

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

13 June 2006

DSDS16	APPLICATION FOR COSTS BY NABATU, RELOCATION OF SHERWOOD CHURCH TO TOURIST FACILITY PLOMER ROAD FILE: T6-02-122 APB
---------------	---

SUMMARY:

Reporting on an application for costs made by the applicant for relocation of the Sherwood Anglican Church to a tourist facility in Plomer Road.



History

Council refused an application to remove the Sherwood Church from its site in Sherwood Road Sherwood. A separate application (section 96 amendment) was made to site the church at the Rancho Relaxo, Plomer Road, as a modification for the consent for a number of tourist cabins on the site. This application was not determined by Council, with the applicant advised that Council could not determine it until the application for removal was determined.

Following refusal of the application for removal, the applicant appealed to the Land and Environment Court. The appeal was against Council's refusal of the removal application and the deemed refusal of the section 96 application.

The two matters were listed and heard concurrently. The court upheld the appeal against Council's refusal, and subsequently approved the section 96 modification.

The applicant then sought an order from the court in relation to the costs for Council failing to determine the s96 modification application. Council's solicitors undertook to defend the application for costs.

The court dismissed the application, and awarded costs to council in relation to bringing this action.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

- *Economic (Financial)*

Nil. Costs were awarded to Council for defending the application for costs.

- *Policy or Statutory*

Nil

RECOMMENDATION

That the report be noted.

.....

R B Pitt

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES