

Our Ref: ANF:ANF:446814
Contact: Alicia Foley
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Dear Sir/Madam,

17 November 2023

Byron Shire Council ats Newton Denny Chapelle - Land and Environment Court case number 2023/00068084

We are the Solicitors for Byron Shire Council ("**the Council**") in the above proceedings commenced by Newton Denny Chapelle in Class 1 of the Land and Environment Court's jurisdiction appealing against the Council's refusal of Development Application No. 10.2021.114.1 seeking consent for the demolition of existing structures, vegetation removal, earthworks and the construction of three buildings to be used for the purposes of a light industry with at-grade parking on the land at 467 Federal Drive, Federal ("**the development application**").

BACKGROUND

On 26 February 2021, the development application was lodged with the Council.

The development application was exhibited by the Council between 8 March 2021 and 21 March 2021.

On 15 December 2022, the Council refused the development application for a number of reasons.

On 28 February 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.

On 7 August 2023, the proceedings were listed for a conciliation conference pursuant to section 34 of the *Land and Environment Court Act 1979*. The conciliation conference was not successful and was terminated by the Court.

The proceedings are now listed for hearing on **2 and 3 April 2024** commencing at **10:30am** on the site the subject of the proceedings (467 Federal Drive, Federal) on 2 April 2024 and continuing thereafter at the Land and Environment Court in Sydney (225 Macquarie Street, Sydney).

AMENDED PLANS AND DOCUMENTS

The Applicant intends to amend the development application and rely upon amended plans and documents for the purposes of the proceedings.

The purpose of this correspondence is to invite you to review and make a further submission in relation to the proposed amended plans and documents.

The amended plans and documents are available for inspection on the Council's DA Tracker (<https://www.byron.nsw.gov.au/Services/Building-and-development/Development-applications/DA-Tracker>) or at Council chambers (70 Station Street, Mullumbimby).

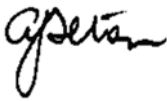
If you wish to make a written submission concerning the amended plans and documents, your submission must be received by no later than **5:00pm** on **1 December 2023**. Please send your submission by email to Ms Alicia Foley of Marsdens Law Group at afoley@marsdens.net.au.

Should you have any queries concerning the above, please do not hesitate to contact Alicia Foley at our Campbelltown office.

Yours faithfully

MARSDENS LAW GROUP

ALICIA FOLEY
Associate



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