

Between:	JOHN EDWARD MYTTON BARNES and GEOFFREY FREDERICK COOK	Appellants
And	SOUTHERN DOWNS REGIONAL COUNCIL	Respondent
And	THE CHIEF EXECUTIVE, DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT	First Co-respondent
And	McCONAGHY GROUP PTY LTD ACN 108 353 199	Second Co-respondent

SECOND CO-RESPONDENT REQUEST FOR PARTICULARS

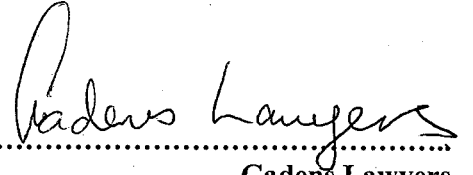
In accordance with the orders made by His Honour Judge Searles on 23 March 2011 the Second Co-respondent requests the following further and better particulars of the grounds set out in the Notice of Appeal (“the Grounds”):-

1. With respect to paragraph 4(a) of the Grounds, identify the material facts, matters and circumstances relied upon to support the allegation that the development:
 - (a) does not maintain a high standard of amenity;
 - (b) does not result in a comprehensive streetscape; and
 - (c) is not in a compatible form.
2. With respect to paragraph 4(b) of the Grounds, identify the material facts, matters and circumstances relied upon to support the allegation that the heritage values of the building at 84 Fitzroy Street are not protected.
3. With respect to paragraph 4(d) of the Grounds, identify the material facts, matters and circumstances relied upon to support the allegation that the development is in conflict with section 4.2.5.2 (City Centre Development Code – Purpose) and in particular:
 - (a) the allegation that the heritage qualities of the City Centre is not retained; and
 - (b) the allegation that the new development is incompatible with the existing streetscape character.

REQUEST FOR PARTICULARS
Filed on behalf of the Second Co-Respondent

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The Second Co-Respondent reserves the right to deliver any further request for particulars as a consequence of the court decision on 21 April 2011.

A handwritten signature in cursive script, appearing to read "Gadens Lawyers", is written over a horizontal dotted line.

Gadens Lawyers
Solicitors for the Second Co-Respondent

Dated: 4 April 2011