

Our Ref: JAC:905219

29 November 2018

**To the Resident**

Dear Resident

**Hunters Hill Council ats Atlen Construction Pty Ltd**  
**Land and Environment Court Proceedings No. 2018/279902 and 2018/279902**  
**Properties: 233-235 Victoria Road and 223-225 Victoria Road, Gladesville**

We act for Hunters Hill Council in relation to the above two proceedings.

The applicant has appealed to the Land and Environment Court of New South Wales against Council's deemed refusal of development application DA 2017/1199 (**the First Application**). The First Application seeks consent for the demolition of existing structures and construction of a new shop top housing development including basement parking, and associated landscaping at 233-235 Victoria Road, Gladesville (**the First Site**).

The applicant has appealed to the Land and Environment Court of New South Wales against Council's deemed refusal of development application DA 2017/1197 (**the Second Application**). The Second Application seeks consent for the demolition of existing structures and construction of a new shop top housing development including basement parking, and associated landscaping at 223-225 Victoria Road, Gladesville (**the Second Site**).

We are instructed that you made a submission to the Council in respect of one or both of the Applications following their notification.

**Conciliation conference**

We advise that the matters are listed together for a conciliation conference before the Court under s 34 of the *Land and Environment Court Act 1979* (**Court Act**) on **1 May 2019**. The matter will commence at the front of the Sites at **9.30am**.

**What is a conciliation conference?**

A conciliation conference is a process between the parties to the litigation (that is the Council and the applicant) where the parties are required by the Court Act to conciliate/negotiate in good faith to seek to resolve and/or narrow the issues in dispute. Whilst a Commissioner of the Court presides over the conference, they do not determine matters in this part of the process. If no agreement is reached at the conciliation conference then the s34 conciliation is terminated and the matter proceeds to a hearing at a date yet to be fixed by the Court. At the hearing, the Commissioner will proceed to determine the matter and you will be given an opportunity to address the Commissioner.

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Doc ID 603701553/v1

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### **Conciliation conference process**

As noted the Court Act requires each party at the conciliation conference to participate in the conference in good faith. In addition, the Court has a Conciliation Conference Policy that deals with the process for a conciliation conference. This Policy includes how and to what extent submissions can be heard from objectors who have made written submissions to Council in respect of the Application. You may also attend the s34 conciliation's initial phase to observe though not make an oral submission.

We are required to bring the following matters to your attention in the event that you wish to be heard or attend at the conciliation conference:

- Local residents may make submissions on-site provided they notify Council at least 7 days before the on-site conference.
- The submissions given on-site may become evidence and therefore must be provided in a truthful and helpful manner. In the event that the submission does become evidence it will have the same effect as if it was given in a courtroom.
- There should be no interruptions or interjections during a resident's submission.
- Residents must limit their comments to the submission portion of the conference unless requested by the Commissioner, agreed by the parties or in explanation of their submission, for example from their property, during the Site inspection. It is not appropriate for further comments to otherwise be made during the Site inspection portion of the conference.
- Residents may be questioned on their submission.
- Residents may provide written submissions and if they do so, are asked to keep oral submissions limited to the main points of concern.
- If a resident has had their written submission prepared and submitted to Council by another person on their behalf, such as an architect or town planner, that person may address the Court on the subject of that written submission. However such submissions are not expert evidence in the proceedings.

At the conclusion of any submissions made on-site, the parties will be undertaking confidential conciliation discussions facilitated by the Commissioner. These discussions are without prejudice and are limited to the parties, their legal representatives and experts.

Should you wish to attend the conciliation conference and make a submission, or otherwise wish to discuss the matter, please contact John Cole or Alex Epstein of our office on or before **24 April 2019**.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Cole', with a large, sweeping flourish at the end.

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