

Date: Thu, 10 Sep 2020 at 13:34

Subject: Notice of Conciliation Conference – Maxida International Alexandria Property Australia v Council of the City of Sydney / Land & Environment Court Class 1 Proceedings No 00207341 of 2020 and 00207337 of 2020

Dear Submitter,

Maxida International Alexandria Property Australia Pty Ltd v Council of the City of Sydney

Land & Environment Court Class 1 Proceedings No 00207341 of 2020 and 00207337 of 2020

Site: 205-225 Euston Road, Alexandria

Development Application No. D/2018/907 and D/2016/989/B

I am the solicitor managing these court proceedings on behalf of the Council of the City of Sydney.

By way of background, these are 2 sets of proceedings – one relating to the Council’s refusal of an application to modify the concept plan on the site, and the other relating to the Council’s refusal of a detailed development application for the site.

Both applications were notified and exhibited, and I am writing to you because you made a submission to Council about your concerns with one or both of the applications.

The Council has received a Class 1 Application filed in the NSW Land and Environment Court by the Applicant (Maxida International Alexandria Property Australia Pty Ltd) appealing the actual refusal of the applications. The Land and Environment Court has made orders in these proceedings for the parties (Council and the Applicant) to attend a conciliation conference **on Tuesday 17 November 2020**. The purpose of this is for the parties to privately discuss the matter to see whether some or all of the issues in contention can be resolved. If they cannot be resolved, the matter will then proceed to a formal hearing at a later date, of which you will be informed when and if this occurs.

Please be advised that the Land and Environment Court has implemented new procedures for conciliation conferences as a result of the coronavirus (COVID-19). On-site inspections for conciliation conferences are no longer the norm and are only held where the Commissioner is of the view that the on-site inspection will be limited to essential participants, being as few representatives of the parties, their legal representatives and required expert witnesses. It is the Court’s normal practice to allow submitters to attend the on-site inspection part of the conciliation conference and provide additional verbal comments if they wish to add anything to their written submissions. **However, as per the Court’s COVID-10 Pandemic Arrangements Policy which commenced on 8 July 2020, this practice has been temporarily suspended. Instead of submitters physically attending the site and making verbal submissions at the commencement of the conciliation conference, submitters’ evidence is required to be reduced to writing and supplemented with any photographic evidence that would assist the parties and the Court to understand their concerns. The**

Council will provide the submitters' additional written material to the Applicant and the Court before the conciliation conference.

As such, if you would like to make a further written submission regarding the proposed development, including any photos that would help the Commissioner and parties understand your concerns, would you please provide this to **by return email by 2 November 2020**. Any submission that you have previously given to Council will also be provided to the Applicant and the Court at the time of the conciliation conference.

Please also be aware that due to the Covid-19 Pandemic, at the date of the conciliation conference the Court may have alternate arrangements in place regarding how the conciliation conference operates. This will depend on the Court's policy at the time which may change between now and the date of the conciliation conference. If this occurs and affects how you can participate in the conciliation conference, we will contact you regarding the change.

We will notify you as to the next steps for the parties following this conciliation conference.

Kind regards,

[...]

Senior Solicitor
Legal Services



Telephone: +612 9265 9396

Mobile: +61 407 711 834

cityofsydney.nsw.gov.au