

Our Ref: PDH:GMC:449735
Contact: Luke Gelder
Contact Tel: 4640 3695
Contact Email: legelder@marsdens.net.au

Dear Sir/Madam,

5 July 2024

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

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**").

We refer to our previous correspondence to you dated 5 March 2024 advising that the proceedings were listed for a conciliation conference on 8 April 2024 and inviting you to make an oral submission in relation to your concerns with the development application.

We confirm that the conciliation conference between the parties was not successful and was terminated by the Court.

We remain instructed to defend the refusal of the development application.

The proceedings are listed for hearing on **28 October – 1 November 2024** commencing at **10:30am** on the site the subject of the proceedings (Inyadda Drive and Sunset Strip, Manyana) on 28 October 2024 and continuing thereafter at the Land and Environment Court in Sydney (225 Macquarie Street, Sydney).

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

The purpose of this letter is to ascertain whether you wish to give evidence in relation to your submission at the hearing of these proceedings.

If you are prepared to give evidence, you will be required to attend the on-site component of the hearing on **28 October 2024** at **10:15am**.

The hearing will commence at **10:30am** on the site, at which time the Commissioner of the Land and Environment Court who is hearing the proceedings will attend the site, undertake an inspection of the site and the locality and take evidence from individuals who wish to make a submission in relation to the development application.

After the Commissioner has undertaken an inspection of the site and heard from objectors, the remainder of the hearing will be heard at the Land and Environment Court in Sydney. You will not be required to attend the remainder of the hearing; however, you are welcome to do so if you wish.

ABN 59 874 202 316

All correspondence to PO Box 291 Campbelltown NSW 2560

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Enclosed for your information is an extract of the Land and Environment Court's "Site Inspection Policy" dated 3 April 2018, which contains relevant information about the site inspection process and matters about which residents should be aware when giving evidence on-site.

Residents should be aware that not all objectors will have the opportunity to speak at the hearing. We note that Court's Site Inspections Policy provides as follows with respect to the number of residents who are permitted to speak at a hearing:

*"...In most circumstances, a **maximum of six witnesses** should provide on-site evidence. 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 give evidence on-site."*

If you wish to speak at the on-site component of the hearing on **28 October 2024**, we ask that you contact Mr Luke Gelder at our Campbelltown office on (02) 4640 3695 or legelder@marsdens.net.au before **16 October 2024** to register your interest.

We confirm that a copy of your previous submission to the Council in relation to the development application will be provided to the Court regardless of whether you register to provide oral evidence at the hearing.

We will be in contact with you should there be any changes to the arrangements for the conduct of the hearing.

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

Yours faithfully

MARSDENS LAW GROUP



PETA HUDSON

Partner

A.J. SETON

Partner

Accredited Specialist Local Govt. & Planning

Encl.