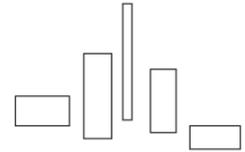


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PIKES & VEREKERS  
LAWYERS

21 October 2022

The General Manager  
Lithgow City Council  
PO Box 19  
LITHGOW NSW 2790

**BY EMAIL Paul.Cashel@lithgow.nsw.gov.au**

Dear Sir

**LITHGOW CITY COUNCIL ATS BELL QUARRY REHABILITATION PROJECT PTY LTD  
LOT 23 IN DP751631 - SANDHAM ROAD, NEWNES JUNCTION  
LAND AND ENVIRONMENT COURT PROCEEDINGS NO. 2021/91361  
Our ref TW:BMJ:210207**

We refer to the above matter which had been adjourned following the applicant's unsuccessful Notice of Motion to have a preliminary legal question heard.

The applicant initially indicated an intention to proceed with a full merits hearing but more recently sought the consent of the respondents to discontinue the proceedings.

As the proceedings are Class 1 proceedings and the usual order is no order as to costs, we recommended that Council consent to the discontinuance of the proceedings.

Both respondents consented to the discontinuance of the proceedings and a signed Notice of Discontinuance was filed today. The discontinuance of the proceedings exhausts the applicant's appeal rights in relation to DA 294/18 but does not affect its ability to lodge a fresh development application in the future.

We will inform the expert witnesses and the residents of the discontinuance of the proceedings.

We thank the Council for its instructions in this matter.

Yours faithfully

Roslyn McCulloch  
Partner  
Accredited Specialist Local Government and Planning Law