

PART TWO

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 17 August 2010.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

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PART ONE

1. WASTE AND RECYCLING SERVICES

No reports this round

2. ENVIRONMENTAL PLANNING

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2.2 Environmental Trust Application in regard to Noorumba Reserve

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3.2 Seniors Living Housing - No. 81 Parliament Road, Macquarie Fields

3.3 No. 5 Fernhill Place, Glen Alpine - Construction of two - two storey dwellings and subdivision into two Torrens title allotments

PART TWO

3.4 No. 159 Englorie Park Drive, Glen Alpine - Construction of two dwellings

3.5 Unit 3 No. 6 Cary Grove, Minto - Construction of fitout and use of premises as a religious establishment

4. COMPLIANCE SERVICES

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Minutes of the Planning and Environment Committee held on 17 August 2010

Present Councillor R Kolkman (Chairperson)
Councillor G Greiss
Councillor M Oates
Councillor R Thompson
General Manager - Mr P Tosi
Director Planning and Environment - Mr J Lawrence
Acting Manager Environmental Planning – Ms R Winsor
Manager Development Services - Mr J Baldwin
Manager Compliance Services - Mr A Spooner
Manager Waste and Recycling Services - Mr P Macdonald
Manager Community Resources and Development - Mr B McCausland
Manager Corporate Support - Mr S Kelly
Executive Assistant - Mrs K Peters

Election of Chairperson

In the absence of the Chairperson, Councillor Matheson, Councillor Kolkman was elected to Chair the meeting.

Apology (Oates/Greiss)

That the apologies from Councillors Bourke, Matheson and Rowell be received and accepted.

CARRIED

Acknowledgement of Land

An Acknowledgement of Land was presented by the Chairperson Councillor Kolkman.

DECLARATIONS OF INTEREST

Declarations of Interest were made in respect of the following items:

Pecuniary Interests

Non Pecuniary – Less than Significant Interests

Councillor Kolkman - Item 3.4 - No. 159 Englorie Park Drive, Glen Alpine - Construction of two dwellings - Councillor Kolkman advised that the applicant is known to him.

Councillor Greiss - Item 3.2 - Seniors Living Housing - No. 81 Parliament Road, Macquarie Fields - Councillor Greiss advised that he has met with the applicant.

3.4 No. 159 Englorie Park Drive, Glen Alpine - Construction of two dwellings

Reporting Officer

Manager Development Services

Attachments

1. Recommended Conditions
2. Locality Plan
3. Unit 1 – Site Plan
4. Unit 1 – Elevations
5. Unit 2 – Site Plan
6. Unit 2 – Elevations

Purpose

To assist Council in its determination of the subject Development Application in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Property Description	Lot 319, DP 879911 – 159 Englorie Park Drive, Glen Alpine
Application	1160/2009/DA-M
Applicant	Capitol Constructions Pty. Ltd.
Owner	Mr. James Chrissimos
Statutory Provisions	State Environmental Planning Policy (Building Sustainability Index) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002
Other Provisions	Campbelltown (Sustainable City) Development Control Plan 2009 Campbelltown City Council Section 94A Development Contributions Plan Development Control Plan No. 87 – Public Notification and Public Exhibition Policy
Strategic Context	Campbelltown 2025 Looking Forward
Date Received	4 June 2009

History

The following is a chronology of events in relating to the subject Development Application:

- 4 June 2009 – Subject Development Application lodged with Council, by applicant.
 - 19 June 2009 – Completion of notification period.
 - 9 July 2009 – Letter issued by Council to applicant, advising of various non-compliances and deficiencies with the application.
 - 13 July 2009 – Meeting between Council's Assessing Officer and the applicant. The applicant expressed dissatisfaction with the nature of the issues raised and a willingness to pursue approval through the Land and Environment Court.
 - 27 July 2009 – Letter provided by the applicant's Building Designer, responding to Council's letter dated 9 July 2009 (no amended plans provided).
 - 5 August 2009 – Further letter issued by Council to applicant, specifically in respect to outstanding Development Application fees.
 - 6 August 2009 – Outstanding application fees paid to Council.
 - 1 September 2009 – Further letter issued by Council to the applicant, specifically in response to the applicant's Building Designer letter, received by Council on 27 July 2009. The letter confirmed and further clarified, previously advised issues in relation to:
 - the version of the Campbelltown (Sustainable City) Development Control Plan, which applies to the application;
 - non-compliance with the requirements of the Campbelltown (Sustainable City) Development Control Plan 2009, in relation to the width of the garage doors and the depth of the garages;
 - clarification in relation to the interpretation of the floor space ratio requirements;
 - non-compliance with the requirements of the Campbelltown (Sustainable City) Development Control Plan 2009, in relation to the first floor side setbacks; and
 - non-compliance with the requirements of the Campbelltown (Sustainable City) Development Control Plan 2009, in relation to the use of locally indigenous vegetation.
 - 11 September 2009 – Letter provided by the applicant's Building Designer, responding to Council's letter dated 1 September 2009 (no amended plans provided).
 - 6 October 2009 – Further meeting between Council's Assessing Officer and the applicant.
 - 16 November 2009 – Response provided to Council's previous correspondence, including the provision of amended plans.
 - 11 February 2010 – Review of the amended plans identified a number of anomalies and outstanding issues. Further letter issued by Council to applicant in respect to these outstanding matters.
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- 1 March 2010 – Letter provided by the applicant's father, Mr. Michael Chrissimos, responding to Council's letter dated 1 September 2009 (no amended plans provided).
- 10 May 2010 – Amended plan provided by the applicant's father, Mr. Michael Chrissimos. The amended plans included the provision of a site plan indicating proposed finished levels across the site, and a Cut and Fill Management Plan, outstanding since the 9 July 2009.

Report

Introduction

Council is in receipt of a Development Application for the construction of two 2-storey dwellings.

The Site

The subject site is a rectangular shape allotment, located on the south eastern side of Englorie Park Drive, Glen Alpine. The site is a cleared and vacant, 799m² block of land, which slopes from the southern rear corner of the site (RL 156), by 5m to the front northern corner of the site (RL 151).

The Proposal

The proposal seeks Development Consent for the construction of two 2-storey dwellings on a single allotment. The proposal contains the following elements:

- Earth and excavation works;
- Construction of two detached, 2-storey dwellings, both with four bedrooms, attached double garages, attached alfresco areas and individual rear courtyards;
- Construction of retaining walls;
- Associated driveway areas;
- Internal fencing; and
- Site landscaping.

Campbelltown 2025 Looking Forward

'Campbelltown 2025 Looking Forward' is a vision statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- *Responds to what Council understands people want the City of Campbelltown to look, feel and function like;*
 - *Recognises likely future government policies and social and economic trends; and*
 - *Sets down the foundations for a new town plan that will help achieve that future.*
-

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

The strategic directions relevant to this application are:

- *Growing the Regional City,*
- *Building a distinctive Campbelltown sense of place, and*
- *Creating employment and entrepreneurial opportunities.*

The proposed development is generally consistent with these directions.

The relevant desired outcomes associated with Council's vision, included in Campbelltown 2025 include:

- *Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable;*
- *An impression of architecture that engages its environmental context in a sustainable way; and*
- *Development and land use that matches environmental capacity and capability.*

It is considered that the Development Application is generally consistent with the Vision's desired outcomes having regard to the proposed density, design and impact on adjoining development and the locality.

Assessment

The development has been assessed in accordance with the heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for consideration.

1. State Environmental Planning Policy (Building Sustainability Index)

BASIX Certificates have been provided for both of the proposed dwellings and relevant commitments made on the architectural / development plans. Therefore it is considered that the proposal is acceptable in this regard.

2. Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The proposal is not inconsistent with any of the relevant provisions of Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, and is therefore considered acceptable.

3. Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned '2(b) – Residential B Zone' pursuant to the provision at Clause 9 of the Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002). The proposed 'multi dwelling housing' development is permissible within the zone, as well as being consistent with the following objectives of that zone:

- (b) *to permit the development of a range of housing types, and*
- (c) *to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities.*

Consequently the proposal satisfies the provisions of Clause 9 of LEP 2002, enabling Council to grant development consent, should it deem appropriate to do so.

4. Campbelltown (Sustainable City) Development Control Plan 2009

The following compliance table, details the assessment of the proposal pursuant to the relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2009 (DCP 2009).

Section	Control	Requirement	Proposed	Compliance
2.4.1	Rain Water Tanks	A 3,000L rain water tank is required for each dwelling.	Each dwelling includes a 4,500L rain water tank.	Yes. Furthermore, a condition has been included within the recommendation requiring ongoing compliance with such.
2.5	Landscaping	Provision of a detailed landscape plan, which shall enhance the visual character of the development and complement the site, and enhance the existing indigenous flora and fauna characteristics of a site wherever possible.	The application has been accompanied by a detailed landscape plan, which includes various indigenous trees and shrubs.	Yes
2.8.1 (a)	Cut and Fill	A Cut and Fill Management Plan shall be provided, where the development incorporates cut and / or fill operations.	<p>A detailed Site Plan, detailing proposed finished levels and a Cut and Fill Management Plan, have been provided.</p> <p>The Plan depicts that earthworks around the perimeter of the site have been minimised and that retaining walls have been suitably located, to reduce impacts on adjoining lots.</p>	Yes

Section	Control	Requirement	Proposed	Compliance
2.8.1 (c)	Cut and Fill	Any excavation within the zone of influence of any other structure requires a 'dilapidation report' (prepared by a suitably qualified person) demonstrating that adequate ameliorative measures are to be implemented to protect the integrity of any structure.	While the proposal involves excavation works within the zone of influence of adjoining properties, no such details have been provided.	No. Though a condition has been included within the recommendation requiring the provision of a Dilapidation Report.
2.12.2 (b)	Retaining Walls	Any retaining wall greater than 900mm in height shall be designed and certified by a suitable qualified person.	The proposed development includes retaining walls, up to a height of 1.55m. Engineering details have been provided, which have been prepared by the applicant's consultant Engineer.	Yes
2.12.2 (c)	Retaining Walls	In the case of retaining walls constructed to support proposed fill on an allotment, no filling shall be permitted within 2m of any property boundary.	The proposal involves minimal filling / level increases over the site.	Yes
2.12.2 (d)	Retaining Walls	In the case of retaining walls constructed to support proposed cut on an allotment, the retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut.	The proposed retaining walls have been sited away from the side and rear property boundaries, with existing ground levels maintained within 450mm of the boundaries of the site.	Yes
2.12.2 (e)	Retaining Walls	Any retaining wall shall not adversely alter surface flows to adjoining private land.	Given the nature of the retaining walls and through the inclusion of stormwater measures in accordance with Volume 2 of the Sustainable City DCP, it is considered that the proposal is satisfactory in this regard.	Yes
2.12.2 (f)	Retaining Walls	Any retaining wall and associated structures shall be designed to be located wholly within the property boundary.	The proposed retaining walls have been sited away from the side and rear property boundaries.	Yes
2.15.1	Waste Management	A detailed Waste Management Plan shall accompany multi dwelling applications.	A detailed Waste Management Plan accompanied the application and is satisfactory.	Yes
3.3.1 (a)	Streetscape	Building design (including facade treatment, massing, roof design and entrance features), setbacks and landscaping shall complement the scale of development, character and qualities of the desired streetscape.	The overall building design is in keeping with the existing and future likely character of the area.	Yes
3.3.1 (c)	Streetscape	The built form shall relate to the natural landform and setting.	The proposed design has given appropriate regard to the natural landform of the site and its surrounds.	Yes

3B3.4 No. 159 Englorie Park Drive, Glen Alpine - Construction Of Two Dwellings

Section	Control	Requirement	Proposed	Compliance
3.3.1 (d)	Streetscape	On-site parking areas shall be designed and sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street or other public place.	Both garages are recessed beyond the main front facades and the balconies of the respective dwellings, which minimises their overall streetscape prominence.	Yes
3.3.1 (e)	Streetscape	Garage doors facing a public street shall be no wider than 50% of the width of the building (at its street fronting facade).	Each garage door constitutes 52.8% of the width of its respective front facade.	No. Though, given the garage doors have been recessed further back than the minimum setback requirement and that the facade of each of the dwellings includes a balcony over the respective garages, it is considered that despite the minor departure from the relevant controls of the DCP, the proposal is considered acceptable and is unlikely to have an adverse impact on the streetscape given the existing built form in the local area.
3.3.1 (f)	Streetscape	No carports or garages (or like structures) shall be located within 6m of the primary street boundary.	Unit 1 – 8.6m Unit 2 – 7.9m	Yes
3.3.2 (a) (i)	Building Height	Residential development shall not exceed two (2) storeys.	The proposed development does not exceed two (2) storeys.	Yes
3.3.2 (a) (ii)	Building Height	Residential development shall have a height not exceeding 7.2m at the upper most ceiling measured vertically from ground level (existing).	Approximately 6.05m	Yes
3.3.2 (a) (iii)	Building Height	Residential development shall have a height not exceeding 9.5m at the upper most roof height measured vertically from ground level (existing).	Approximately 7.15m	Yes
3.3.2 (b)	Building Height	The height of development shall not result in any significant loss of amenity (including loss of solar access and visual and acoustic privacy) to adjacent properties and public places.	The overall height of the development is consistent with the height of surrounding development and given the siting of the proposed development, amenity impacts to adjacent dwellings has been minimised.	Yes
3.4 (b)	Car Parking and Access	The minimum internal dimension of an enclosed garage shall be 3m x 6m.	Each garage provides an area of 5.4m x 6m.	Yes

Section	Control	Requirement	Proposed	Compliance
3.4 (c)	Car Parking and Access	Transitional grades shall comply with AS 2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	Consideration of the proposal in this regard indicates that the proposal will comply with such requirements.	Yes. Furthermore, a condition has been included within the recommendation requiring compliance with such.
3.4 (g)	Car Parking and Access	The minimum width of the driveway at the street kerb shall be 2.5m where the driveway provides access for one (1) dwelling.	Both driveways are 3m wide at the front property boundary.	Yes
3.4 (i)	Car Parking and Access	Driveways shall be designed perpendicular to the road.	Both driveways are perpendicular to the road.	Yes
3.4 (j)	Car Parking and Access	Plain concrete driveways shall not be permitted.	No details have been provided in respect to the finish of the driveways.	No. Though a condition has been included within the recommendation requiring compliance with such.
3.5.2 (a)	Visual Privacy	No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space of another dwelling located within 6m of the proposed window or balcony unless appropriately screened.	The overall number of side facing windows throughout the development has been minimised and does not involve living rooms facing other living rooms.	Yes
3.6 (a)	Solar Access	Living areas shall have a northerly orientation.	Giving regard to the northerly orientation of the site and the overall layout of the dwellings as proposed, including the absence of north facing windows, the main living areas of both dwellings will receive minimal solar access at the winter solstice.	No. Although, a condition has been included within the recommendation requiring the inclusion of an a north facing window to the living areas of each of the dwellings, to provide improved solar access.
3.6 (b)	Solar Access	A minimum 20m ² area of the required private open space shall receive three (3) hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.	In excess of 20m ² of the private open space area of both dwellings, will receive more than three (3) hours of solar access at the winter solstice.	Yes
3.6 (c)	Solar Access	Development shall have appropriate regard to the impact on solar access to useable private open space, solar collectors and clothes drying areas of adjoining residential development.	The layout and design of the development results in any amenity impacts to adjacent dwellings being minimised.	Yes
3.9.1 (a)	Site and Density Requirements for Multi Dwellings	Multi dwellings shall not be erected on land with an area of less than 700m ² .	799m ²	Yes

Section	Control	Requirement	Proposed	Compliance
3.9.1 (c)	Site and Density Requirements for Multi Dwellings	Subject to the satisfaction of other requirements within the Plan, the number of dwellings permitted within a multi dwelling development shall not exceed two (2) dwellings for the first 700m ² of land area and 1 dwelling for each 300m ² of land area thereafter.	Site area of 799m ² accommodates two (2) dwellings	Yes
3.9.1 (e) (i)	Site and Density Requirements for Multi Dwellings	Multi dwellings incorporating two (2) dwellings shall only be permitted on an allotment having a minimum width of 15m measured along the side boundaries at a distance of 5.5m from the primary street boundary.	Allotment width is approximately 26.3m	Yes
3.9.1 (g)	Site and Density Requirements for Multi Dwellings	The total FSR shall not exceed 0.45:1.	0.45:1	Yes
3.9.1 (h) (i)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 5.5m from the primary street boundary.	Unit 1 – 5.5m Unit 2 – 5.75m	Yes
3.9.1 (h) (iii)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 900mm from any side boundary for the ground level.	A minimum setback of 1.258m is provided from the ground floor component to the north eastern side boundary and a minimum setback of 1.263m is provided from the ground floor component to the south western side boundary.	Yes
3.9.1 (h) (iv)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 1.5 from any side boundary for all levels above the ground level.	A minimum setback of 1.514m is provided from the ground floor component to the north eastern side boundary and a minimum setback of 1.521m is provided from the ground floor component to the south western side boundary.	Yes
3.9.1 (h) (v)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 5m from the rear boundary for the ground level.	The 'alfresco' areas of both dwellings are setback a minimum of 8.5m, from the rear boundary.	Yes
3.9.1 (h) (vi)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 10m from the rear boundary for all levels above the ground level.	The first floor component of both dwellings is setback a minimum of 14.5m, from the rear boundary.	Yes
3.9.2 (b)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with a minimum of one single garage.	A double garage services each dwelling.	Yes

3B3.4 No. 159 Englorie Park Drive, Glen Alpine - Construction Of Two Dwellings

Section	Control	Requirement	Proposed	Compliance
3.9.2 (g)	General Requirements for Multi Dwellings	The total floor area occupied by all bedrooms (and / or rooms capable of being used as a bedroom) within each dwelling shall not exceed 35% of the total floor space of that dwelling.	Approximately 25% for both dwellings.	Yes
3.9.2 (h) (i)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that are not located within the primary street setback.	The private open space area of each dwelling is located to the rear.	Yes
3.9.2 (h) (ii)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have a minimum area of 60m ² .	The private open space area of each dwelling is in excess of 125m ² .	Yes
3.9.2 (h) (iii)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have a minimum width of 3m.	Each private open space area (for each dwelling) has a minimum width of 8m.	Yes
3.9.2 (h) (iv)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that include a minimum levelled area of 5m x 5m.	Each private open space area has minimum dimensions of 8m x 10m.	Yes
3.9.2 (h) (v)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have an internal living room directly accessible to outdoor private open space areas.	Each private open space area is directly accessible from the main living areas.	Yes
3.9.2 (h) (vi)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area of private open space that satisfies the solar access requirements contained in Section 3.6.	Each private open space area receives more than three (3) hours of solar access at the winter solstice.	Yes
3.9.2 (i)	General Requirements for Multi Dwellings	No part of an outdoor living area is permitted to be located within the primary or secondary street setback area.	The 'alfresco' areas for both dwellings are located to the rear.	Yes

3B3.4 No. 159 Englorie Park Drive, Glen Alpine - Construction Of Two Dwellings

Section	Control	Requirement	Proposed	Compliance
3.9.2 (k)	General Requirements for Multi Dwellings	<p>Multi dwellings shall satisfy the following additional provisions relating to streetscape:</p> <ul style="list-style-type: none"> architectural features (such as balconies, openings, columns, porches, colours, materials etc) and articulation in walls are to be incorporated into the front facade of each dwelling; no more than 30% of the area forward of any building alignment shall be surfaced with impervious materials. 	<p>The front facades of both dwellings are articulated and consist of architectural features that are of a similar form to that of neighbouring developments.</p> <p>Approximately 35% of the area forward of both dwellings, is of an impervious finish.</p>	<p>No.</p> <p>Though, given that the proposed driveway design improves manoeuvrability within the site (a site of which accessed directly from a busy local road), full compliance with the requirement to limit the extent of impervious areas forward of the building line will have an adverse effect on the level of safety available to both pedestrians and drivers travelling along Englorie Park Drive. It is also the case that the remaining pervious areas forward of both dwellings are to be fully landscaped with a mix of exotic and native trees and shrubs. Giving regard to the above discussion, the proposed driveways are considered acceptable and form only a minor departure from the DCP control.</p>
3.9.2 (l)	General Requirements for Multi Dwellings	<p>Multi dwellings shall satisfy the following requirements relating to landscape:</p> <ul style="list-style-type: none"> a detailed landscape design plan shall be submitted by a suitably qualified person with the development application; and a minimum of 20% of the total site area shall be available for deep soil planting. 	<p>The application was accompanied by a detailed landscape design plan.</p> <p>Approximately 30% of the site has been made available for deep soil planting.</p>	<p>Yes</p>

Section	Control	Requirement	Proposed	Compliance
3.9.2 (m)	General Requirements for Multi Dwellings	Multi dwellings shall provide a distinctive architectural outcome that unifies the range of building elements and diversity within the development and which also harmonises with surrounding development.	The overall design of the proposed development is similar in terms of its finish, and bulk and scale, to existing and likely future development in the locality. The front facade and roof form of both dwellings are articulated, which provides depth to the overall design.	Yes
3.9.4 (a)	Multi Dwellings and Waste Management	Multi dwelling developments shall make provision for individual waste storage, allocated behind the primary and secondary building alignment out of public view, for the following: <ul style="list-style-type: none"> • a 140 litre bin; and • two (2) 240 litre bins. 	Suitable provision is made within each private open space area in positions, which shall not compromise the use of such.	Yes

5. Campbelltown City Council Section 94A Development Contributions Plan

Development contributions are applicable pursuant to the provisions of the Campbelltown City Council Section 94A Development Contributions Plan and accordingly a condition has been included within the recommended conditions, requiring payment of such.

6. Planning Assessment

• Built Form

The overall building design consists of articulated facades, and is in keeping with the existing character of the area. Moreover, it is considered that the overall development is of an acceptable built form, in terms of scale, massing and articulation and that of the probable future character of the local area.

• Overshadowing

The application has been accompanied by shadow diagrams depicting the extent of overshadowing at the winter solstice. It is considered that the extent of the overshadowing of adjacent properties is not unreasonable, given the scale of the residential properties adjacent the subject site and the continued availability of access to adequate levels of sunlight.

• Amenity Impacts

The proposed development has given adequate regard to the existing adjoining residential premises, in terms of ensuring the minimisation of any impact on privacy, separation, overshadowing and the ongoing protection of existing vegetation contained within adjoining properties, from damage as a result of excavation or other development works within the site. Accordingly, it is considered that the proposal is unlikely to have an unacceptable impact upon the neighbours of adjoining properties.

- **Natural Environment**

The application has been accompanied by a detailed landscape plan, which includes various indigenous trees and shrubs. The landscape design is considered satisfactory and gives regard to Council's requirement for the use of native species in the plant selection.

Public Participation

In accordance with the requirements of Campbelltown Development Control Plan No. 87, the proposal was notified to adjoining property owners from 5 June 2009 until 19 June 2009. As a consequence of the notification, Council received one (1) submission, objecting to the proposal. Following is a summary and comments relating to the concerns raised:

- Concern was raised regarding the loss of views as a result of the proposed development.

Comment – The proposal involves the development of a vacant residential allotment. As previously discussed, the overall development gives regard to the topography of the site and its surrounds, and is of a bulk and scale that is not inconsistent with existing surrounding development.

The development is positioned as to not significantly compromise distant views to the hills / mountains and is not considered inconsistent with that of a single, 2-storey house if that was to be constructed on the subject site instead of that development type which is the subject of this report. In this regard, it is considered that the proposal is acceptable in its current form.

- Concern was raised regarding privacy impacts as a result of the proposed development.

Comment – The overall layout of the development has sited living areas within the ground floor areas, and has given regard to the landform of the site and its surrounds, thus reducing potential privacy impacts.

Moreover, the design has minimised the number of first floor windows and as previously outlined, the proposal fully complies with the setback requirements of the Sustainable City DCP. Accordingly, it is considered that the proposal is acceptable in its current form.

Internal Referrals

The application was referred to both Council's Senior Development Engineer and Council's Building Certification Unit for review and comment. Neither one raised an objection to the proposal, subject to the inclusion of their recommended conditions. These conditions form part of the recommended conditions at Attachment 1 of this report.

Conclusion

The proposal to construct two dwellings has been considered in accordance with Council's relevant planning provisions and policies. As noted within this report, the assessment of the application did not identify any significant environmental impacts and as such, it is considered that the site is suitable for the proposed development type. For these reasons and those within the report, it is recommended that the application be approved subject to conditions.

Officer's Recommendation

That Development Application No. 1160/2009/DA-M for the construction of two 2-storey dwellings at No.159 Englorie Park Drive, Glen Alpine, be approved subject to the recommended conditions at Attachment 1.

Committee's Recommendation: (Oates/Greiss)

That the Officer's Recommendation be adopted.

CARRIED

Voting for the Committee's Recommendation were Councillors: Greiss, Kolkman and Oates.

Voting against the Committee's Recommendation was Councillor: Thompson.

Council Meeting 24 August 2010 (Kolkman/Oates)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 157

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Bourke, Chanthivong, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Oates, Matheson, Rowell, Rule and Thomas.

Voting against the Council Resolution were Councillors: Thompson.

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

- a. Unit 1 shall be completed in accordance with the approved plans prepared by Pricon, listed below, and all associated documentation submitted with the application, except as modified in red by Council and / or any conditions of this consent.

Drawing No. (Job No. 0003-09)	Date Received by Council
2001 (Revision C)	10 May 2010
2004	10 May 2010
2005	10 May 2010
2006	10 May 2010
2007	10 May 2010
2008	10 May 2010
3001	10 May 2010
3002	10 May 2010
4001	10 May 2010

- b. Unit 2 shall be completed in accordance with the approved plans prepared by Pricon, listed below, and all associated documentation submitted with the application, except as modified in red by Council and / or any conditions of this consent.

Drawing No. (Job No. 0007-09)	Date Received by Council
2001	10 May 2010
2004	10 May 2010
2005	10 May 2010
2006	10 May 2010
2007	10 May 2010
2008	10 May 2010
3001	10 May 2010
3002	10 May 2010
4001	10 May 2010

- c. The retaining walls adjacent to Unit 1 shall be completed in accordance with the approved plans prepared by Algorry Zappia & Associates Pty. Ltd., listed below, and all associated documentation submitted with the application, except as modified in red by Council and / or any conditions of this consent.

Drawing No. (Job No. 1029-10)	Date Received by Council
S00	10 May 2010
S07	10 May 2010

- d. The retaining walls adjacent to Unit 2 shall be completed in accordance with the approved plans prepared by Algorry Zappia & Associates Pty. Ltd., listed below, and all associated documentation submitted with the application, except as modified in red by Council and / or any conditions of this consent.

Drawing No. (Job No. 1030-10)	Date Received by Council
S00	10 May 2010
S07	10 May 2010

- e. A window shall be included in the northern wall of the living area of each of the dwellings (opposite the door at the rear of each of the respective garages) as modified in red by Council on the approved plans. The windows shall be of similar proportions to windows off the lounge/theatre room.

2. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

3. Contract of Insurance (residential building work)

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This clause does not apply:

- To the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of that regulation, or
 - To the erection of a temporary building.
-

4. Notification of Home Building Act 1989 Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

5. Landscaping

- a. The provision and maintenance of landscaping shall be in accordance with the approved landscape plan prepared by Ray Fuggle & Associates, submitted to Council on 3 August 2010, including the engagement of a suitably qualified landscape consultant / contractor for landscaping works.
 - b. The landscaping is to incorporate the following amendments and an amended landscape plan submitted to the Principal Certifying Authority, prior to the issuing of a Construction Certificate:
 - Retaining wall and level details, consistent with the approved site plans and retaining wall plans; and
 - Provision of ground covers within the area beyond the retaining wall alongside the south western property boundary.
 - c. All plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage.
 - d. All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
 - e. Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
-

- f. Minimum 75mm depth of organic mulch shall be placed within an area 500mm radius from the base of the tree. Mulch shall be free from deleterious and extraneous matter, including soil, weeds, rocks, twigs and the like and shall be placed so that it is not in contact with the stem of the plant.

6. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted to Council on 22 January 2010. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

7. Fencing

- a. No approval is issued for any fencing forward of the building line.
- b. Fencing is to be installed between each courtyard area and the two (2) dwellings, prior to the issuing of any Occupation Certificates. The fencing is to be sited above the associated retaining wall, with a height of 1.8m.
- c. Attention is directed to the provisions of the Dividing Fences Act 1991, in relation to the fencing of the boundaries of the overall site.

8. Switchboards/Utilities

Switchboards, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place.

9. Driveway

The gradients of driveways and manoeuvring areas shall be designed in accordance with *Australian Standard AS 2890.1 and AS 2890.2 (as amended)*.

Driveways shall be constructed using decorative paving materials such as pattern stencilled concrete, coloured stamped concrete or paving bricks. The finishes of the paving surfaces are to be non-slip and plain concrete is not acceptable.

10. Car Parking

Car parking and access shall be designed, in accordance with Australian Standards 2890 (as amended).

11. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

12. Shoring and Adequacy of Adjoining Property

If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

- a. Protect and support the adjoining premises from possible damage from the excavation, and
- b. Where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

13. Rain Water Tanks

The applicant shall install and maintain 4500 litre rain water tanks in accordance with the approved plans. Water collected in the tank shall be utilised for the irrigation of on-site landscaping.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

14. Water/Electricity Utility Services

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence of the following service provider requirements:

- a. *Integral Energy* - A letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b. *Sydney Water* - The submission of a 'Notice of Requirements' under Section 73 of the *Water Board (Corporation) Act 1994*.

15. Sydney Water Stamped Plans

Prior to Council or an accredited certifier issuing a construction certificate, development plans shall be submitted to a *Sydney Water Customer Centre or Quick Check Agent*, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and or easements, and if further requirements need to be met. The plans, including any amended plans are required to be appropriately stamped.

16. Telecommunications Utility Services

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.

17. Waste Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's *Waste Management Plan* is to be completed to the satisfaction of Council.

18. Soil and Water Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

19. Stormwater Management Plan (Development)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site. All proposals shall comply with the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

20. Dilapidation Report

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for the buildings and land, at 157 Englorie Park Drive, Glen Alpine and 161 Englorie Park Drive, Glen Alpine, to the Principal Certifying Authority for approval.

21. Section 94A Developer Contribution - Community Facilities and Services

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision Certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
-

- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site (www.campbelltown.nsw.gov.au) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

Note: This condition is only applicable where the total development value exceeds \$100,000.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

22. Erosion and Sediment Control

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

23. Erection of Construction Sign

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours;
 - b. Stating that unauthorised entry to the work site is prohibited; and
 - c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent);
 - d. Stating the approved construction hours in which all works can occur.
-

- e. Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

24. Toilet on Construction Site

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer, or
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

25. Trade Waste

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

26. Vehicular Access During Construction

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

27. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

28. Footpath and Vehicular Crossing Levels

Prior to the commencement of any work, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

29. Fencing

An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

30. Structural Engineer Details

Prior to the commencement of any works, the submission to the principal certifying authority of all details prepared by a practicing structural engineer.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

31. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

32. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

33. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

34. Protection of Existing Trees

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees are within three (3) metres of the footprint of a building that has been approved by Council.

All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/ canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.

All useable trees and shrubs shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or garden beds or site rehabilitation. Non-salvable materials such as roots and stumps shall be disposed of to a waste management centre or other approved form.

35. Ground Levels

The existing ground levels shall only be altered in accordance with the levels shown on the approved plans. Under no circumstances shall levels adjacent to the side property boundaries be altered.

36. Earth Works/Filling Works

All earthworks, including stripping, filling, and compaction shall be:

- a. Undertaken in accordance with Council's '*Specification for Construction of Subdivisional Roads and Drainage Works*' (as amended), AS 3798 '*Guidelines for Earthworks for Commercial and Residential Development*' (as amended), and approved construction drawings;
- b. Supervised, monitored, inspected, tested and reported in accordance with AS 3798 *Appendix B 2(a) Level 1 and Appendix C* by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
- c. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and AS 3798.

37. Fill Compaction Requirements

Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m² (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

38. Imported 'waste-derived' fill material

The only waste-derived fill material that may be received at the development site is:

- a. virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
- b. any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

39. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *'Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

40. Termite Control

The building shall be protected from subterranean termites in accordance with *Australian Standard 3660.1*. Certification of the treatment shall be submitted to the principal certifying authority prior to the issue of an occupation certificate.

41. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, minimum 1.2 metres wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the RTA manual *"Traffic Control at Work Sites" (as amended)*, all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all *Work Cover Authority* requirements are complied with. Council may at any time and without prior notification make safe any such works that be considered to be unsafe, and recover all reasonable costs incurred from the applicant.

42. Compliance with Council Specification

All design and construction work, shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
 - b. *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2,*
-

- c. 'Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian standards and State Government publications.

43. Footpath

The footpath adjoining the subject land shall be regraded, topsoiled and turfed in accordance with levels to be obtained from Council. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to existing footpath levels.

44. Residential Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing to Council's *Residential Vehicle Crossing Specification* to each dwelling.

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.

45. Associated Works

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any civil works directed by Council, to make a smooth junction with existing work.

46. Redundant Laybacks

All redundant layback/s shall be reinstated to conventional kerb and gutter to Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

47. Completion of Construction Works

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within twelve (12) months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

48. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate, the submission of a Section 73 certificate issued by *Sydney Water*.

49. Structural Engineering Certificate

Prior to the principal certifying authority issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings and relevant *SAA Codes* and is structurally adequate.

50. Completion of External Works Onsite

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

51. Public Utilities

Prior to the principal certifying authority issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

52. BASIX

Prior to the principal certifying authority issuing an occupation certificate, completion of all requirements listed in the relevant BASIX certificate for the subject development shall be completed/installed.

53. Council Fees and Charges

Prior to the principal certifying authority issuing an Occupation Certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than 3 metres or has a trunk diameter more than 150mm measured 1 metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

Advice 3. Disability Discrimination Act

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992). Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA). However, your attention is drawn to the existence of the DDA1992 and that compliance with the various requirements of the BCA does not provide automatic compliance with the DDA1992. In this regard it is the sole responsibility of the owner, builder and applicant to ensure compliance with the DDA1992.

Advice 4. Smoke Alarms

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

Advice 5. Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

Advice 6. Inspection Within Public Areas

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

Advice 7. Adjustment to Public Utilities

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

Advice 8. Fire Risk Identification Sticker

A sticker prepared by the NSW Fire Brigade is attached to the approval documentation. The sticker provides a guide to fire fighters for the purposes of improving searches for occupants in the event of a fire, and to assist with fire fighter safety.

It is requested that the PCA or builder tick the appropriate boxes on the sticker and mount it in the electrical meter box.

Advice 9. Rain Water Tank

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

Advice 10. Dial 1100 Before you Dig

Underground cable and pipes may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website - www.dialbeforeyoudig.com.au.

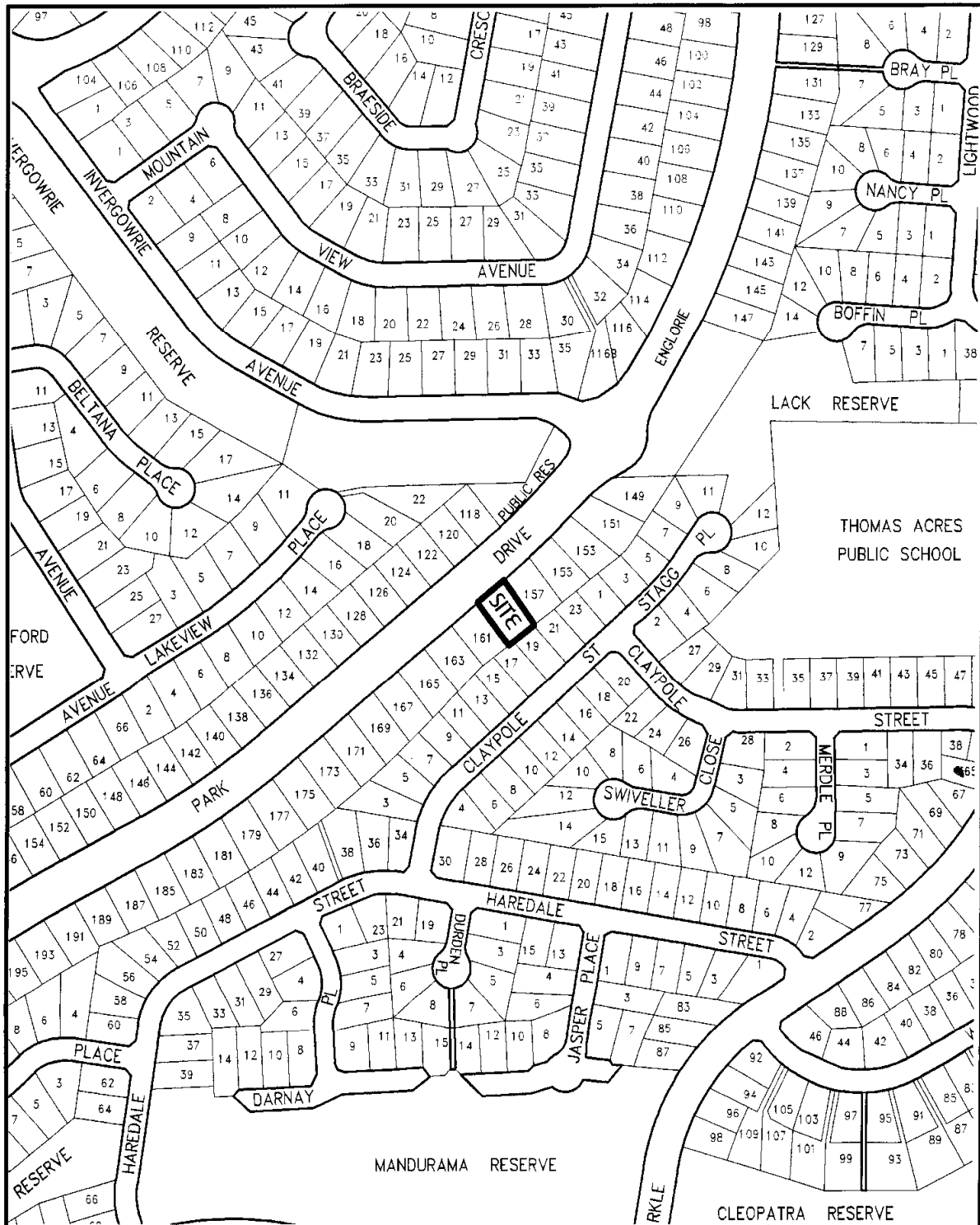
Advice 11. Mine Subsidence Compensation Act 1961

Written approval for the development is to be obtained from the Mine Subsidence Board, under the Mine Subsidence Compensation Act 1961, and a copy provided to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Any changes required to the design / approved plans as a result of this process, shall require consideration of a modification application (i.e. Section 96) by Council.

END OF CONDITIONS

ATTACHMENT 2



LOCALITY PLAN

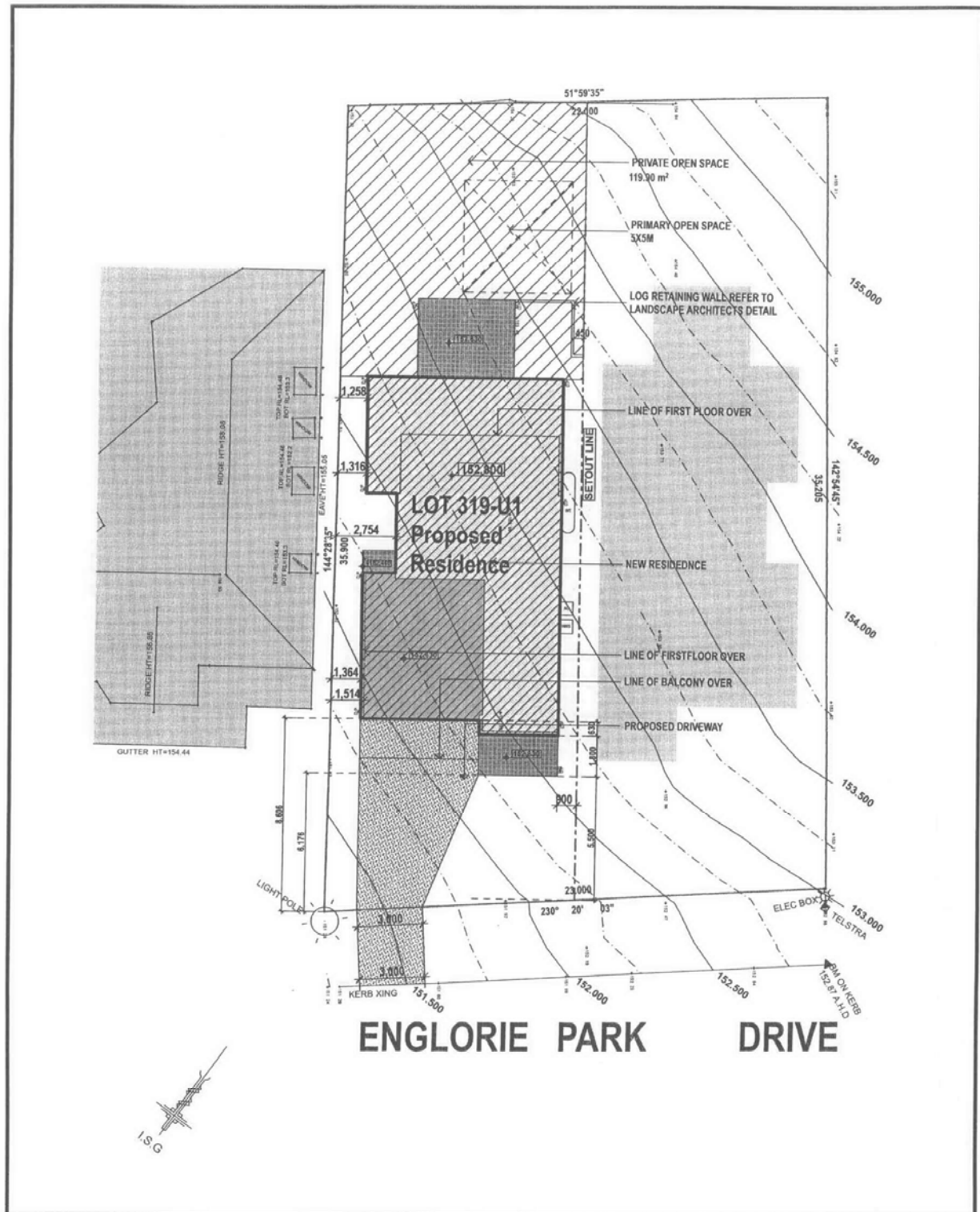


SUBJECT:

CONSTRUCTION OF TWO DWELLINGS.

LOT 319 DP 879911 - No. 159 ENGLORIE PARK DRIVE, GLEN ALPINE.

ATTACHMENT 3

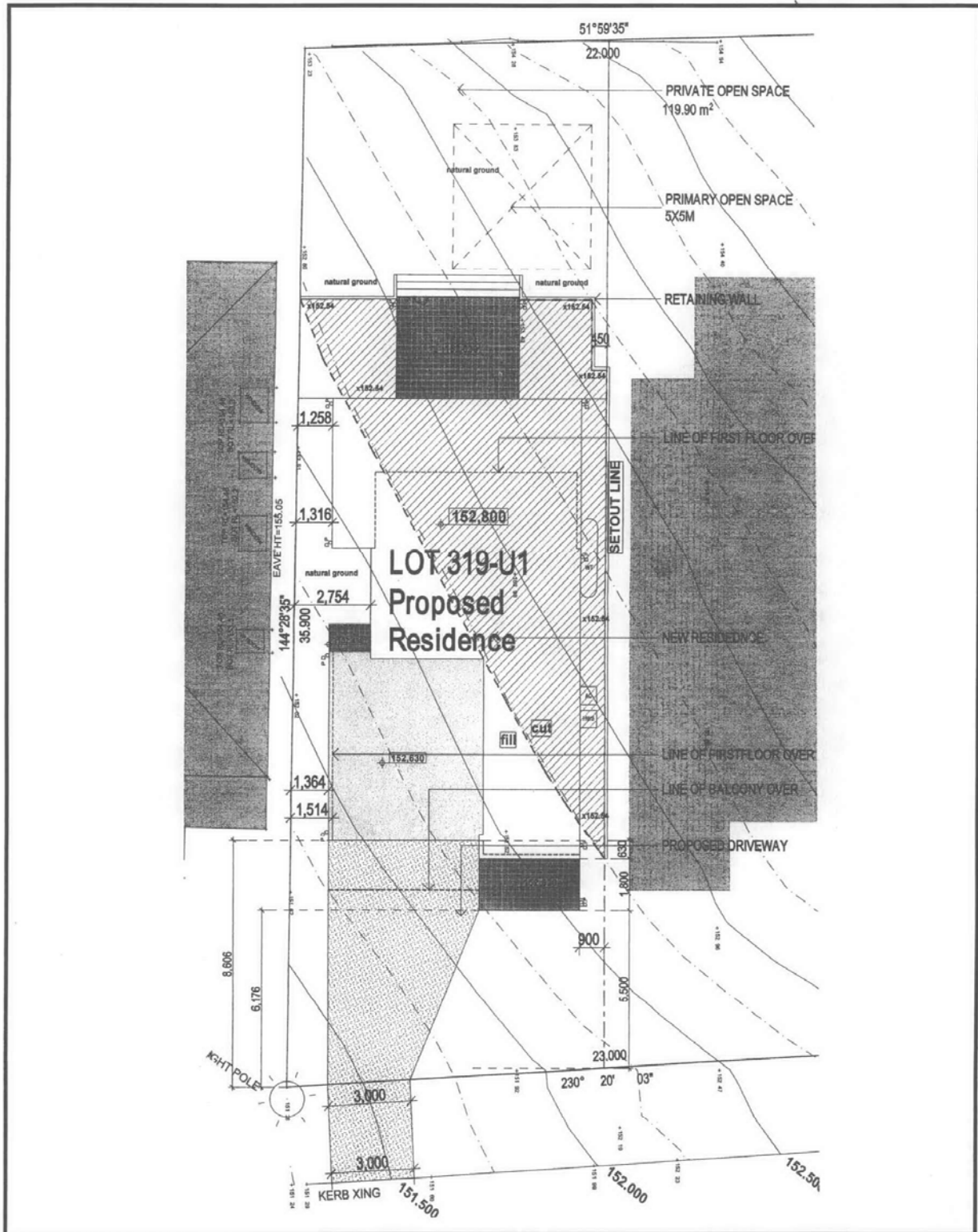


U1 SITE PLAN

SUBJECT:

CONSTRUCTION OF TWO DWELLINGS.

LOT 319 DP 879911 - No. 159 ENGLORIE PARK DRIVE, GLEN ALPINE.



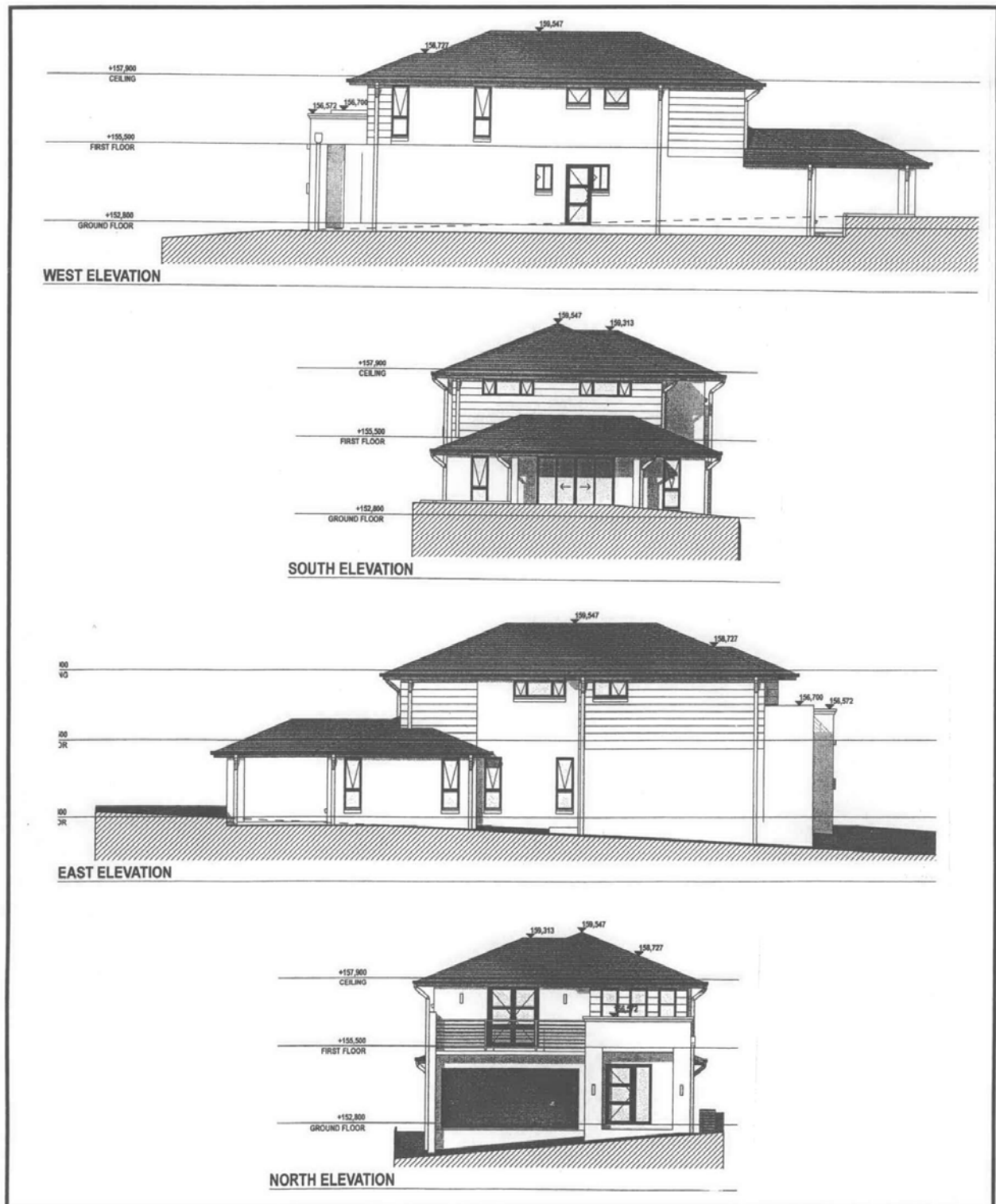
U1 SITE PLAN

SUBJECT:

CONSTRUCTION OF TWO DWELLINGS.

LOT 319 DP 879911 - No. 159 ENGLORIE PARK DRIVE, GLEN ALPINE.

ATTACHMENT 4



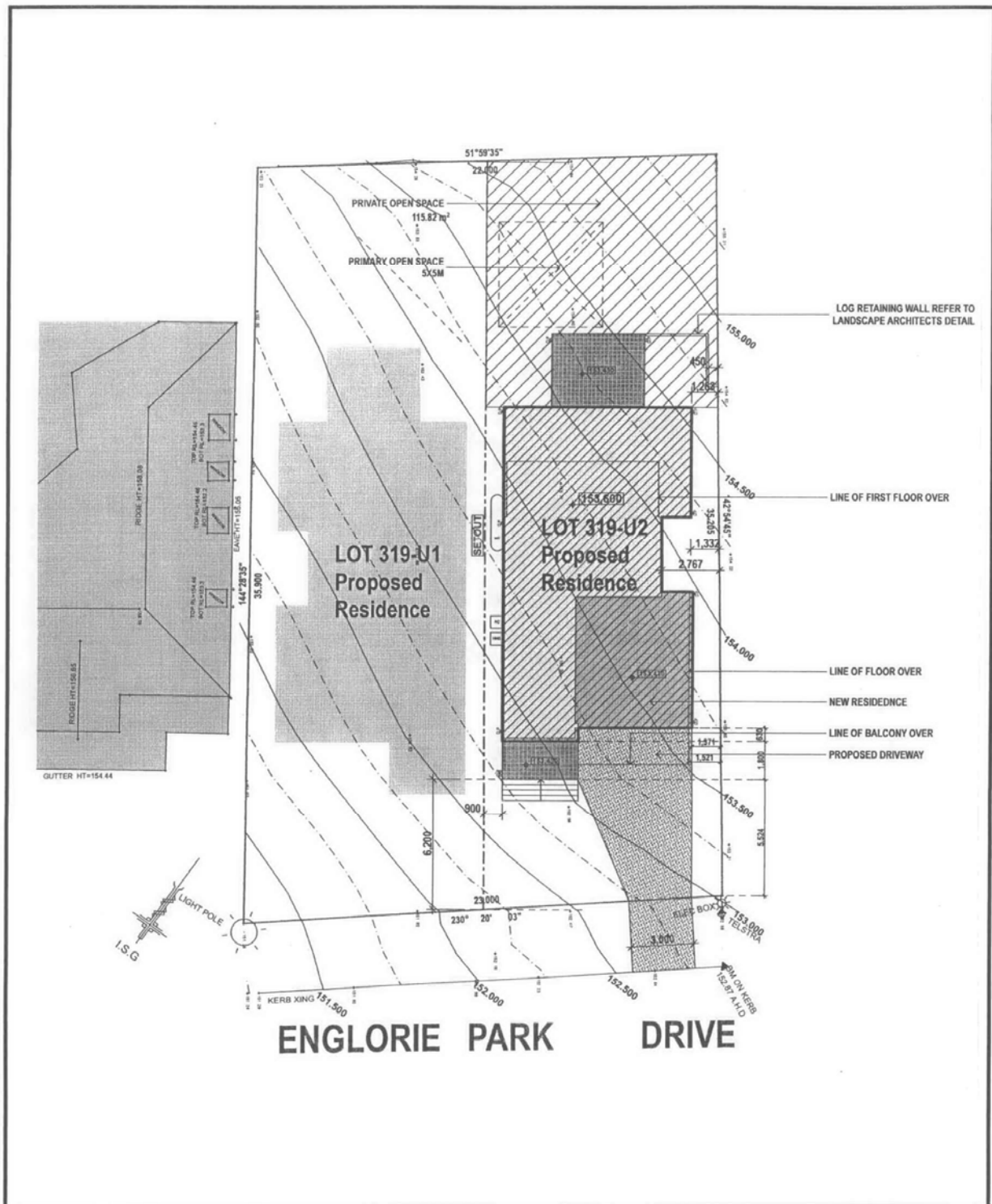
U1 ELEVATIONS

SUBJECT:

CONSTRUCTION OF TWO DWELLINGS.

LOT 319 DP 879911 - No. 159 ENGLORIE PARK DRIVE, GLEN ALPINE.

ATTACHMENT 5

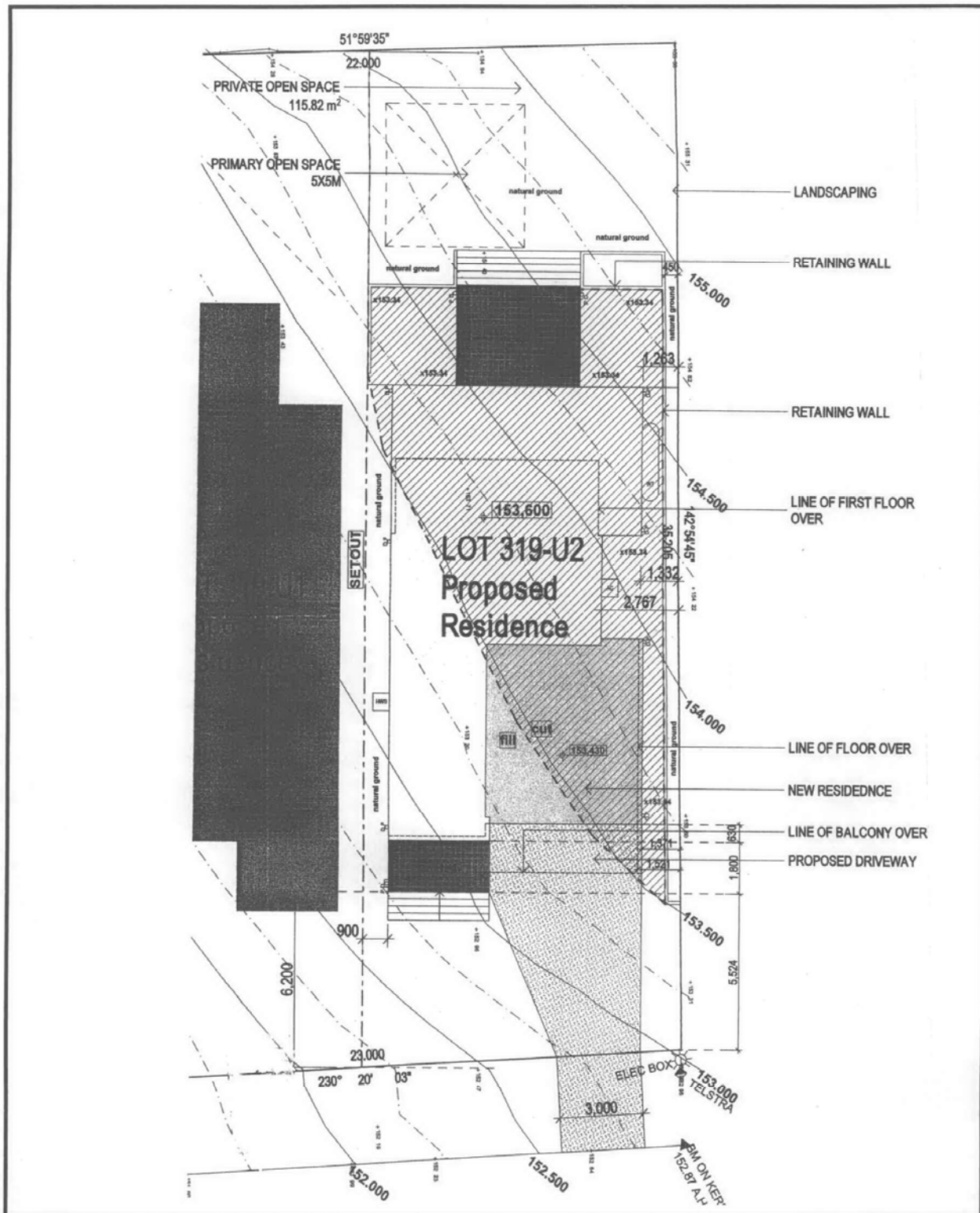


U2 SITE PLAN

SUBJECT:

CONSTRUCTION OF TWO DWELLINGS.

LOT 319 DP 879911 - No. 159 ENGLORIE PARK DRIVE, GLEN ALPINE.



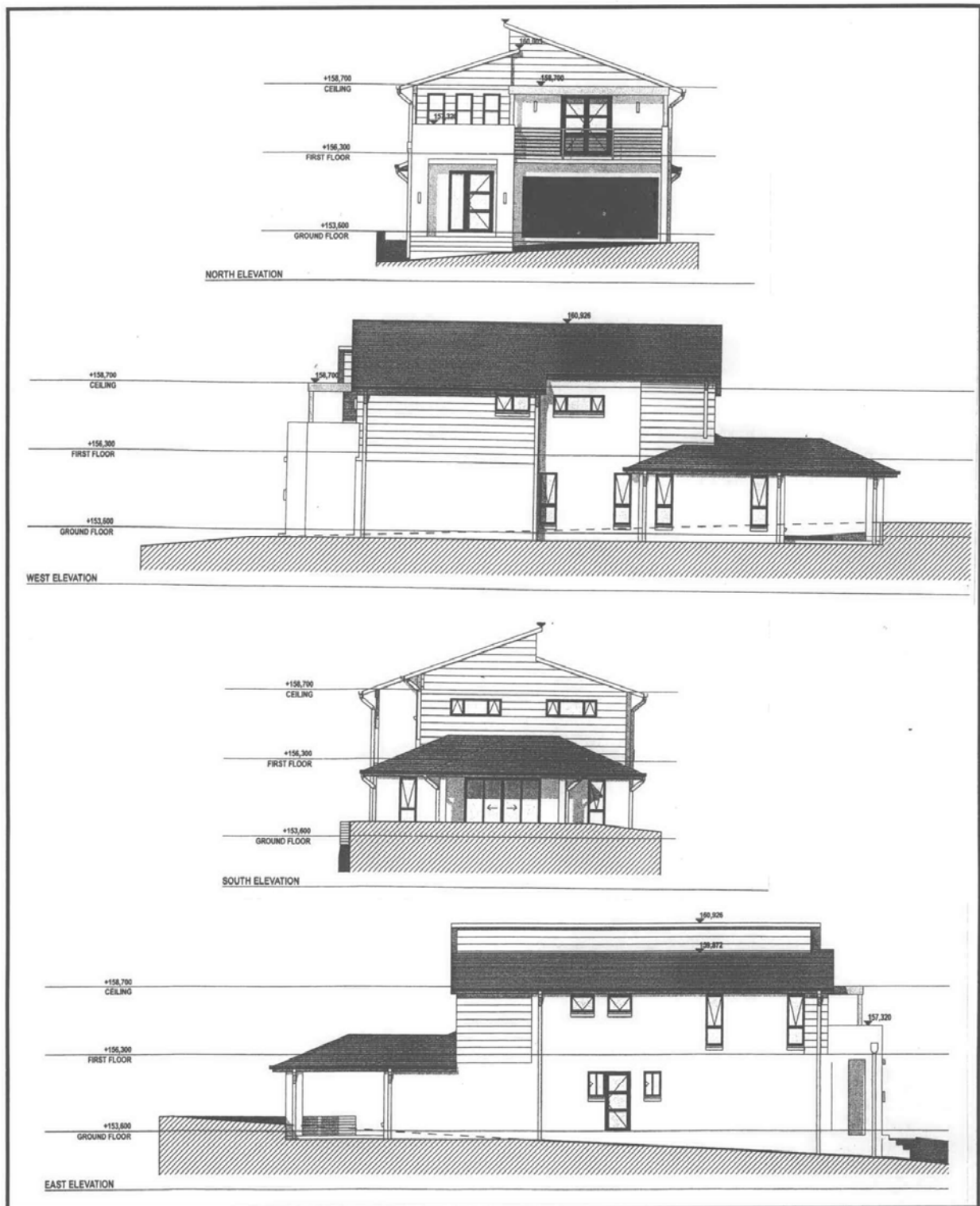
U2 SITE PLAN

SUBJECT:

CONSTRUCTION OF TWO DWELLINGS.

LOT 319 DP 879911 - No. 159 ENGLORIE PARK DRIVE, GLEN ALPINE.

ATTACHMENT 6



U2 ELEVATIONS

SUBJECT:

CONSTRUCTION OF TWO DWELLINGS.

LOT 319 DP 879911 - No. 159 ENGLORIE PARK DRIVE, GLEN ALPINE.

3.5 Unit 3 No. 6 Cary Grove, Minto - Construction of fitout and use of premises as a religious establishment

Reporting Officer

Manager Development Services

Attachments

1. Recommended Conditions of Consent
2. Locality Plan
3. Existing Site Plan
4. Proposed Floor Plan

Purpose

To assist Council in its determination of the subject development application in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

Property Description	Lot 3 SP 63218, Unit 3 No. 6 Cary Grove, Minto
Application No	595/2010/DA-U
Applicant	Calvary Life Outreach Centre
Owner	Ms Diana Brcic
Statutory Provisions	Campbelltown 2025 - Looking Forward Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009 Development Control Plan No.82 - Religious Establishments
Date Received	17 March 2010

Report

Introduction

A development application has been received for the fitout and use of an industrial unit as a religious establishment at Lot 3 SP 63218, Unit 3 No. 6 Cary Grove, Minto. The land is located within an industrial setting and the subject unit is located in a 5 unit industrial complex.

The development application was notified to nearby and adjoining land owners with no submissions being received.

The Site

The subject land has an area of 2,942 square metres and is rectangular in shape. The industrial complex containing five units was approved under development consent DA 316/1997 in October 1997. The subject unit is presently vacant. The nearest residence from the site is located approximately 325 metres to the west in Galloway Crescent, St Andrews.

The five industrial units range in floor area from 309 square metres to 392 square metres (being the subject unit). The site contains 27 car parking spaces, all of which are located on common property under the strata subdivision plan.

Other land uses in the industrial complex include storage (units 2 and 5) and sales and service of winches (unit 4). Units 1 and 3, being the subject unit, are currently vacant.

Land uses adjoining the site include storage of vehicle parts to the north, storage of rubber and PVC pipes to the south, a drainage channel to the east (rear) of the land. Other nearby land uses include warehousing, manufacturing, a car wash facility and automotive based industries.

The Proposal

Development consent is being sought for the fitout and use of the premises as a religious establishment.

The development works include alterations to amenities to comply with the Building Code of Australia (BCA), removal of walls between a ground floor office and lunch room, and construction of a platform being 400mm high and a step for access.

The operating hours of the religious establishment and the maximum number of users of the site are proposed as follows:

Day	Time	Purpose	Max. No. Parishioners
Monday - Friday	10.00am to 2.00pm	Minister	2
Friday	6.00pm to 8.00pm	Youth Service	20 (youth and supervisors)
Saturday	5.00pm to 7.00pm	Band Practice	10
Sunday	4.00pm to 8.00pm	Church Service	70 (including children)

The applicant has indicated that 'special event' days being Christmas and Good Friday would attract a maximum of 70 parishioners. Church services would be held between 9.00am and 11.00am on these days.

The applicant has submitted a Traffic and Parking Implications report that is addressed later in this report.

Assessment

The development has been assessed having regard to the matters for consideration prescribed under Section 79C(1) of the *Environmental Planning and Assessment Act 1979*. Subsequently, the following matters have been identified for further consideration and discussion.

i. Campbelltown 2025 Looking Forward

'Campbelltown 2025 Looking Forward' is a statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- Responds to what Council understands people want the City of Campbelltown to look, feel and function like;
- Recognises likely future government policies and social and economic trends; and
- Sets down the foundations for a new town plan that will help achieve that future.

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

The strategic directions relevant to this application are:

- Growing the regional City; and
- Building a distinctive Campbelltown sense of place.

The proposed development is considered to be consistent with the relevant strategic directions.

Some of the desired outcomes of Council's Vision include:

- Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable;
- Development and land use that matches environmental capacity and capability.

The development application has been assessed having regard to *Campbelltown 2025 Looking Forward*. It is considered that the proposal is consistent with the relevant desired outcomes having regard to its location, sensitive design and size.

ii. Statutory Controls

Section 79C(1)(a) requires Council to consider any relevant environmental planning instrument, draft environmental planning instrument or development control plan.

iii. **Campbelltown (Urban Area) Local Environmental Plan 2002**

Pursuant to Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP), the site is zoned 4(b) Industry B zone.

The zone objectives include:

- (a) To encourage activity that will contribute to economic and employment growth in the City of Campbelltown, and
- (b) To encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, and
- (c) To protect the viability of the commercial centres in the City of Campbelltown by limiting commercial activities to those associated with permitted industrial, storage and allied development or primarily intended to provide a professional facility to serve people employed or occupied in land uses permitted in the industrial zones, and
- (d) To permit the display and sale by retail of bulky goods only if such activities cannot appropriately be located in, or would not adversely affect the viability of development in, the business or comprehensive centre zones, and
- (e) To ensure development will not be carried out if the processes to be carried on, the transportation to be involved or the plant, machinery or materials to be used interfere unreasonably with the amenity of the area.

Except as otherwise provided by this plan, consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

The proposed development is considered to be consistent with one or more of the above objectives and subsequently Council can issue development consent for this application should it deem appropriate.

Under the Plan, the proposed development is defined as a 'religious establishment'. The definition provided by the Plan is as follows:

religious establishment means a building or place used primarily for the purpose of religious worship, instruction or training, whether or not it is also used for ancillary purposes such as counselling, recreation or social events, and includes any building or place formerly described or granted consent as a place of public worship.

Religious establishments are permissible with Council's consent in the 4(b) - Industry B Zone.

iv. Campbelltown Sustainable City Development Control Plan (SCDCP)

Campbelltown (Sustainable City) Development Control Plan (SCDCP) applies to the subject land. The aims of the SCDCP are:

- Ensure that the aims and objectives of any relevant EPI including Campbelltown's LEPs and IDOs are complemented by the Plan;
- Ensure that the principles of ecological sustainability are incorporated into the design, construction and ongoing operation of development;
- Facilitate innovative development of high quality design and construction in the City of Campbelltown;
- Ensure that new development maintains or enhances the character and quality of the natural and built environment;
- Ensure that new development takes place on land that is capable of supporting development;
- Encourage the creation of safe, secure and liveable environments;
- Ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions; and
- Provide for a variety of housing choices within the City of Campbelltown.

It is considered that the development is consistent with the relevant aims of the SCDCP.

The SCDCP currently does not contain any prescribed development standards for the development of religious establishments with the exception of car parking rates.

The SCDCP prescribes that religious establishments provide 1 car parking space per 10 square metres of leasable floor area. The leasable floor area in this instance includes the hall, office area and lunch room and has been calculated as 352 square metres. The development is therefore required to provide 35 car parking spaces. The land contains 27 on-site car parking spaces.

The applicant has requested a variation to the DCP standard based on the following arguments:

- The development will not adversely impact the environment or local amenity;
- The development will not erode the relevant standard;
- Compliance is unreasonable or unnecessary in the circumstances of the case.

The applicant has submitted a Traffic and Parking Implications report prepared by consultant Michael Brown Planning Strategies.

The applicant has indicated that the maximum number of worshippers congregating at the religious establishment at any one time will occur on Sundays, as well as Christmas Day and Good Friday, with 70 persons in attendance.

The traffic and parking assessment states that Sunday services generally require 20 car parking spaces which equates to a ratio of 1 space per 3.5 persons attending the service. At this time the other units in the complex would not be operating and all of the on-site car parking spaces would be likely to be available.

The land is located in an industrial setting with no or very little on-street parking demand being anticipated on Sundays should overflow parking be required.

The traffic and parking assessment report states:

"It is our submission that given the times proposed by this use, the operating times of the unit operators and the availability of on-street parking, then the car parking provision is more than satisfied"

The applicant has provided details of a vehicle owned by the church that can transport and cater for nine passengers to the services that would increase the usual ratio of persons/vehicle attending the religious establishment and place a lesser demand on the on-site car parking.

Car parking rates contained in Development Control Plan No.82 - Religious Establishments are discussed later in this report. The development application has also been assessed against the standards contained within DCP No.82

Should Council approve the development application the maximum size of congregation should be limited by way of a condition of consent (i.e. 70 persons).

Given that the proposed religious establishment is located within an industrial setting, and hours of operation being for 4 hours on a Sunday evening, availability of on-street car parking in the vicinity of the development on Sundays, the site being a walkable distance from various bus routes, it is considered that the variation sought is acceptable and should have a negligible impact in this instance.

v. Development Control Plan No. 82 - Religious Establishments

Development Control Plan No. 82 - Religious Establishments (DCP 82) applies to the subject development type. The Plan contains Council's objectives and controls for the development of religious establishment premises throughout the City.

DCP 82 establishes a set of criteria that should be investigated as part of the selection of a site where an applicant wishes to establish a religious establishment. The DCP states:

"Locations should be deemed suitable not only on the basis of their zoning, but also their capacity to meet the needs and expectations of the religious groups' current and future requirements. It is also desirable that sites allow harmonious co-existence with adjoining land owners."

The site in this instance is considered to be suitable for the proposed development. It is a relatively modest industrial building, with a scale and appearance similar to that of the buildings in the immediate vicinity. Car parking has been provided on the site at a rate in compliance with relevant DCP for industrial development at the time of the building's construction in 1999, and in order to reduce any impact the site's use may have on the local road network.

Other relevant matters contained in DCP 82 are discussed as follows:

- **Design of buildings**

The DCP requires that religious establishment buildings in residential areas be set back from boundaries the same or greater distance than adjoining residential buildings.

This standard is not applicable as the proposal is located in an industrial setting.

- **Landscaping**

DCP 82 requires that religious establishment sites be well landscaped, particularly along boundaries in order to reduce their impact on residential area streetscapes. The DCP also recommends that existing trees be retained where possible.

The existing industrial development is landscaped along the front boundary and is considered satisfactory in this instance.

- **Operation of the establishment**

DCP 82 requires the applicant and Council to take into account the impact of the establishment on adjoining neighbours by considering matters such as the number of visitors, hours of use, noise levels and the types of activities undertaken at the site.

As detailed earlier in this report, the proposed operating hours and likely number of visitors is as follows:

Monday to Friday 10.00am to 2.00pm - maximum 2 persons

Friday evening 6.00pm to 8.00pm - maximum 20 persons

Saturday 5.00pm to 7.00pm - maximum 10 persons

Sunday 4.00pm to 8.00pm - maximum 70 persons

The plans accompanying the development application do not indicate any seats in the main auditorium where the services would be held. The auditorium would contain the maximum 70 worshippers that will use the site on Sundays, according to information submitted with the application.

The applicant has indicated that amplified music would be played during services that would include guitars, drums, flute and singing. Rehearsals on Saturday evenings would also require amplified music. During these times, it is likely that the other units in the complex would be unoccupied.

A recommended condition of development consent would require that the use not disturb adjoining and nearby land users at any time and also prevent the hall from being privately hired for functions, should Council resolve that the application be approved.

- **Car parking provision**

DCP 82 requires that car parking be provided on site at the rate of one space per 10 seats. The DCP goes further and states that "*car parking should be able to accommodate 'normal use' of the development, but it should not necessarily be designed to accommodate all vehicles associated with a limited number of 'special' religious days.*"

Having regard to the size of the congregation using the main room of the church building, the applicant states that a maximum of 70 people would use the space during Sunday services. Utilising that figure and the controls in DCP 82, the development would require 7 car parking spaces to be provided on-site.

The development provides for 27 sealed and line marked car parking spaces. Having regard to the controls contained within DCP 82, the proposed use of the building as a religious establishment would comply with the car parking requirement, providing the maximum number of worshippers on Sundays remains at 70.

- **Noise**

The DCP requires that building and site design take into consideration the impact that the development may have on noise transmission in the neighbourhood and further requires that the noise level from activities undertaken at the religious establishment shall not exceed pre development background noise levels by more than 5db(A).

The applicant has indicated that amplified music would be played between the following times:

Saturday 5.00pm to 7.00pm - Band practise rehearsals

Sunday 4.00pm to 8.00pm - Church service

No amplified music would be played during weekdays.

It is anticipated that the development would not have a detrimental impact on the amenity of the locality having regard to the noise transmission from the proposed use as a religious establishment. The nearest residence from the site is located approximately 325 metres to the west in Galloway Crescent, St Andrews. An acoustic report has not been provided by the applicant to accompany the development application.

Overall, the proposal is considered to satisfy the objectives and controls contained within Council's Development Control Plan No. 82 - Religious Establishments.

vi. Traffic Impact

The applicant has submitted a Traffic and Parking Implications Assessment prepared by consultant Michael Brown Planning Strategies. Proposed traffic movements were assessed against existing traffic conditions.

4B3.5 Unit 3 No. 6 Cary Grove, Minto - Construction Of Fitout And Use Of Premises As A Religious Establishment

The traffic assessment estimates that the development will operate in a road network with a satisfactory Level of Service during peak traffic periods and that average vehicle delays would be minimal and well within the capacity of the road system with no undue queuing or delays on any of the approaches.

Council's development engineering officers concur with this conclusion.

Public Notification

The development application was notified to adjoining and nearby land owners in accordance with Council's Notification Policy from 9 April 2010 for a period of 14 days. During this period Council received no submissions objecting to the development application.

Conclusion

Development consent is being sought for the fitout and use of the premises as a religious establishment. The development works include alterations to amenities, removal of walls between ground floor office and lunch room, and construction of a platform being 400mm high and a step for access.

In addition, the use of the religious establishment would include the following hours of operation and maximum number of users:

Monday to Friday 10.00am to 2.00pm - maximum 2 persons

Friday evening 6.00pm to 8.00pm - maximum 20 persons

Saturday 5.00pm to 7.00pm - maximum 10 persons

Sunday 4.00pm to 8.00pm - maximum 70 persons

The site provides 27 line marked car parking spaces. The surrounding road network is capable of accommodating the additional vehicles travelling to and from the site on Sundays when site is at peak use.

The development is permissible under the CLEP and is generally consistent with the relevant DCPs applying to the land. With regard to the matters for consideration under the Act and the circumstances of the case, it is considered the development is worthy of Council's support, subject to certain conditions.

Officer's Recommendation

That development application 595/2010/DA-C for the fitout and use as a religious establishment at No. 3/6 Cary Grove, Minto be approved subject to the conditions contained in Attachment 1.

Committee's Recommendation: (Oates/Kolkman)

That development application 595/2010/DA-C be deferred for determination by full Council to allow for an assessment of the adequacy of toilet facilities to meet the proposed congregation numbers.

CARRIED

Voting for the Committee's Recommendation were Councillors: Greiss, Kolkman, Oates and Thompson.

Voting against the Committee's Recommendation: Nil.

Council Meeting 24 August 2010 (Kolkman/Oates)

It was **Moved** Councillor Kolkman, **Seconded** Councillor Oates that the report of the Director Planning and Environment - Item 12.1 - Unit 3, No. 6 Cary Grove, Minto - Construction of fitout and use of premises as a religious establishment be brought forward and dealt with in conjunction with this item.

1 The Motion on being Put was **CARRIED**.

12.1 Unit 3 No. 6 Cary Grove, Minto - Construction of fitout and use of premises as a religious establishment

It was **Moved** Councillor Kolkman, **Seconded** Councillor Oates:

1. That the Development Application 595/2010/DA-C be approved subject to the conditions shown in Attachment 1.
2. That a report be presented to Council which addresses the provision of more appropriate sanitary facilities in non-residential development for possible incorporation into the Campbelltown Sustainable City DCP.

2 The Motion on being Put was **CARRIED**.

Voting for the Council Resolution were Councillors: Borg, Bourke, Chanthivong, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Oates, Matheson, Rowell, Rule, Thomas and Thompson.

Voting against the Council Resolution: Nil.

Council Resolution Minute Number 159

That the above Council Resolution be adopted.

Voting for the Council Resolution were Councillors: Borg, Bourke, Chanthivong, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Oates, Matheson, Rowell, Rule, Thomas and Thompson.

Voting against the Council Resolution: Nil.

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

2. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

3. Advertising Signs – Separate DA Required

This consent does not permit the erection or display of any advertising signs.

Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.

4. Storage of Goods

All works, storage and display of goods, materials and any other item associated with the premises shall be contained wholly within the building.

5. Graffiti Removal

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

6. Car Parking Spaces

27 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890 (as amended).

7. Rubbish/Recycling Bin Storage

The rubbish and recycling bins shall not be stored within vehicle parking, vehicle manoeuvring areas or landscaped areas.

The bin(s) shall only be stored internally to the building prior to collection and/or disposal.

8. Use of Religious Establishment

The approved hours of operation and maximum occupancy shall be in accordance with the following schedule:

- a. Monday to Friday 10.00am to 2.00pm - maximum 2 persons;
- b. Friday 6.00pm to 8.00pm - maximum 20 persons;
- c. Saturday 5.00pm to 7.00pm - maximum 10 persons;
- d. Sunday 4.00pm to 8.00pm - maximum 70 persons.

The building shall only be used as a religious establishment and for ancillary purposes. The building shall not be used for secular education, accommodation or for conventions. The building shall not be sub-leased, rented or hired for any purpose.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

9. Waste Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's *Waste Management Plan* is to be completed to the satisfaction of Council.

10. Building Upgrade

Pursuant to Clause 94 of the Environmental Planning & Assessment Regulation 2000, the existing building, specifically unit 3 shall be brought into conformity with the Building Code of Australia.

In this regard, unit 3 shall be upgraded in accordance with the statement of environmental effects submitted with Development Application 595/2010 DA-U to ensure that unit 3 fire protection complies with following provisions of the Building Code of Australia (BCA):

- a. Clause E1.6 Portable fire extinguishers and AS 2444, 2001
-

Details demonstrating compliance with this condition and the BCA 2009 shall be submitted to Council or an accredited certifier prior to the issue of a construction certificate.

11. Section 94A Developer Contribution - Community Facilities and Services

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site (www.campbelltown.nsw.gov.au) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

Note: This condition is only applicable where the total development value exceeds \$100,000.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

12. Erection of Construction Sign

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours;
- b. Stating that unauthorised entry to the work site is prohibited; and
- c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent);
- d. Stating the approved construction hours in which all works can occur.
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

13. Trade Waste

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

14. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

15. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

16. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

17. Completion of Construction Works

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within twelve (12) months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

18. Public Utilities

Prior to the principal certifying authority issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

19. Council Fees and Charges

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Disability Discrimination Act

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992). Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA). However, your attention is drawn to the existence of the DDA1992 and that compliance with the various requirements of the BCA does not provide automatic compliance with the DDA1992. In this regard it is the sole responsibility of the owner, builder and applicant to ensure compliance with the DDA1992.

Advice 3. Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

Advice 4. Asbestos Warning

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

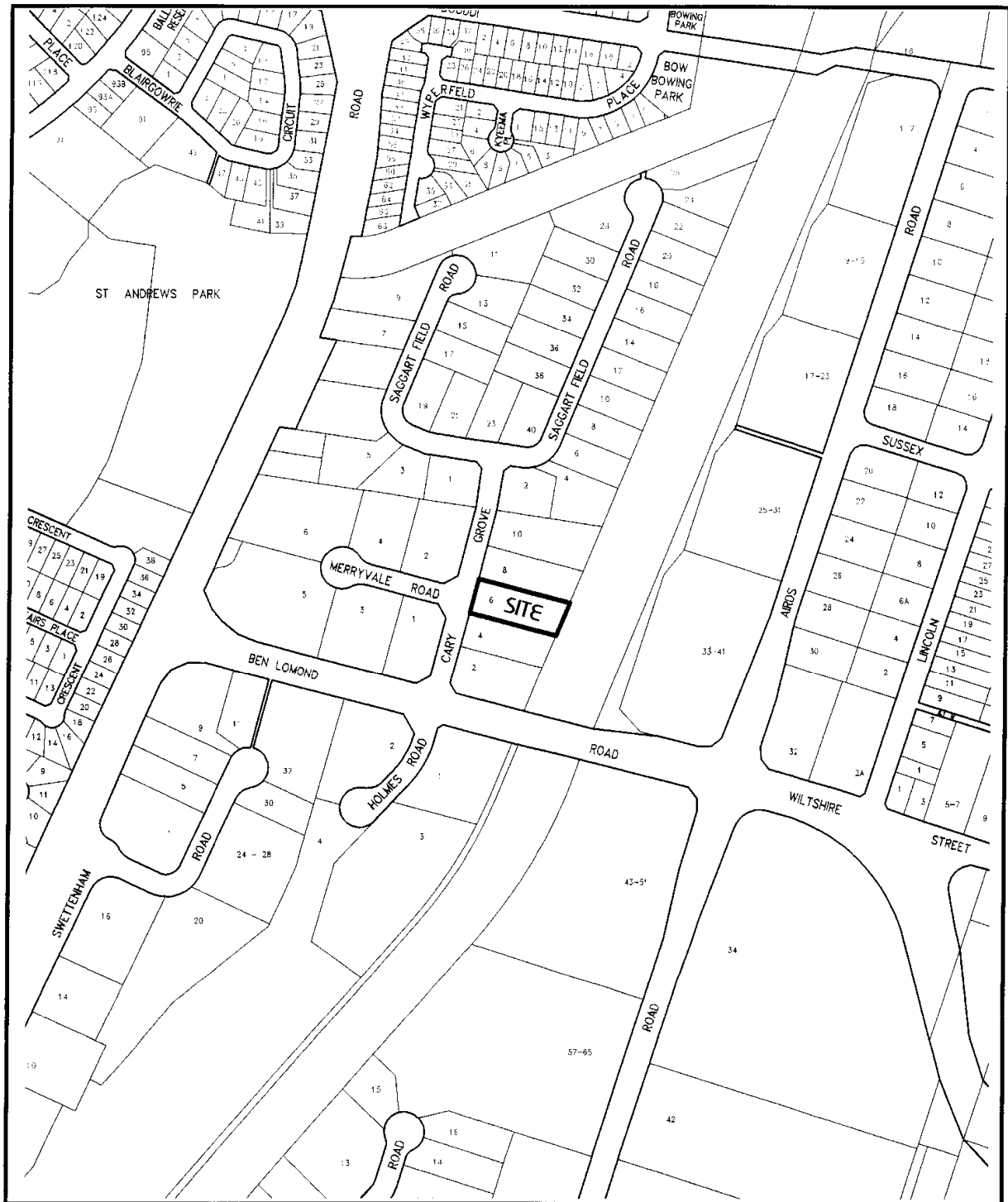
Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

Advice 5. Smoke Free Environment Act

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act 2000* (SFEA2000) or the *Smoke Free Environment Regulations 2007* (SFER2007). In the event that the occupier wishes to facilitate smoking within any enclosed public place of the premises (in accordance with clause 6 of the SFER2007), the occupier must first contact NSW Department of Health to ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the SFEA2000 and the SFER2007.

END OF CONDITIONS

ATTACHMENT 2

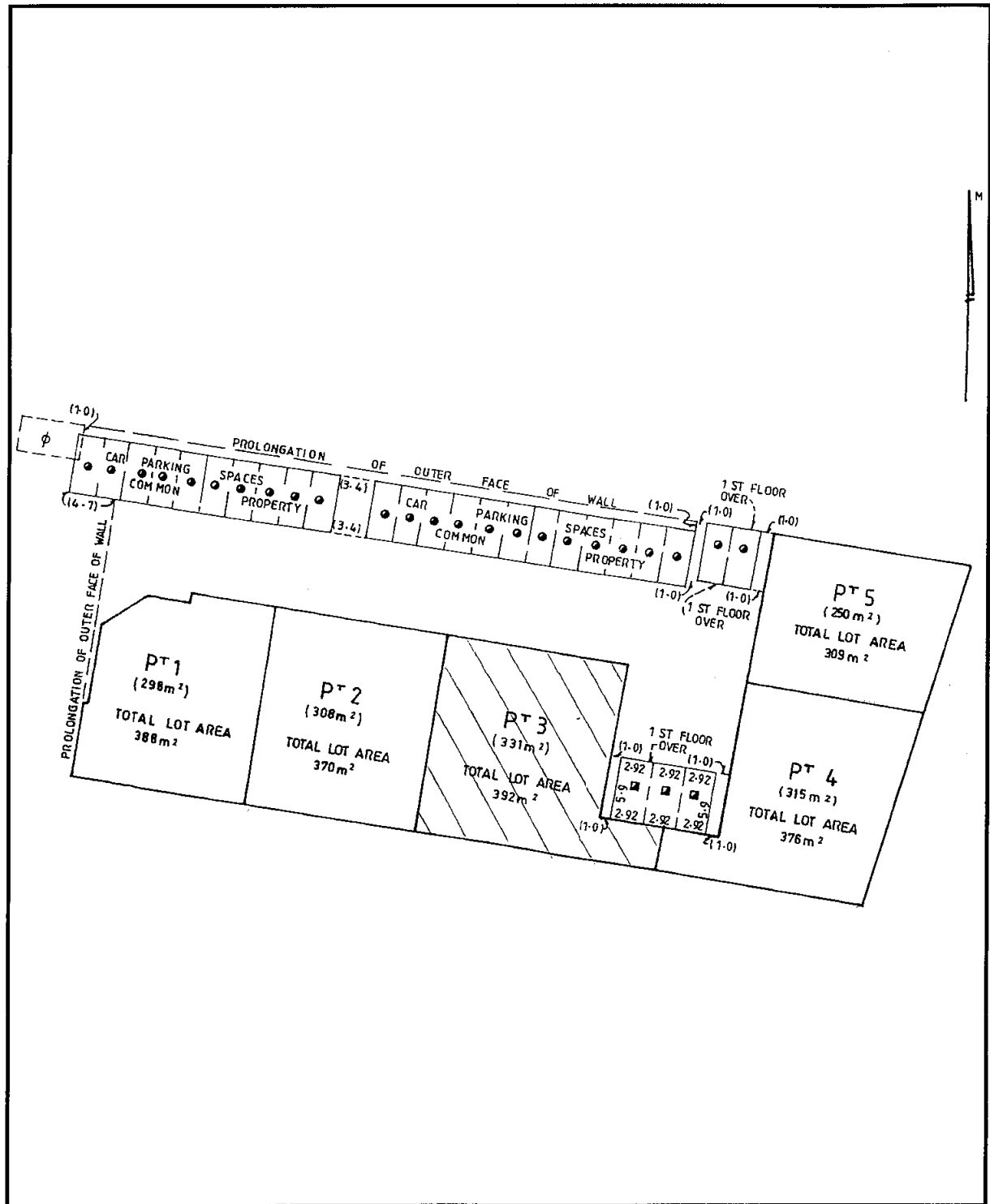


LOCALITY PLAN

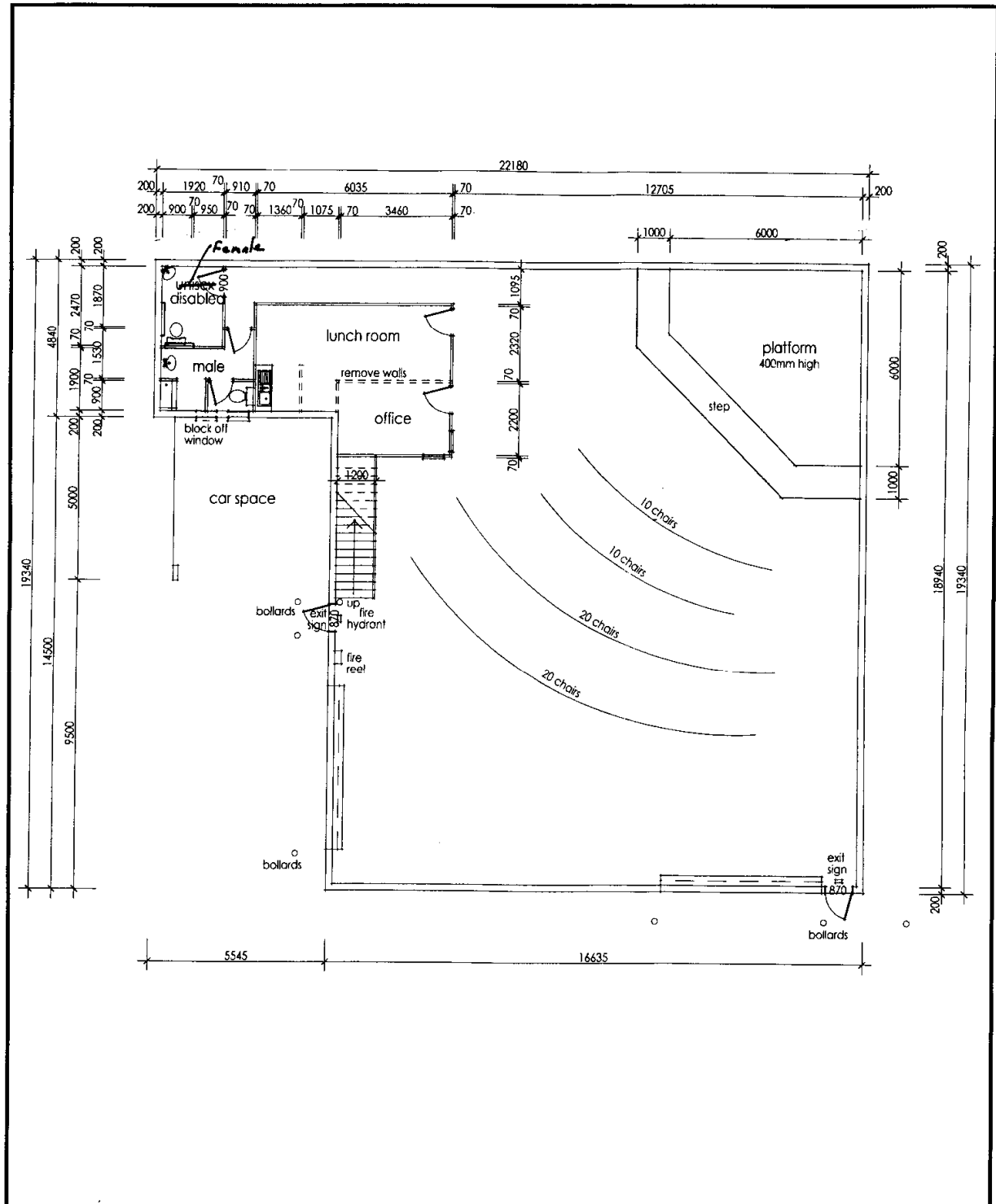


SUBJECT:

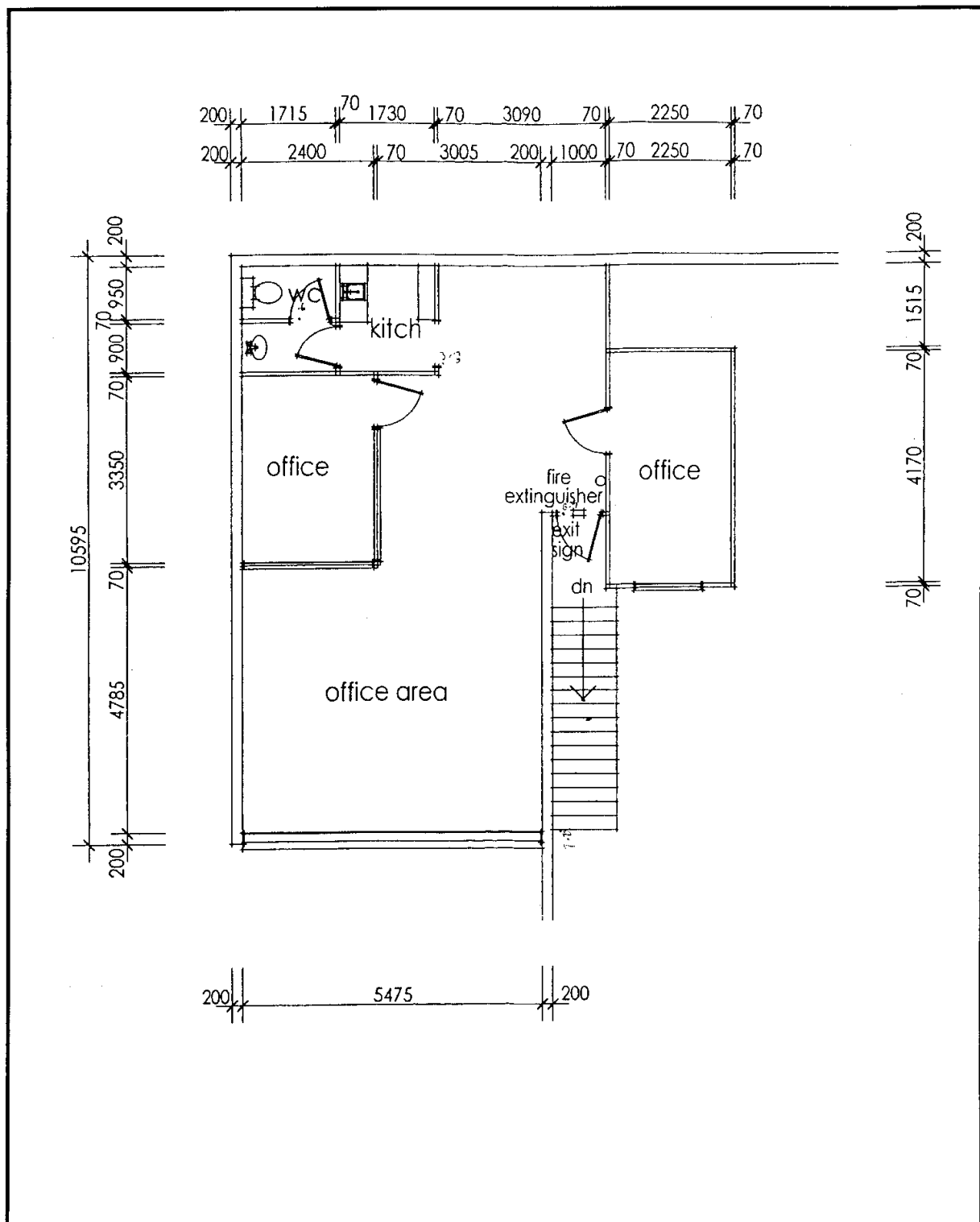
CONSTRUCTION OF FITOUT AND USE OF
PREMISES AS A RELIGIOUS ESTABLISHMENT.
LOT 3 SP 63218, UNIT 3 - No. 6 CARY GROVE, MINTO.



EXISTING SITE PLAN



Proposed Lower FLOOR PLAN



Proposed Upper FLOOR PLAN

SUBJECT:

CONSTRUCTION OF FITOUT AND USE OF
PREMISES AS A RELIGIOUS ESTABLISHMENT.
LOT 3 SP 63218, UNIT 3 - No. 6 CARY GROVE, MINTO.

4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

Manager Compliance Services

Attachments

Nil

Purpose

To update Council on the current status of the Planning and Environment Division's legal matters.

Report

This report contains a summary of the current status of the Division's legal matters relating to:

- The Land and Environment Court;
- The District Court;
- The Local Court; and
- Matters referred to Council's Solicitor for advice.

A summary of year-to-date costs and the total number of actions are also included.

1. <i>Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications</i>

Total ongoing Class 1 DA Appeal Matters (as at 10/08/2010)	1
Total completed Class 1 DA Appeal Matters (as at 10/08/2010)	0
Costs from 1 July 2010 for Class 1 DA Appeal Matters:	\$37,134.42

1 (a)

Angelo Skagias and Nick Skagias

Issue:

Deemed refusal of a Section 96 application to modify Development Application 2334/2007/DA-C for the demolition of existing dwelling and construction of a four storey commercial building.

Property:

Lot 6 SEC 4 DP 2913 No. 34 Carlisle Street Ingleburn.

Property Owner:

Mr Angelo Skagias and Mr Nick Skagias

File No:	2334/2007/DA-C (Court File 10156 of 2010)
Court Application Filed:	9 March 2010
Applicant:	Mr. Angelo Skagias and Mr. Nick Skagias
Hearing date:	12 and 13 July 2010
Costs Estimate:	\$20,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$37,002.07
Status:	Proceedings completed. Awaiting solicitors final costs.

Action Since Last Meeting	Appeal upheld and conditional consent given to DA2334/2007/DA-C.
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2. Land and Environment Court Class 1 Matters – Appeals Against Council's Issued Orders/Notices

Total ongoing Class 1 Order/Notice Appeal Matters (as at 10/08/2010)	0
Total completed Class 1 Order/Notice Appeal Matters (as at 10/08/2010)	0
Costs from 1 July 2010 for Class 1 Order/Notices Appeal Matters:	\$0.00

3. Land and Environment Court Class 4 Matters – Non-Compliance with Council Orders / Notices or Prosecutions

Total ongoing Class 4 matters before the Court (as at 10/08/2010)	0
Total completed Class 4 matters (as at 10/08/2010)	0
Total ongoing Class 4 matters in respect of costs recovery (as at 10/08/2010) these matters will be further reported on completion	4
Costs from 1 July 2010 for Class 4 matters	\$0.00

4. Land and Environment Court Class 5 - Criminal enforcement of alleged pollution offences and various breaches of environmental and planning laws.

Total ongoing Class 5 matters before the Court (as at 10/08/2010)	0
Total completed Class 5 matters (as at 10/08/2010)	0
Total ongoing Class 5 matters in respect of costs recovery (as at 10/08/2010) these matter will be further reported on completion	2
Costs from 1 July 2010 for Class 5 matters	\$4,832.98

5. Land and Environment Court Class 6 - Appeals from convictions relating to environmental matters

Total ongoing Class 6 Matters (as at 10/08/2010)	0
Total completed Class 6 Matters (as at 10/08/2010)	0
Costs from 1 July 2010 for Class 6 Matters	\$0.00

6. District Court – Matters on Appeal from lower Courts or Tribunals not being environmental offences.

Total ongoing Appeal matters before the Court (as at 10/08/2010)	0
Total completed Appeal matters (as at 10/08/2010)	0
Total ongoing Appeal matters in respect of costs recovery (as at 10/08/2010) these matters will be further reported on completion	1
Costs from 1 July 2010 for District Court Matters	\$0.00

7. Local Court Prosecution Matters

The following summary lists the current status of the Division's legal matters before the Campbelltown Local Court.

Total ongoing Local Court Matters (as at 10/08/2010)	15
Total completed Local Court Matters (as at 10/08/2010)	7
Costs from 1 July 2010 for Local Court Matters	\$1,702.73

File No:	LP 17/10 – Enforcement Order Court Election
Offence:	Stop on/near children's crossing – school zone
Act:	Road Rules 2008
Costs to date:	\$0.00
Status – Ongoing:	The matter is listed for hearing on 28 September 2010.

File No:	LP 29/10 – Penalty Notice Court Election
Offence:	Development undertaken without development consent
Act:	Environmental Planning and Assessment Act
Costs to date:	\$0.00
Status – Ongoing:	Matter was listed for first mention on 18 May 2010 where the Defendant entered a not guilty plea. The proceedings have been adjourned for hearing on 13 August 2010.

File No:	LP 30/10 – Penalty Notice Court Election
Offence:	Pollute Waters - Corporation
Act:	Protection of the Environment Operations Act
Costs to date:	\$0.00
Status – Ongoing:	The matter was listed for first mention on 25 May 2010 where the accused entered a not guilty plea. The matter has been adjourned to 13 September 2010 for hearing.

File No:	LP 31/10 – Penalty Notice Court Election
Offence:	Pollute Waters - Corporation
Act:	Protection of the Environment Operations Act
Costs to date:	\$0.00
Status – Ongoing:	The matter was listed for first mention on 25 May 2010 where the accused entered a not guilty plea. The matter has been adjourned to 13 September 2010 for hearing.

File No:	LP 32/10 – Penalty Notice Court Election
Offence:	Pollute Waters - Corporation
Act:	Protection of the Environment Operations Act
Costs to date:	\$0.00
Status – Ongoing:	The matter was listed for first mention on 25 May 2010 where the accused entered a not guilty plea. The matter has been adjourned to 13 September 2010 for hearing.

File No:	LP 33/10 – Penalty Notice Court Election
Offence:	Development not in accordance with development consent
Act:	Environmental Planning and Assessment Act
Costs to date:	\$0.00
Status – Ongoing:	The matter was listed for first mention on 25 May 2010 where the accused entered a not guilty plea. The matter has been adjourned to 13 September 2010 for hearing.

File No:	LP 34/10 – Penalty Notice Court Election
Offence:	Development not in accordance with development consent
Act:	Environmental Planning and Assessment Act
Costs to date:	\$0.00
Status – Ongoing:	The matter was listed for first mention on 25 May 2010 where the accused entered a not guilty plea. The matter has been adjourned to 13 September for hearing.

File No:	LP 37/10 – Penalty Notice Court Election
Offence:	Stop in/on bicycle lane
Act:	Road Rules 2008
Costs to date:	\$0.00
Status – Ongoing:	The matter was before the Court for mention on 13 July 2010 where the Defendant entered a guilty plea. The Court adjourned the matter to 9 September 2010 for hearing.

File No:	LP 38/10 – Penalty Notice Court Election
Offence:	Uncontrolled dog in a public place – not dangerous dog
Act:	Companion Animals Act
Costs to date:	\$0.00
Status – Ongoing:	The matter was before the Court for mention on 6 July 2010 where the Defendant entered a not guilty plea. The Court adjourned the matter to 6 September for hearing.

File No:	LP 39/10 – Penalty Notice Court Election
Offence:	Development not in accordance with development consent
Act:	Environmental Planning and Assessment Act
Costs to date:	\$0.00
Status – Ongoing:	The matter was before the Court for plea/mention on 20 July 2010 where the Defendant entered a not guilty plea. The Court adjourned the matter to 7 October for hearing.

File No:	LP 40/10 – Penalty Notice Court Election
Offence:	Development not in accordance with development consent
Act:	Environmental Planning and Assessment Act
Costs to date:	\$0.00
Status – Ongoing:	The matter was before the Court for plea/mention on 20 July 2010 where the Defendant entered a not guilty plea. The Court adjourned the matter to 7 October for hearing.

File No:	LP 41/10 – Penalty Notice Court Election
Offence:	Development not in accordance with development consent
Act:	Environmental Planning and Assessment Act
Costs to date:	\$0.00
Status – Ongoing:	The matter was before the Court for plea/mention on 20 July 2010 where the Defendant entered a not guilty plea. The Court adjourned the matter to 7 October for hearing.

File No:	LP 42/10 & LP43/10 – Penalty Notice Court Election
Offence:	Uncontrolled dog in a public place – not dangerous dog x 2
Act:	Companion Animals Act
Final Costs:	\$0.00
Status – Completed:	The matters were before the Court on 27 July 2010 for mention where the defendant, Robert Hutchinson, made no appearance. The Magistrate granted an application by Council for the matters to proceed in the defendant's absence and after considering the evidence and submissions, the Magistrate found the offences proved and convicted the defendant imposing a \$100 fine and an order for Court costs of \$79 in each matter (total \$358).

File No:	LP 44/10 – Penalty Notice Court Election
Offence:	Disobey no stopping sign
Act:	Road Rules 2008
Final Costs:	\$0.00
Status – Completed:	The matter was before the Court on 27 July 2010 for mention where the defendant, Maxine Angela Smith, made no appearance. The Magistrate granted an application by Council for the matter to proceed in the defendant's absence and after considering the evidence and submissions, the Magistrate found the offence proved and convicted the defendant imposing a \$253 fine and an order for Court costs of \$79.

File No:	LP 46/10 – Penalty Notice Court Election
Offence:	Deposit litter from vehicle – food scraps
Act:	Protection of the Environment Operations Act
Final Costs:	\$0.00
Status – Completed:	The matter was before the Court on 27 July 2010 for mention where the defendant, Tony Charles Fullford, made no appearance. The Magistrate granted an application by Council for the matter to proceed in the defendant's absence and after considering the evidence and submissions, the Magistrate found the offence proved and convicted the defendant imposing a \$400 fine and an order for Court costs of \$79.

File No:	LP 47/10 – Penalty Notice Court Election
Offence:	Development not in accordance with development consent
Act:	Environmental Planning and Assessment Act
Final Costs:	\$0.00
Status – Completed:	The matter was before the Court on 3 August 2010 for hearing where the defendant, Maxwell Thomas Andrews, entered a guilty plea with explanation. After hearing the evidence and submissions, the Magistrate found the offence proved and convicted the defendant imposing a \$300 fine and an order for Court costs of \$79.

File No:	LP 48/10 – Penalty Notice Court Election
Offence:	Fail to comply with Order (conduct development in accordance with consent)
Act:	Environmental Planning and Assessment Act
Costs to date:	\$0.00
Status – New Matter:	Listed for first mention on 24 August 2010.

File No:	LP 49/10 – Penalty Notice Court Election
Offence:	Deposit litter (cigarette) from vehicle
Act:	Protection of the Environment Operations Act
Final Costs:	\$0.00
Status – Completed:	The matter was before the Court on 3 August 2010 for hearing where the defendant, Graham Colin Smith, entered a guilty plea with explanation. After hearing the evidence and submissions, the Magistrate found the offence proved and convicted the defendant imposing a \$75 fine and an order for Court costs of \$79.

File No:	LP 50/10 – Penalty Notice Court Election
Offence:	Uncontrolled dog in a public place – not dangerous dog
Act:	Companion Animals Act
Costs to date:	\$0.00
Status – New Matter:	Listed for first mention on 17 August 2010.

File No:	LP 51/10 – Penalty Notice Court Election
Offence:	Disobey no stopping sign – school zone
Act:	Road Rules 2008
Costs to date:	\$0.00
Status – New Matter:	Listed for first mention on 17 August 2010.

8. Matters Referred to Council's Solicitor for Advice

The following summary lists the status of matters referred to Council's Solicitors for advice on questions of law, the likelihood of appeal or prosecution proceedings being initiated, and/or Council liability.

Total Advice Matters (as at 10/08/2010)
Costs from 1 July 2010 for Advice Matters

2
\$3,510.00

9. Legal Costs Summary

The following summary lists the Planning and Environment Division's net Legal Costs for the 2010/2011 period.

Relevant Attachments or Tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$37,134.42	\$0.00
Class 1 Land and Environment Court - appeals against Orders or Notices issued by Council	\$0.00	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or Prosecutions	\$0.00	\$0.00
Class 5 Land and Environment Court - Pollution and Planning prosecution matters	\$4,832.98	\$0.00
Class 6 Land and Environment Court - appeals from convictions relating to environmental matters	\$0.00	\$0.00
Land and Environment Court tree dispute between neighbours matters	\$0.00	\$0.00
District Court Appeal matters	\$0.00	\$0.00
Local Court Prosecution matters	\$1,702.73	\$0.00
Matters referred to Council's Solicitor for Legal Advice	\$3,510.00	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$47,180.13	\$0.00
Overall Net Costs Total (GST exclusive)	\$47,180.13	

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 24 August 2010 (Kolkman/Oates)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 157

That the Officer's Recommendation be adopted.

4.2 Annual Report on the Planning and Environment Division's Legal Proceedings

Reporting Officer

Manager Compliance Services

Attachments

Planning and Environment Division's Legal Proceedings for the period 1 July 2009 to 30 June 2010.

Purpose

To update Council on the status of the Planning and Environment Division's legal proceedings for the period 1 July 2009 to 30 June 2010.

Report

Marked as Attachment 1 to this report are Tables indicating particulars relating to all Legal Proceedings undertaken, together with costs incurred for the period 1 July 2009 to 30 June 2010.

The Tables provide details of:

- Table 1 – Class 1 proceedings in the Land and Environment Court NSW (L&EC) dealing with appeals against Council's determination of development applications.
 - Table 2 – Class 1 proceedings in the L&EC dealing with appeals against the terms of Orders or Notices issued by Council.
 - Table 3 – Class 4 proceedings in the L&EC dealing with civil enforcement for non-compliance with Orders or Notices issued by Council.
 - Table 4 – Class 5 proceedings in the L&EC dealing with criminal prosecution of alleged pollution offences and various breaches of environmental and planning laws.
 - Table 5 – Class 6 proceedings in the L&EC dealing with appeals from convictions relating to environmental matters.
 - Table 6 – Proceedings in the District Court NSW dealing with appeals from convictions in the Local Court not being environmental offences.
 - Table 7 – Proceedings in the Consumer, Trader and Tenancy Tribunal – civil disputes of a commercial nature between Council and its customers.
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Table 8 – Applications before the Casino, Liquor and Gaming Control Authority NSW with applications in respect of licensed premises to vary terms of a liquor licence or apply for new liquor licence.

Table 9 – Proceedings in the Campbelltown Local Court dealing with prosecution matters initiated in response to various offences under the legislation specified in column 2 of the table.

Table 10 – Cost of advice obtained from Council's contracted Solicitor that relates to matters not associated with Court proceedings.

Table 11 – Miscellaneous and/or administrative costs not associated with other matters listed in this report.

Table 12 – Summary of 2009/2010 net legal costs.

Table 13 – Comparison with previous financial year's legal costs.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Greiss)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 24 August 2010 (Kolkman/Oates)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 157

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Planning and Environment Division Legal Proceedings Matters for the period 1 July 2009 to 30 June 2010

Land and Environment Court Matters

TABLE 1 - Class 1 Appeals against Council's determination of Development Applications (DA)			
Case No.	Matter	Status	Overall Costs Incurred
10700/2008	DA 3263/2005/DA-C, appeal against Council's refusal of a development application for demolition of an existing building, alterations to a church and construction of a stadium, two residences, dormitory hall, playing field and carparking at Lots 315-318 DP 260797 No.2 Wills Road, Long Point.	The Court upheld the applicant's appeal and granted conditional consent to the DA. Proceedings completed.	Final Costs \$104,952.24
11005/2008	DAs 662/2007/DA-U and 663/2007/DA-A, appeal against Council's refusal of the development applications for use of the premises for a local market and associated signage at Lot 21 DP 815215 No 10 Sweetenham Road, Minto.	The Court upheld the applicant's appeal and granted conditional consent to the DAs. Proceedings completed.	Final Costs \$37,282.80
11218/2008	DA 1972/2007/DA-C, appeal against Council's refusal of a development application for extensions to a child care centre at Pt Lot 101 DP 602622 No. 1 Bloomfield Road, Denham Court.	The Court dismissed the applicant's appeal and refused the DA. Proceedings completed	Final Costs \$35,188.94
10091/2009	DA 3215/2008/DA-S, appeal against Council's deemed refusal of a development application for a two-stage subdivision of premises into 48 allotments and one residual lot at Lots 23, 24, 26 and 36 DP 270152 Governors Way, Macquarie Links.	Council granted DA approval, subsequently the applicant filed a Notice of Discontinuance with the Court. Proceedings completed.	Final Costs \$11,218.97
10086/2010	DA's 2406/2009/DA-DW and 2873/2009/DA-SP, appeal against Council's deemed refusal of development applications for construction of a dwelling and inground swimming pool at Lot 8 DP 285774 No.22 Macquarie Links Drive, Macquarie Links.	The Court dismissed the applicant's appeal and refused the DA. Proceedings completed	Final Costs \$18,182.80
10099/2010	DA 1972/2007/DA-C, appeal under Section 56A of the Land and Environment Court Act against the Commissioner's decision in matter No. 11218/2008 to dismiss the Applicant's appeal against Council's refusal of the DA for extensions to a child care centre at Pt Lot 101 DP 602622 No. 1 Bloomfield Road, Denham Court.	The Court dismissed the applicant's appeal and confirmed the Commissioner's decision to refuse the DA. Proceedings completed	Final Costs \$16,584.42

10156/2010	DA 2334/2007/DA-C, appeal against Council's deemed refusal of Section 96 application under Environmental Planning and Assessment Act for demolition of an existing dwelling and construction of a 4-storey commercial building at Lot 6 SEC 4 DP 2913 No. 34 Carlisle Street, Ingleburn.	The matter is listed for hearing on 12 and 13 July 2010. Proceedings ongoing.	Costs to end of financial year \$16,457.07
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TABLE 2 - Class 1 Appeals against Orders or Notices issued by Council

Case No.	Matter	Status	Overall Costs Incurred
10138/2010	Appeal against two Orders issued by Council under the Environmental Planning and Assessment Act, in relation to premises at Lot 105 DP 544373 No 9 Aubrey Street, Ingleburn, requiring the applicant to cease use of a garage for habitable purposes and reinstate the garage to its approved use.	The applicant agreed to consent orders requiring compliance with Council's Orders by 20 November 2010. Proceedings completed.	Final Costs \$3,444.65

TABLE 3 - Class 4 – Civil Enforcement for Non-compliance with Council Orders or Notices

Case No.	Matter	Status	Overall Costs Incurred
40778/2007	Proceedings against the owner of the property at Lot 14 DP 740774 No. 329 Wedderburn Road, Wedderburn seeking court orders requiring rectification of the structurally defective buildings on the property.	Court Orders made against the applicant including costs. Proceedings completed.	Final Costs \$9,859.71
40024/2008	Proceedings against the owner of the property at Lot 1451 DP 703487 No. 2 Brownlow Place, Ambarvale, seeking court orders requiring stabilisation of an exposed earth embankment on the property.	Court Orders made by consent requiring Council undertake the works at the respondents cost. Proceedings completed.	Final Costs \$9,922.77
40025/2008	Proceedings against the owner of the property at Lot 1450 DP 703487 No. 4 Brownlow Place, Ambarvale, seeking court orders requiring stabilisation of an exposed earth embankment on the property.	Court Orders made by consent requiring Council undertake the works at the respondents cost. Proceedings completed.	Final Costs \$8,433.06
49166/2008	Proceedings against the occupier of commercial premises at Lot 2 DP 739179, Unit 2 and Pt. Lot 6 DP 703617, Unit 1 Erica Lane, Minto, requiring the unauthorised use of the premises for furniture manufacturing cease.	Court Orders made by consent against the applicant including costs. Proceedings completed.	Final Costs \$12,751.21

TABLE 4 - Class 5– Criminal prosecution of alleged pollution offences and various breaches of environmental and planning laws.

Case No.	Matter	Status	Overall Costs Incurred
50076/2008	Proceedings against the owner for development carried out (wilfully poison six mature eucalyptus trees) in contravention of the planning instruments that applied in respect of the premises at Lot 4 DP 238982 No. 74 Hansens Road, Minto Heights.	The Court found the offence proved and convicted the defendant imposing a \$10,000 fine and made orders that the defendant pay Council's legal costs as agreed or assessed and that the defendant plant six trees of the same species (advanced stock) on the property. Proceedings completed.	Final Costs \$24,357.90
50050/2009 & 50051/2009	Proceedings against the occupier for development carried out without the issue of a construction certificate and contrary to conditions of development consent No 2340/2005/DA-M at Lot 2 DP 520114, Lot 9 DP 233072 and Lot 8 DP 223072 No's 18 to 20 Myee Road, Macquarie Fields.	The Court found the offence proved and convicted the defendant imposing a \$3,000 fine and made orders that the defendant pay Council's legal costs as agreed or assessed. Proceedings completed.	Final Costs \$25,588.83

TABLE 5 - Class 6 - Appeals from convictions relating to environmental offences.

Case No.	Matter	Status	Overall Costs Incurred
N/A	Nil matters for 2009/2010 period.	N/A	\$0.00

District Court Matters

TABLE 6 - District Court NSW – Appeals from convictions in the Local Court not being environmental offences.

Case No.	Matter	Status	Overall Costs Incurred
N/A	Nil matters for 2009/2010 period.	N/A	\$0.00

Consumer, Trader and Tenancy Tribunal Matters

TABLE 7 – Consumer, Trader and Tenancy Tribunal – civil disputes of a commercial nature between Council and its customers.

Case No.	Matter	Status	Overall Costs Incurred
N/A	Nil matters for 2009/2010 period.	N/A	\$0.00

Casino, Liquor and Gaming Control Authority

TABLE 8 - Casino, Liquor and Gaming Control Authority – Applications in respect of licensed premises to vary terms of liquor licence or apply for new liquor licence.

Case No.	Matter	Status	Overall Costs Incurred
N/A	Nil matters for 2009/2010 period.	N/A	\$0.00

Local Court Matters

TABLE 9 - Prosecution for various offences under nominated legislation.					
File No.	Act and Offence	Status	Fine imposed	Costs awarded	Overall Costs Incurred
LP75/08	Environmental Planning and Assessment Act – development without consent (tree felling).	Plea - Not Guilty. Charge dismissed and order for costs as agreed or assessed made against Council. Proceeding completed.	N/A	N/A	Final Costs \$13,676.00
LP05/09	Companion Animals Act – dog in public place not under effective control.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	\$530	Final Costs \$1,502.55
LP26/09 and LP27/09	Protection of the Environment Operations Act – fail to comply with clean-up notice.	Plea – Not Guilty. Proved and convicted. Proceedings completed.	\$1,500	\$4,146	Final Costs \$4,767.00
LP29/09	Road Rules 2008 – stop on path/strip in built-up area.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	\$30	Final Costs \$0.00
LP30/09	Road Rules 2008 – stop on or near children's crossing.	Plea - Not Guilty. Charge dismissed. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP33/09	Local Government Act – stand vehicle in area longer than allowed.	Plea - Not Guilty. Charge dismissed. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP40/09	Protection of the Environment Operations Act – fail to pay clean-up notice fee.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$300	\$76	Final Costs \$0.00
LP41/09	Protection of the Environment Operations Act – fail to comply with clean-up notice.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$600	\$76	Final Costs \$0.00
LP42/09	Protection of the Environment Operations Act – use land as waste facility without authority.	No plea entered. Charge withdrawn. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP43/09	Australian Road Rules – stand vehicle in disabled person's parking space without authority.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP44/09	Protection of the Environment Operations Act – pollute waters.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$2,000	\$1,511	Final Costs \$1,307.73
LP46/09	Road Rules 2008 – stand vehicle in disabled person's parking space without authority.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$300	\$76	Final Costs \$0.00

LP49/09	Companion Animals Act – dog in public place not under effective control.	Plea not guilty. Charge withdrawn. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP50/09	Companion Animals Act – dog in public place not under effective control.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	\$76	Final Costs \$0.00
LP51/09	Road Rules 2008 – stop in loading zone.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$135	\$76	Final Costs \$0.00
LP52/09	Road Rules 2008 – stop in loading zone.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$200	\$76	Final Costs \$0.00
LP53/09	Road Rules 2008 – obstruct driveway access.	Plea not guilty. Charge withdrawn. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP54/09 and LP55/09	Companion Animals Act – dog in public place not under effective control.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$250	\$76	Final Costs \$0.00
LP56/09	Companion Animals Act – dog in public place not under effective control.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$220	\$76	Final Costs \$0.00
LP57/09	Companion Animals Act – dog in public place not under effective control.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	\$30	Final Costs \$0.00
LP58/09	Companion Animals Act – dog in public place not under effective control.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	\$76	Final Costs \$0.00
LP59/09 and LP60/09	Companion Animals Act – dog in public place not under effective control.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	\$60	Final Costs \$0.00
LP61/09	Companion Animals Act – dog in public place not under effective control.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	\$76	Final Costs \$0.00
LP62/08	Environmental Planning and Assessment Act – Not comply with order (demolish unauthorised building).	Plea – Guilty. Proved and convicted. Proceedings completed.	\$150	\$76	Final Costs \$0.00
LP63/08	Environmental Planning and Assessment Act – Not comply with order (comply with development consent).	Plea – Guilty. Proved and convicted. Proceedings completed.	\$150	Nil	Final Costs \$0.00

LP64/08	Environmental Planning and Assessment Act – Not comply with order (demolish unauthorised building).	Plea – Guilty. Proved and convicted. Proceedings completed.	\$150	Nil	Final Costs \$0.00
LP65/08	Environmental Planning and Assessment Act – Not comply with order (comply with development consent).	Plea – Guilty. Proved and convicted. Proceedings completed.	\$150	Nil	Final Costs \$0.00
LP66/09	Companion Animals Act – unregistered dog.	Plea not guilty. Charge withdrawn. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP67/09	Local Government Act – park continuously for longer than allowed.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP68/09	Companion Animals Act – dog in public place not under effective control.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$300	\$76	Final Costs \$0.00
LP69/09	Road Rules 2008 – stop in loading zone.	Plea not guilty. Charge withdrawn. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP70/09	Companion Animals Act – unregistered dog.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$165	\$76	Final Costs \$0.00
LP71/09 and LP72/09	Companion Animals Act – dog in public place not under effective control.	Plea not guilty. Charge withdrawn. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP73/09	Local Government Act – stand vehicle in disabled person's parking space without authority.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP74/09	Road Rules 2008 – disobey no stopping sign.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$350	\$76	Final Costs \$0.00
LP75/09	Protection of the Environment Operations Act – use land as waste facility without authority.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$1000	\$76	Final Costs \$0.00
LP76/09	Road Rules 2008 – stop in loading zone.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$135	\$76	Final Costs \$0.00
LP77/09	Road Rules 2008 – stop on/across driveway access.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP78/09	Road Rules 2008 – stop in loading zone.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$200	\$76	Final Costs \$0.00

LP79/09	Companion Animals Act – dog in public place not under effective control.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP80/09	Local Government Act – fail to return mobility parking authority after ceasing to be a disabled person.	Plea not guilty. Charge withdrawn. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP81/09	Local Government Act – stand vehicle in disabled person's parking space without authority.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP82/09	Road Rules 2008 – stop heavy/long vehicle for longer than 1 hour.	Plea - Not Guilty. Charge dismissed. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP83/09	Road Rules 2008 – stop on/near children's crossing – school zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	\$76	Final Costs \$0.00
LP84/09	Road Rules 2008 – stop in bus zone.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$197	\$76	Final Costs \$0.00
LP85/09	Local Government Act – fail to return expired mobility parking authority.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$516	\$76	Final Costs \$0.00
LP86/09	Road Rules 2008 – stop in bus zone.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$75	\$76	Final Costs \$0.00
LP87/09	Road Rules 2008 – stop in bus zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	\$76	Final Costs \$0.00
LP88/09	Road Rules 2008 – stop in loading zone.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$141	\$76	Final Costs \$0.00
LP89/09	Local Government Act – park continuously for longer than allowed.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP90/09	Road Rules 2008 – stop at/near bus zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00

6B4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

LP91/09	Road Rules 2008 – stop in loading zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP92/09	Road Rules 2008 – stop on path/strip in built-up area.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$141	\$76	Final Costs \$0.00
LP93/09	Road Rules 2008 – stop at/near bus zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP94/09	Local Government Act – park continuously for longer than allowed.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$84	\$76	Final Costs \$0.00
LP95/09	Road Rules 2008 – stop in parking space for disabled person without authority.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$300	\$76	Final Costs \$0.00
LP96/09	Local Government Act – not stand vehicle in marked parking space.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP97/09	Road Rules 2008 – stop in bus zone – school zone.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$76	\$76	Final Costs \$0.00
LP98/09	Companion Animals Act – dog in public place not under effective control.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$100	\$76	Final Costs \$0.00
LP99/09	Companion Animals Act – dog in public place not under effective control.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP100/09	Road Rules 2008 – disobey no-stopping sign – school zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP101/09	Companion Animals Act – unregistered dog.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$200	\$1,376	Final Costs \$1,300.00
LP101/09 Appeal	Companion Animals Act – unregistered dog.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	-\$1,376	Final Costs \$0.00

LP102/09	Companion Animals Act – dog in public place not under effective control.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$220	\$76	Final Costs \$0.00
LP103/09	Companion Animals Act – dog in public place not under effective control.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$300	\$76	Final Costs \$0.00
LP104/09	Local Government Act – park continuously for longer than allowed.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP105/09	Companion Animals Act – dog in public place not under effective control.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	\$356	Final Costs \$780.00
LP106/09	Road Rules 2008 – stop on/across driveway access.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	\$76	Final Costs \$0.00
LP01/10	Companion Animals Act – unregistered dog.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$50	\$76	Final Costs \$0.00
LP02/10	Road Rules 2008 – stop in bus zone.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$100	\$76	Final Costs \$0.00
LP03/10	Companion Animals Act – dog in public place not under effective control.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	\$76	Final Costs \$0.00
LP04/10	Companion Animals Act – unregistered dog.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$220	\$76	Final Costs \$0.00
LP05/10	Road Rules 2008 – stop in bus zone – school zone.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$76	\$76	Final Costs \$0.00
LP06/10	Local Government Act – park continuously for longer than allowed.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$50	Nil	Final Costs \$0.00
LP07/10	Food Act – fail to comply with Food Standards Code (cleanliness).	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	\$76	Final Costs \$0.00

6B4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

LP08/10	Road Rules 2008 – disobey no-stopping sign – school zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP09/10	Local Government Act – stand vehicle in disabled person's parking space without authority.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP10/10	Protection of the Environment Operations Act – fail to pay prevention notice fee.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$200	\$76	Final Costs \$400.00
LP11/10	Companion Animals Act – dog in public place not under effective control.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$220	\$76	Final Costs \$0.00
LP12/10	Companion Animals Act – unregistered dog.	No plea entered. Charge withdrawn. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP13/10	Companion Animals Act – unregistered dog.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	\$76	Final Costs \$0.00
LP14/10	Companion Animals Act – dog in public place not under effective control.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP15/10	Companion Animals Act – dog in public place not under effective control.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	\$76	Final Costs \$0.00
LP16/10	Companion Animals Act – dog in public place not under effective control.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$220	\$76	Final Costs \$0.00
LP17/10	Road Rules 2008 – stop on/near children's crossing – school zone.	Plea – Not Guilty. Listed for hearing on 9 July 2010. Proceedings ongoing.	Nil	Nil	Final Costs to end of 2009/10 period \$0.00
LP18/10	Companion Animals Act – dog in public place not under effective control.	Plea Not Guilty. Charge withdrawn. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP19/10	Protection of the Environment Operations Act – fail to comply with prevention notice.	Plea - Not Guilty. Charge dismissed. Proceedings completed.	N/A	N/A	Final Costs \$0.00

6B4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

LP20/10	Road Rules 2008 – disobey no-stopping sign – school zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP21/10	Road Rules 2008 – stop on path/strip in built-up area – school zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP22/10	Protection of the Environment Operations Act – fail to comply with prevention notice.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$750	\$76	Final Costs \$0.00
LP23/10	Protection of the Environment Operations Act – fail to pay prevention notice fee.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$500	Nil	Final Costs \$0.00
LP24/10	Protection of the Environment Operations Act – pollute waters.	No appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$1500	\$956	Final Costs \$880.00
LP25/10	Road Rules 2008 – stop on path/strip in built-up area – school zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP26/10	Road Rules 2008 – disobey no-stopping sign.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP27/10	Local Government Act – not stand vehicle in marked parking space.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$100	\$76	Final Costs \$0.00
LP28/10	Road Rules 2008 – stop in parking space for disabled person without authority.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$75	Nil	Final Costs \$0.00
LP29/10	Environmental Planning and Assessment Act – development undertaken without consent.	Plea – Not Guilty. Listed for hearing on 13 August 2010. Proceedings ongoing.	Nil	Nil	Final Costs to end of 2009/10 period \$0.00
LP30/10 to LP32/10	Protection of the Environment Operations Act – pollute waters.	Plea – Not Guilty. Listed for hearing on 16 July 2010. Proceedings ongoing.	Nil	Nil	Final Costs to end of 2009/10 period \$0.00
LP33/10 and LP34/10	Environmental Planning and Assessment Act – development not in accordance with consent.	Plea – Not Guilty. Listed for hearing on 16 July 2010. Proceedings ongoing.	Nil	Nil	Final Costs to end of 2009/10 period \$0.00

LP35/10	Local Government Act – park continuously for longer than allowed.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP36/10	Companion Animals Act – dog in public place not under effective control.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	Nil	Nil	Final Costs \$0.00
LP37/10	Road Rules 2008 – stop on path/strip in built-up area – school zone.	No plea entered. Listed for plea/mention on 13 July 2010. Proceedings ongoing.	Nil	Nil	Final Costs to end of 2009/10 period \$0.00
TOTAL			\$31,266	\$17,351	See the Legal Costs Summary Table for those costs incurred during the 2009/10 period

Legal Advice

TABLE 10 – LEGAL ADVICE NOT RELATING TO COURT PROCEEDINGS FOR PERIOD 1 JULY 2009 TO 30 JUNE 2010.

Costs for various advice sought from Council's Contracted Solicitor	\$52,931.31
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Miscellaneous and/or Administrative Costs

TABLE 11 – MISCELLANEOUS AND/OR ADMINISTRATIVE COSTS FOR PERIOD 1 JULY 2009 TO 30 JUNE 2010.

Miscellaneous and/or administrative costs not associated with other matters listed in this report.	\$0.00
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Legal Costs Summary Table

TABLE 12 - SUMMARY OF 2008/2009 NET COSTS	DEBIT	CREDIT
TABLE 1 - Class 1 Appeals against Council's determination of Development Applications	\$179,555.88	\$0.00
TABLE 2 - Class 1 Appeals against Council Orders or Notices	\$3,444.65	\$0.00
TABLE 3 - Class 4 Civil enforcement for non-compliance with Council Orders or Notices	\$4,561.37	\$6,500.00
TABLE 4 - Class 5 Criminal Prosecution for alleged pollution offences and various breaches of environmental and planning laws.	\$34,256.47	\$0.00
TABLE 5 - Class 6 Appeals from convictions relating to environmental offences non-compliance with Council Orders, Notices or Prosecutions	\$0.00	\$0.00
TABLE 6 - District Court NSW Appeals from convictions in the Local Court not being environmental offences.	\$0.00	\$0.00

TABLE 7 - Consumer, Trader and Tenancy Tribunal – civil disputes of a commercial nature between Council and its customers.	\$0.00	\$0.00
TABLE 8 - Casino, Liquor and Gaming Authority NSW liquor licence application matters	\$0.00	\$0.00
TABLE 9 - Local Court Prosecution matters	\$20,122.02	\$13,954.00
TABLE 10 - Legal Advice	\$52,931.31	\$0.00
TABLE 11 - Miscellaneous and/or administration costs not associated with other matters listed in this report.	\$0.00	\$0.00
Costs Sub-Total	\$294,871.70	\$13,954.00
NET COSTS TOTAL (GST exclusive)	\$280,917.70	

Legal Costs Comparison Table

TABLE 13 - COMPARISON WITH PREVIOUS FINANCIAL YEAR'S LEGAL COSTS					
	2005/06	2006/07	2007/08	2008/09	2009/10
TABLE 1 - Class 1 appeals DA's	\$243,852.50	\$180,402.16	\$109,327.14	\$255,501.18	\$179,555.88
TABLE 2 - Class 1 appeals others	\$10,400.40	\$5,265.05	\$4,023.825	\$13,893.69	\$3,444.65
TABLE 3 - Class 4 proceedings	\$21,360.49	\$-10,557.99	\$42,302.53	\$18,707.64	\$4,561.37
TABLE 4 - Class 5 prosecution	\$3,702.50	\$0.00	\$0.00	\$22,924.62	\$34,256.47
TABLE 5 - Class 6 appeals	\$3,702.50	\$0.00	\$0.00	\$0.00	\$0.00
TABLE 6 - District Court appeals	\$0.00	\$4,400.00	\$0.00	\$5,031.63	\$0.00
TABLE 7 - CTTT civil disputes	N/A	N/A	Not Reported	\$902.70	\$0.00
TABLE 8 - Licensing matters	Not Reported	\$0.00	\$19,301.61	\$2,567.52	\$0.00
TABLE 9 - Local Court proceedings	\$39,596.71	\$13,811.37	\$-1433.63	\$5,937.26	\$6,168.02
TABLE 10 - Legal advice	\$29,020.32	\$15,405.68	\$19,653.74	\$20,735.54	\$52,931.31
TABLE 11 – Misc. / Admin. Costs	Not Reported	Not Reported	Not Reported	\$96.36	\$0.00
OVERALL COSTS TOTAL	\$348,032.65	\$208,726.21	\$193,175.21	\$346,298.13	\$280,917.70

4.3 Planning and Environment Division's Court Proceedings for the Financial Year Periods 2007/08, 2008/09 and 2009/10

Reporting Officer

Manager Compliance Services

Attachments

Tables detailing the Planning and Environment Division's unsuccessful legal proceedings under the relevant court of the financial year periods 2007/08, 2008/09 and 2009/10 (Distributed under separate cover)

Purpose

To provide Council with the details of legal proceedings undertaken by Council's Planning and Environment Division for the financial year periods 2007/08, 2008/09 and 2009/10.

Report

Council at its Ordinary Meeting of 6 April 2010 resolved that 'a report be presented detailing all the court cases that Council has lost over the last three years and also detailing the total cost to Council.'

This report provides the requested details extracted from the annual reports of legal proceedings undertaken by Council's Planning and Environment Division for the financial year periods 2007/08, 2008/09 and 2009/10.

Attached to this report are tables indicating particulars relating to:

- successful legal proceedings (Table Part 1);
- unsuccessful legal proceedings (Table Part 2);
- other legal proceedings what were determined by the Court independent of Development Application determination by Council in respect of Class 1 'deemed refusal' appeals, or upheld by the Court subject to some variations to the order issued by Council in respect of Class 1 'orders' appeals, or were withdrawn by Council in respect of all other matters (Table Part 3); and;

were undertaken by Council's Planning and Environment Division for the financial year periods 2007/08, 2008/09 and 2009/10, including the cost of each of the proceedings, the three-year cost sub-total for each table and the total cost of the three-year period.

During the three-year period, Council had a total of 375 matters before the Court, of which 313 matters or 83.5% were successful, 16 matters or 4.2% were unsuccessful, 46 matters or 12.3% were approved or varied by the Court or withdrawn by Council.

Whilst there are many court matters detailed in the attached tables, there are a number of specific items that are worthy of further discussion.

The first matter is the Class 1 appeal of Council's refusal of DA 3263/2005/DA-C (LP10700/2008) - the Coptic Church matter at Wills Road, Long Point in which Council lost and incurred significant costs. This matter was handled by the Court in a different manner to other such appeals in that the development that was subsequently approved by the Court was substantially different to that which was originally refused by Council. During the appeal process the Court accepted a number of variations to the original plans and dealt with some matters as they arose in the court and within timeframes that prevented detailed assessment by Council, its experts or residents. Consequently, this resulted in increased legal costs for Council, along with disappointment and concern for the resident objectors.

The point of contention with this matter is whether the Court should have determined the application as it did or should it have referred the matter to Council for determination as the application had been amended to such an extent that it was substantially a different application.

Consequently it is recommended that Council write to the Attorneys General detailing its specific concerns with the way in which this matter was determined by the Court and seeking amendment to the Land and Environment Court Practice Notes to require substantially different development applications to be referred back to Council for determination.

Another issue requiring discussion relates to Local Court items where certain matters were proven, however the matter was dismissed without penalty. A review of the Local Court matters over the last 3 years reveals that 48% of those matters proven were dismissed without penalty. While this may seem a high percentage, each matter is determined by the Court on its individual merit and in all cases the defendant entered a guilty plea with explanation. Quite often the explanation has not previously been provided to Council before the matter proceeded to Court and in most cases if the explanation had been provided, Council may have withdrawn the matter.

Council staff will continue to review all matters of this type and where appropriate will consider lodgement of an appeal to the District Court.

The Tables provide details of:

Table 1 – Land and Environment Court NSW – Class 1 appeals against the Council's determination of development applications.

Table 2 – Land and Environment Court NSW – Class 1 appeals against Orders or Notices issued by Council.

Table 3 – Land and Environment Court NSW – Class 4 Matters – Non-compliance with Council Orders, Notices or Prosecution.

Table 4 – Land and Environment Court NSW – Class 5 Matters – Criminal enforcement of alleged pollution offences and various breaches of environmental and planning laws.

Table 5 – Land and Environment Court NSW – Class 6 Matters – Appeals from convictions relating to environmental offences.

Table 6 – Proceedings in the District Court NSW dealing with appeals from convictions in the Local Court not being environmental offences.

Table 7 – Licensing Court NSW – Applications in respect of licenses premises to vary terms of liquor license or apply for new liquor license.

Table 8 – Consumer, Trader and Tenancy Tribunal NSW – civic disputes of a commercial nature between Council and its customers.

Table 9 – Local Court NSW – Prosecution for various offences under nominated legislation.

Table 10 – Summary of 2007/08, 2008/09 and 2009/10.

Officer's Recommendation

That Council write to the Attorneys General detailing its specific concerns with the way in which LP10700/2008 was determined by the Court and seeking amendment to the Land and Environment Court Practice Notes to require substantially different development applications to be referred back to Council for determination.

Committee's Recommendation: (Thompson/Greiss)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 24 August 2010 (Kolkman/Oates)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 157

That the Officer's Recommendation be adopted.

4.4 Compliance Services Section Quarterly Activity Summary Report April to June 2010

Reporting Officer

Manager Compliance Services

Attachments

Compliance Services Quarterly Activity Summary Table.

Purpose

To provide Council with a quarterly report of activities for the Compliance Services Section.

Report

This report summarises key section activities and operational results for the reporting period April to June 2010.

1. Regulated Premises Inspections

Regulated premises inspection statistics presented in the Activity Summary Statistics Table in the Attachment are divided into Food, Public Health and Wastewater Management System inspections.

All regulated premises are placed in a risk category. The frequency of inspections varies according to the risk classification. Additional inspections (i.e. reinspections) are sometimes undertaken when premises are found to be unsatisfactory and there is an identified need to follow up on outstanding matters.

a. Food Premises

Within Campbelltown there are approximately 683 regulated food premises separated into three categories requiring 1,032 scheduled inspections per annum as follows:

Low Risk Premises (inspected when necessary) – includes food businesses such as pre-packaged catering outlets, variety stores, confectionary shops, chemists, video stores and newsagents.

Category 1 Premises (medium risk – inspected once per year) – includes fruit and vegetable stores, service stations, convenience stores, health food shops and general grocery stores

Category 2 Premises (high risk – inspected twice per year) – includes restaurants, takeaway shops, bakeries, cafes, clubs, pubs, child care centres, supermarkets, juice bars, fish shops, delicatessens, institutions and hospitals.

Food Premises Category	No. of Premises	No. of Annual Inspections
Low Risk	133	Complaints only
Category 1	68	68
Category 2	482	964
TOTAL	683	1032

Amendments to the Food Act 2003 and the establishment of the Food Regulation Partnership between the NSW Food Authority and NSW Councils in 2008 resulted in a mandated and more consistent role for Local Government in food regulation.

As a result Council reviewed its food premises categories and inspection frequency in order to be consistent with other NSW Councils.

A total of 387 food premise inspections were conducted for the reporting period. Of the 387 inspections undertaken, 70 (18%) food premise inspections were recorded as unsatisfactory. Follow up (reinspections) are undertaken where premises are found to be unsatisfactory at the time of initial inspection, to ensure they reach a satisfactory standard. In certain situations, Food Act Improvement Notices or Penalty Notices are issued when necessary to encourage compliance.

b. Public Health

Within Campbelltown there are approximately 201 regulated premises separated into three risk categories requiring 208 scheduled inspections per annum.

- **Category 1 Premises** (inspected once per year) – Beauty Salons (low risk), Boarding Houses, Funeral Parlours, Skin Penetration (low risk procedure, i.e. waxing), Hairdressers, Nail Artists, Solariums.
- **Category 2 Premises** (inspected twice per year) – Brothels, Skin Penetration (high risk procedure - body piercing).
- **Category 3 Premises** (inspected once per year) – Legionella Microbial Control (Air-Conditioning Cooling Towers).

Health Premises Category	No. of Premises	No. of Annual Inspections
Category 1	130	130
Category 2	7	14
Category 3	64	64
TOTAL	201	208

The number of health premise inspections undertaken (68) which was slightly above the quarterly average.

Of the 68 regulated health premise inspections conducted during the reporting period, six (8 %) of the premises inspected were recorded as unsatisfactory.

Follow up (reinspections) are undertaken where premises are found to be unsatisfactory at the time of initial inspection to ensure the premises reach a satisfactory standard.

c. Wastewater Management Systems

The effective regulation and management of on-site wastewater management systems is necessary to ensure these systems operate properly and as a consequence do not cause a threat to the environment or human health.

As part of its effort to more effectively manage and regulate wastewater management systems, Council has revised its Wastewater Management Strategy which was formally adopted by Council on 7 July 2009.

The implementation of the revised strategy has commenced and is to be staged, with various unsewered locations throughout the City being addressed progressively.

Staff have commenced seeking applications for an approval to operate from system owners on an area by area basis. This has resulted in eight system inspections during the reporting period.

2. Notices/Orders Issued

Food Act Notices are usually issued where there is repeated failure by a proprietor to meet appropriate standards or where serious breaches are identified. A total of 13 Food Act Notices were issued during the reporting period, which is consistent with the seven Notices issued for the previous quarter.

Local Government Act Notices and Orders are issued for a range of matters including overgrown, unhealthy, unsafe or unsightly conditions. The number of Local Government Act Notices and Orders issued during the reporting period was 112 which was less than the number (155) issued for the previous reporting period, which is consistent with seasonal variations.

The number of Swimming Pools Act Directions issued (10) requiring the erection of pool fencing or fencing repairs was equivalent to the number of Directions (10) issued in the corresponding quarter in the previous year.

Environmental Planning and Assessment Act Notices and Orders are issued by Land Use and Environmental Compliance staff, primarily to ensure that premises comply with conditions of development consent and to regulate unauthorised land use. A total of 35 Notices and Orders were served during the reporting period compared to 41 in the previous quarter.

POEO Act Notices are issued for a variety of pollution matters including water pollution and waste dumping. The number of POEO Notices issued for the reporting period (9) was below the number issued (20) in the previous quarter.

3. Customer Service Requests

The Compliance Services Section receives a significant number of customer service requests across a broad range of issues as represented in Attachment 1. A total of 746 customer service requests were received for the reporting period. Significant complaint categories were barking dogs (131 requests), rubbish dumping/litter (97 requests), illegal construction/development (67 requests), Pollution (59 requests), Health (other) (65 requests), abandoned motor vehicles (84 requests), and parking, (including heavy vehicles) (104 requests).

4. Applications

Building Certificate Applications relate to certificates issued under section 149A of the Environmental Planning and Assessment Act and provide assurance to applicants upon issue that Council will not take action to require the demolition or upgrade of the respective structure for a period of seven years after the date of issue of the certificate. These certificates are generally sought upon sale of property.

The number of Building Certificate Applications (28) received during the reporting period was marginally lower than the number of applications (31) received in the previous quarter.

A Section 68 (Local Government Act) Event Approval was issued for the Department of Human Services Family Fun Day at Koshigaya Park on 21 May 2010.

5. Impounding

The number of dogs impounded during this reporting period was 459, being relatively consistent with quarterly averages (449) for the current annual reporting period. The percentage of dogs microchipped at the time of impounding was 72% which is consistent with quarterly averages.

A total of 242 cats were impounded throughout the reporting period being more than the previous reporting period (205) which is consistent with seasonal trends. The number of cats that are microchipped at the time they were impounded is typically lower than for dogs and for this reporting period, 10% were microchipped.

The number of abandoned vehicles impounded for this quarter was 14. Of these 10 were disposed of by being recycled and two vehicles were released back to their owners. Council is currently holding two abandoned vehicles.

6. Penalty Notices

Council issues a range of penalty notices relating to various matters including parking offences (on street, Council car parks, school zones), companion animal registration, dog straying, littering, fail to comply with orders, food safety and fail to obtain or comply with development consent.

The number of penalty notices issued for parking offences in Council carparks (529) increased slightly in comparison with the previous quarter (514). The number issued for on-street offences (645) decreased slightly in comparison with the previous quarter (680).

7. Compliance/Education Programs

Compliance programs are an integral component of the Section's activities and represent a coordinated proactive approach to targeting specific community concerns. Resources are deployed strategically on a local or citywide basis as an alternative to addressing complaints on an individual basis.

A summary of Compliance Programs undertaken during the reporting period follows:

a. Illegal Parking in School Zones

During the reporting period, 30 school locations were patrolled resulting in the issue of 25 penalty notices.

b. Illegal Sign Statistics

A summary of sign statistics for the quarter can be located in Attachment 1.

c. Illegal Trail Bike Riding

During the reporting period three joint patrols with Police were undertaken resulting in no bikes being seized, 34 penalty notices issued, no charges laid with two cautions issued.

A number of single agency (Council) patrols were undertaken in response to the 12 complaints received during the reporting period.

d. Litter from Vehicles

For the reporting period one operation was undertaken and 25 penalty notices for littering were issued. These penalty notices were issued based upon independent staff observations and Ranger patrols.

e. Shopping Trolleys

One coordinated program was conducted during the report period with 58 trolleys being tagged and 38 trolleys being impounded. During the reporting period, 12 trolleys were reported to contractors for collection.

f. Truck Parking

Four truck parking patrols were undertaken during the reporting period resulting in the issue of 33 parking penalty notices.

8. Other Activities

A summary of other activities or initiatives implemented within the reporting period are listed below:

- Council continues to conduct surveillance of construction sites for sediment and erosion control compliance.
-

- Active participation, both at Committee and operational level, in the Food Regulation partnership, incorporating activity reporting and the review of inspection procedures and related documentation.
- Participation in the review of the draft Public Health Bill which is being undertaken by NSW Department of Health and consists of a review of the existing Public Health Act 1991.
- Continued participation in the Sydney South West Area Health Service Public Health Unit Skin Penetration Working Group to improve industry practice and compliance. A workshop hosted by Council was conducted during the reporting period to raise awareness of local Beauty Salon practitioners regarding skin penetration procedures and associated legislation.
- Patrols (by way of formalised agreement) of disabled parking at Campbelltown Mall continued through the reporting period.
- Participation in working group to develop a Pollution Response Protocol.
- Periodic (3 yearly) review of risk identification documents for various environmental health, building, land use and ranger activities.
- Ongoing review and development of Standard Operating Procedures relating to Section activities, tasks and programs.
- Review of Compliance Services Section web site information.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 24 August 2010 (Kolkman/Oates)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 157

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Compliance Quarterly Activity Summary Statistics

Activity	2009/10 Quarter Result				YTD
	1	2	3	4	
Regulated Premises Inspections					
Food	303	140	211	387	1041
Public Health	12	98	30	68	208
Wastewater Management Systems	10	16	62	8	106
Total	325	254	303	463	1355
Notices/Orders Issued					
Food Act	4	18	7	13	42
Local Government Act	114	120	155	112	501
Swimming Pool Act	16	14	12	10	52
Protection of Environment Operations Act	8	12	20	9	49
Environmental Planning and Assessment Act	46	45	41	35	167
Companion Animals Act	6	4	1	5	16
Total	194	213	236	184	827
Customer Requests					
Abandoned Motor Vehicles	60	78	71	84	293
Animals (other)	20	17	21	18	76
Barking Dogs	120	105	118	131	474
Dog Attacks	25	24	23	10	82
Dog Straying	52	36	52	49	189
Food/Health (regulated)	1	1	1	3	6
Footpath Obstruction	4	7	7	11	29
Health (other)	47	44	68	65	224
Heavy Vehicle Parking	30	16	30	41	117
Illegal Construction/Development	60	78	83	67	288
Overgrown Land	40	46	70	30	186
Parking (General)	49	50	71	63	233
Pollution	67	72	73	59	271
Rubbish Dumping/Litter	13	56	76	97	242
Trail Bikes	45	20	26	12	103
Tree Removal/Dangerous	15	6	11	6	38
Total	648	656	801	746	2851

Compliance Quarterly Activity Summary Statistics

Activity	2009/10 Quarter Result				YTD
	1	2	3	4	
Applications					
Building Certificates	54	27	31	28	140
Approval to Operate Effluent Disposal System Section 68 (Local Government Act)	0	40	21	72	133
Event Approvals Section 68 Local Government Act	1	5	4	1	11
Total	53	72	56	101	284
Impounding					
Abandoned Vehicles	11	10	10	14	45
Shopping Trolleys	3	0	0	38	41
Total	14	10	10	52	86
Impounding Animals					
Dogs (Incoming)					
Impounded	328	427	583	459	1797
Surrendered	160	152	176	166	654
Total	488	579	759	625	2451
Dogs (Outgoing)					
Released to Owner	219	190	261	211	881
Sold	130	98	78	77	383
Euthanaised - Surrendered by Owner	95	103	128	114	440
Euthanaised - Restricted Dog	14	7	7	5	33
Euthanaised - health/temperament	6	3	13	8	30
Euthanaised - Unable to re-home	138	136	225	207	706
Total	602	537	712	622	2473
Cats (Incoming)					
Impounded	147	284	205	242	878
Surrendered	26	96	104	78	304
Total	173	380	309	320	1182
Cats (Outgoing)					
Released to Owner	14	4	0	6	24

8B4.4 Compliance Services Section Quarterly Activity Summary Report April To June 2010

Activity	2009/10 Quarter Result				YTD
	1	2	3	4	
Sold	18	23	31	25	97
Euthanaised - Surrendered by Owner	15	58	29	13	115
Euthanaised - health/temperament	7	20	11	30	68
Euthanaised - Unable to re-home	117	274	237	249	877
Total	171	379	308	323	1181
Penalty Notices					
Companion Animals	285	267	167	302	1021
Environmental - includes litter and waste dumping	41	45	42	94	222
General - includes Public Health and Food Safety	22	27	21	48	118
Land Use	8	5	8	6	27
Parking (car parks)	1101	489	514	529	2633
Parking (on street)	1786	714	680	645	3825
Total	3243	1547	1432	1624	7846
Compliance Programs					
Illegal Parking in School Zones					
Patrols	50	20	28	30	128
Warnings	0	4	3	7	14
Penalty Notices	123	50	20	25	218
Illegal Signs					
Complaints - Council property	4	4	1	2	11
Complaints - private property	0	0	2	0	2
Letters sent	4	2	0	1	7
Cautions issued	0	0	0	0	0
Fines issued	0	0	0	0	0
Removed (posters from poles)	256	89	240	394	979
Illegal Trail Bike Riding					
Joint Patrols	2	2	1	3	8
Bikes Seized	4	0	0	0	4
Penalty Notices (Police)	29	17	17	31	94
Penalty Notices (Council)	3	2	2	3	10
Charges	9	3	3	0	15

8B4.4 Compliance Services Section Quarterly Activity Summary Report April To June 2010

Activity	2009/10 Quarter Result				YTD
	1	2	3	4	
Juvenile Cautions	8	2	2	2	14
Litter From Vehicles					
Patrols	1	0	1	1	3
Penalty Notices	3	14	10	25	52
Shopping Trolleys					
Patrols	0	0	1	1	2
Trolleys Tagged	0	0	24	58	82
Trolleys Impounded	0	0	0	38	38
Contractor Notified	60	10	19	12	101
Truck Parking					
Patrols	4	4	5	4	17
Penalty Notices	32	22	45	33	132

5. GENERAL BUSINESS

Nil.

Confidentiality Motion: (Oates/Thompson)

Due to the confidential nature of the business and the Committee's opinion that the public proceedings of the Committee would be prejudicial to the public interest, the Committee in accordance with Section 10 of the Local Government Act 1993 resolves to exclude the public from the meeting during discussions on this item.

CARRIED

18. CONFIDENTIAL ITEMS

18.1 Confidential Information Relating to Various Items on the Planning and Environment Agenda 17 August 2010

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

There being no further business the meeting closed at 8.42pm.

R Kolkman
CHAIRPERSON
