

Our Ref: CCG:KLS:TE:160255

24 January 2017

Ms Lisa Foley  
Project Officer  
Planning Panels Secretariat  
Department of Planning & Environment.

Dear Madam

**Re: Cumberland Council ats Sydney Constructions & Developments Pty Ltd  
Supreme Court Proceedings Case No. 2016/00297667  
Property: 13 John Street, Lidcombe**

We refer to the submissions of the applicant provided to the JRPP this afternoon.

We are instructed to inform the JRPP that:

1. Council does not accept much of what is set out in the applicant's letter. However, relevantly for present purposes, Council does not accept it is required to provide owner's consent and has written to the applicant today (again) refusing to provide such consent. A copy of that letter is **attached**;
2. Council further does not accept that if the Court determines the Supreme Court proceedings in favour of SCD that it will automatically be required to give its owner's consent to the development application. Whether or not Council is required to give consent will depend on the specific findings of the Court, as well as any other relevant circumstances;
3. Without prejudice to points 1 and 2 above, Council does not oppose the applicant's request to defer assessment, but considers the matter is one wholly for the JRPP.

Yours faithfully,  
**STOREY & GOUGH**

  
**Belinda Gough**  
Partner

Email: [belinda@sglaw.com.au](mailto:belinda@sglaw.com.au)

**Enclosure**

ABN 98 262 716 211

"Harrisford", 182 George Street, Parramatta NSW 2150 - PO Box 2406, North Parramatta NSW 1750

T | 9689 0700 F | 9635 7556 DX | 28337 Parramatta W | [www.sglaw.com.au](http://www.sglaw.com.au)

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**STOREY & GOUGH**  
LAWYERS

Our Ref: CCG:KLS:160255  
Your Ref: Richard Allsop

24 January 2017

Allsop Glover  
Level 6 "Wyoming" 175 Macquarie Street  
SYDNEY NSW 2000

Dear Mr Allsop,

**Re: Cumberland Council ats Sydney Constructions & Developments Pty Ltd  
Supreme Court Proceedings Case No. 2016/00297667  
Property: 13 John Street, Lidcombe**

We refer to your letter of today's date.

We are instructed that as Council consider the contract to be validly rescinded (or otherwise terminated), it will not be providing owner's consent to the development application.

Yours faithfully,  
**STOREY & GOUGH**

**Belinda Gough**  
Partner

Email: [belinda@sglaw.com.au](mailto:belinda@sglaw.com.au)



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in Local Government & Planning Law