

PART TWO

**Reports of the Planning and Environment Committee Meeting
held at 7.30pm on Tuesday, 7 December 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 TWO

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Minutes of the Planning and Environment Committee held on 7 December 2010

Present Councillor R Kolkman (Chairperson)
Councillor J Bourke
Councillor G Greiss
Councillor P Hawker
Councillor R Thompson
General Manager - Mr P Tosi
Director Business Services - Mr M Sewell
Director Planning and Environment - Mr J Lawrence
Manager Environmental Planning - Mr P Jemison
Manager Development Services - Mr J Baldwin
Manager Community Resources and Development - Mr B McCausland
Executive Assistant - Mrs D Taylor

Apologies (Thompson/Hawker)

That the apologies from Councillor Oates and Matheson be received and accepted.

CARRIED

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Application Statistics - November 2010

Reporting Officer

Manager Development Services

Attachments

Development Services Application Statistics for November 2010 (distributed under separate cover).

Purpose

To advise Council of the status of development applications and other key matters within the Development Services Section.

Report

In accordance with Council's resolution that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for November 2010 as they affect the Development Services Section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Hawker/Greiss)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 December 2010 (Kolkman/Rule)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 240

That the Officer's Recommendation be adopted.

3.2 Shop 21 Nos. 25-35 Dumaresq Street, Campbelltown - Use of premises for retail sale of aerosol spray paints and clothing

Reporting Officer

Director Planning and Environment

Attachments

1. Recommended Reasons for Refusal
2. Locality Plan

Purpose

The purpose of this report is 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	Lots 5 & 6 DP 557639, Concourse Arcade, Nos. 25-35 Dumaresq Street, Campbelltown
Application No	1849/2010/DA-U
Applicant	Mr Jason Leatham
Owner	Ms Robyn Joyce Hirst and Mr Michael Robert Owens and Mr Matthew John Owens
Statutory Provisions	Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Other Provisions	Campbelltown 2025 Looking Forward
Date Received	30 August 2010

History

The subject shop has been operating on the premises without approval for some time. On 13 July 2010 a Notice of Proposed Order was served on the applicant by Council to cease the use of the premises. On 30 July 2010 an Order was served to cease the use of the premises.

Report

Introduction

Council has received a development application for the use of a premises for the retail sale of aerosol spray paint cans and various items of clothing.

The Site

The subject site is an existing shop located on level one of an arcade complex situated in Dumaresq Street within Campbelltown's CBD area. A detailed search of Council's records indicates that approval to occupy/use the subject premises has never been issued by Council.

The Proposal

The proposal involves the operation of a retail store by one to two employees selling paint in spray cans and clothing items. It is estimated that 200 cans of spray paint are stored on site in a secure storage area. A counter, steel shelving and secure storage area have been fitted in the shop. The proposed hours of operation are:

Monday to Friday: 10:00am to 6:00pm
Saturday: 10:00am to 3:00pm
Sunday: Closed

Assessment

The development has been assessed having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act). Section 79C(1)(a) requires that Council consider the provisions of environmental planning instruments, development control plans and other legislation when making its determination of an application. Assessment of the application includes consideration of the impacts the development may have on the surrounding natural and built environments.

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 direction relevant to this application is:

- Creating employment and entrepreneurial opportunities.

The proposed development is considered to be generally consistent with this direction.

Relevant desired outcomes of the strategic directions included in Campbelltown 2025 include:

- Development and land use that matches environmental capacity and capability;
- A diversified economic base with all (urban) sectors represented;
- A high degree of employment self-containment (50% of working people living in Campbelltown are employed at a location within the City); and
- Employment opportunities distributed across the City area, but concentrated in the Regional City Centre precinct, nominated employment lands and in business centres.

The proposal is considered to be generally consistent with the relevant desired outcomes within Campbelltown 2025 as the proposed development and land use matches the environmental capacity of the site and the commercial intent of the area.

ii. Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 10 (a) Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as a “shop” and is permissible with Council’s development consent within the zone.

The proposal is consistent with a number of zone objectives, including:

1. To encourage employment and economic growth.

It is a requirement of the Campbelltown (Urban Area) Local Environmental Plan 2002 that the proposed development must be consistent with at least one of the zone objectives in order for Council to grant development consent. It is considered that the proposed development is consistent with at least one of the zone objectives and is permissible in the zone, therefore Council is able to grant consent to the proposed development should it deem appropriate to do so.

iii. Campbelltown (Sustainable City) Development Control Plan 2009

The application has been assessed having regard to Council’s Campbelltown (Sustainable City) Development Control Plan 2009 (CSC DCP 2009). The aim of the plan is to identify objectives and design requirements for all aspects of development permissible under Council’s LEPs and IDOs. The aims of the CSC DCP 2009 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; and
- Ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions.

Concerns have been expressed by the Campbelltown Local Area Command that the proposal does not accord with these aims. These concerns are discussed below at item v.

As will be discussed later in this report, it is considered that the proposed development does not uphold the aim of encouraging the creation of safe, secure and liveable environments. It is considered that the sale of certain aerosol spray paint products will increase the potential for additional graffiti attacks and other unwanted damage to public and private property through acts of anti-social behaviour.

In other respects, the application proposes development that is generally consistent with the aims of Council's Sustainable City Development Control Plan 2009.

No other provisions of the SCDCP are relevant to the proposed development given that the application involves no new construction and confines itself only to the use of the existing premises.

iv. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The provisions of the State Environmental Planning Policy (Exempt and Complying Development) 2008 (the Codes SEPP) are relevant in the case where a lawfully operating commercial use type is to be converted to another form of permissible commercial use. In this case, the proponent may be able to change from one commercial use type to another by way of only having to obtain a Complying Development Certificate, i.e. no DA required.

However, as previously stated within this report, it is considered that the use has been operating for some time without formal approval as there is no record of the subject premises ever having been issued consent for the commercial use/occupation of the premises. Accordingly, as the current use can be considered unlawful due to its operation without consent, the complying development provisions of the Codes SEPP do not apply in the circumstances of this proposal.

Despite the above, this position may be argued where evidence of an existing consent for the commercial use of the premises is provided. However, no such evidence has been found within Council's records nor has any evidence been provided by the applicant that proves the existence of a lawful consent. As such, for the provisions of the Codes SEPP to apply to any use within the subject premises, a lawful use of the site will need to be initially established by way of the lodgement of a Development Application and the issuing of a Consent.

In this regard, a formal development application has been lodged with Council which is the subject of this report.

v. Environmental Impacts

Section 79C(1)(b) of the EP&A Act requires Council to consider the "likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality."

The subject application was referred to the Campbelltown Local Area Police Command for comment. A detailed submission was subsequently received, which in effect, makes an objection to the proposed development (noting the use is already in operation).

Not all of the information contained in the submission is able to be reproduced in this report as it refers to confidential matters concerning police investigations and intelligence.

Notwithstanding the Local Area Command has stated that:

"Police are of the opinion that the Community's needs far outweigh the need for a premises of this description and therefore do not support the approval of this Development Application"

Clearly the premises are retailing spray paint, and it is understood that a particular spray paint variety that is sold is of a type that is specifically made for the purpose of artwork. Information from the Police refers to intelligence that makes reference to a certain "brand" of spray paint called "Ironlak".

By referring to the website http://www.ironlak.com/product_aerosols_ironlak.html it is not unreasonable to conclude that these products are strongly promoted for outdoor aerosol art use, and clearly are suitable for graffiti applications.

Councillors may also be interested in accessing the following website which depicts a recent aerosol art event in Adelaide in which "Ironlak" had an involvement <http://blog.ironlak.com/2010/10/ironlak-bbq-burners-adelaide-south.html>.

It is also noted that the development application makes reference to the proposed retailing of clothing from the subject premises and information from the Police has indicated that an inspection by police officers has identified the sale of magazines "depicting large scale graffiti attacks on trains". The Police go on to make the point that:

"it should be noted that Campbelltown is a major stabling area for Sydney's metropolitan rail carriages"

There is some concern that the subject application, if approved, would authorise the distribution/availability of materials/implements that could be used for the carrying out of graffiti for anti-social purposes.

It may be argued by some in the community that the subject application seeks to authorise a use that would aid in the promotion of such damage to public and private property and anti-social behaviour.

Graffiti in Campbelltown is recognised as a major anti-social phenomenon and Council would be aware of the significant resources that it applies each year to minimise the impact of graffiti damage to public and private property across the Campbelltown Local Government Area. In 2010/11 Council will expend in the order of \$500,000 on anti-graffiti initiatives involving:

- Clean up days
- Graffiti action team
- Graffiti Trailer
- Anti Graffiti Kits

There are no legal graffiti walls within the City of Campbelltown and Council has adopted a position of not supporting the establishment of any such facility. Hence, there would seem to be only a limited opportunity for external aerosol art or graffiti applications on private premises (with the consent of the property owner).

Council is not aware of any such applications on private property (endorsed by owners) although this does not mean that such applications do not exist.

Accordingly, it is not unreasonable to reach a conclusion that the availability of such specialised aerosol art products from this premises is not in the public interest.

Having made such a point, Council must also be mindful that graffiti has been an issue across the Campbelltown Local Government Area for a number of years, most of which occurred before the use of the subject premises for the retail sale of aerosol spray paint cans began (which is understood to have been in April 2010).

Aerosol spray paint is available for purchase from a range of retail outlets not only in Campbelltown, but across Australia, including premises such as:

- Hardware stores,
- Paint shops (retail and trade paint centres), and
- Decorating outlets.

Whilst these outlets may not necessarily supply aerosol paint that is especially suitable for "external art" applications, such paints can clearly be used for graffiti applications.

There are legal provisions that prevent the sale of aerosol spray paint to people under the age of 18, and Council is not empowered to regulate those provisions. That is the responsibility of the NSW Police.

Similarly, Council has no jurisdiction concerning the sale of tobacco and alcohol to minors. It is understood that Council has not previously refused an application for the use of premises for the sale of products that are not allowed to be purchased by minors.

It is noted that aerosol spray paint is not an illegal product, nor is clothing, nor are magazines that are not prohibited under the relevant Commonwealth and State classification acts. The subject application seeks to offer for sale by retail a range of products that are not prohibited from sale.

Notwithstanding, in light of the historic and ongoing extent of graffiti related public and private property damage in the Campbelltown area, it is considered on balance, that approval of the application would not be in the public interest.

Public Participation

The application was not notified to nearby and adjoining neighbours in accordance with Council's Development Control Plan No.87 – Public Exhibition and Public Notification Policy.

Conclusion

Council has received a development application for the use of a premises for the retail sale of aerosol spray paint cans and various items of clothing in response to orders being served on the applicant to cease trading at the subject premises.

Concerns have been expressed by the Campbelltown Local Area Police Command and concluded that the Police cannot support the approval of the application. On balance it is considered that the approval of the application by Council would not be in the public interest and set an unwelcome precedent that may encourage the proliferation of similar premises in an area where graffiti crime and related anti-social behaviour are already a major public concern.

Officer's Recommendation

That development application 1849/2010/DA-U for the use of a premises for the retail sale of aerosol spray paints and clothing be refused for the reasons contained in Attachment 1 that include:

1. The proposal fails to demonstrate compliance with the aims of Campbelltown (Sustainable City) Development Control Plan 2009 in regards to encouraging the creation of safe, secure and liveable environments.
2. The proposal fails to demonstrate that the development would not have an adverse social impact on the local community.
3. That the proposal is not considered to be in the public interest.
4. That the proposal would set an undesirable precedent for similar development use types.

Committee's Recommendation: (Bourke/Kolkman)

That development application 1849/2010/DA-U for the use of a premises for the retail sale of aerosol spray paints and clothing be approved subject to the conditions detailed below:

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. Building Certificate

Prior to the use of the premises, the applicant is required to make application to Council for a Building Certificate for all works that have been constructed on site without approval.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. Operating Hours

The use of the premises/business shall be limited to:

Monday to Friday	10:00am – 6:00pm
Saturday	10:00am – 3:00pm
Sunday	Closed

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. 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 2. 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.

CARRIED

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

Voting against the Committee's Recommendation were Councillors: Greiss and Hawker.

Council Meeting 14 December 2010 (Kolkman/Bourke)

It was **Moved** Councillor Kolkman, **Seconded** Councillor Bourke that the Committee's Recommendation be adopted.

LOST

Voting for the Committee's Recommendation were Councillors: Bourke Glynn, Kolkman and Thompson.

Voting against the Committee's Recommendation were Councillors: Borg, Chanthivong, Dobson, Greiss, Hawker, Lake, Oates, Rowell, Rule and Thomas.

It was **Moved** Councillor Rowell, **Seconded** Councillor Rule:

That development application 1849/2010/DA-U for the use of a premises for the retail sale of aerosol spray paints and clothing be refused for the reasons contained in Attachment 1 that include:

1. The proposal fails to demonstrate compliance with the aims of Campbelltown (Sustainable City) Development Control Plan 2009 in regards to encouraging the creation of safe, secure and liveable environments.
2. The proposal fails to demonstrate that the development would not have an adverse social impact on the local community.
3. That the proposal is not considered to be in the public interest.
4. That the proposal would set an undesirable precedent for similar development use types.

WON and became the Motion.

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

Council Resolution Minute Number 241

That development application 1849/2010/DA-U for the use of a premises for the retail sale of aerosol spray paints and clothing be refused for the reasons contained in Attachment 1 that include:

1. The proposal fails to demonstrate compliance with the aims of Campbelltown (Sustainable City) Development Control Plan 2009 in regards to encouraging the creation of safe, secure and liveable environments.
2. The proposal fails to demonstrate that the development would not have an adverse social impact on the local community.
3. That the proposal is not considered to be in the public interest.
4. That the proposal would set an undesirable precedent for similar development use types.

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

Voting against the Council Resolution were Councillors: Bourke, Glynn, Kolkman and Thompson.

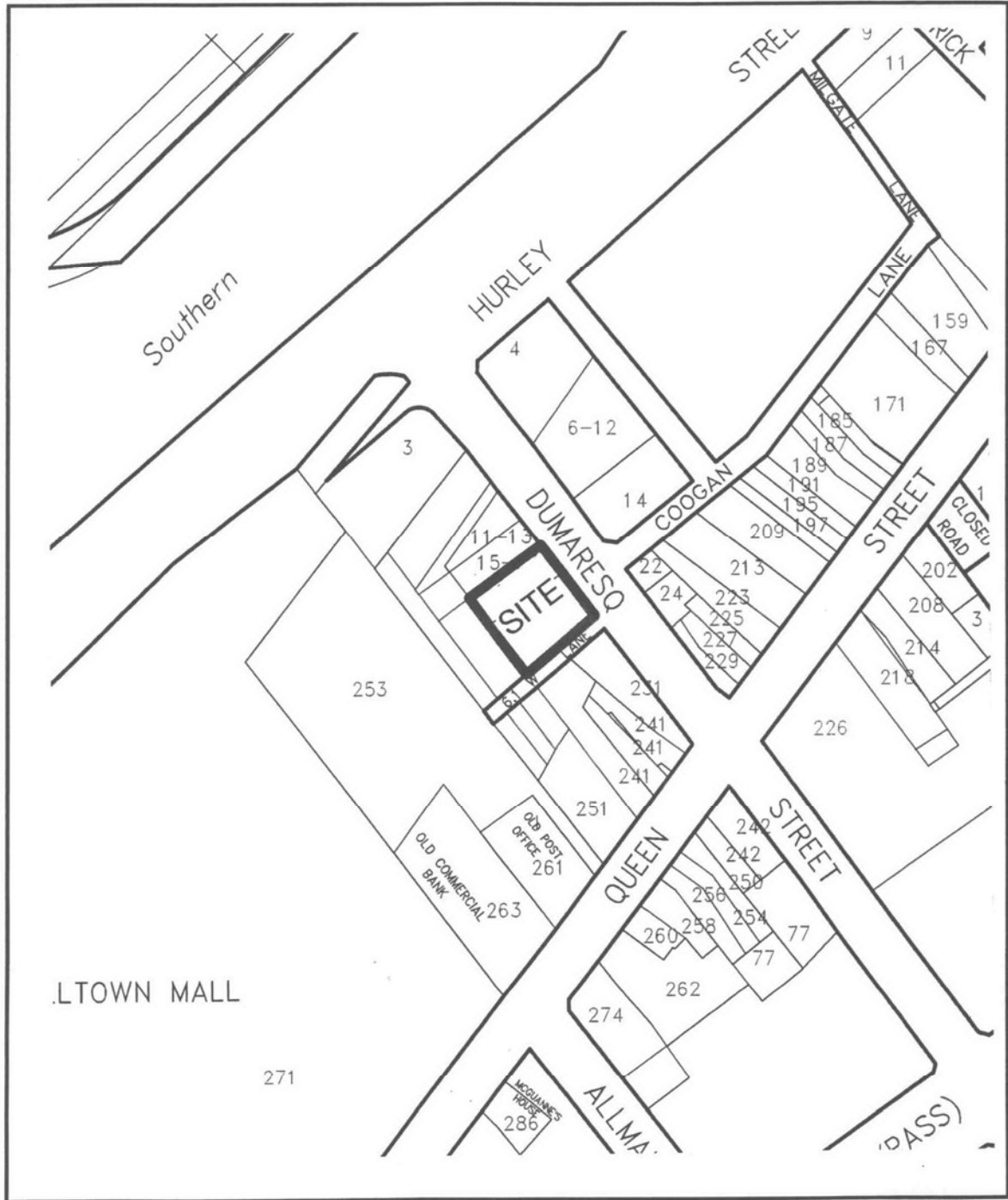
ATTACHMENT 1

REASONS FOR REFUSAL

You are advised that the subject application has been refused pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 for the following reasons:

1. Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the aims of Council's Campbelltown (Sustainable City) Development Control Plan 2009 in regards to encouraging the creation of safe, secure and liveable environments.
2. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, Council cannot be satisfied that approval of the would not have an adverse social impact upon the locality.
3. Pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

ATTACHMENT 2



LOCALITY PLAN



SUBJECT: USE OF PREMISES FOR RETAIL SALE OF AEROSOL SPRAY PAINTS AND CLOTHING.

LOTS 5 & 6 DP 557639 - No. 25-35 DUMARESQ STREE, CAMPBELLTOWN.

3.3 Nos. 16-26 Dumaresq Street, Campbelltown - Use of Level 1 as an internet gaming café, section 96 modification application

Reporting Officer

Manager Development Services

Attachments

1. Recommended Conditions of Consent
2. Locality Plan
3. Floor Plan
4. Survey of customer comments

The following confidential attachment has been distributed under separate cover as it contains private information regarding names and addresses of petitioners.

Petition of support of 'All Nitters' (distributed under separate cover)

Purpose

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

Property Description	Lots D & E DP 28607, Nos. 16-26 Dumaresq Street, Campbelltown
Application No	1661/2009/DA-U/A
Applicant	Melina Napoletano
Owner	Mr Peter Cansdell Hirst and Himatangi Investments Pty Ltd
Statutory Provisions	Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009
Other Provisions	Campbelltown 2025 Looking Forward
Date Received	1 June 2010

History

Development consent for the use of level 1 as an internet gaming café, (1661/2009/DA-U) was issued by Council under delegated authority on 15 December 2009.

Report

Introduction

Council has received an application to modify consent 1661/2009/DA-U, use of Level 1 as an Internet gaming café. The proposed modifications seek to extend the existing approved trading hours and to increase the maximum number of persons allowed on the premises.

The Site

The subject site is an existing commercial premises located on level one of Nos. 16-26 Dumaresq Street, Campbelltown. The site is accessed via a single door and staircase fronting Dumaresq Street located within Campbelltown's CBD area. A bus stop is located 20 metres to the North of the site in Dumaresq Street.

The Proposal

The proposed modifications are:

- (i) To extend the existing approved trading hours from:

Monday to Sunday: 9:00am – 10:00pm

To

Monday to Thursday: 9:00am – 2:00am (of the following morning)

Friday: 9:00am – 12:00am

Saturday: 12:00am – 12:00am (24 hour operation)

Sunday: 12:00am – 2:00am (of the following morning)

The gaming café wishes to conduct 'All Niter' gaming events over the weekend on Friday and Saturday nights which involve the use of locally networked computers for playing interactive computer games. The 'All Niters' would commence at 8:30pm and run until 8:00am the following morning, with the front doors remaining closed during this time.

- (ii) To increase the maximum number of persons allowed on the premises from 50 persons at any one time, to 100 persons at any one time.

Assessment

The development has been assessed in accordance with the heads of consideration under Section 79C and Section 96 of the Environmental Planning and Assessment Act, 1979. The proposed modifications are considered:

- a) To be of minimal environmental impact, and
- b) Substantially the same development as the development for which the consent was originally granted.

Therefore Council is able to modify the consent, should it deem appropriate to do so.

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 direction relevant to this application are:

- Creating employment and entrepreneurial opportunities.

The proposed development is considered to be generally consistent with this direction.

Relevant desired outcomes of the strategic directions included in Campbelltown 2025 include:

- Development and land use that matches environmental capacity and capability;
- A diversified economic base with all (urban) sectors represented;
- A high degree of employment self-containment (50% of working people living in Campbelltown are employed at a location within the City); and
- Employment opportunities distributed across the City area, but concentrated in the Regional City Centre precinct, nominated employment lands and in business centres.

The proposal is considered to be generally consistent with the relevant desired outcomes within Campbelltown 2025 as the proposed development and land use matches the environmental capacity of the site and the commercial intent of the area. Accordingly, it is considered that the development would not have an adverse impact on the surrounding locality and is located in a site that is suitable for the proposed development.

ii. Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 10 (a) Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as an "amusement centre" and is permissible with Council's development consent within the zone.

The proposal is consistent with several zone objectives, particularly:

1. To provide land for the City of Campbelltown and the Macarthur region's largest centre of commerce;
2. To encourage employment and economic growth; and
3. To accommodate a wide range of cultural, entertainment and like facilities.

It is a requirement of the Campbelltown (Urban Area) Local Environmental Plan 2002 that the proposed development must be consistent with at least one of the zone objectives in order for Council to grant development consent. It is considered that the proposed development is consistent with at least one of the zone objectives and is permissible in the zone, therefore Council is able to grant consent to the proposed development, should it deem appropriate to do so.

iii. Campbelltown (Sustainable City) Development Control Plan 2009

The application has been assessed having regard to Council's Campbelltown (Sustainable City) Development Control Plan 2009 (CSC DCP 2009). The purpose of the Plan is to identify objectives and design requirements for all aspects of development permissible under Council's LEPs and IDOs. The aims of the CSC DCP 2009 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; and
- Ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions.

It is considered that the proposal is not inconsistent with the relevant aims of the plan. Further to these aims, other relevant provisions of the Plan relating to the Principles of Crime Prevention through Environmental Design, car parking and commercial waste management have been considered and are discussed below.

In this regard, Part 2.13 of CSC DCP 2009 includes the following objective in respect to security:

“Ensure that development incorporates security features in accordance with the principles of Crime Prevention through Environmental Design (CPTED) to:

- minimise opportunities for crime; and
- enhance security.”

The applicant has provided the following information responding to these objectives in the original development application approved by Council on 15 December 2009:

- Lighting is provided both outside the entrance of the stairwell to the premises, and within the stairwell, providing good illumination for patrons;
- A CCTV system is proposed to increase the safety of patrons and staff. Footage is to be backed up each week and kept for 6 months;
- Two staff members are on site after 8pm for added security during proposed opening times; and
- During ‘lock down’ periods, members are not allowed to leave and enter the premises. Minors are required to be escorted from the premises by guardians during these times.

There has been no modification to these details as part of this current application and these measures are considered to satisfactorily address the objectives contained in the Plan with regard to lighting, visibility and surveillance (see below for additional comments regarding opening hours).

The development has provided details of commercial waste management in accordance with the rates contained in Part 5.9 of CSC DCP 2009.

iv. Environmental Impacts

Section 79C(1)(b) of the EP&A Act requires Council to consider the “likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.” The issues identified for consideration relate to social impact and venue capacity.

a. Social Impact

The applicant has submitted the following details concerning the operation of the ‘All Niter’ gaming events in support of their application to modify existing trading hours:

- ‘All Niters’ are for members only, with member’s details recorded on the operator’s database.
- Members must pre book and pay before 5pm that day to secure their spot, so that the operator knows who will be on the premises.

- Members under 18 years of age are required to bring a permission slip from their parent or guardian.
- If the member wishes to leave before 8:00am (end of the session) and they are under 18 years of age the parent or guardian must state on the permission slip, they are to call the store when they are at the door for the child to be escorted out by a staff member and the slip is to be signed by the parent or guardian and checked by the staff member.
- There is to be no "loitering" at the front of the premises after the event is finished.
- The doors of the premises are to be locked from 8.30pm until the end of the event at 8:00am the following day.
- Security cameras are in place.
- Two staff members are present for the event.
- All staff are first aid trained and police checked.

The applicant has also submitted a Building Code report for the premises outlining measures to be implemented to allow for the safe operation of the proposal with regard to access, egress and fire safety. The fire safety issues relating to capacity will be discussed later in this report. The measures proposed for access and egress have been reviewed by Council's Building Certification Unit which has indicated that the proposed measures in the report should be implemented prior to the proposed 'All Nitters' sessions commencing, should council decide to support the variation to trading hours.

Further, the applicant has made the following submissions concerning their proposal:

- A petition of support for 'All Nitters' with 255 signatures.
- A survey of customer comments.

The application was referred to the Campbelltown Local Area Police Command and the following comments have been received:

- The location of the use would enable young persons frequenting the business to interact with adults affected to varying degrees by alcohol. This raises issues in relation to the safety of those using this business and also having intoxicated persons attend the business.
- Having the gaming café opened 24 hours over the weekend may cause an increase in the number of intoxicated persons attending the CBD area to congregate at the location which may result in a significant increase in anti-social behaviour, as well as an increase in the number of assaults and other alcohol related offences within the vicinity of the premises.
- It is recommended that the existing approved trading hours remain in force (9:00am to 10:00pm).

It is important to note that the premises are not licensed and Council is not aware of any intention for the premises to be licensed to serve alcohol.

The application was referred to the Department of Human Services NSW and the following comments have been received:

- Concerns are expressed about the possibility of children participating in all night activities away from their parents or guardians regardless of the use of permission slips.
- It is recommended that the minimum age for persons participating in the proposed activities from 9pm be restricted to persons over 16 years of age.

The application was referred to Council Community Services Division. The following comments have been received:

- Concerns are expressed that young children may attend the premises and mix with adults at times late in the evening.
- Concerns are expressed on the potential impact of lack of sleep on young people.
- It is recommended that a minimum age limit of 16 years be set; that any approval be subject to a one year trial; that staff members have at least introductory training in supervising young persons; that parents are required to sign young persons in and out of the premises.

Upon consideration of the various submissions from the applicant, the Local Area Police Command, the Department of Human Services and Council's Community Services Division, the following conclusions have been drawn in regards to the proposal:

The proposed 'All Niter' gaming events are well planned and have support from the 'gaming community'.

Concerns have been expressed by the Police that there may be a potential conflict between patrons of the 'All Niters' and intoxicated persons in the area.

The applicant has proposed measures that would prevent intoxicated persons entering the premises during 'All Niters' and persons under the age of 18 years would not be able to leave the premises until either 8am the next morning, or unless their parent or guardian collects them from the venue. These measures are considered to mitigate against the potential for interaction with intoxicated persons outside the premises during the 'All Niters' sessions. However, during the week and on Sundays it is considered that the current approved operating hours of 9am to 10pm should remain in place.

Although the premises may be patronised by persons from a variety of age groups during the day, it is considered that the recommendations from Department of Human Services NSW and Council's Community Services Division should be included in any approval, and a minimum age limit of 16 years be applied to persons attending the 'All Niters' events after 8:30pm.

It is considered that a trial period of consent of twelve months should be applied to any extended trading hours to allow an assessment of the use to be undertaken prior to any ongoing approval being granted.

b. Venue Capacity

The modification application is seeking to increase the capacity of the venue from a maximum of 50 persons being allowed on the premises at any one time to a maximum of 100 persons. A Building Code report has been submitted in support of this modification request.

This report has been reviewed by Council's Building Certification Unit which has advised that the maximum capacity of the premises should remain at 50 persons. This matter could potentially be considered pending the submission of a report to Council from a fire safety specialist demonstrating to Council's satisfaction that there are adequate fire safety measures proposed and/or implemented at the premises for a capacity of 100 persons. This could be the subject of a future Section 96 modification application.

Public Participation

The application was not required to be notified in accordance with the provisions of Council's Development Control Plan No. 87 – Public Exhibition and Public Notification Policy.

Officer's Recommendation

1. That modification application 1661/2009/DA-U/A be approved subject to the conditions contained in Attachment 1, including the following new / and or modified conditions:

a. Trial Period of Consent

The modified consent is valid for a period of twelve (12) months from the date shown hereon. Prior to the expiration of this 12 – month period, a new application will be required to be lodge and approval obtained prior to the modified use continuing.

b. Hours of Operation

Monday to Thursday:	9:00am – 10:00pm
Friday:	9:00am – 12:00am
Saturday:	12:00am – 12:00am (24 hour operation)
Sunday:	12:00am – 10:00pm

c. Building Upgrade

The existing tenancy shall be upgraded and maintained in accordance with the recommendations of the Building Code of Australia Report prepared by Brian Duncombe dated 12 October 2010 and shall include the implementation of the following measures prior to the use of the site:

- i. The front entrance stairway is to be upgraded to include a hand rail on both sides of the stairway, the nosing of all stairway treads to be provided with non-slip finish near the edge of the nosing in a colour that contrasts with the stairs.
 - ii. The balustrade to the first floor balcony is to be upgraded and made compliant.
 - iii. The front entrance doorway must be re-swung to open in the direction of the street and door hardware changed by removing the deadlocking system and installing a lever action handle to the doorway.
2. That the application to increase the capacity of the venue to beyond 50 persons given that it is not satisfied that the information submitted with the application does not demonstrate to Council's satisfaction that there are adequate fire safety measure in place or proposed, to accommodate an increase in the capacity of the premises to 100 persons.

Committee's Recommendation: (Bourke/Thompson)

1. That modification application 1661/2009/DA-U/A be approved subject to the conditions contained in Attachment 1, including the following new / and or modified conditions:

a. Trial Period of Consent

The modified consent is valid for a period of twelve (12) months from the date shown hereon. Prior to the expiration of this 12 – month period, a new application will be required to be lodge and approval obtained prior to the modified use continuing.

b. Hours of Operation

Monday to Thursday:	9:00am – 10:00pm
Friday:	9:00am – 12:00am
Saturday:	12:00am – 12:00am (24 hour operation)
Sunday:	12:00am – 10:00pm

c. Building Upgrade

The existing tenancy shall be upgraded and maintained in accordance with the recommendations of the Building Code of Australia Report prepared by Brian Duncombe dated 12 October 2010 and shall include the implementation of the following measures prior to the use of the site:

- i. The front entrance stairway is to be upgraded to include a hand rail on both sides of the stairway, the nosing of all stairway treads to be provided with non-slip finish near the edge of the nosing in a colour that contrasts with the stairs.
 - ii. The balustrade to the first floor balcony is to be upgraded and made compliant.
 - iii. The front entrance doorway must be re-swung to open in the direction of the street and door hardware changed by removing the deadlocking system and installing a lever action handle to the doorway.
2. That the application to increase the capacity of the venue to beyond 50 persons be refused given that the information submitted with the application does not demonstrate to Council's satisfaction, that there are adequate fire safety measures in place or proposed to accommodate an increase in the capacity of the premises to 100 persons.

Addendum: (Bourke/Thompson)

3. That in regard to the Conditions of Consent the following be added:
 - 7 (g) A minimum age limit of sixteen (16) years is to be applied to persons attending 'All Niter' events (between the hours of 8.30pm to 8.00am the next morning).

CARRIED

Voting for the Committee's Recommendation incorporating the above addendum were Councillors: Bourke, Greiss, Hawker, Kolkman and Thompson.

Voting against the Committee's Recommendation incorporating the above addendum: Nil.

Council Meeting 14 December 2010 (Bourke/Kolkman)

That the Committee's Recommendation incorporating the above addendum be adopted.

Council Resolution Minute Number 242

That the Committee's Recommendation incorporating the above addendum be adopted.

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

Voting against the Council Resolution was Councillor: Oates.

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.

1a. Trial Period of Consent

The modified consent is valid for a period of twelve (12) months from the date shown hereon. Prior to the expiration of this 12-month period, a new application will be required to be lodged and approval obtained prior to the use continuing.

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. Operating Hours

The use of the premises/business shall be limited to:

Monday to Thursday:	9:00am – 10:00pm
Friday:	9:00am – 12:00am
Saturday:	12:00am – 12:00am (24 hour operation)
Sunday:	12:00am – 10:00pm

6. Maximum Persons on Site

The maximum number of persons on site shall not exceed 50 persons at any one time.

7. Operation of the Premises

The operation of the premises shall be carried out in accordance with the following requirements:

- a) The management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner. If required by the Police or Council, the management is to employ private security staff to ensure that this condition is complied with to the satisfaction of Council.
- b) Signs shall be placed in clearly visible positions within the shop requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- c) Management shall ensure that the operation of the internet café does not cause an undue disturbance to the quiet and good order of the neighbourhood.
- d) Staff shall complete a "Working with Children" check prior to commencing employment.
- e) Surveillance footage from CCTV cameras is to be kept for a minimum of 30 days.
- f) Management shall ensure that the premises remains an alcohol-free environment at all times.

8. Fire Safety Upgrade

The existing tenancy shall be upgraded and maintained in accordance with the recommendations of the Fire Compliance Report by Evac Fire and Safety dated 26 July 2009 and shall include the implementation of the following fire safety measures prior to the use of the site being considered lawful:

- a) The installation of three Carbon Dioxide Fire Extinguishers.

- b) The installation of a fire hose reel system incorporating two fire hose reels.
- c) The installation of a smoke detection system in accordance with Australian Standard AS1670.1-1998.
- d) The installation of illuminated exit signs and emergency lighting.
- e) The installation of smoke seals on the main switch and final exit door to swing in the path of egress.
- f) An emergency evacuation plan is to be established and suitable 'Fire Orders and Instructions' to be displayed within the premises.
- g) A Management in Use Plan is to be established to outline the maintenance of fire equipment, exit and emergency lighting and emergency procedures review. The plan is to be kept on the premises and made available for inspection at all times.

The following additional fires safety measures are also required to be implemented prior the use of the site being considered lawful:

- h) The installation of two doors swinging in the path of egress, as noted on the approved plan.

9. Building Upgrade

The existing tenancy shall be upgraded and maintained in accordance with the recommendations of the Building Code of Australia Report prepared by Brian Duncombe dated 12 October 2010 and shall include the implementation of the following measures prior to the use of the site:

- a) The front entrance stairway is to be upgraded to include a hand rail on both sides of the stairway, the nosing of all stairway treads to be provided with non-slip finish near the edge of the nosing in a colour that contrasts with the stairs.
- b) The balustrade to the first floor balcony is to be upgraded and made compliant.
- c) The front entrance doorway must be re-swung to open in the direction of the street and door hardware changed by removing the deadlocking system and installing a lever action handle to the doorway.

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. Disability Discrimination Act

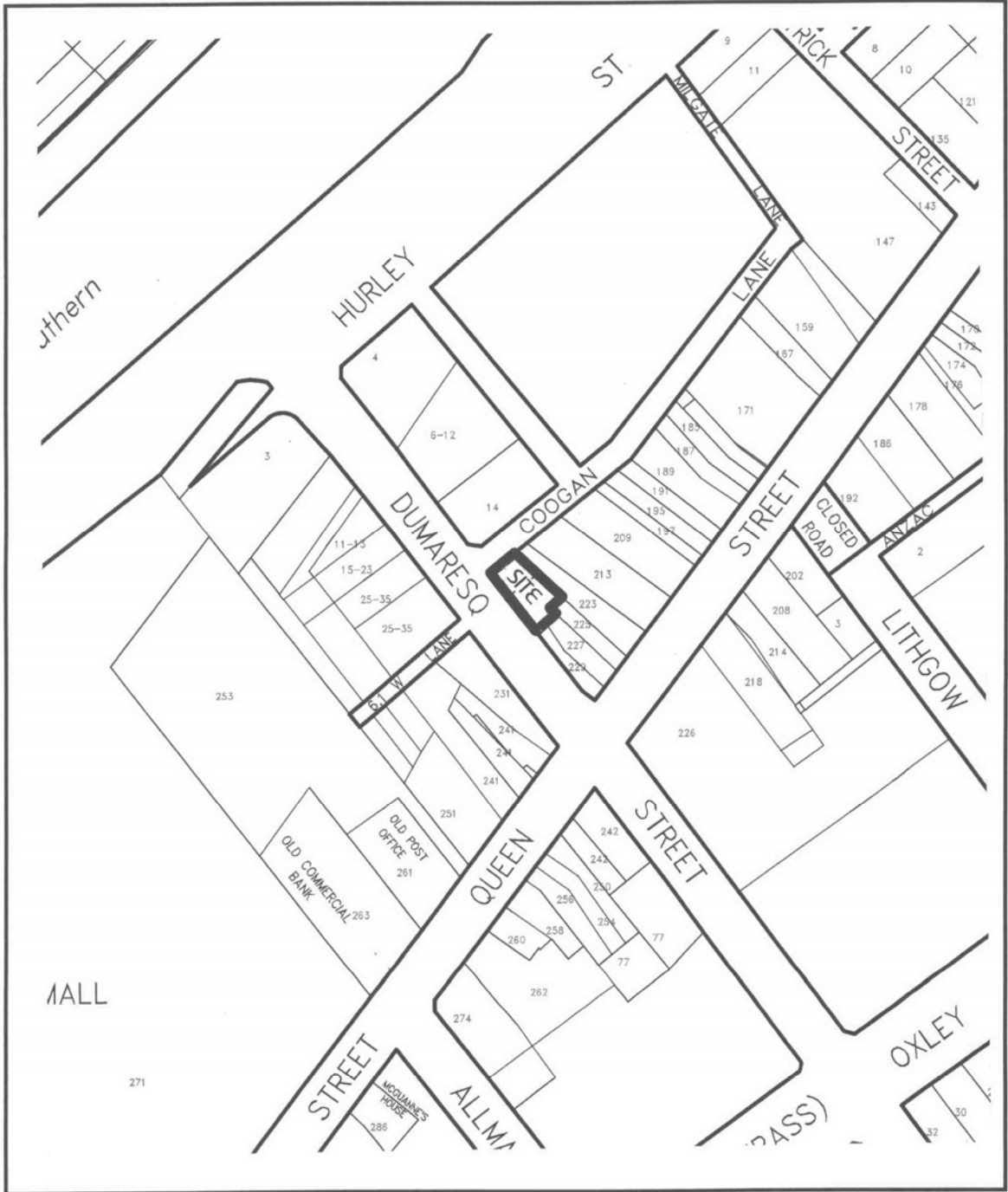
Nothing in this consent is to be taken to imply that the development meets the requirements of the Disability Discrimination Act 1992 (DDA1992). Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the Building Code of Australia (BCA). 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 2. 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



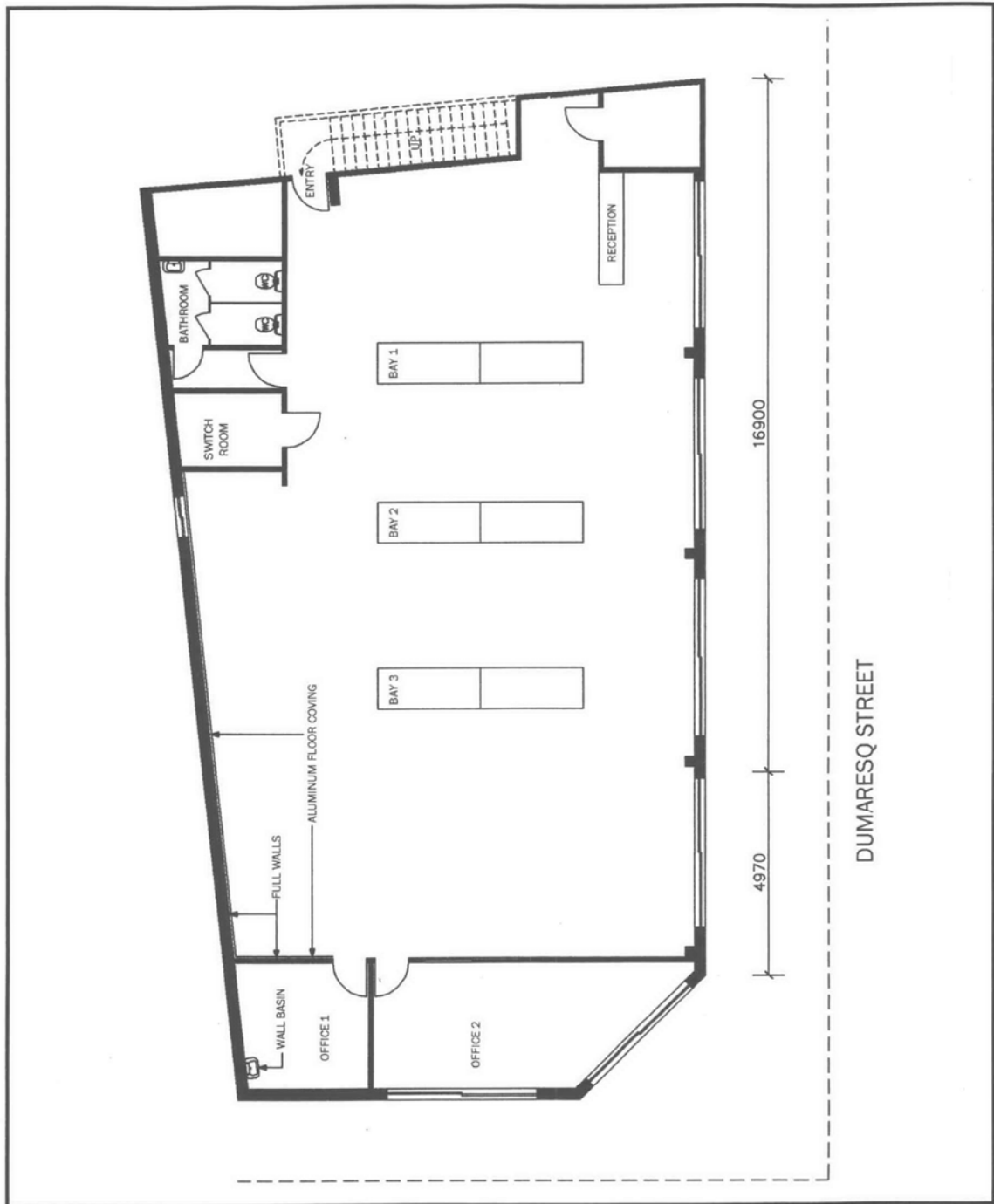
LOCALITY PLAN



SUBJECT: USE OF LEVEL 1 AS AN INTERNET GAMING CAFE, MODIFICATION APPLICATION.

LOTS D & E DP 28607 - Nos. 16-26 DUMARESQ STREET, CAMPBELLTOWN.

ATTACHMENT 3



FLOOR PLAN

SUBJECT: USE OF LEVEL 1 AS AN INTERNET GAMING CAFE, MODIFICATION APPLICATION.

LOTS D & E DP 28607 - Nos. 16-26 DUMARESQ STREET, CAMPBELLTOWN.

ATTACHMENT 4

2. What is your reason for coming into 'In the LAN of GAMES?'

Good computers	14.23%
Low price	12.20%
Number of computers/ Xbox 360	7.32%
Good, safe and friendly service	15.04%
Variety of games and products	15.04%
All of the above	22.36%
Other (Specify)	13.82%

These are the "Other Answers"

Its just an awesome place. (all of the above)

Friends

The Staff rock! I have made sum good friends that I would still talk 2 even if Lan wasn't there The environment of many people, Music played, great chill outzone.

Online Gaming and mal is a sexy beast muahaha.... plus its always fun trying to tell the difference between mel and chloe hehe

good connection

Its a good place to hang out

Closest internet cafe that has good service and decent computers. The physical layout inside the place is also pretty good (lots of room)

Game with mates

Great Atmosphere The ability to play games (on seperate screens) right by next to my mates.

have lans with friends

My Cousin said its the best....I BELIEVE HIM!

Great, friendly staff that keep you smilen everyday

friends are here alot

it is more fun to play with your friends then it is to play alone. 'In the LAN of Games' gives that atmosphere thats great for playing games in.

Closest lan cafe to me.

competitions, location

High speed internet. ;D

It's a kool place to LAN with friends and other experienced gamers

a fun time playing games

Because it's AWSOME!!!

Best staff ever so nice + matt haha crack up

Friendly staff

good deals and a good community eg. this comp you are holding for \$500 to help itlog

friendly employees

I like it because it is fun to go in n have a play talk to some people meet up/catch up. The staff are great.

Good place to hang out with friends and compete with one another.

Fast internet services, and allowed to bring my own laptop in with out any hassles

It's a bit dearer than other places, but I'm happy to pay that for the better computers and up-to-date xbox games. The friendly atmosphere is good to. I've met a few people here, and it's good to hang out with them and play games.

3.4 No. 4 Karuah Street and No. 12A Carcoola Street, Campbelltown - Construction of three dwellings on a single allotment and three lot torrens title subdivision

Reporting Officer

Manager Development Services

Attachments

1. Recommended Conditions of Consent
2. Locality Plan
3. Site Plan
4. Dwelling 1 Elevations and Floor Plans
5. Dwelling 2 Elevations and Floor Plans
6. Dwelling 3 Elevations and Floor Plans
7. Streetscape Plan
8. Landscape Plan
9. Subdivision 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 (EP&A Act).

Property Description	Lots 47 & 48, DP 31320 – No. 12A Carcoola Street and No. 4 Karuah Street, Campbelltown
Application No	1977/2010/DA-RS
Applicant	Kamal Dev Narula
Owner	K & A Narula & H & N Singh
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	9 September 2010

Report

Introduction

Council is in receipt of a Development Application for the construction of three (3) x two (2) storey dwellings and Torrens title subdivision creating three (3) lots.

The proposal is submitted to Council given the applicant is an officer of the Council. The assessment of the proposal was carried out by an independent planning consultant Mr John McKee of Keeplan Services.

The Site

The subject site is a rectangular shaped allotment, located on the north eastern side of Karuah and Carcoola Streets, Campbelltown. The site is a cleared and vacant allotment with a total area of 1112.8m². The site slopes from the higher south eastern corner of the site (RL118.5), to the north western corner of the site fronting Carcoola Street (RL 113) falling by 5.5m.

The Proposal

The proposal seeks Development Consent for the construction of three x two storey dwellings and torrens title subdivision creating three (3) allotments. The proposal contains the following elements:

- Construction of three detached x two storey dwellings, all with three bedrooms and a rumpus room, double garages, and individual rear courtyards;
- Creation of the following lot sizes:

Lot 1- 352.7m²
Lot 2 - 318.3m²
Lot 3 - 436.2m²
- Earth and excavation works;
- Construction of retaining walls;
- Associated driveway areas;
- 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 proposal is defined as 'multi dwelling housing' development which is permissible within the zone. The proposal is considered to be consistent with the following objectives of the 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
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.	A detailed Site Plan, detailing proposed finished levels and a Cut and Fill Management Plan, have been provided. 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.	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.	The proposal involves excavation works within the zone of influence of the adjoining south eastern property. Accordingly a dilapidation report has been submitted concluding that the proposal will have no adverse impacts on the structural integrity of the adjoining eastern dwelling.	Yes
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 850mm.	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 exhibits architectural merit and 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

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.	Each garage is 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).	Dwellings 1 & 2 - 49% Dwelling 3 - 38%	Yes
3.3.1 (f)	Streetscape	No carports or garages (or like structures) shall be located within 6m of the primary street boundary.	The garages for dwellings 1, 2 & 3 are setback 6.0m	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).	Dwelling 1- 6.0m Dwelling 2-5.9m Dwelling 3- 6.1m	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).	Dwelling 1-8.1m Dwelling 2-7.9m Dwelling 3-7.8m	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 which represents a mixture of single and two (2) storey free standing dwellings. There will be no loss of amenity to adjoining or adjacent properties as a result of overshadowing, visual or acoustic privacy impacts.	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 6.0m x 5.5.	Yes
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.
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.	The 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.	Stencilled driveways will be provided.	Yes

Section	Control	Requirement	Proposed	Compliance
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.	There are no balconies or 1st floor living areas that overlook adjoining dwellings or between the proposed new dwellings. The overall number of side and rear facing windows on the 1st floor is minimal and does not involve living rooms facing other living rooms.	Yes
3.6 (a)	Solar Access	Living areas shall have a northerly orientation.	Living areas have been located in the northern portion of the dwellings to maximise solar access.	Yes
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 minimal amenity impacts to adjacent dwellings.	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 .	1112.8m ²	Yes
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 1112.8m ² accommodates three (3) 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 41.40m	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 – 6.0m Unit 2 – 6.0m Unit 3 – 6.0m	Yes

Section	Control	Requirement	Proposed	Compliance
3.9.1 (h)(ii)	Secondary street setback	3.0m secondary street setback	4.0m secondary setback proposed to dwelling 3	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 2.0m is provided from the ground floor of dwelling 1 to the existing adjoining dwelling to the eastern 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 1.5m from any side boundary for all levels above the ground level.	A minimum setback of 2.0m is provided from the first floor of dwelling 1 to the existing adjoining dwelling to the eastern side.	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.	Dwelling 1- 6.13m Dwelling 2 - 5.8m Dwelling 3 - 7.8m	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.	Dwelling 1- 10.13m Dwelling 2 - 10.22m Dwelling 3 - 12.19m	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
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.	Dwellings 1 & 2 -21.20% Dwelling 3 – 20.1%	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 .	Dwelling 1- over 95m ² Dwelling 2 -over 82m ² Dwelling 3- over 136m 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 3.0 metres.	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 in excess of 5m x 5m.	Yes

Section	Control	Requirement	Proposed	Compliance
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.	Outdoor living areas for the three (3) dwellings sited at rear.	Yes
3.9.2 (k)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following additional provisions relating to streetscape: <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 the three dwellings are articulated and consist of a variety of architectural features to create varied facades.</p> <p>Dwellings 1 & 2 comprise approximately 37-40% forward of both dwellings as an impervious finish given narrower lot frontages. Dwelling 3 is approximately 20% given wider frontage. However the overall average is approximately 32% and only slightly exceeds the requirement. The minor variation is satisfactory given landscaping provision to the frontages of the individual dwellings.</p>	<p>Yes</p> <p>No</p>
3.9.2 (l)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following requirements relating to landscape: <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 25% of the site has been made available for deep soil planting.</p>	Yes

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 the three 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
3.10.3	Subdivision of Multi Dwelling Housing	Torrens title subdivision of three (3) or more multi dwellings must satisfy the following: <ul style="list-style-type: none"> – Minimum site area of 300sqm – Minimum depth of 25m – All lots/dwellings to have direct frontage to public street. – No common property created – Minimum width of 7m measured between the extended property side boundaries 	Lot 1-352.7sqm Lot 2-318.3sqm Lot 3-436.2sqm 25.02m All dwellings have direct street frontage No common property Range from 12.33m to 17.1m	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 free standing dwellings with articulated facades which will make a positive contribution to the local streetscape. Moreover, it is considered that the overall development is of an acceptable built form, in terms of scale, massing and articulation. The height of the proposed development is consistent with that of other surrounding double storey dwellings in the area and will not create a loss of amenity to adjoining properties.

The locality is likely to undergo progressive urban renewal in the future and the proposed building design is considered to be in keeping with the existing and anticipated 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 with these properties continuing to enjoy access to adequate levels of sunlight during the winter solstice.

• 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, 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 drought tolerant 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 10 September 2010 for a period of 14 days. As a consequence of the notification, Council received one (1) submission to the proposal. Following is a summary and comments relating to the concerns raised:

- The adjoining landowner to the north has requested that a fence be constructed along the northern boundary of the site to provide visual and acoustic privacy.

Comment – The proposed development is not considered to have an adverse impact upon the visual or acoustic privacy of the adjoining landowner. A draft condition has been imposed requiring the erection of a new fence along the northern boundary of the property to ensure that the privacy of the landowner is protected.

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 three x two storey dwellings and a three lot torrens title subdivision 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 non compliances with applicable policy or negative environmental impacts and as such, it is considered that the site is suitable for the proposed development type. For these reasons and those detailed within the report, it is recommended that the application be approved subject to conditions.

Officer's Recommendation

That Development Application No.1977/2010/DA-RS for construction of three x two storey dwellings and a three lot torrens title subdivision at No. 12A Carcoola Street and No. 4 Karuah Street, Campbelltown, be approved subject to the recommended conditions at Attachment 1.

Committee's Recommendation: (Thompson/Greiss)

That Development Application No.1977/2010/DA-RS for construction of three x two storey dwellings and a three lot torrens title subdivision at No. 12A Carcoola Street and No. 4 Karuah Street, Campbelltown, be approved subject to the recommended conditions at Attachment 1 subject to condition 12 be amended to read:

"The bedroom – 3 window sill height of dwellings 1 & 2 shall be a minimum of 1.7 metres above the finished floor level unless the bedroom window is positioned at least 2.0 metres away from an adjoining property boundary. Amended details are to be provided with the CC plans."

CARRIED

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

Voting against the Committee's Recommendation: Nil.

Council Meeting 14 December 2010 (Kolkman/Rule)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 243

That the Committee's Recommendation be adopted.

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

Voting against the Council Resolution were Councillors: 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. 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:

- a. 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
- b. 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

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants.

6. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. 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 1.8 metre high fence shall be erected on the site's side and rear boundaries behind the front building alignment and between each required courtyard at the sole cost of the developer. 'Colorbond' style metal fences that face a public space are not permitted.

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. 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.

11. 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.

12. Window Sill Height Bedroom 3

The bedroom 3 window sill height of all dwellings shall be a minimum of 1.7 metres above the finished floor level. Amended details are to be provided with the Construction Certificate application.

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.

13. 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.

14. 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.

15. 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 to the nearest system under Council's control. All proposals shall comply with the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

16. Dilapidation Report

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works.

17. Work on Public Land

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicants expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. Fencing

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

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.

27. 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 4.00pm
Sunday and public holidays	No Work.

28. 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.

29. 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.

30. Excavation and Backfilling

All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a. Must preserve and protect the building from damage; and
- b. If necessary, must underpin and support the building in an approved manner, and
- c. Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

31. 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.

32. 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.

33. Excess Material

All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.

34. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with AS 1742.3. Council may at any time and without prior notification make safe any such works Council considers to be unsafe, and recover all reasonable costs incurred from the applicant.

35. 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.

36. 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.

37. Residential Driveway and Layback Crossing

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

38. 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.

39. 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.

40. 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/SUBDIVISION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation and/or subdivision 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".

41. Section 73 Certificate

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

42. 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.

43. 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.

44. Subdivision Certificate

Prior to the principal certifying authority issuing a subdivision certificate, an occupation certificate is required to be issued for all buildings on the land.

45. Classification of Residential Lots

Prior to the principal certifying authority issuing a subdivision certificate, all residential lots are to be individually classified in accordance with guidelines contained in the Australian Standard for Residential Slabs and Footings - AS2870.1996 (as amended).

46. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown (Sustainable City) DCP Volume 2 (as amended).

47. Restoration of Public Roads

Prior to the principal certifying authority issuing an occupation certificate, the restoration of public road and associated works required as a result of the development shall be carried out by Council and all costs shall be paid by the applicant.

48. 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.

49. House Numbers

Prior to the principal certifying authority issuing an occupation/subdivision certificate all house numbers shall be stencilled onto the kerb at appropriate locations with black letters/numbers 75mm high on a white background using approved pavement marking grade paint.

50. Residential Inter-Allotment Drainage

Prior to the principal certifying authority issuing a subdivision certificate, a work as executed plan for the drainage works shall be submitted to Council demonstrating that inter-allotment drainage and associated easements, in accordance with 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 have been provided for residential lots where all or part of the lots do not drain to a public road.

51. 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.

52. 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. 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 4. Retaining Walls

A separate development application shall be submitted and approved for any retaining walls that exceed 0.9 metres in height.

Advice 5. Buried Waste

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

Advice 6. 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 7. Inspections – Civil Works

Where Council is nominated as the principal certifying authority for civil works, the following stages of construction shall be inspected by Council.

- a. EROSION AND SEDIMENT CONTROL –
 - i. Direction/confirmation of required measures.
 - ii. After installation and prior to commencement of earthworks.
 - iii. As necessary until completion of work.
- b. STORMWATER PIPES – Laid, jointed and prior to backfill.
- c. VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
- d. FINAL INSPECTION – All outstanding work.

Advice 8. 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 9. 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 10. Linen Plan and Copies

A linen plan and if required an original 88B Instrument together with thirteen copies shall be submitted to Council prior to the release of the subdivision certificate.

Advice 11. Linen Plan Checking Fee

Where Council is the principal certifying authority a linen plan checking fee is payable on submission of the linen plan of subdivision to Council. The exact amount will be calculated at the rate applicable at the time of release of the linen plans for each lot of the subdivision including any residue lots.

Advice 12. Salinity

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

Advice 13. 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 14. Rain Water Tank

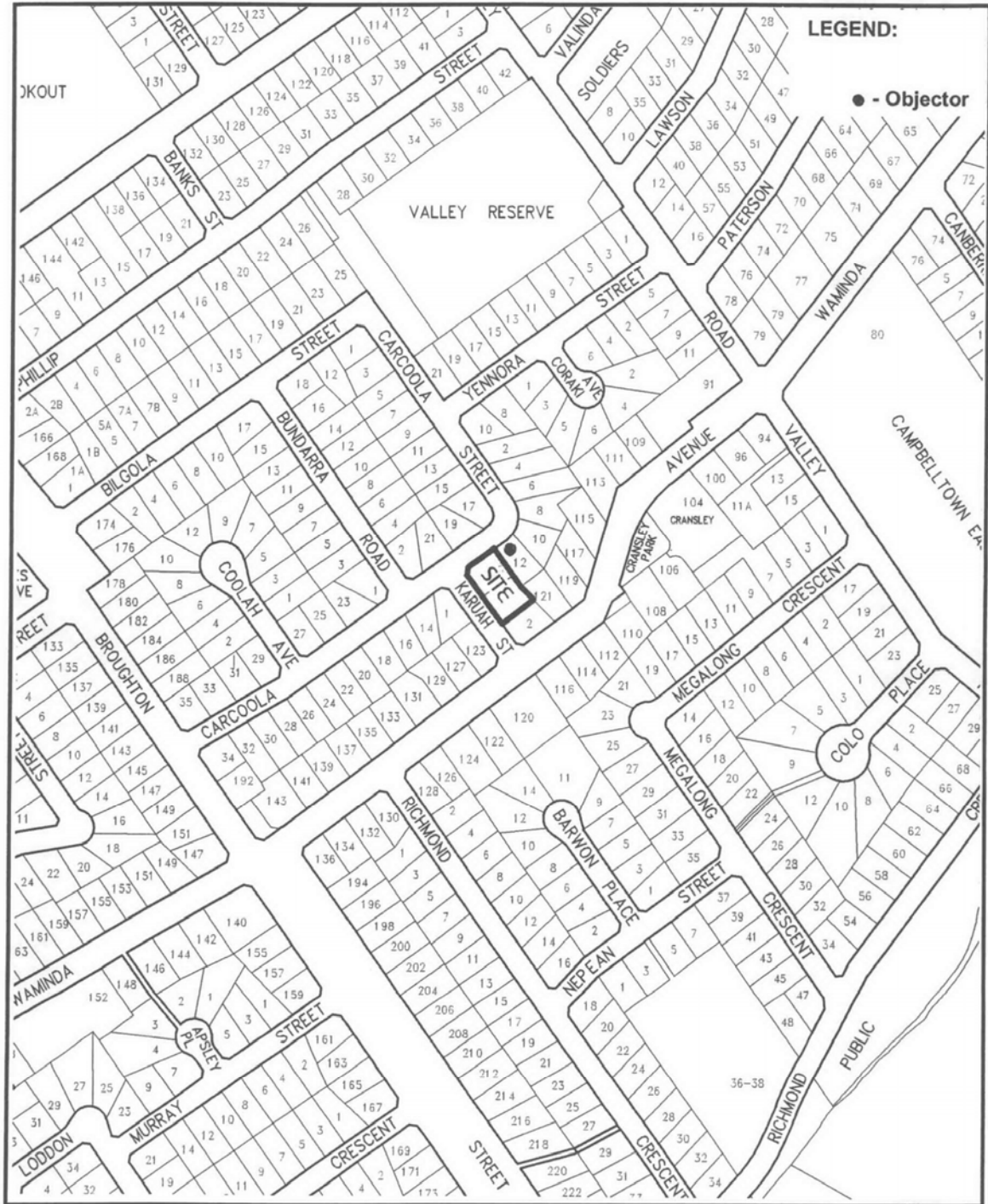
It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

Advice 15. 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

END OF CONDITIONS

ATTACHMENT 2

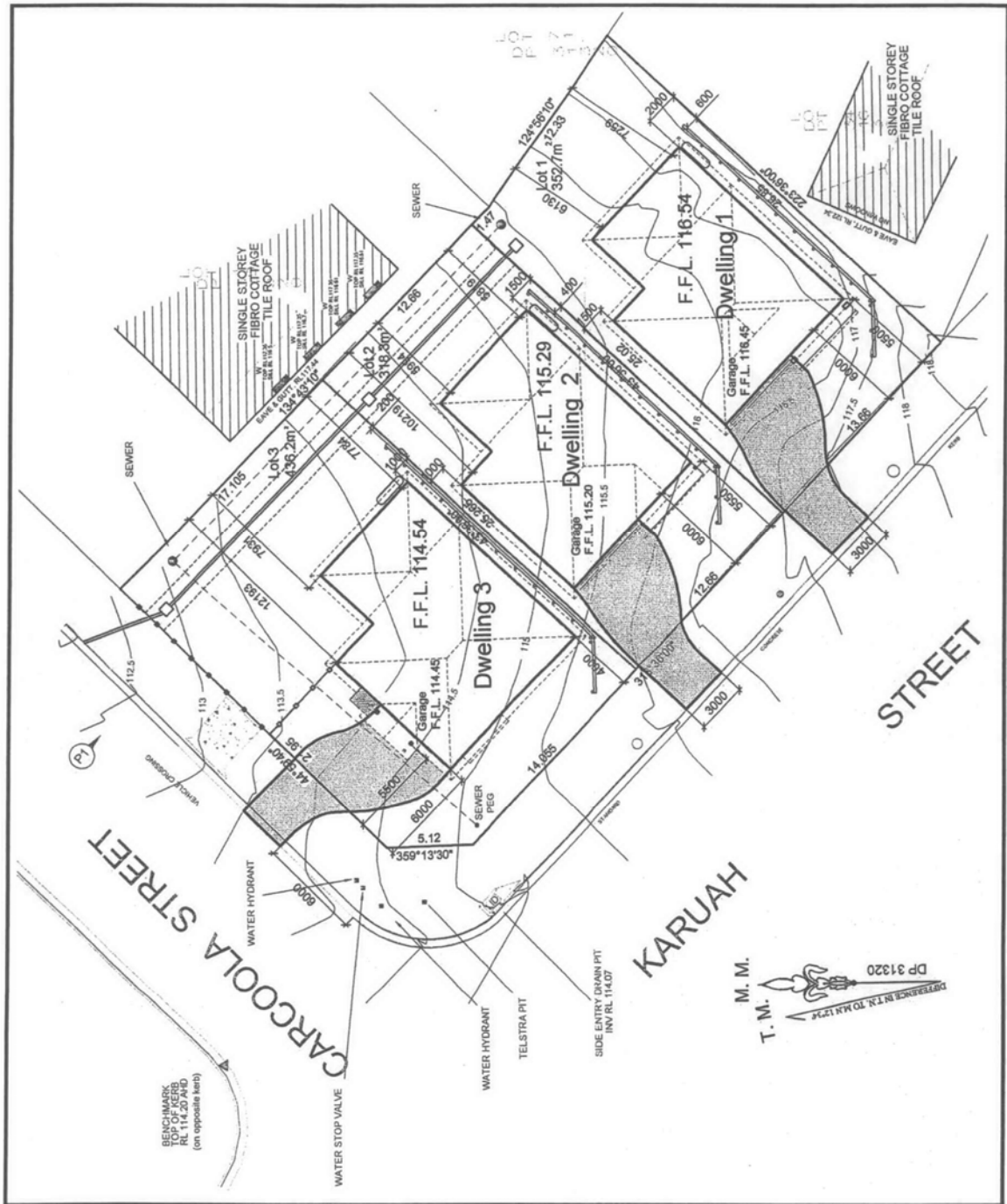


LOCALITY PLAN



SUBJECT: CONSOLIDATION OF TWO LOTS INTO ONE, SUBDIVISION OF ONE LOT INTO THREE AND CONSTRUCTION OF THREE MULTI DWELLINGS.
LOTS 47 & 48 DP 31320 - No. 4 KARUAH ST & No. 12A CARCOOLA ST, CAMPBELLTOWN.

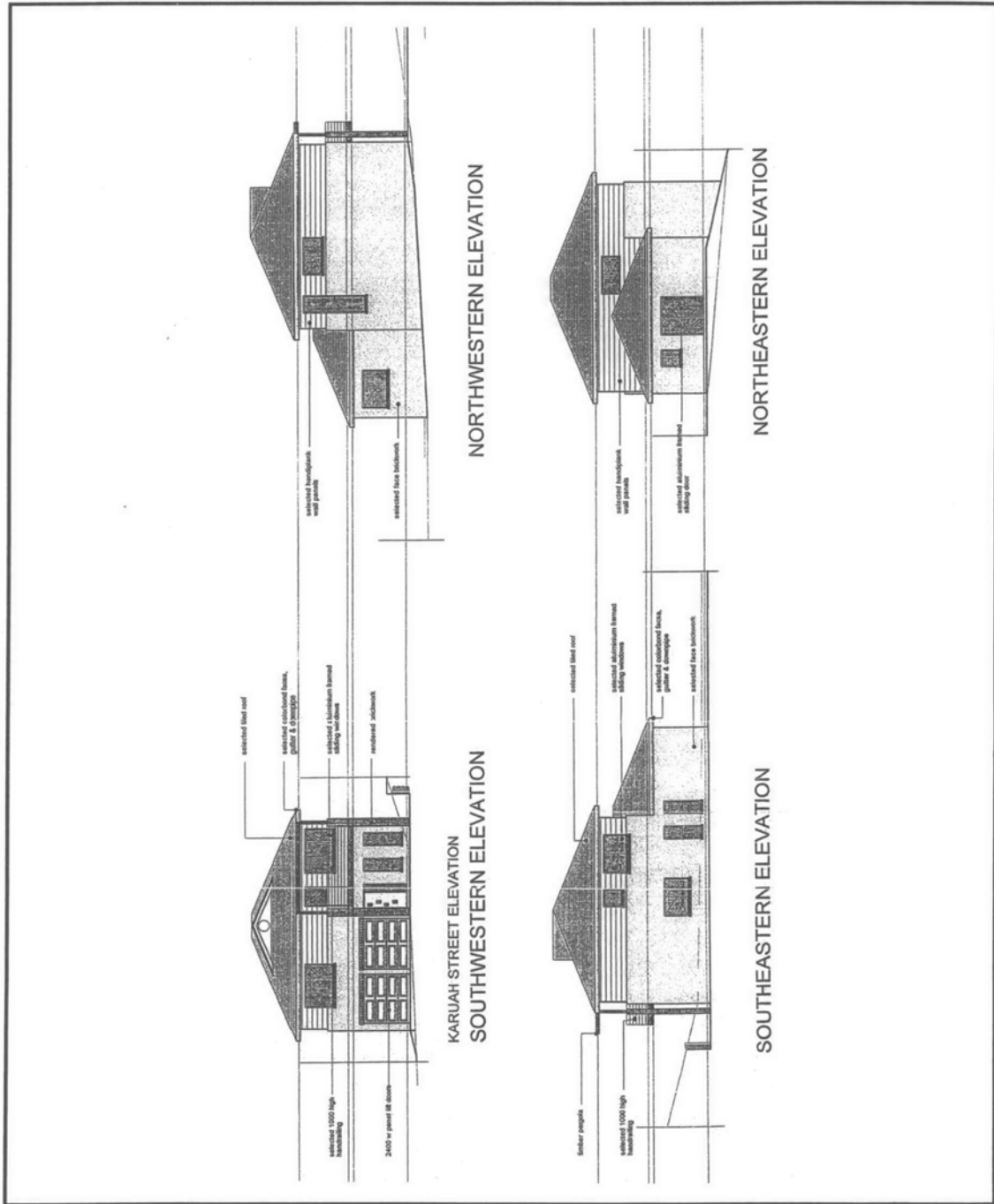
ATTACHMENT 3



SITE PLAN

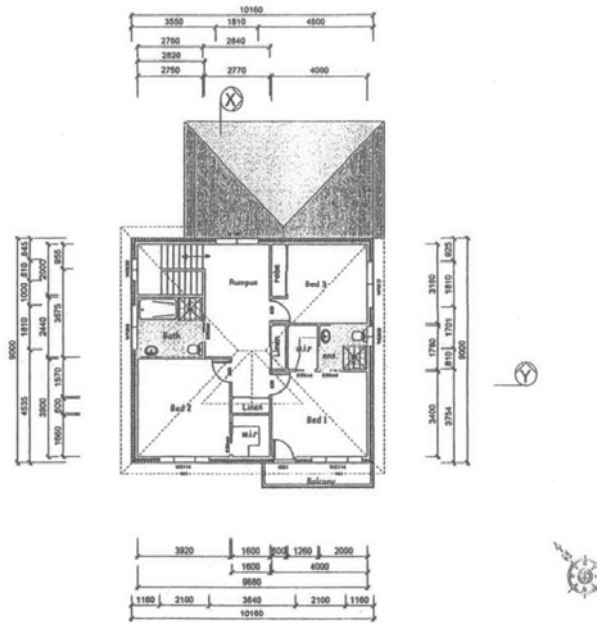
SUBJECT: CONSOLIDATION OF TWO LOTS INTO ONE, SUBDIVISION OF ONE LOT INTO THREE AND CONSTRUCTION OF THREE MULTI DWELLINGS.
 LOTS 47 & 48 DP 31320 - No. 4 KARUAH ST & No. 12A CARCOOLA ST, CAMPBELLTOWN.

ATTACHMENT 4



D1 ELEVATIONS

SUBJECT: CONSOLIDATION OF TWO LOTS INTO ONE, SUBDIVISION OF ONE LOT INTO THREE AND CONSTRUCTION OF THREE MULTI DWELLINGS.
LOTS 47 & 48 DP 31320 - No. 4 KARUAH ST & No. 12A CARCOOLA ST, CAMPBELLTOWN.



FIRST FLOOR PLAN

BASIX Requirements

1. Floors, walls ceiling & roof to be constructed to the following specifications:

Construction	Additional insulation required R-Value
* Suspended floor above garage	0.3 (or 1 including construction) (down)
* External walls - brick veneer	1.00 (or 2.20 including construction)
* Ceiling	3 (up)
* Roof	Foli/Sarking

2. Insulation specification to part 3.12.1-1 of the building code of Australia

3. Hot water system: Electric heat pump with a performance of 31 to 35 HEC's or better

4. All windows type: Standard aluminium, single clear glass (or U-Value: 7.03, SHGC: 0.75) except windows marked W1 which should be improved aluminium, single clear glass (U-Value 6.44, SHGC: 0.75)

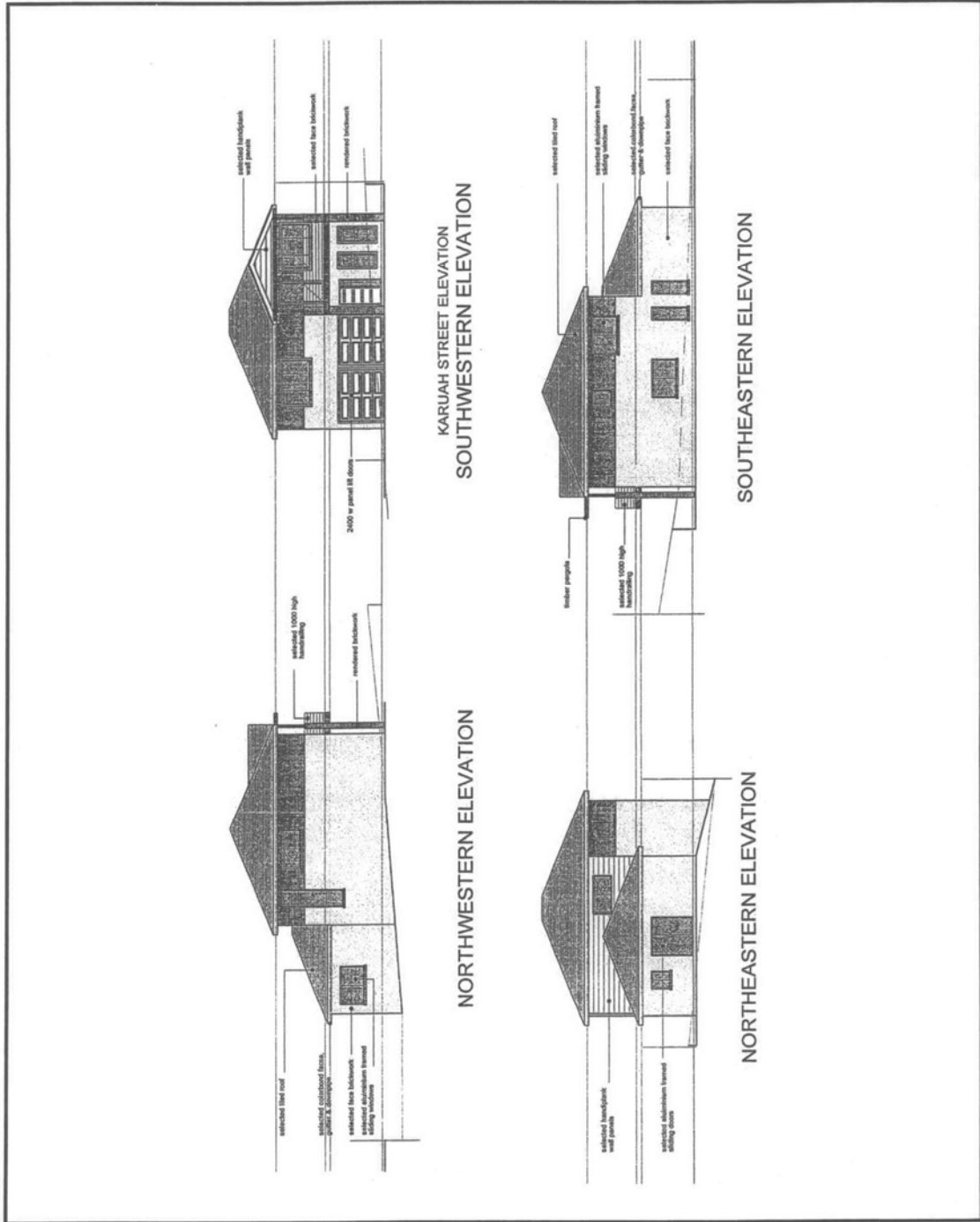


GROUND FLOOR PLAN

D1 FLOOR PLAN

SUBJECT: CONSOLIDATION OF TWO LOTS INTO ONE, SUBDIVISION OF ONE LOT INTO THREE AND CONSTRUCTION OF THREE MULTI DWELLINGS.
 LOTS 47 & 48 DP 31320 - No. 4 KARUAH ST & No. 12A CARCOOLA ST, CAMPBELLTOWN.

ATTACHMENT 5



D2 ELEVATIONS

SUBJECT: CONSOLIDATION OF TWO LOTS INTO ONE, SUBDIVISION OF ONE LOT INTO THREE AND CONSTRUCTION OF THREE MULTI DWELLINGS.
LOTS 47 & 48 DP 31320 - No. 4 KARUAH ST & No. 12A CARCOOLA ST, CAMPBELLTOWN.

BASIX Requirements

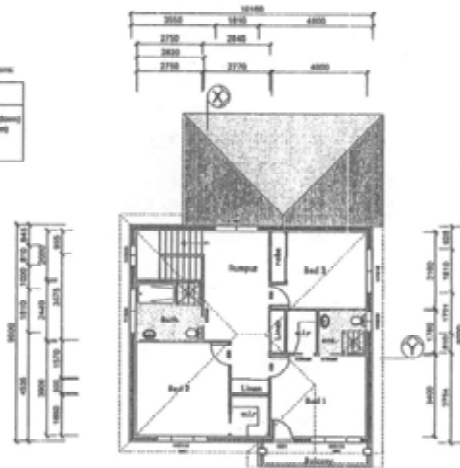
1. Floors, walls ceiling & roof to be constructed to the following specifications:

Construction	Additional Insulation required R-Value
Suspended floor above garage	0.2 (or 1 including construction glass)
External walls - brick veneer	1.00 (or 2.00 including construction glass)
Ceiling	0.50
Roof	Passive

2. Insulation specification to part 3.12.5.1 of the building code of Australia

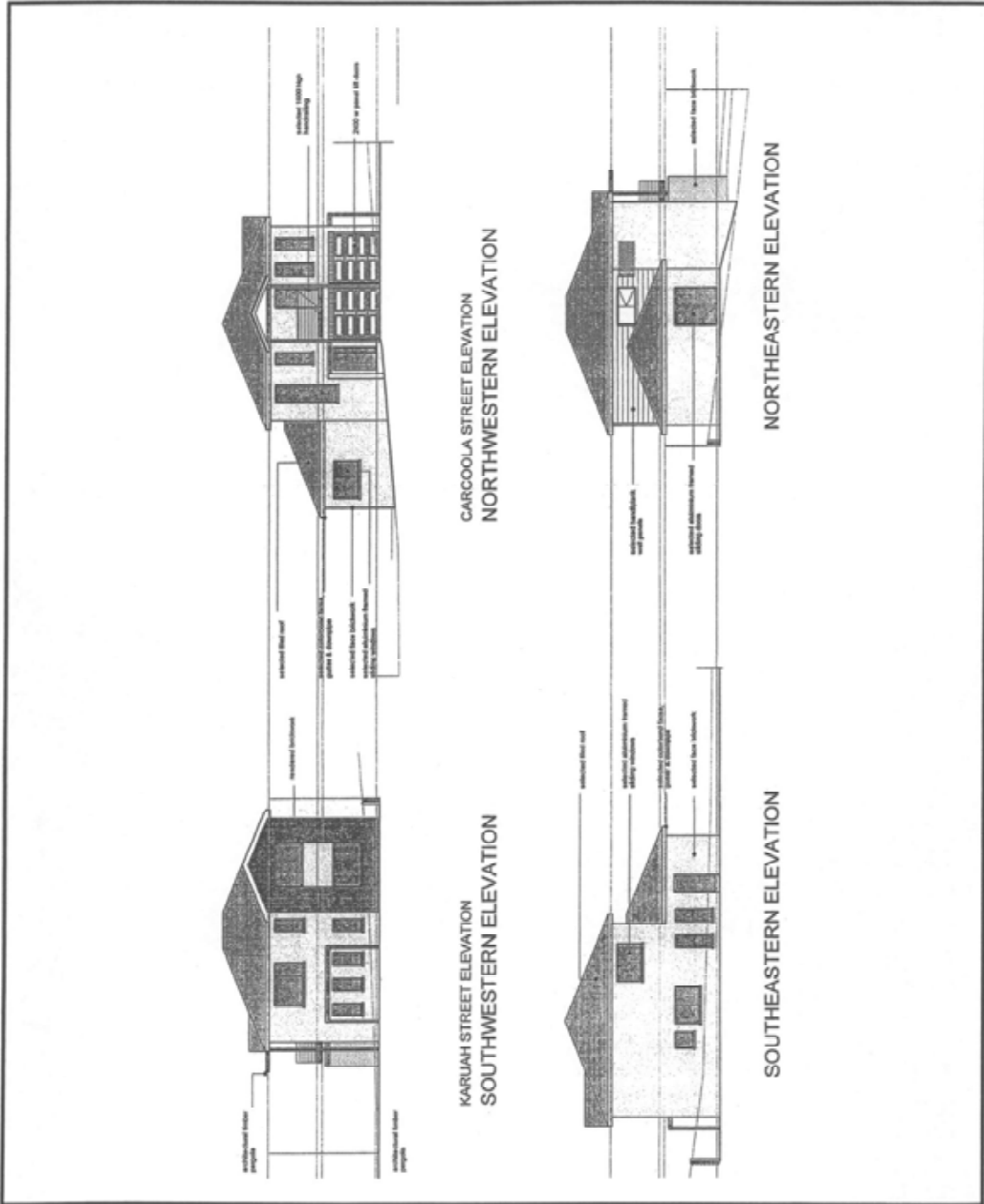
3. Hot water system: Electric heat pump with a performance of 21 or 20 kWh/l or better

4. All windows type: Standard aluminium, single clear glass (or U-Value 7.85, SHGC 0.75) or tinted aluminium, single clear glass (or U-Value 6.44, SHGC 0.75)

**FIRST FLOOR PLAN****GROUND FLOOR PLAN****D2 FLOOR PLAN**

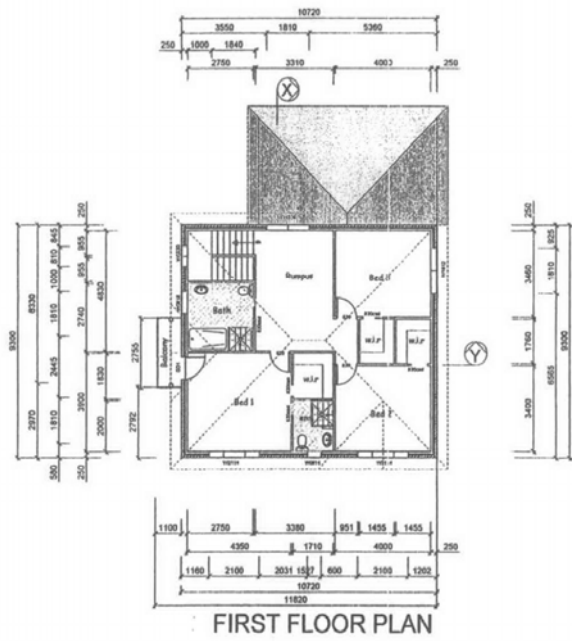
SUBJECT: CONSOLIDATION OF TWO LOTS INTO ONE, SUBDIVISION OF ONE LOT INTO THREE AND CONSTRUCTION OF THREE MULTI DWELLINGS.
LOTS 47 & 48 DP 31320 - No. 4 KARUAH ST & No. 12A CARCOOLA ST, CAMPBELLTOWN.

ATTACHMENT 6



D3 ELEVATIONS

SUBJECT: CONSOLIDATION OF TWO LOTS INTO ONE, SUBDIVISION OF ONE LOT INTO THREE AND CONSTRUCTION OF THREE MULTI DWELLINGS.
LOTS 47 & 48 DP 31320 - No. 4 KARUAH ST & No. 12A CARCOOLA ST, CAMPBELLTOWN.



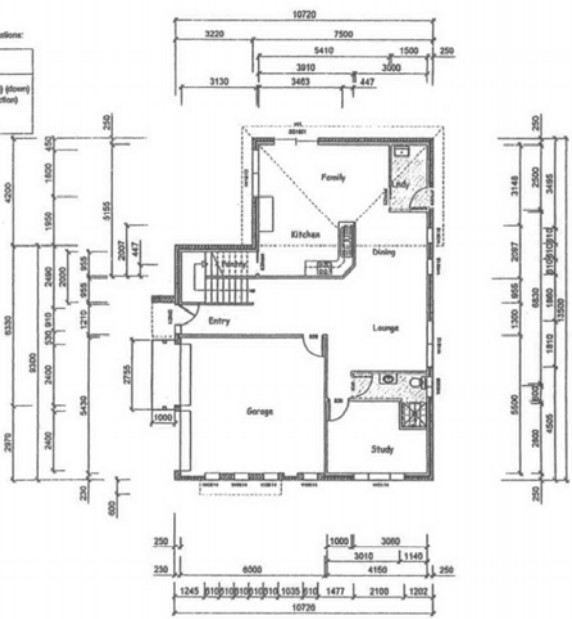
FIRST FLOOR PLAN



BASIX Requirements
 1. Floors, walls ceiling & roof to be constructed to the following specifications:

Construction	Additional insulation required R - Value
* Suspended floor above garage	0.3 (or 1 including construction) (floor)
* External walls - brick veneer	1.00 (or 2.20 including construction)
* Ceiling	3 (roof)
* Roof	FoilSarking

- Insulation specification to part 3.12.1-1 of the building code of Australia
- Hot water system: Electric heat pump with a performance of 31 to 35 REC's or better
- All windows type: Standard aluminium, single clear glass (or U - Value: 7.83, SHGC: 0.79) except windows marked W1 which should be standard aluminium, double clear glass (U - Value: 5.34, SHGC: 0.67)

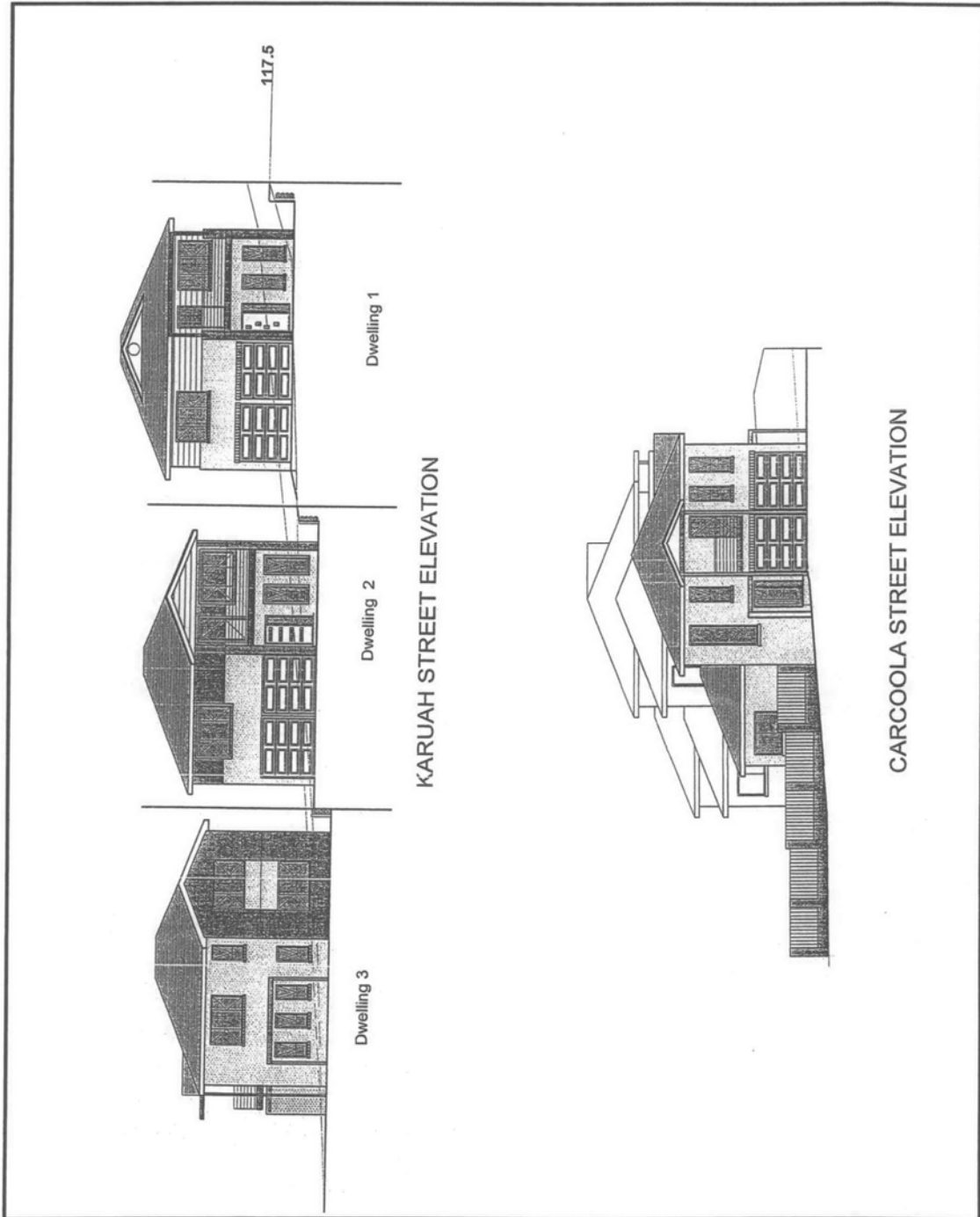


GROUND FLOOR PLAN

D3 FLOOR PLAN

SUBJECT: CONSOLIDATION OF TWO LOTS INTO ONE, SUBDIVISION OF ONE LOT INTO THREE AND CONSTRUCTION OF THREE MULTI DWELLINGS. LOTS 47 & 48 DP 31320 - No. 4 KARUAH ST & No. 12A CARCOOLA ST, CAMPBELLTOWN.

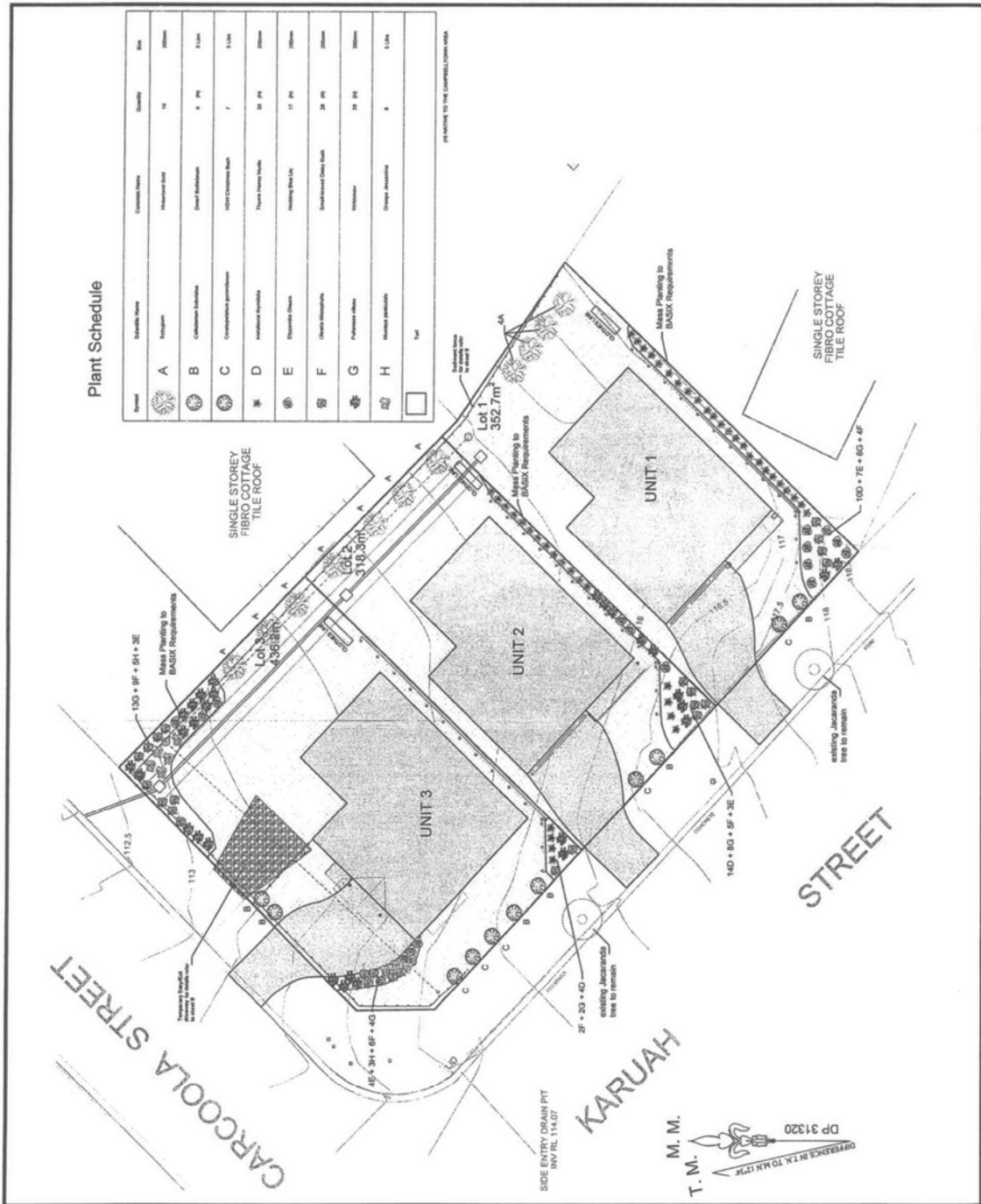
ATTACHMENT 7



STREETScape ELEVATIONS

SUBJECT: CONSOLIDATION OF TWO LOTS INTO ONE, SUBDIVISION OF ONE LOT INTO THREE AND CONSTRUCTION OF THREE MULTI DWELLINGS.
LOTS 47 & 48 DP 31320 - No. 4 KARUAH ST & No. 12A CARCOOLA ST, CAMPBELLTOWN.

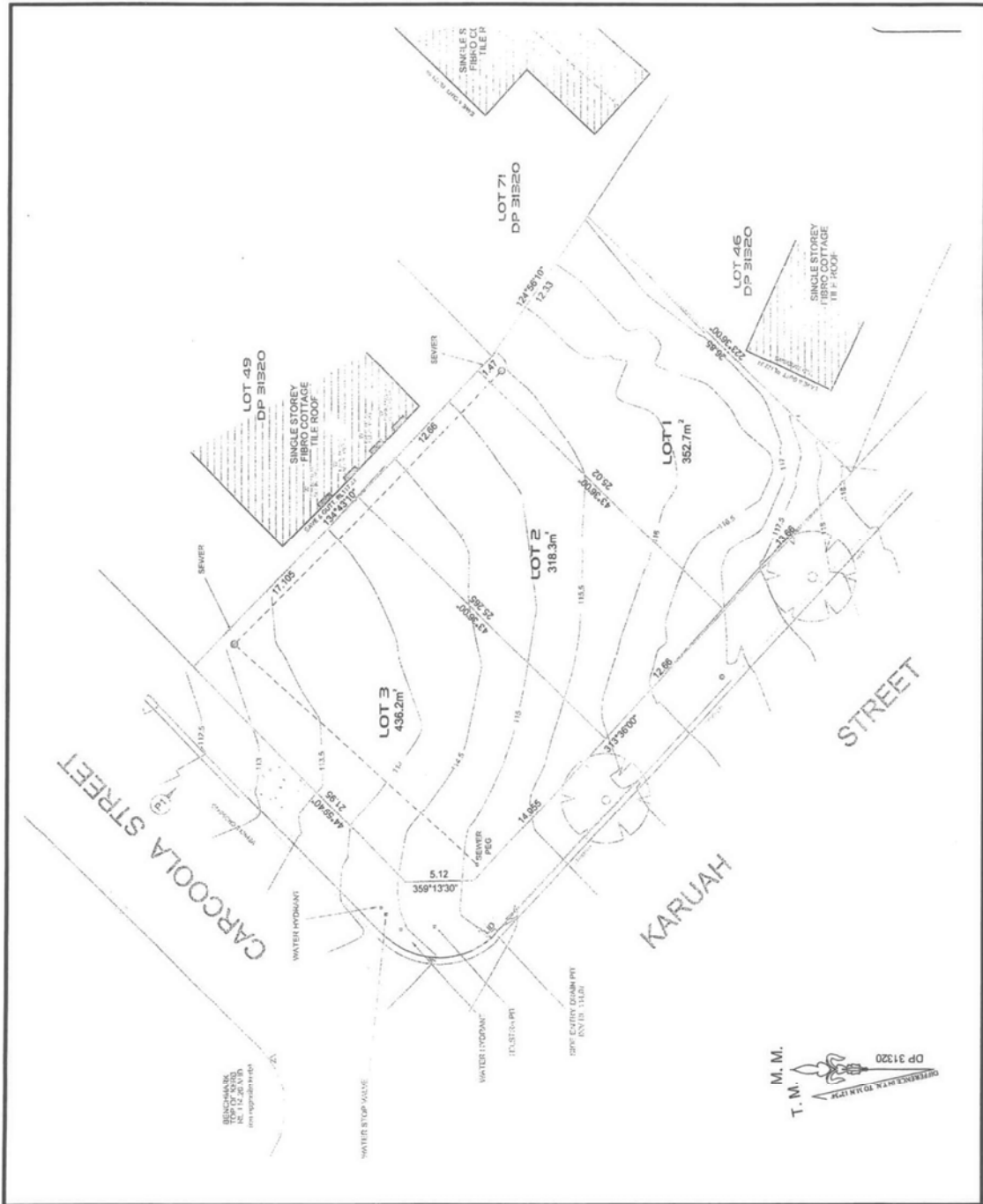
ATTACHMENT 8



LANDSCAPE PLAN

SUBJECT: CONSOLIDATION OF TWO LOTS INTO ONE, SUBDIVISION OF ONE LOT INTO THREE AND CONSTRUCTION OF THREE MULTI DWELLINGS.
 LOTS 47 & 48 DP 31320 - No. 4 KARUAH ST & No. 12A CARCOOLA ST, CAMPBELLTOWN.

ATTACHMENT 9



SUBDIVISION PLAN

SUBJECT: CONSOLIDATION OF TWO LOTS INTO ONE, SUBDIVISION OF ONE LOT INTO THREE AND CONSTRUCTION OF THREE MULTI DWELLINGS.
LOTS 47 & 48 DP 31320 - No. 4 KARUAH ST & No. 12A CARCOOLA ST, CAMPBELLTOWN.

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 12/11/2010)	1
Total completed Class 1 DA Appeal Matters (as at 12/11/2010)	1
Costs from 1 July 2010 for Class 1 DA Appeal Matters:	\$52,703.61

1 (a)	Campbelltown-Minto Merchants Association Inc. (Inc. 9881989)
Issue:	Modification is sought to the Order of the Land and Environment Court NSW of 17 August 2009 granting consent to development application 662/2007DA-U – by way of variation to the conditions of consent.
Property:	Lot 21, DP 815215 – No. 10 Swettenham Road, MINTO.
Property Owner:	Sandi Pty. Ltd
File No:	662/2007/DA-U (Court File 10865 of 2010)

Court Application Filed:	25 October 2010
Applicant:	Campbelltown-Minto Merchants Association Inc. (Inc. 9881989)
Callover date:	23 November 2010
Costs Estimate:	No estimate submitted to date.
Costs to date:	Nil
Status:	New matter.

Action Since Last Meeting	Matter listed for first callover on 23 November 2010.
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2. <i>Land and Environment Court Class 1 Matters – Appeals Against Council’s Issued Orders/Notices</i>

Total ongoing Class 1 Order/Notice Appeal Matters (as at 12/11/2010)	0
Total completed Class 1 Order/Notice Appeal Matters (as at 12/11/2010)	1
Costs from 1 July 2010 for Class 1 Order/Notices Appeal Matters:	\$797.23

2 (a)

Lalita Devi Lal and Vivian Praveen Lal

Issue:	Appeal against terms of an Order 2 given by Council on 7 April 2010 under the Environmental Planning and Assessment Act 1979 requiring an unauthorised metal awning and timber deck to be demolished.
Property:	Lot 306 DP 870579 No. 30 Blair Athol Drive, Blair Athol.
Property Owner:	Miss Lalita Devi Lal and Mr. Vivian Praveen Lal
File No:	Court File 10634 of 2010
Court Application Filed:	11 August 2010
Applicant:	Miss Lalita Devi Lal and Mr. Vivian Praveen Lal
Costs Estimate:	\$5,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Final Costs:	\$797.23
Status:	Proceedings Completed.

Action Since Last Meeting	At the callover on 7 October 2010 the Applicant filed a Notice of Discontinuance with the Court.
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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 12/11/2010)
Total completed Class 4 matters (as at 12/11/2010)
Total ongoing Class 4 matters in respect of costs recovery
(as at 12/11/2010) these matters will be further reported on completion
Costs from 1 July 2010 for Class 4 matters

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 12/11/2010)
Total completed Class 5 matters (as at 12/11/2010)
Total ongoing Class 5 matters in respect of costs recovery
(as at 12/11/2010) these matter will be further reported on completion
Costs from 1 July 2010 for Class 5 matters \$8,50

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

Total ongoing Class 6 Matters (as at 12/11/2010)
Total completed Class 6 Matters (as at 12/11/2010)
Costs from 1 July 2010 for Class 6 Matters

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

Total ongoing Appeal matters before the Court (as at 12/11/2010)
Total completed Appeal matters (as at 12/11/2010)
Total ongoing Appeal matters in respect of costs recovery
(as at 12/11/2010) these matters will be further reported on completion
Costs from 1 July 2010 for District Court Matters

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 12/11/2010)	1
Total completed Local Court Matters (as at 12/11/2010)	38
Costs from 1 July 2010 for Local Court Matters	\$10, 265.40

File No:	LP 39/10 – Penalty Notice Court Election
Offence:	Development not in accordance with development consent
Act:	Environmental Planning and Assessment Act
Final Costs:	\$1,025.47
Status – Completed:	The matter was before the Court for hearing on 7 October 2010 where Council withdrew the matter as fresh evidence was obtained that indicated that the defendant was not directly responsible for the offence.

File No:	LP 40/10 – Penalty Notice Court Election
Offence:	Development not in accordance with development consent
Act:	Environmental Planning and Assessment Act
Final Costs:	\$1,025.47
Status – Completed:	The matter was before the Court for hearing on 7 October 2010 where Council withdrew the matter as fresh evidence was obtained that indicated that the defendant was not directly responsible for the offence.

File No:	LP 41/10 – Penalty Notice Court Election
Offence:	Development not in accordance with development consent
Act:	Environmental Planning and Assessment Act
Final Costs:	\$1,025.47
Status – Completed:	The matter was before the Court for hearing on 7 October 2010 where Council withdrew the matter as fresh evidence was obtained that indicated that the defendant was not directly responsible for the offence.

File No:	LP 60/10 & LP61/10 – Penalty Notice Court Elections
Offence:	Uncontrolled dog in a public place – not dangerous dog
Act:	x 2
Final Costs:	Companion Animals Act
Status – Completed:	\$195.50 The matters were before the Court on 12 November 2010 where the defendant, Guney Jem Dogan, changed his plea to guilty with an explanation. After considering the evidence and submissions the Magistrate found the offences proved and imposed a \$100.00 fine for the first matter together with an order

against the defendant for Council's costs in the sum of \$195.50 and Court costs of \$79.00; and directed that under Section 10A(1) of the Crimes (Sentencing Procedure) Act that no conviction be recorded in the second matter.

File No: LP 66/10 – Penalty Notice Court Election
Offence: Stop in parking area without current disabled parking authority displayed.
Act: Road Rules 2008
Final Costs: \$0.00
Status – Completed: The matter was before the Court on 2 November 2010 for first mention where the defendant, Yvonne Laurine Dickens, 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 \$430 fine and an order for Court costs of \$79.

File No: LP 67/10 – Penalty Notice Court Election
Offence: Uncontrolled dog in a public place – not dangerous dog
Act: Companion Animals Act
Final Costs: \$0.00
Status – Completed: The matter was before the Court for first mention on 2 November 2010 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and directed that under Section 10A(1) of the Crimes (Sentencing Procedure) Act no conviction be recorded. An Order for \$79 Court Costs was made.

File No: LP 68/10 – Penalty Notice Court Election
Offence: Stop on path strip in built-up area.
Act: Road Rules 2008
Costs to date: \$0.00
Status – New Matter: Listed for first mention on 30 November 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 12/11/2010)

Costs	from	1	July	2010	for	Advice	Matters
							6
3.24							\$14,71

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	\$52,703.61	\$15,000.00
Class 1 Land and Environment Court - appeals against Orders or Notices issued by Council	\$797.23	\$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	\$8,508.94	\$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	\$10,265.4	\$0.00
Matters referred to Council's Solicitor for Legal Advice	\$14,713.24	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$86,988.41	\$15,000.00
Overall Net Costs Total (GST exclusive)	\$71,988.41	

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Bourke/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 December 2010 (Kolkman/Rule)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 240

That the Officer's Recommendation be adopted.

4.2 Compliance Services Section Quarterly Activity Summary Report July to September 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 July to September 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 222 food premise inspections were conducted for the reporting period, compared to 387 for the previous quarter. Of the 222 inspections undertaken, 36 (16%) 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

A total of 50 health premises inspections were conducted for the reporting period compared to 68 for the previous quarter.

Of the 50 regulated health premise inspections conducted during the reporting period, 6(12 %) 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 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. Fifty five approvals to operate wastewater management systems were issued 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 7 Food Act Notices were issued during the reporting period, which is below the thirteen 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 81 which was less than the number (112) issued for the previous reporting period.

The number of Swimming Pools Act Directions issued (13) requiring the erection of pool fencing or fencing repairs was slightly less than the number of Directions (16) 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 45 Notices and Orders were served during the reporting period compared to 35 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 (26) was above the number issued (9) 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 796 customer service requests were received for the reporting period. Significant complaint categories were barking dogs (104 requests), dogs straying (90), rubbish dumping/litter (112 requests), illegal construction/development (79 requests), pollution (65 requests), health (other) (47 requests), abandoned motor vehicles (75 requests), and parking, (including heavy vehicles) (103 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 (51) received during the reporting period was higher than the number of applications (28) received in the previous quarter.

Six Section 68 (Local Government Act) Event Approvals were issued for Riverfest, Macarthur Baseball Major League Opening, 100 Innings of Baseball Charity Event, Minto Outdoor Cinema Night, Claymore Harmony Fun Day and for Campbelltown Family Support Fun Day.

5. Impounding

The number of dogs impounded during this reporting period was 434, compared to 459 for the previous quarter. The percentage of dogs microchipped at the time of impounding was 50% which is below quarterly averages.

A total of 169 cats were impounded throughout the reporting period being less than the previous reporting period (242) 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 4. All of these were disposed of by being recycled and no vehicles were released back to their owners. Council is currently holding no 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 car parks (615) increased slightly in comparison with the previous quarter (529). The number issued for on-street offences (853) which is an increase in comparison with the previous quarter (645).

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, 50 school locations were patrolled resulting in the issue of 138 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 no joint patrols with Police were undertaken.

A number of single agency (Council) patrols were undertaken in response to the 18 complaints received during the reporting period.

d. Litter from Vehicles

For the reporting period no operations were undertaken, however, 39 penalty notices for littering were issued during this reporting period based upon independent staff observations and other Ranger patrols.

e. Shopping Trolleys

No coordinated programs were conducted during the report period however, 8 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 13 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.

- Continued participation in the Sydney South West Area Health Service Public Health Unit Skin Penetration Working Group to improve industry practice and compliance.
- 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.
- Councillor Briefing – fire safety matter, Williamson Road, Ingleburn

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Thompson)

1. That the information be noted.
2. That urgent contact be made with the NSW Police Force requesting that they increase the number of patrols to monitor illegal trail bike riding in the Campbelltown Local Government Area.

CARRIED

Council Meeting 14 December 2010 (Kolkman/Rule)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 240

That the Committee's Recommendation be adopted.

ATTACHMENT 1

Compliance Quarterly Activity Summary Statistics

Activity	2010/11 Quarter Result				YTD
	1	2	3	4	
Regulated Premises Inspections					
Food	222				222
Public Health	50				50
Wastewater Management Systems	11				11
Total	505				505
Notices/Orders Issued					
Food Act	7				7
Local Government Act	81				81
Swimming Pool Act	13				13
Protection of Environment Operations Act	26				26
Environmental Planning and Assessment Act	45				45
Companion Animals Act	5				5
Total	177				177
Customer Requests					
Abandoned Motor Vehicles	75				75
Animals (other)	20				20
Barking Dogs	104				104
Dog Attacks	24				24
Dog Straying	90				90
Food/Health (regulated)	10				10
Footpath Obstruction	17				17
Health (other)	47				47
Heavy Vehicle Parking	29				29
Illegal Construction/Development	79				79
Overgrown Land	15				15
Parking (General)	74				74
Pollution	65				65
Rubbish Dumping/Litter	112				112
Trail Bikes	18				18
Tree Removal/Dangerous	14				14
Total	796				796

Compliance Quarterly Activity Summary Statistics

Activity	2010/11 Quarter Result				YTD
	1	2	3	4	
Applications					
Building Certificates	51				51
Approval to Operate Effluent Disposal System Section 68 (Local Government Act)	55				55
Event Approvals Section 68 Local Government Act	6				6
Total	112				112
Impounding					
Abandoned Vehicles	4				4
Shopping Trolleys	0				0
Total	4				4
Impounding Animals					
Dogs (Incoming)					
Impounded	434				434
Surrendered	154				154
Total	588				588
Dogs (Outgoing)					
Released to Owner	210				210
Sold	100				100
Euthanaised - Surrendered by Owner	91				91
Euthanaised - Restricted Dog	9				9
Euthanaised - health/temperament	120				120
Euthanaised - Unable to re-home	62				62
Total	592				592
Cats (Incoming)					
Impounded	169				169
Surrendered	28				28
Total	197				197
Cats (Outgoing)					
Released to Owner	3				3
Sold	8				8
Euthanaised - Surrendered by Owner	19				19

Activity	2010/11 Quarter Result				YTD
	1	2	3	4	
Euthanaised - health/temperament	108				108
Euthanaised - Unable to re-home	23				23
Total	161				161
Penalty Notices					
Companion Animals	350				350
Environmental - includes litter and waste dumping	57				57
General - includes Public Health and Food Safety	28				28
Land Use	8				8
Parking (car parks)	615				615
Parking (on street)	853				853
Total	1911				1911
Compliance Programs					
Illegal Parking in School Zones					
Patrols	50				50
Warnings	2				2
Penalty Notices	138				138
Illegal Signs					
Complaints - Council property	2				2
Complaints - private property	0				0
Letters sent	2				2
Cautions issued	2				2
Fines issued	0				0
Removed (posters from poles)	158				158
Illegal Trail Bike Riding					
Joint Patrols	0				0
Bikes Seized	0				0
Penalty Notices (Police)	0				0
Penalty Notices (Council)	0				0
Charges	0				0
Juvenile Cautions	0				0
Litter From Vehicles					
Patrols	0				0

Activity	2010/11 Quarter Result				YTD
	1	2	3	4	
Penalty Notices	39				39
Shopping Trolleys					
Patrols	0				0
Trolleys Tagged	8				8
Trolleys Impounded	0				0
Contractor Notified	8				8
Truck Parking					
Patrols	4				4
Penalty Notices	13				13

4.3 Feasibility of Designating all School Zones as Alcohol Free Zones

Reporting Officer

Manager Compliance Services

Attachments

Nil

Purpose

To provide Council with a report on the feasibility of designating all School Zones as Alcohol Free Zones.

Report

Council at its meeting on 16 November 2010 requested:

"That a report be presented investigating the feasibility of designating all school zones as Alcohol Free Zones."

The Local Government Act 1993 provides Council with the ability to establish an Alcohol Free Zone (AFZ) where any person living or working within the area, the local police or a local community group may make a request by completing an application form. An AFZ can be established over public places that are public roads or car parks, and prohibits the drinking of alcohol in the specified zone.

A proposal to establish an AFZ must, in all cases be supported by evidence that street drinkers have compromised the public's use of those roads or car parks. The maximum duration of an AFZ is four years, although it may be re-established following the same procedure that was used to originally establish the zone.

The procedure that Council must follow prior to making any resolution to declare an AFZ is outlined in the Local Government Act 1993 and is as follows:

1. Publish a notice of its intention to establish the alcohol free zone in one or more newspapers circulating in the area embracing that land proposed to be declared and inviting submissions from any person or group within the area. The minimum period for lodging a submission is 14 days after publication of the notice

2. Consider any submissions received, and where it is decided to declare the zone, must advise:
 - The Antidiscrimination Board;
 - The officer in charge of the Police Station nearest the zone;
 - The liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed zone; and
 - Any known group that might be affected by the creation of the AFZ.

Council must give each organisation or persons listed above up to 30 days (except the Anti Discrimination Board, which has 40 days) to make written submissions to the proposal

3. Consider any submissions received and where it is decided to proceed with the declaration, notify this decision (whether as originally proposed or as amended) in a local newspaper at least seven days in advance of the proposed date of commencement.
4. Signpost the area in accordance with the Act.

The above procedure has been established by legislation to ensure that Alcohol Free Zones are only established in applicable locations following a merit based assessment and while it is possible to establish blanket AFZs over large areas (Towns or suburbs) or specific locations (Schools or Child Care Centres) it is understood that this was not the original intention of the legislation.

While it is feasible to establish Alcohol Free Zones over the streets and footpaths surrounding the 63 Government and private schools within the Campbelltown Local Government Area in accordance with the above process, Council must have adequate evidence that street drinking has compromised the public's use of each of these areas.

In addition and as indicated above Council must seek the comment of the Antidiscrimination Board prior to establishing an AFZ and it has been the practice of the Antidiscrimination Board to require a point of alcohol sale within any AFZ.

Further should Council decide to proceed with the establishment of AFZs surrounding the 63 schools, each zone would need to be signposted at a minimum, at each entrance to every zone which will need to be factored into future budgets.

Therefore given the above it is recommended that Council write to the Local Area Commands and the Antidiscrimination Board to seek their initial comments in relation to the feasibility of establishing Alcohol Free Zones over the streets and footpaths of all school zones within the Campbelltown Local Government Area.

Officer's Recommendation

That Council write to the Local Area Commands and the Antidiscrimination Board to seek their initial comments in relation to the feasibility of establishing Alcohol Free Zones over the streets and footpaths of all school zones within the Campbelltown Local Government Area.

Committee's Recommendation: (Greiss/Hawker)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 December 2010 (Kolkman/Rule)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 240

That the Officer's Recommendation be adopted.

4.4 Ranger's Patrolling on Bicycles

Reporting Officer

Manager Compliance Services

Attachments

Nil

Purpose

To present a report examining the feasibility of Council Rangers conducting patrols in the CBD on bicycles.

History

Council at its meeting of 29 June 2010 asked a Question Without Notice regarding the feasibility of Council Rangers conducting patrols on bicycles as is the practice in the Manly Local Government Area.

Report

Council's Rangers currently conduct patrols of Campbelltown, Ingleburn and Glenfield CBDs on foot which enables them to maintain a high visual presence while also enabling communication with local business owners and community members. The majority of work conducted in the CBD areas is parking patrols of time limited free parking areas, which due to the nature of the work (marking up tyres) would not lend itself to the use of bicycles.

Following investigations with Manly Council it is understood that much of the parking management within the Manly CBD is controlled via metered parking and parking permit schemes which may be better suited to bicycle patrols as there is no need to mark up tyres.

In the Campbelltown Local Government Area patrols outside the CBD precincts are conducted by motor vehicle, due to the large distances and different terrain required to be covered, in order to service the needs of the community.

Considering the above operational issues the use of bicycles by Rangers is not considered practicable at this point in time.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Bourke/Hawker)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 December 2010 (Kolkman/Rule)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 240

That the Officer's Recommendation be adopted.

5. GENERAL BUSINESS

5.1 Leafs Gully AGL Gas Turbine Power Station

Committee's Recommendation: (Hawker/Greiss)

1. That Council write to the new Federal Minister for Sustainability, Environment, Water, Population and Communities the Honourable Tony Bourke referring to Councils previous correspondence to the Honourable Peter Garrett in relation to the proposed construction and operation of an AGL Gas Turbine Power Station at Leafs Gully and note that Council feels that the issues raised in its original letter have not adequately been addressed and ask that he further review the issues previously raised by Council.
2. That copies of Councils letter be forwarded to the Shadow Minister for Climate Action, Environment and Heritage the Honourable Greg Hunt, the Federal Member for Macarthur, Russell Matheson and the Federal Member for Werriwa, Laurie Ferguson.

CARRIED

Council Meeting 14 December 2010 (Kolkman/Rule)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 240

That the Committee's Recommendation be adopted.

18. CONFIDENTIAL ITEMS

18.1 Confidential Information relating to items on the Planning and Environment Agenda 7 December 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 8.14pm.

R Kolkman
CHAIRPERSON