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**Sent:** 5/12/2018 9:46:19 AM  
**Subject:** Online Submission

05/12/2018

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tpike@wmw.com.au

**RE: Mod2018/0605 - 7 Pavilion Street QUEENSCLIFF NSW 2096**

Dear Assessing Officer,

We are instructed to act for Mr Michael Vanderfield and Ms Fiona Seaton who are the registered proprietors of Lot 2 DP 960133, known as 2B Pavilion Street Queenscliff.

On 23 November 2018, a Summons for Judicial Review was filed on behalf of our clients against the registered proprietors of Lot 1 DP 900658, known as 7 Pavilion Street Queenscliff as First Respondents, and against the Northern Beaches Council as Second Respondent in the Land and Environment Court of New South Wales. We understand the Summons was served on the Northern Beaches Council on 29 November 2018.

The Summons seeks various declarations and orders including, but not limited to:

(a) a declaration that development consent DA2018/0612 granted by the Northern Beaches Council is invalid; and

(b) an order restraining the registered proprietors of 7 Pavilion Street Queenscliff from acting upon, or carrying out any works in purported reliance upon DA2018/0612.

Given that DA2018/0612 is currently the subject of judicial review proceedings, there is legal uncertainty of the status of the consent. It is our client's submission that on that basis, it would be premature to modify the consent because if the consent is found to be invalid, any purported modification of the consent would be void and of no effect.

Can you please confirm that no modification will be made to the consent until such time as the judicial review proceedings are complete, and until our client has had time thereafter to consider the application 2018/0605 and made any further submissions they intend to make (if necessary).

We look forward to your urgent response.

Kind Regards

Trudi Pike  
Solicitor  
Wood Marshall Williams  
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