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**Notice of Hearing – Maxida International Alexandria Property Australia v Council of the City of Sydney / Land & Environment Court Class 1 Proceedings No 00207341 of 2020, 00207337 00291179 of 2020**

1 message

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**Elizabeth Fredericks** <efredericks@cityofsydney.nsw.gov.au>

9 February 2021 at 15:01

Cc: Louisa Beale <LBeale@cityofsydney.nsw.gov.au>, Melissa Mallos <MMallos@cityofsydney.nsw.gov.au>

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, 00207337 of 2020 and 00291179 of 2020**

**Site: 205-225 Euston Road, Alexandria**

**Development Application No. D/2018/907, D/2016/989/B and D/2018/718**

I am the solicitor with the day-to-day carriage of these court proceedings on behalf of the Council of the City of Sydney.

By way of background, these are 3 sets of proceedings – one relating to the Council’s refusal of an application to modify the concept plan on the site, one relating to the other relating to the Council’s refusal of a detailed development application for the site and the final set of proceedings relating to an application for consent for early works.

As you are aware, 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 parties attended a conciliation conference on **Tuesday 17 November 2020** to determine whether some or all of the issues in contention could be resolved. The issues were not resolved at the conciliation conference and the matter has now been set down for a hearing on **24 – 28 May 2021**.

Please be advised that the Land and Environment Court has implemented new procedures for hearings as a result of the coronavirus (COVID-19). On-site inspections for hearings 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 hearing 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 10 December 2020, this practice has been temporarily suspended. Instead of submitters physically attending the site and making verbal submissions at the commencement of the hearing, 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. Arrangements can also be made for evidence to be provided by submitters via telephone, AVL or MS Teams, should the Court agree.** The Council will provide the submitters’ additional written material to the Applicant and the Court before the hearing.

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 us

**by return email by 21 April 2021.** Any submission that you have previously given to Council will also be provided to the Applicant and the Court at the time of the hearing.

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

Kind regards

Elizabeth Fredericks for

Melissa Mallos  
Senior Solicitor  
Legal Services



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