

- I. Part 3 is entitled: *Are Mr Sheppard's **proposed changes to the draft built form controls (including height controls)** in draft Amendment GC81 supportable by reference to the preferred character as articulated in the draft MSS?*. Accordingly, the Addenda has expressly **NOT** been restricted to the **question of height controls**.
- II. The new evidence contained in Addenda 6 is not restricted to comment on the issue of building heights as recommended by Mr Sheppard, but effectively extends to any and all recommendations made by Mr Sheppard, as well as recommendations made by Mr McGurn and Ms Heggan as well.
- III. Of most concern is the extensive new evidence (paragraphs [81] to [101] which concern the FAR, and includes extensive new material that concerns the FAR control (see also conclusions at [112] and [113]). Much of this evidence was not put to Mr Sheppard in cross-examination. Further it has been represented after the Landowners have presented their evidence and submissions.

Should the Review Panel accept Addenda 6 in its current form, it will be accepting new expert evidence that it has not given leave to have presented to it, and indeed which greatly exceeds the scope of the leave that was sought.

Further, the Landowners and other parties will be denied procedural fairness if this is permitted.

On these bases, our clients submit that Ms Hodyl's Addenda 6 should not be received by the Review Panel and strongly object to it being considered by the Review Panel.

Please contact Tamara Brezzi (8686 6226) or Linda Choi (8686 6367) if you have any questions.

Yours faithfully



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