



LITHGOW CITY COUNCIL

AGENDA - LATE REPORT

FINANCE AND SERVICES COMMITTEE
MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE,
LITHGOW

ON

03 JULY 2006

ITEM: 1 EPS - 03/07/2006 - LATE REPORT - UPDATE ON LAND AND ENVIRONMENT COURT MATTERS

SUMMARY

This report provides the latest update on two matters that have been the subject of proceedings in the Land and Environment Court.

COMMENTARY

Cutcliffe -v- Council and Dukes – Great Western Highway, Marrangaroo

Costs were reserved in the decision handed down on 22 May 2006 by his Honour, Justice Biscoe. A costs hearing is now scheduled for Thursday 6 July 2006.

Delaney -v- Council – Peachtree Road Megalong Valley

The Applicant's Solicitors have agreed to a proposition put by Council's Solicitors to ask the Court to consider the determination of a preliminary issue regarding the permissibility of the proposed development in the zone. The hearing is scheduled for Monday 10 July 2006 and Council's Solicitors are writing to those who objected to the application thus honouring Council's commitment to keep residents advised on significant events in the process.

POLICY IMPLICATIONS

No specific policy considerations arise as a result of this report.

FINANCIAL IMPLICATIONS

Should the Court determine that the development is not permissible in the zone in relation to the Delaney matter then significant costs will be saved by all parties. However, if the proposed development is found to be permissible then costs will continue to be incurred as the matter then proceeds on its merits. The implications for costs in the Cutcliffe/Dukes matter are entirely dependent on the results of the costs hearing.

LEGAL IMPLICATIONS

The subject of this report.

ATTACHMENTS

Nil

RECOMMENDATION

THAT information be received.