materials Schedule 19 Issue M dated 25 May 2020;
 - xxiii. Operations Plan – Mon-Fri 20 Issue M dated 25 May 2020;
 - xxiv. Operations Plan – Weekends 21 Issue L dated 17 February 2020;
 - xxv. Context Elevations Plan 22 Issue L dated 17 February 2020;
 - xxvi. Soil and Water Management Plan 23 Issue J dated 11 July 2019;
 - xxvii. MGA Survey 24;
 - xxviii. 3D Street Perspectives Plan 28 Issue L dated 17 February 2020;
 - xxix. 3D Street Perspectives Plan 29 Issue L dated 17 February 2020;
 - xxx. 3D Perspectives Plan 30 Issue L dated 17 February 2020;
 - xxxi. 3D Street Perspectives Plan 31 Issue L dated 17 February 2020;
 - xxxii. Demolition Plan 32 Issue M dated 25 May 2020;
 - xxxiii. Fence Plan 33 Issue M dated 25 May 2020;
 - xxxiv. Neighbour Notification NN Issue I dated 26 June 2019;
21. Stormwater Concept Plan Certificate prepared by Rockdale City Council dated 29 April 2019 and Stormwater Management Plan prepared by NY Civil Engineering dated 18 February 2020 including:
- i. Details, Notes and Legend D1 Issue B;
 - ii. Stormwater Management Plan D2 Issue B;
 - iii. Stormwater Management Plan D3 Issue B;
 - iv. Stormwater Details D4 Issue B;
 - v. Sediment Control Plan and Details D5 Issue B;
22. Landscape Plans prepared by Zenith Landscape Designs Pty Ltd dated 3 March 2018 including:
- i. Landscape Plan 18-3653 LO1 Revision B;
 - ii. Landscape Plan 18-3653 LO2 Revision B;
 - iii. Landscape Plan 18-3653 LO3 Revision B;
23. Survey Plan prepared by JRK Surveys dated 5 July 2019.

SIGNATURE

Signature of legal representative



Capacity

Solicitor

Date of signature

1 September 2020

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.

Court forms are available on the LEC website at 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

PARTY DETAILS**PARTIES TO THE PROCEEDINGS****Applicant****St Mary's and St Mina's Coptic Orthodox
Church****Respondent****Bayside Council**

FURTHER DETAILS ABOUT APPLICANT**Applicant**

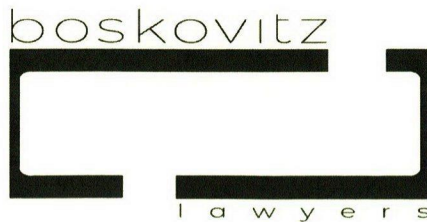
Name	ST MARY'S & ST MINA'S COPTIC ORTHODOX CHURCH
Address	PO Box 463 Ramsgate NSW 2217

Legal representative for applicant

Name	Anthony Boskovitz
Practising certificate number	58738
Firm	Boskovitz Lawyers
Address	Suite 110, Level 1, 203-233 New South Head Road Edgecliff NSW 2027
Telephone	(02) 8711-0944
Fax	(02) 8711-0955
Email	anthony@boskovitzlawyers.com

DETAILS ABOUT RESPONDENT**Respondent**

Name	BAYSIDE COUNCIL
Address	444 Princes Hwy, Rockdale NSW 2216



PROPERTY | PLANNING | CONSTRUCTION

2 September 2020

Our Ref: AB:TS:2020/1208

Bayside Council
444-446 Princess Highway
ROCKDALE NSW 2216
BY COURIER

Dear Sir/Madam

RE: ST MARY'S AND ST MINA'S COPTIC ORTHODOX CHURCH – v – BAYSIDE COUNCIL
PROPERTY: 339-377 FOREST RD, BEXLEY NSW 2207

Please find enclosed by way of service Class 1 Application and supporting documents.

Yours faithfully,

BOSKOVITZ LAWYERS

A handwritten signature in black ink, appearing to read "ABL".

ANTHONY BOSKOVITZ

Suite 110, Level 1, 203-233 New South Head Road, Edgecliff NSW 2027
PO Box 305, Edgecliff NSW 2027
Tel: (02) 8711 0944 Fax: (02) 8711 0955 Email: info@boskovitzlawyers.com

APPLICATION CLASS 1

COURT DETAILS

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

TITLE OF PROCEEDINGS

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