

Form 23 Application for leave or special leave to appeal (rule 41.01.1)

IN THE HIGH COURT OF AUSTRALIA No. ^{S477} of 2008
 SYDNEY REGISTRY



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BETWEEN:

JILL WALKER

Applicant

and

~~THE MINISTER FOR PLANNING~~

First Respondent

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STOCKLAND DEVELOPMENT PTY LTD

Second Respondent

ANGLICAN RETIREMENT VILLAGES- DIOCESE OF SYDNEY

Third Respondent

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APPLICATION FOR SPECIAL LEAVE TO APPEAL

1. The applicant applies for special leave to appeal from the whole of the judgment of the New South Wales Court of Appeal given on 24 September 2008.

Grounds

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2. The Court below erred in failing to find that the principles of ecologically sustainable development were mandatory relevant considerations to which the opponent was obliged to have regard in granting approval to the concept plan for the Sandon Point development under s75O of the *Environmental Planning and Assessment Act 1979*.

Order(s) sought

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3. Declaration that the approval of the concept plan is void.
4. Costs of the appeal, the hearing in the Court below and the hearing before the Land and Environment Court.

Filed by: Felicity Millner, Environmental Defender's Officer, Level 1, 89 York Street, Sydney, NSW 2000, Ph (02) 9262 6989, Fax (02)9262 6998 Ref:11926.
 Date: 21 October 2008

Dated 21 October 2008



Solicitor for the applicant

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To: The Minister for Planning
C/ - Christine Hanson
The Department of Planning
Legal Services Branch
23-33 Bridge Street
Sydney NSW 2000

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Stockland Development Pty Ltd
C/- Robert Wilcher
Herbert Geer and Rundle Pty Ltd
Solicitors
Level 26 Chifley Tower
2 Chifley Square
SYDNEY NSW 2000

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Anglican Retirement Villages – Diocese of Sydney
C/- John Whitehouse
Minter Ellison
Lawyers
Aurora Place
88 Phillip Street
SYDNEY NSW 2000

TAKE NOTICE: Before taking any step in the proceedings you must, within **14 DAYS** after service of this application, enter an appearance in the office of the Registry in which the application is filed, and serve a copy on the applicant.

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THE APPLICANT'S SOLICITOR IS:
Kirsty Ruddock
Principal Solicitor
Environmental Defender's Office
1/89 York Street
Sydney NSW 2000
Ph: (02) 9262 6989
Fax: (02) 9262 6998

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Form 24 Application for leave or special leave to appeal (Rule 41.05.3)

IN THE HIGH COURT OF AUSTRALIA No. S477 of 2008
SYDNEY REGISTRY

BETWEEN:

JILL WALKER

Applicant *Appellant*

and

MINISTER FOR PLANNING

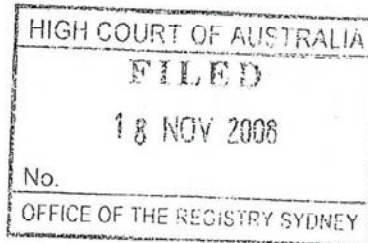
First Respondent

STOCKLAND DEVELOPMENT PTY LTD

Second Respondent

ANGLICAN RETIREMENT VILLAGES- DIOCESE OF SYDNEY

Third Respondent



DRAFT NOTICE OF APPEAL

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1. The appellant appeals pursuant to special leave granted on from the whole of the judgment of the New South Wales Court of Appeal given on 24 September 2008.

Grounds

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2. The Court below erred in failing to find that the principles of ecologically sustainable development were mandatory relevant considerations to which the opponent was obliged to have regard in granting approval to the concept plan for the Sandon Point development under s750 of the *Environmental Planning and Assessment Act 1979*.

Order(s) sought

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3. Declare that the respondent's approval of the concept plan is void.
 4. Order the respondent to pay the costs of the appeal, or the hearing in the Court below and of the hearing before the Land and Environment Court.

Filed by:
Environmental Defender's Office
Level 1, 89 York Street
Sydney, NSW 2000

Ph (02) 9262 6989
Fax (02)9262 6998
Ref: Felicity Millner

Date: 18 November 2008

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Dated: 18 November 2008



Appellant's Solicitor

10 To: Supreme Court of NSW
Court of Appeal
Law Courts Building, Queens Square
184 Phillip Street
Sydney NSW 2000

And To: The respondents and the respondents' solicitors

20 Minister for Planning
C/ - Christine Hanson
The Department of Planning
Legal Services Branch
23-33 Bridge Street
Sydney NSW 2000

30 Stockland Development Pty Ltd
C/- Robert Wilcher
Herbert Geer, Lawyers
Level 12
77 King Street
SYDNEY NSW 2000

40 Anglican Retirement Villages – Diocese of Sydney
C/- John Whitehouse
Minter Ellison
Lawyers
Aurora Place
88 Phillip Street
SYDNEY NSW 2000

50 THE APPLICANT'S SOLICITOR IS:
Kirsty Ruddock
Principal Solicitor
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Filed by:
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Sydney, NSW 2000

Ph (02) 9262 6989
Fax (02)9262 6998
Ref: Felicity Millner

Date: 18 November 2008