



Ordinary Meeting

24 April 2007

Addendum to Item 9

ADDENDUM

ITEM NO: ITEM 9 - ADDENDUM

SUBJECT: DEVELOPMENT APPLICATION NO. S06/0034 FOR A FOUR (4) INTO FIFTEEN (15) LOT SUBDIVISION WITH A NEW ROAD ON LOTS A, B AND C DP 354154 AND LOT 7 DP 10696, NO. 49 PAULINE AVENUE AND NOS. 59-79 WARATAH ROAD, WENTWORTH FALLS.

FILE NO: S06/0034

Recommendations:

- 1. That the following recommendations 2 and 3 replace the recommendation in the Business Paper*
 - 2. That the Council notes the decision of the Land and Environment Court.*
 - 3. That the Council grant the General Manager the delegated authority to issue an Operational consent for Development Application No. S06/0034 for a four (4) into fifteen (15) lot subdivision with a new road on Lots A, B and C DP 354154 and Lot 7 DP 10696, No. 49 Pauline Avenue and 59-70 Waratah Road Wentworth Falls pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 upon satisfactory resolution of the Deferred Commencement matter.*
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Report by Group Manager, Environmental and Customer Services:

This report is an addendum to Item 9 of the Business Paper (the 'main report') for the Ordinary Meeting of 24 April 2007. The report was completed and the business paper printed prior to the Court decision being handed down. It was foreshadowed in the business paper report that a decision would be issued by the Land and Environment Court on Friday 13 April 2007.

The Court handed down an oral judgement. The Court has granted Deferred Commencement consent to the development. The Deferred Commencement matter is for the applicant to submit fully detailed stormwater drainage engineering plans to the Council for consideration and approval prior to the issue of an Operational consent.

It is anticipated that the written Court Orders will be issued by 27 April 2007. The Orders will include the final conditions of consent. The complete written details of the judgement, including the Court's assessment of the case, are likely to be available in mid-May.

As the subject development application has been determined by the Land and Environment Court, the main report to Council is now superfluous and the recommendations have been altered accordingly.

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