

**Our Ref:** PDH:DXN:449735  
**Contact:** Mary Daher  
**Contact Tel:** 4640 3641  
**Contact Email:** mdaher@marsdens.net.au

Dear Sir/Madam,

6 March 2024

**Shoalhaven City Council ats Heir Asquith Pty Ltd - Land and Environment Court Case No.2023/00263435**

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We are the Solicitors for Shoalhaven City Council ("**the Council**") in the above proceedings commenced by Heir Asquith Pty Ltd in Class 1 of the Land and Environment Court's jurisdiction appealing against the Council's refusal of Development Application No. SF10921 which seeks consent for a 65 lot community title residential subdivision, together with a community lot ("for environmental conservation purposes"), a public reserve (local park) and an open space lot, at Inyadda Drive, Manyana (Lot 2 in DP 1161638 and Lot 106 in DP 755923), and Sunset Strip, Manyana (Lot 2 in DP1121854) ("**the development application**").

On 19 January 2022, the development application was lodged with the Council.

The development application was notified by the Council to adjoining owners and occupiers between 9 February 2022 to 31 March 2022 and 17 January 2024 to 31 January 2024.

On 24 February 2023, the Council refused the development application for a number of reasons.

On 18 August 2023, the Applicant commenced these proceedings in Class 1 of the Land and Environment Court's jurisdiction appealing against the Council's refusal of the development application.

We are instructed to defend the Council's refusal of the development application.

The proceedings are listed for a conciliation conference pursuant to section 34 of the *Land and Environment Court Act 1979* on **8 April 2024** commencing at **9:30am** on the site the subject of the proceedings (Inyadda Drive and Sunset Strip, Manyana).

We note that you made a submission to the Council in relation to the development application as originally lodged and/or as subsequently amended.

Residents who objected to the development application may have the opportunity to inform the Court orally of their concerns in relation to the proposed development at the conciliation conference. The presiding Commissioner will have discretion as to whether the residents may speak at the conciliation conference. Residents should be aware that if they are permitted to speak at the conciliation conference, they will not be permitted to attend the remainder of the conciliation conference after they have spoken. This is because the conference is strictly a conciliation between the parties.

**Enclosed** for your information is an extract of the Land and Environment Court's "Conciliation Conference Policy" dated 27 March 2017, which contains relevant information about the conciliation conference process and matters about which residents should be aware when speaking onsite.

Objectors should be aware that not all persons who made a submission will have the opportunity to speak at the conciliation conference. We note that the Court's "Conciliation Conference Policy" provides

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All correspondence to PO Box 291 Campbelltown NSW 2560

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6 March 2024

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as follows with respect to the number of objectors who are permitted to speak at a conciliation conference:

*“To provide for the “just, quick and cheap” disposal of the proceedings, the number of persons speaking on-site should be limited. In most circumstances, a **maximum of six persons** should be asked to make a submission on-site. It is sufficient for only one person per household to make a submission to the Court. Preference should be given to those residents directly affected by a proposed development, such as those living adjoining or directly opposite the site of the development. If there are contentions that extend beyond the immediate area of the site, such as impacts on the character of the area or wider traffic implications, then a representative person raising this contention should make a submission on-site.”*

If you wish to speak at the conciliation conference on **8 April 2024**, we ask that you contact Ms Mary Daher at our Campbelltown office on (02) 4640 3641 or [mdaher@marsdens.net.au](mailto:mdaher@marsdens.net.au) by **29 March 2024**.

Residents who are registered to speak at the conciliation conference will need to attend the site (Inyadda Drive and Sunset Strip, Manyana) at **9:15am** on **8 April 2024** ahead of the commencement of the conciliation conference at **9:30am**.

Should you have any queries in relation to the above, please do not hesitate to contact Mary Daher at our Campbelltown office.

Yours faithfully

**MARSDENS LAW GROUP**



**PETA HUDSON**  
**Partner**

**A.J. SETON**  
**Partner**  
**Accredited Specialist Local Govt. & Planning**

Encl.