



**Land and Environment  
Court**  
of New South Wales

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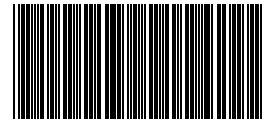
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Your Ref:



D0001GJZNY

24 August 2021

### NOTICE OF ORDERS MADE

Case number 2020/00208862  
Case title CADELE INVESTMENTS PTY LTD v Randwick City Council

On 24 August 2021 the following orders (and/or directions) were made:

The Court orders that:

- (1) The Court, exercising under s 39(2) of the Land and Environment Court Act 1979 the function of the Randwick City Council as the relevant consent authority under cl 55(1) of the EPA Regulation, agrees to the Applicant amending the development application DA/222/2020 filed with the Court on 16 July 2020 as set out in the following documents: See Table in Attachment 1
- (2) The respondent, Randwick City Council, as the relevant consent authority, is to lodge the amendment of the development application on the NSW planning portal within 7 days of the date of this order and notify the Applicant immediately after it has been lodged.
- (3) The Applicant is to file a copy of the amended development application within 7 days after the respondent has notified the Applicant that the amendment has been lodged on the NSW planning portal.
- (4) The respondent is to update its draft Conditions of Consent as filed with the Court on 18 May 2021 amended to reflect the findings in this judgment and to file a copy of the amended draft conditions within 7 days after it has notified the Applicant that the DA amendment has been lodged on the NSW planning portal.
- (5) In the event the respondent is unable to lodge the amended application on the NSW planning portal as directed in (2) above, the respondent is to notify the Court via Online Court as soon as possible but no later than 14 days after the date of the order and request for the matter to be relisted for further directions.

For the Registrar

## **Attachment 1**

- (a) Architectural drawings (set of 39 drawings, including shadow diagrams) prepared by SHED, Revision B dated 23 February 2021 (part of Ex A).
- (b) Landscape plans prepared by Melissa Wilson Landscape Architects, drawing references LS01 – LS04 and LS06 to LS08 Revision E dated 9 March 2021 (part of Ex A) and LS05 Revision F dated 4 May 2021 (part of Ex J).
- (c) Stormwater Drainage Plan prepared by M+G Consulting Engineers Revision 3 dated 9 March 2021.
- (d) Survey plan and elevations (set of three drawings) prepared by Survplan, dated 25 January 2021.
- (e) Tree Protection Plans (set of two drawings) prepared by Tree Wise Men, dated 21 October 2020.
- (f) Amended Statement of Environmental Effects (Amended SEE) prepared by Planning Ingenuity, dated 11 March 2021 (Ex B, Tab 3), which includes, at Annexure A, a clause 4.6 variation request to amend the building height development standard.
- (g) Preliminary Geotechnical Investigation prepared by Martens Consulting Engineers dated March 2021 (Ex B, Tab 4).
- (h) Traffic Impact Assessment prepared by TRAFFIX dated March 2021 (Ex B, Tab 9).
- (i) Accessibility Review Report prepared by ABE Consulting dated 10 March 2021 (Ex B, Tab 10).

- (j) Boarding House Noise Impact Assessment prepared by Pulse White Noise Acoustics dated 5 March 2021 (Ex B, Tab 11).
- (k) Arboricultural Comment Regarding Impact of Revised Proposed Development prepared by Tree Wise Men dated 11 March 2021 (Ex B, Tab 12).
- (l) Revised BASIX Certificate number 1087816M\_02 dated 08 March 2021 (Ex B, Tab 15).
- (m) Boarding House Noise Impact Assessment prepared by Pulse White Noise Acoustics dated 11 May 2021 (Ex G).
- (n) Plan Showing Location of Easement & Pipe, prepared by McDonald Surveying Revision A dated 11 May 2021 (part of Ex D).
- (o) Stormwater Easement Drawing No 1910- AP 750A and Section Through Stormwater Easement Drawing No 1910- AP 751A prepared by SHED, Issue A dated 20 April 2021 (part of Ex D).
- (p) The Amended Clause 4.6 Variation Request dated 28 June 2021 filed with the Court by the Applicant on 28 June 2021 (Ex L).