



# Camden Council

## Attachments

**Ordinary Council Meeting**  
**8 March 2016**

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**Camden Civic Centre**  
**Oxley Street**  
**Camden**





# ORDINARY COUNCIL

## ATTACHMENTS - ORDINARY COUNCIL

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## Attachment 1:

### Details of Conditions:

#### 1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **General Terms of Approval** - The General Terms of Approval from state authorities shall be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

1. Department of Primary Industries – Water, correspondence numbered 10 ERM2015/0745 dated 7 September 2015.
- (2) **Agency requirements** – The requirements of the following agencies as listed below shall be complied with prior to, during, and at the completion of the development:
- Endeavour Energy, correspondence dated 31 August 2015;
  - Water NSW, correspondence dated 23 November 2015;
  - Transgrid, correspondence dated 14 January 2016.
  - Roads and Maritime Services, correspondence dated 31 August 2015.
- (3) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
NA50613004-027- CI-DA-1001 Revision 4	General Notes and Legend	Cardno	02/07/2015
NA50613004-027- CI-DA-1005 Revision 4	General Arrangement Plan	Cardno	02/07/2015
NA50613004-027- CI-DA-1010 Revision 3	Cut and Fill Plan	Cardno	19/06/2015
NA50613004-027- CI-DA-1020 Revision 5	Bulk earthworks, sediment & erosion control plan sheet 1 of 11	Cardno	03/07/2015
NA50613004-027- CI-DA-1021 Revision 4	Bulk earthworks, sediment & erosion control plan sheet 2 of 11	Cardno	02/07/2015
NA50613004-027- CI-DA-1022 Revision 3	Bulk earthworks, sediment & erosion control plan sheet 3 of 11	Cardno	19/06/2015
NA50613004-027- CI-DA-1023 Revision 4	Bulk earthworks, sediment & erosion control plan sheet 4 of 11	Cardno	02/07/2015

NA50613004-027-CI-DA-1024 Revision 4	Bulk earthworks, sediment & erosion control plan sheet 5 of 11	Cardno	02/07/2015
NA50613004-027-CI-DA-1025 Revision 4	Bulk earthworks, sediment & erosion control plan sheet 6 of 11	Cardno	02/07/2015
NA50613004-027-CI-DA-1026 Revision 3	Bulk earthworks, sediment & erosion control plan sheet 7 of 11	Cardno	19/06/2015
NA50613004-027-CI-DA-1027 Revision 4	Bulk earthworks, sediment & erosion control plan sheet 8 of 11	Cardno	02/07/2015
NA50613004-027-CI-DA-1028 Revision 4	Bulk earthworks, sediment & erosion control plan sheet 9 of 11	Cardno	02/07/2015
NA50613004-027-CI-DA-1029 Revision 4	Bulk earthworks, sediment & erosion control plan sheet 10 of 11	Cardno	02/07/2015
NA50613004-027-CI-DA-1030 Revision 4	Bulk earthworks, sediment & erosion control plan sheet 11 of 11	Cardno	02/07/2015
NA50613004-027-CI-DA-1031 Revision 2	Sediment & erosion control details	Cardno	29/05/2015
NA50613004-027-CI-DA-1035 Revision 3	Sales office and carpark interim arrangement	Cardno	02/07/2015
NA50613004-027-CI-DA-1040 Revision 3	Sediment basin plan sheet 1 of 5	Cardno	19/06/2015
NA50613004-027-CI-DA-1041 Revision 3	Sediment basin plan sheet 2 of 5	Cardno	19/06/2015
NA50613004-027-CI-DA-1042 Revision 3	Sediment basin plan sheet 3 of 5	Cardno	19/06/2015
NA50613004-027-CI-DA-1043 Revision 3	Sediment basin plan sheet 4 of 5	Cardno	19/06/2015
NA50613004-027-CI-DA-1044 Revision 3	Sediment basin plan sheet 5 of 5	Cardno	19/06/2015
NA50613004-027-CI-DA-1050 Revision 3	Site grading sections sheet 1 of 9	Cardno	19/06/2015
NA50613004-027-CI-DA-1051 Revision 2	Site grading sections sheet 2 of 9	Cardno	29/05/2015
NA50613004-027-CI-DA-1052 Revision 2	Site grading sections sheet 3 of 9	Cardno	29/05/2015
NA50613004-027-	Site grading	Cardno	29/05/2015

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CI-DA-1053 Revision 2	sections sheet 4 of 9		
NA50613004-027- CI-DA-1054 Revision 2	Site grading sections sheet 5 of 9	Cardno	29/05/2015
NA50613004-027- CI-DA-1055 Revision 2	Site grading sections sheet 6 of 9	Cardno	29/05/2015
NA50613004-027- CI-DA-1056 Revision 2	Site grading sections sheet 7 of 9	Cardno	29/05/2015
NA50613004-027- CI-DA-1057 Revision 2	Site grading sections sheet 8 of 9	Cardno	29/05/2015
NA50613004-027- CI-DA-1058 Revision 2	Site grading sections sheet 9 of 9	Cardno	29/05/2015
NA50613004-027- CI-DA-1070 Revision 2	Control line longitudinal sections sheet 1 of 28	Cardno	29/05/2015
NA50613004-027- CI-DA-1071 Revision 2	Control line longitudinal sections sheet 2 of 28	Cardno	29/05/2015
NA50613004-027- CI-DA-1072 Revision 2	Control line longitudinal sections sheet 3 of 28	Cardno	29/05/2015
NA50613004-027- CI-DA-1073 Revision 2	Control line longitudinal sections sheet 4 of 28	Cardno	29/05/2015
NA50613004-027- CI-DA-1074 Revision 2	Control line longitudinal sections sheet 5 of 28	Cardno	29/05/2015
NA50613004-027- CI-DA-1075 Revision 3	Control line longitudinal sections sheet 6 of 28	Cardno	19/06/2015
NA50613004-027- CI-DA-1076 Revision 2	Control line longitudinal sections sheet 7 of 28	Cardno	29/05/2015
NA50613004-027- CI-DA-1077 Revision 2	Control line longitudinal sections sheet 8 of 28	Cardno	29/05/2015
NA50613004-027- CI-DA-1078 Revision 2	Control line longitudinal sections sheet 9 of 28	Cardno	29/05/2015
NA50613004-027- CI-DA-1079 Revision 2	Control line longitudinal sections sheet 10 of 28	Cardno	29/05/2015
NA50613004-027- CI-DA-1080	Control line longitudinal	Cardno	29/05/2015

Revision 2	sections sheet 11 of 28		
NA50613004-027-CI-DA-1081 Revision 2	Control line longitudinal sections sheet 12 of 28	Cardno	29/05/2015
NA50613004-027-CI-DA-1082 Revision 2	Control line longitudinal sections sheet 13 of 28	Cardno	29/05/2015
NA50613004-027-CI-DA-1083 Revision 2	Control line longitudinal sections sheet 14 of 28	Cardno	29/05/2015
NA50613004-027-CI-DA-1084 Revision 2	Control line longitudinal sections sheet 15 of 28	Cardno	29/05/2015
NA50613004-027-CI-DA-1085 Revision 2	Control line longitudinal sections sheet 16 of 28	Cardno	29/05/2015
NA50613004-027-CI-DA-1086 Revision 2	Control line longitudinal sections sheet 17 of 28	Cardno	29/05/2015
NA50613004-027-CI-DA-1087 Revision 2	Control line longitudinal sections sheet 18 of 28	Cardno	29/05/2015
NA50613004-027-CI-DA-1088 Revision 2	Control line longitudinal sections sheet 19 of 28	Cardno	29/05/2015
NA50613004-027-CI-DA-1089 Revision 2	Control line longitudinal sections sheet 20 of 28	Cardno	29/05/2015
NA50613004-027-CI-DA-1090 Revision 2	Control line longitudinal sections sheet 21 of 28	Cardno	29/05/2015
NA50613004-027-CI-DA-1091 Revision 2	Control line longitudinal sections sheet 22 of 28	Cardno	29/05/2015
NA50613004-027-CI-DA-1092 Revision 2	Control line longitudinal sections sheet 23 of 28	Cardno	29/05/2015
NA50613004-027-CI-DA-1093 Revision 2	Control line longitudinal sections sheet 24 of 28	Cardno	29/05/2015
NA50613004-027-CI-DA-1094 Revision 2	Control line longitudinal sections sheet 25 of 28	Cardno	29/05/2015
NA50613004-027-	Control line	Cardno	29/05/2015

CI-DA-1095 Revision 2	longitudinal sections sheet 26 of 28		
NA50613004-027- CI-DA-1096 Revision 2	Control line longitudinal sections sheet 27 of 28	Cardno	29/05/2015
NA50613004-027- CI-DA-1097 Revision 2	Control line longitudinal sections sheet 28 of 28	Cardno	29/05/2015
NA50613004-027- CI-DA-1100 Revision 3	Riparian corridor longitudinal sections sheet 1 of 2	Cardno	19/06/2015
NA50613004-027- CI-DA-1101 Revision 4	Riparian corridor longitudinal sections sheet 1 of 2	Cardno	03/07/2015
NA50613004-027- CI-DA-1102 Revision 2	Riparian corridor details	Cardno	29/05/2015
Sheet 1 No. 01	Potable water main adjustment future roads off Camden Valley Way Leppington	Sydney Water	
Sheet 2 No. 01	Potable water main adjustment future roads off Camden Valley Way Leppington	Sydney Water	
Sheet 3 No. 01	Potable water main adjustment future roads off Camden Valley Way Leppington	Sydney Water	

Document Title	Prepared by	Date
Emerald Hills Estate, Stages 2 – 6 Development Application – Vegetation Management Plan – Version 3	Eco Logical Australia	30 June 2015
Engineering Development Report – Stage 2 – 6 Civil Works – Emerald Hills Estate – NA50613004 – Version 4	Cardno	6 July 2015
Report on Salinity Investigation and Management Plan – Proposed Residential subdivision, Emerald Hills Estate, Leppington – Project No. 76553.00 Revision 1	Douglas Partners	June 2013
Supplementary Salinity Investigation – Project No. 76553.02	Douglas Partners	15 April 2014
Issue of Aboriginal Heritage Impact Permit	NSW Office of Environment & Heritage	27 February 2015

- (4) **Modified Documents and Plans** - The development shall be modified as follows:
- a) No approval is given for the indicative subdivision, roads and school site as shown upon plans prepared by Cardno. Separate Development Consent shall be obtained for these works.
  - b) All retaining walls and rock retaining walls shall adopt darker, recessive toned colours such as dark browns, dark greens, dark greys and charcoal consistent with the requirements of Clause C13.12 of Camden Development Control Plan 2011.

Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate

- (5) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (6) **Fill Plan** – A fill plan shall be provided to the Consent Authority upon completion of works. The plan must:
- a. Show lot boundaries;
  - b. Show final cut / fill contours and boundaries, and
  - c. Show depth in filling in maximum 0.5m increments.

The fill plan must be provided electronically in Portable Document Format ( .PDF ) at 150dpi with a maximum individual file size not exceeding 2 megabytes and provide both on compact disk and an A1 paper plan.

- (7) **Works As Executed Plan** – Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.

Digital data must be in AutoCAD .dwg or .dxf format, and the data projection coordinate must be in ( GDA94.MGA zone 56).

- (8) **Noxious Weeds Management** - Noxious weeds management shall occur in accordance with Camden Development Control Plan 2011.
- (9) **Bio-banking Statement** – The development must comply with all conditions relating to on-site measures specified in the biobanking statement ( biobanking statements ID: 159 and 168 ).
- (10) **Protection of adjoining Bushland and / or Waterfront Areas** – To limit the potential for damage to the adjoining Bushland areas and / or Waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970-2009 Protection of Trees on Development sites.

The fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage notifying all site visitors that the subject trees and vegetation areas are protected. The fencing should be a minimum of a 1.8 metres high chain link or welded mesh fencing.

- (11) **Waterfront / Riparian Areas Landscaping / Rehabilitation Maintenance & Establishment Period** – All Waterfront / Riparian Landscaping / Rehabilitation works associated with this consent are to be installed, established and maintained as per the approved Vegetation Management Plan ( VMP ) and General Terms of Approval ( GTA's ) applicable to this consent specifically:

Vegetation Management Plan ( VMP ) prepared by Eco Logical, dated 15<sup>th</sup> September 2014, prepared for Macarthur Developments P/L, Stage 1 DA for Emerald Hills Estate, Version 4, Project No. 14WOLECO-0014.

The applicant will be responsible for the administration, implementation, monitoring and reporting to Council as detailed in the VMP and successful establishment of the Waterfront / Riparian strategies during this period.

The maintenance and establishment period will be for 2 years, or until such time as the Consent Authority ( i.e. Camden Council ) is satisfied that the outcomes stated in the approved VMP and GTA's have been successfully achieved.

The 2 year Maintenance and Establishment Period is to commence from the Date of Practical Completion ( DPC ).

Practical Completion ( PC ) is taken to mean completion of all civil works, soil preparation, initial weed control and completion of all planting, turf installation, bank armouring, initial rabbit control, installation of erosion controls and mulching.

The Date of Practical Completion is that date when the Applicant and the NSW Office of Water and the Consent Authority ( i.e. Camden Council ) agree that the Waterfront / Riparian Landscaping works have been satisfactorily completed as per the approved Landscaping Plans, NSW Office of Water General Terms of Approval ( GTA's ) and Vegetation Management Plan ( VMP's ) applying to this Consent and Construction Certificate.

It is the Applicant's responsibility to arrange a site inspection with the Consent Authority ( i.e. Camden Council ) and the NSW Office of Water ( Dept. of NOW ), upon initial completion of the Waterfront / Riparian works, to determine and agree upon, an appropriate DPC.

At the completion of the maintenance and establishment period, all areas of the Waterfront / Riparian works shall have signs of healthy and vigorous growth and no scouring or other erosion problems.

- 12) **Future Maintenance by Council** – For Council to accept the future maintenance for the subject site, the Waterfront / Riparian works must comply with the approved landscaping plans, GTA's, Works Plan and applicable VMP.

## 2.0 – Prior to Issue of a Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating

compliance shall be provided to the Certifying Authority with the Construction Certificate application.

**Note.** Under the *Roads Act 1993*, only the Council can approve commencement of works within an existing road reserve.

- (2) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (3) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (4) **Retaining Walls** – All retaining walls shall be designed and certified by a suitably qualified structural engineer, in accordance with Council's Engineering Specifications.
- (5) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.
- (6) **Desilting Dams or Creeks** – A Geotechnical Report prepared by a suitably qualified geotechnical engineer and detailing works required to desilt any existing dams or creek beds, shall be provided to the Certifying Authority in conjunction with the engineering drawings with the Construction Certificate application.
- (7) **Soil, Erosion, Sediment and Water Management** - An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Validation Report** – Remediation works approved by DA/2014/1202 1 and DA/2014/1031/1 must be completed and a Validation Report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:
  - a) compliance with the approved RAP;
  - b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
  - c) that all remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Management of Contaminated Lands Policy;  
  
and includes:
  - d) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;

- e) a "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and
  - f) statement confirming that the site following remediation of contamination is suitable for the intended use.
- (9) **Site Audit Statement** - Remediation works approved by DA/2014/1202/1 and DA/2014/1031/1 must be completed and the Validation Report shall be reviewed by a NSW EPA Accredited Site Auditor (Site Auditor) as defined under the *Contaminated Land Management Act 1997* at the conclusion of the remediation works.

The Site Auditor shall provide a Site Audit Statement (SAS) in accordance with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Contaminated Lands Policy, confirming the land is suitable for the intended use. The SAS shall be provided to the Consent Authority within 30 days following the completion of the remediation works and submission of the Validation Report.

- (10) **Environmental Management Plan** - An Environmental Management Plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the Certifying Authority.
- The Environmental Management Plan shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining landuses and the natural environment is not unacceptably impacted upon by the proposal. The Environment Management Plan shall include but not be necessarily limited to the following measures:
- a) Measures to control noise emissions from the site;
  - b) Measures to suppress odours and dust emissions;
  - c) Soil and sediment control measures;
  - d) Measures to control air emissions that includes odour;
  - e) Measures and procedures for the removal of hazardous materials that includes waste and their disposal;
  - f) Any other recognised environmental impact; and
  - g) Community Consultation.
- (11) **Salinity (Dwellings & Outbuildings)** – All development works shall comply with the *Report Salinity Investigation and Management Plan, proposed Residential Subdivision, Emerald Hills Estate, Leppington*, prepared by Douglas Partners, Project number 76553.00 Revision1, dated June 2013, and *Supplementary Investigation*, prepared by Douglas Partners, Project Number 76553.02, dated 15 April 2014.
- Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (12) **Long Service Levy** – In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work that cost \$25,000 or more.

### 3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Biodiversity Credits** – The development must comply with all the conditions relating to the retirement of all required biodiversity credits ( ecosystem and species credits ) specified in the biobanking statements ID: 159 and 168 ) before the development is physically commenced.
- (2) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (3) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
  - a) a description of the work to be carried out;
  - b) the address of the land on which the work is to be carried out;
  - c) the registered number and date of issue of the relevant development consent;
  - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
  - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
  - f) a telephone number on which the PCA may be contacted for business purposes.
- (4) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
  - a) the name and address of the person by whom the notice is being given;
  - b) a description of the work to be carried out;
  - c) the address of the land on which the work is to be carried out;
  - d) the registered number and date of issue of the relevant development consent and construction certificate;
  - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
  - f) the date on which the work is intended to commence.

- (5) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
  - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
  - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
  - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
- the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (6) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
  - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
  - c) the name, address and telephone number of the PCA.
- The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.
- (7) **Performance Bond** - Prior to commencement of works a performance bond of 10% of the value of civil works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (8) **Site is to be Secured** – The site shall be secured and fenced to the satisfaction of the PCA. All hoarding, fencing or awnings ( associated with securing the site during construction) is to be removed upon the completion of works.
- (9) **Demolition Work** – Consent is granted for the demolition of two cottages and a maintenance shed currently existing on the property, subject to compliance with the following conditions:
- a) The developer shall notify adjoining residents of demolition works seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises ( including every residential flat or unit, if any ) either side, immediately at the rear of, and directly opposite, the demolition site.
  - b) Written notice shall be given to the PCA for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence

number of the demolisher. The following inspections shall be undertaken by the PCA:

- i) a pre-commencement inspection when all the site works are installed on the site and prior to demolition commencing;
  - ii) a final inspection when the demolition works have been completed.
- c) Prior to demolition, the applicant shall erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
  - d) Prior to demolition, the applicant shall erect a 1.8m high temporary fence and hoarding between the work site and any public property ( footpaths, roads, reserves etc. ) Access to the site shall be restricted to authorised persons only and the site shall be secured against unauthorised entry when work is not in progress or when the site is otherwise unoccupied.
  - e) Suitable erosion and sediment control measures in accordance with an approved ESCP shall be installed prior to the commencement of demolition works and shall be maintained at all times.
  - f) A Work Plan prepared by a suitably qualified person in accordance with AS 2601 ' Demolition of Structures ' shall be provided to the PCA for approval prior to demolition works commencing. The Work Plan shall identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
  - g) If the property was built prior to 1987, an asbestos survey shall be carried out by a suitably qualified person prior to demolition. If asbestos is found, a WorkCover Authority licensed contractor shall remove all asbestos in accordance with the requirements of the WorkCover Authority, including notification of adjoining neighbours of asbestos removal.
  - h) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
  - i) Care shall be taken during demolition to ensure that existing services on the site ( i.e. sewer, electricity, gas, phone, etc. ) are not damaged. Any damage caused to existing services is to be repaired by the relevant authority at the expense of the applicant.
- (10) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

- (11) **Hazardous Building Materials Assessment** - A Hazardous Building Material Assessment (HBMA) shall be undertaken on all buildings and structures to be

demolished that identifies all hazardous components on site. A HBMA report shall be provided to the PCA and Council.

Once hazardous components are identified, all demolition works that involve the demolition and removal of the hazardous materials shall ensure that all site personnel are protected from risk of exposure in accordance with relevant NSW WorkCover Authority and NSW Demolition Guidelines. Premises and occupants on adjoining land shall also be protected from exposure to any hazardous materials.

- (12) **Decommissioning of On-Site Sewerage Management** - Written confirmation verifying that the existing on-site sewerage management facility has been decommissioned in accordance with the following, shall be provided to the PCA and Council:

Option 1: (Removal of system from site)

That the septic tank, disposal field and all associated drainage shall be decommissioned in accordance with the following:

- a) The septic tank/holding well and grease trap shall be emptied by a liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be provided to Council;
- b) The sides, lid, baffle (if fitted) and square junctions of the tank should be hosed down as the waste is being removed; and
- c) The inlets and outlets should be plugged and the tank should then be filled with clean water and disinfected to a minimum level of 5mg/l of free residual chlorine, with a one half hour contact time. The lid should be exposed to the chlorine solution. The chlorine should be allowed to dissipate naturally and not be neutralised. The contents of the tank/ and or well shall then be emptied by a liquid wastewater contractor.

The septic tank and any associated drainage and disposal field including materials and drainage pipes used in the construction and connection of the existing redundant transpiration beds/ absorption trenches/ irrigation fields shall be removed and disposed of at a suitably licensed landfill site. (i.e. aggregates, rubble, sand, concrete slabs and the like) A copy of the receipt for disposal of the waste materials shall be provided to Council.

The tank excavation /transpiration beds/ absorption trenches are to be backfilled with clean filling material and finished to the surrounding ground level.

Option 2: (decommissioning on site)

The septic tank system shall be de-commissioned in the following manner:

- a) The septic tank/holding well and grease trap shall be emptied by a liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be provided to Council;
- b) the septic tank and holding well shall be thoroughly dusted with commercial grade agricultural lime;

- c) the base(s) of the tank(s) is to be punctured (to prevent future holding of water), the lids broken in and the top edges broken down 300mm below ground level; and
- d) the tanks are to be backfilled with clean filling material and finished to the surrounding ground level.

#### 4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Traffic Management Plan Implementation** - All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan shall be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (3) **Site Management Plan** - The following practices shall be implemented during construction works:
  - a) a sign shall be erected at all entrances to the site. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:
 

*"WARNING UP TO \$1,500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."*

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.
- (4) **Vegetation Management Plan** – A monitoring report on the progress of the implementation of the Vegetation Management Plan ( VMP ) shall be provided to Council upon completion of the primary planting and then at six (6) monthly intervals until the end of the two (2) year minimum maintenance period, or as otherwise specified in the approved VMP. A final report shall be provided to Council upon completion of the maintenance period.
- (5) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (6) **Hazardous Building Materials Assessment** - All works (including demolition and materials handling, storage, transport and disposal) shall be undertaken in accordance with the requirements outlined in the Hazardous Building Material Assessment (HBMA).

- (7) **Noise** - All work shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act (1997)*. All work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority' Environmental Noise Manual.
- (8) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (9) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (10) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council officers on request and be provided to the Council at the completion of the development.
- (11) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- a) be prepared by a person with experience in the geotechnical aspects of earthworks;
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics;
- c) be prepared in accordance with;

Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity"; and
  - ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- d) confirm that the fill material;
- i) provides no unacceptable risk to human health and the environment;
  - ii) is free of contaminants;
  - iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
  - iv) is suitable for its intended purpose and land use; and

- v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m<sup>3</sup> - 3 sampling locations;
- f) greater than 6000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2000m<sup>3</sup> or part thereof.

For e) and f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m <sup>3</sup> )
Virgin Excavated Natural Material	1 (see Note 1)	1000 or part thereof

**Note 1:** Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (12) **Offensive Noise, Dust, Odour and Vibration** – All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act, 1997* when measured at the property boundary.
- (13) **Erosion and Sedimentation Control** – Soil erosion and sedimentation controls are required to be installed and maintained for the duration of the works. The controls must be undertaken in accordance with Version 4 of the Soils and Construction – Managing Urban Stormwater Manual ( Blue Book. )
- (14) **Compliance with Salinity Management Plan** – All works must comply with the requirements of the report titled *Report on Salinity Investigation and Management Plan, Proposed Residential Subdivision, Emerald Hills Estate, Leppington*, prepared by Douglas Partners, Project number 76553.00 Revisions 1, dated June 2013, and *Supplementary Salinity Investigation* prepared by Douglas Partners, project number 76553.02, dated 15 April 2014.
- (15) **Unexpected Finds Contingency ( General )** –Should any suspect materials ( identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc. ) be encountered during any stage of works ( including earthworks, site preparation or construction works, etc. ) such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

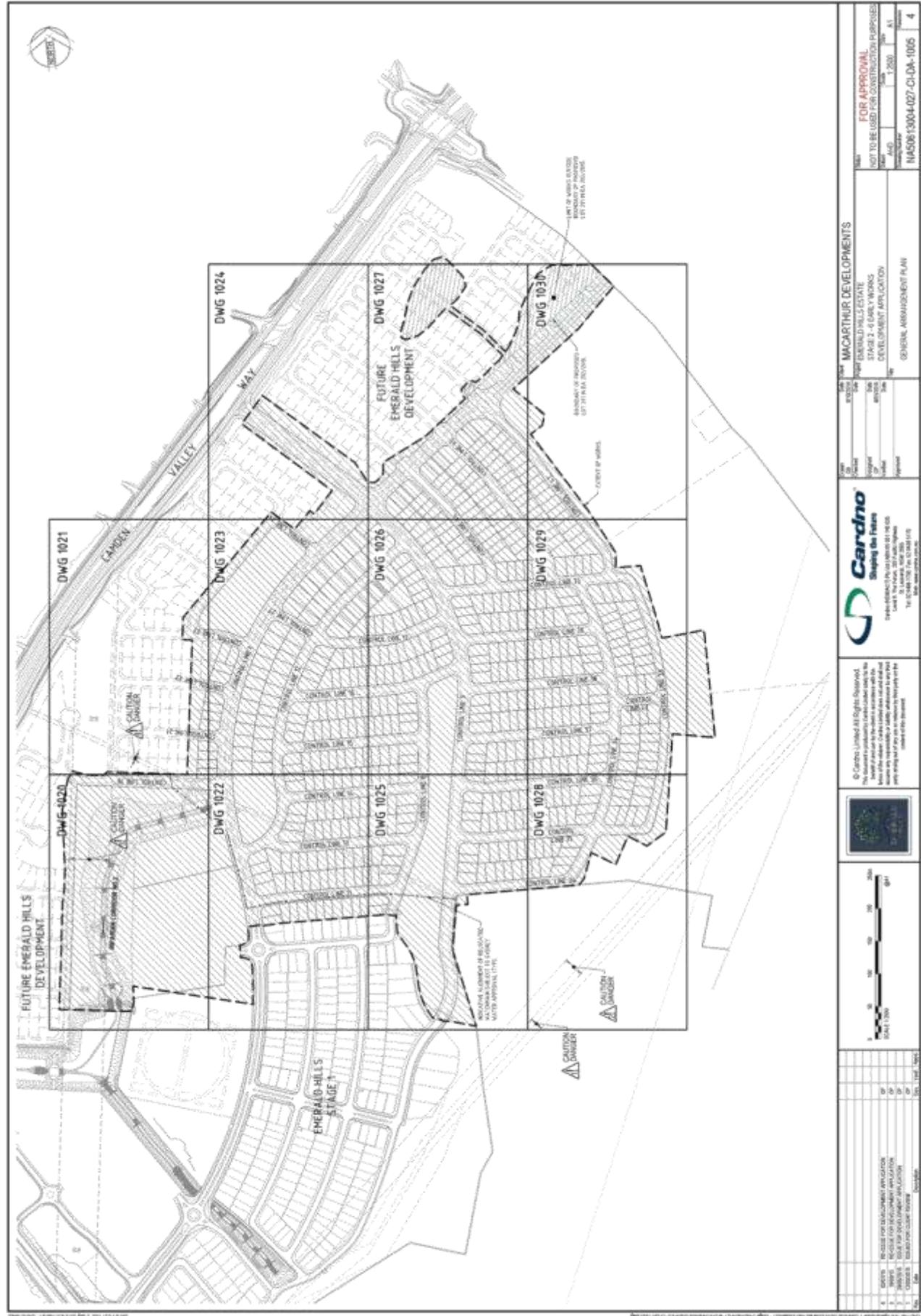
## 5.0 - Prior to Completion of Works

The following conditions of consent shall be complied with prior to the completion of works.

- (1) **Update of Bush Fire Prone Land Maps** – Prior to the completion of works, a revised draft Bush Fire Prone Land Map shall be produced showing all Asset Protection Zones and Bush Fire Prone Land within the site and shall include the following:
- (a) Statement that clarifies and certifies that the changes to the Maps are in accordance with the *Planning for Bush Fire Protection Guidelines and Guideline for Bush Fire Prone Land Mapping NSW Rural Fire Service*. See [http://www.rfs.nsw.gov.au/dsp\\_content.cfm?CAT\\_ID=900](http://www.rfs.nsw.gov.au/dsp_content.cfm?CAT_ID=900). Such Statement shall be undertaken by a suitably qualified and experienced consultant who has:
- (i) Experience in identifying bushfire prone land within NSW.
  - (ii) Experience in assessing potential bushfire impact, and developing and submitting bushfire risk assessments and deemed to satisfy designs and plans for development in bushfire prone areas.
  - (iii) A detailed knowledge of, and experience with the bushfire planning, design and construction guidelines requirements for NSW ( such as Planning for Bushfire Protection and Australian Standards ) for subdivisions, new buildings, modifications to existing buildings,
  - (iv) A detailed knowledge of, and experience with, the bushfire provisions and hierarchy within the *Building Code of Australia*,
  - (v) A detailed understanding of, and experience with, the bushfire provisions within, and the operation of the NSW and Local Government planning systems,
  - (vi) A thorough understanding of the Macarthur District Bush Fire Risk Management Plan, Macarthur District Bush Fire Operations Plan,
  - (vii) Public liability / professional indemnity insurance, each to a minimum of \$20 Million.

**Note.** The above criteria has been adopted from the Certification Guides for Bushfire Planning and Design BPAD ( A & D ) – Certified Practitioners ( as per the FPA ( Fire Protection Australia ) Certified Practitioner and Business Programme ) ( see website <http://fpaa.com.au/certification/index.php?certification=bpad> )

- (b) Maps to be provided shall be as a separate layer in .dxf or .dwg format.

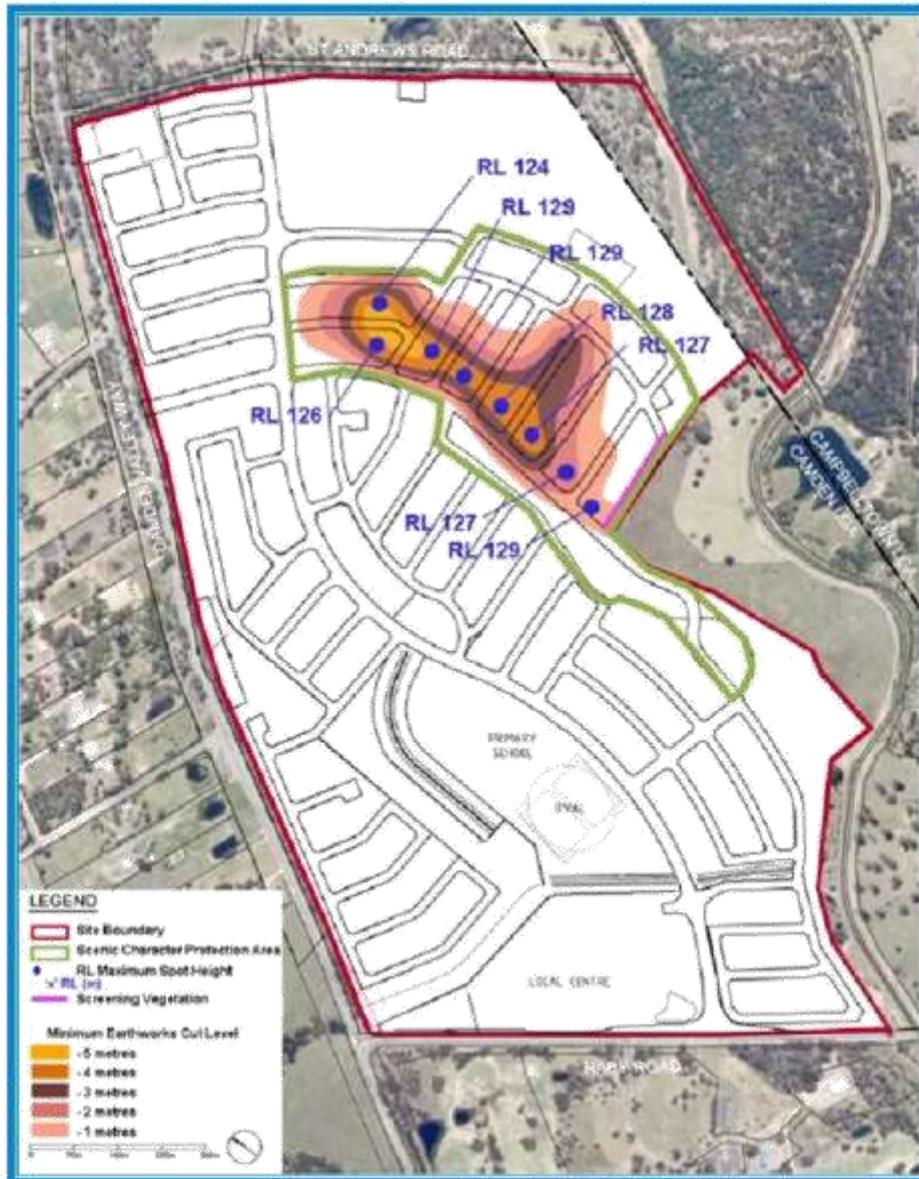


Attachment 2

ORD01



Figure C96





# COMPLIANCE & ENFORCEMENT POLICY

## P2.0066.1

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## COMPLIANCE & ENFORCEMENT

**DIVISION:** *Planning and Environment Services*

**BRANCH:** *Environment & Health*

**CATEGORY:** 2

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### PART 1 - INTRODUCTION

#### 1. BACKGROUND

- 1.1 One of Camden Council's roles is to act as an enforcement authority under a broad range of legislation. Council officers are often required to make decisions and use discretion about appropriate enforcement action when non-compliant issues are identified.

Council also has a responsibility under Section 8 of the Local Government Act 1993 to ensure that its regulatory activities are carried out in a consistent manner and without bias.

Council's regulatory and enforcement actions should be exercised to ensure the health, safety and environmental protection of all stakeholders including residents, visitors, workers and business operators. All stakeholders should have confidence in the decision making and internal review processes.

In order to satisfy these needs this Policy has been developed and is broadly based on the "Model Policy" prepared for Local Councils by the NSW Ombudsman.

Council supports and welcomes the positive assistance of the community in reporting issues of concern and undertakes to work collaboratively with the community to promote the benefits of compliance as a way of sustaining a safer quality of life for all.

The spirit of this Policy is to use a graduated approach to enforcement action, for example the issue of a warning letter, which if not successful in resolving the issue may be followed by statutory Notices and Orders and, finally some form of enforcement proceedings either via a penalty notice or Court action if compliance cannot be achieved by any other method.

The Policy also recognises in some situations the gravity of the incident or other circumstances determines that an escalated approach is not appropriate and immediate regulatory action is required e.g. where an activity is or is likely to result in a significant public health or safety risk, or is or likely to cause environmental harm. Other offences such as parking matters and certain development consent breaches such as hours of operation may be dealt with using penalty notices due to the transient nature of the offence and the impracticality of using notices and orders to deal with the issue.

Enforcement Guidelines and Procedures will also be developed to further assist officers when determining the most appropriate enforcement actions. This documentation will further facilitate a consistent approach for departments with regulatory responsibilities and will ensure the objectives of the Enforcement Policy are delivered.

To ensure the draft Policy remains contemporary it is intended to review the document

every 3 years or after legislative changes.

Any abbreviations or terminology used in this Policy are outlined in Section 4.

## 2. OBJECTIVE

- 2.1 Camden Council is opposed to unlawful and non-compliant activities and aims to provide and deliver regulatory services in a fair, equitable and consistent manner designed to protect the natural, built and social environment.
- 2.2 This Policy aligns with Key Direction 6 – *Strong Local Leadership* in Councils Strategic Plan – Camden 2040.
- 2.3 This Policy references specific roles for Council acting as both an educator and a regulator.
- 2.4 Consequently the Policy aims to:
  - a) ensure all regulatory activities meet Council's Charter of responsibilities under Section 8 of the Local Government Act;
  - b) assist Council Officers to respond promptly and effectively to complaints of unlawful activity and undertake proactive investigation;
  - c) ensure Officers comply with Council's Code of Conduct when investigating any unlawful activity;
  - d) establish operational guidelines and procedures for Council Officers and the community which incorporate the principles of procedural fairness and natural justice where decisions are made in a consistent, fair, equitable and transparent manner;
  - e) establish criteria to determine whether enforcement action is warranted and if so, ensure such action is in accordance with the Council Officers Delegation of Authority in a timely, cost effective manner and proportional to the relative seriousness of the situation;
  - f) ensure all possible options are considered prior to the implementation of enforcement action;
  - g) take a proactive approach to compliance by providing information to the public about Council's role and policy on enforcement and encourage a culture of compliance aimed at self-regulation rather than Council imposed enforcement action;
  - h) provides a service which embodies good practice and ensures that Council is a Model Litigant by behaving ethically, fairly and honestly in litigation.

## 3. SCOPE

- 3.1 This Policy applies to all areas where Council has a compliance and enforcement role under the various Acts and Regulations.
- 3.2 All employees who deal with complaints and the enforcement of relevant legislation are responsible for implementing this Policy.
- 3.3 The application of the Policy includes but is not limited to:
  - abandoned vehicles
  - asbestos management
  - boarding houses
  - brothels
  - public/ commercial/ private swimming pools
  - development control
  - environmental and pollution control issues
  - failure to comply with a condition of an approval, an Order or Notice
  - fire safety
  - food safety

- removal of trees or clearing vegetation from land
- on-site sewage management (septic systems)
- parking control
- public health and safety
- the control over the keeping of animals and companion animals
- the regulation of unlawful development activities
- waste
- any other functions for which Council is the Appropriate Regulatory Authority

- 3.4 Any enforcement action will be in accordance with this Policy, relevant NSW legislation and the State Debt Recovery Office (SDRO) Guidelines.
- 3.5 Whilst it is intended the principles in this Policy will have general application, there may be cases where the particular circumstances justify departure from these principles.
- 3.6 In any situation where an officer considers taking action which varies from the Policy and associated guidelines/procedures, the officer will discuss the reasons for the variance with the Team Leader/Manager and will document and implement the agreed course of action.
- 3.7 This Policy applies to Council's enforcement functions and supports the concept of an escalated and proportionate approach to most non-compliant issues except for examples such as parking and traffic matters.
- 3.8 While this Policy covers all matters to be taken into account when exercising discretion about compliance and enforcement matters, it recognises that Rangers who work with traffic and parking matters are faced with different time frames and decisions which need to be made on the spot.
- 3.9 It is Council's Policy that Rangers will enforce the Australian Road Rules and will carry out traffic and parking duties in a fair, equitable and consistent manner with a zero tolerance approach in school zones.
- 3.10 Zero tolerance is the strict enforcement of the rules.
- 3.11 Other offences such as certain development consent breaches eg hours of operation and some environmental offences (eg illegal burning of waste/plastics) may be dealt with using penalty notice due to the transient nature of the offence and the impracticality of using notices and orders to deal with the issue.

#### 4. DEFINITIONS

- 4.1 **ABN/ACN:** Australian Business/Company Number.
- 4.2 **Administration fee:** A prescribed fee imposed in some legislation to cover the cost of the service of a notice/order and re-inspection fee and adopted by Council in the annual schedule of Fees and Charges.
- 4.3 **ARA:** Appropriate Regulatory Authority, a term under the Protection of the Environment Operations Act 1997.
- 4.4 **Authorised Officer:** A Council Officer with delegated authority to carry out specific duties and take any necessary enforcement action. Such officers carry specific Authorities under various Acts which include prescribed powers of entry to certain properties.

- 4.5 **BCA:** Building Code of Australia, part of the National Construction Code series.
- 4.6 **BPB:** Building Professionals Board.
- 4.7 **CAN:** Court Attendance Notice used to commence proceedings in the Local Court.
- 4.8 **CRM:** Customer Request Management, an electronic Council computer reporting system that registers and records complaints, compliments and requests for service.
- 4.9 **Caution:** A formal warning given instead of a penalty advising enforcement action will follow if there is a recurrence, any consideration to issue a "Caution" should be in accordance with the Caution Guidelines issued by the NSW Attorney General under section 19 (1) (a) (1) of the Fines Act.
- 4.10 **Cautioning:** The verbal process an officer is required to issue to an alleged offender once the officer has considered an offence has occurred and the officer may use any subsequent statement/s made by the alleged offender as evidence.
- 4.11 **Civil Proceedings:** Include:
- Notices, Orders and Directions issued pursuant to various legislation;
  - Class 4 proceedings in the Land and Environment Court seeking an order to remedy a breach of the Environmental Planning and Assessment Act, the Local Government Act, the Protection of the Environment Act or any other Act, if the breach is causing or is likely to cause harm to the environment;
  - Interlocutory relief for matters causing or with reasonable potential to cause serious environmental harm. In such proceedings it is likely the Council would be required to provide an undertaking as to damages.
- 4.12 **Complainant:** A person lodging a customer action request (complaint) to Council.
- 4.13 **Council:** Camden Council.
- 4.14 **Criminal Proceedings:** Includes:
- the issuing of a penalty notice;
  - prosecuting an offence in the Local Court with the use of a Court Attendance Notice;
  - prosecuting for an offence in the summary jurisdiction of the Land and Environment Court (Class 5 proceedings).
- 4.15 **Defendant:** An alleged offender against whom action is being taken in Court.
- 4.16 **EP&A Act:** The Environmental Planning and Assessment Act 1979.
- 4.17 **Estoppel:** Legal rule of evidence.
- 4.18 **Fines Act:** Fines Act 1996.
- 4.19 **GIPA:** The Government Information (Public Access) Act 2009.
- 4.20 **ICAC:** Independent Commission Against Corruption.
- 4.21 **Informant:** the person who brings criminal proceedings.
- 4.22 **Issuing Agency:** Council.

- 4.23 **Issuing Officer:** the Council Officer authorised to issue a penalty notice for an offence.
- 4.24 **LGA:** Local Government Act 1993.
- 4.25 **Offence:** An offence under NSW legislation.
- 4.26 **PCA:** Principal Certifying Authority.
- 4.27 **PIN or Penalty Notice - Penalty Infringement Notice (or Penalty Notice)** occasionally referred to as an "on the spot fine".
- 4.28 **Plaintiff:** The person commencing civil proceedings.
- 4.29 **Prima facie:** Presentation of sufficient evidence to support a legal claim.
- 4.30 **Procedural Fairness:** Procedural fairness relates to the use of fair and proper procedures as part of the decision making process.
- 4.31 **POEO:** The Protection of the Environment Operations Act 1997.
- 4.32 **Respondent:** The party against whom civil proceedings are brought.
- 4.33 **SDRO:** State Debt Recovery Office which produces the Fixed Penalty Handbook for the issue of penalty notices.
- 4.34 **Technical breach:** A breach to the provisions of an Act, Regulation, Notice, Order, Direction or Development Consent.
- 4.35 **Unauthorised/ unlawful activity:** Any activity that is:
- contrary to the terms or conditions of a development consent, approval or permission;
  - contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land;
  - contrary to a legislative provision regulating particular activity of work;
  - without a required development consent, approval, permission or licence;
  - contrary to legislation for which the Council is the appropriate regulatory authority;
  - and includes any activity, place or structure which is a risk to public health and safety but excludes any parking or traffic offences which are dealt with in accordance with the Australian Road Rules.

## PART 2 - POLICY STATEMENT

### 5. COMPLIANCE & ENFORCEMENT PRINCIPLES

5.1 Camden Council as a responsible regulator is committed to:

- a) acting with consistency, impartiality, objectivity and fairness;
- b) avoiding any discrimination on the basis of race, religion, political association, sex or national origin;
- c) the adoption of a graduated and proportionate response (where appropriate) to legislative non-compliance;
- d) providing every opportunity for compliance by all stakeholders by indicating the relevant penalties for non-compliance;
- e) providing written advice or directions in a clear and simple manner;

- f) ensure any action taken is in the public interest and the action is in proportion to the offence;
- g) ensure any action taken by Council is justified, against the correct person(s), cost effective and based on sound evidence which will withstand robust scrutiny;
- h) ensure any decision to take no further action or issue a caution is in the public interest and in accordance with relevant guidelines (e.g. SDRO);
- i) avoiding any actual or potential conflict of interest situations;
- j) conducting all investigations in accordance with the Code of Conduct and making decisions in a professional manner with appropriate integrity;
- k) creating awareness and seeking support from all stakeholders including workers and business operators and the broader community in the need for compliance when dealing with relevant issues;
- l) ensuring action is instigated within legislative time limits;
- m) disclosing all evidence relevant to an alleged offence and assisting the Court, as required.

## 6. APPLICABLE LEGISLATION

- 6.1 The diverse range of legislation to which this Policy applies is outlined in Appendix A.

## 7. PROCEDURAL FAIRNESS

- 7.1 Council is committed to natural justice and acting fairly in all aspects of the implementation of this Policy. In order to achieve this outcome Council will:
- a) provide an opportunity for an alleged offender to provide an explanation. However there will be situations such as parking enforcement and other circumstances considered to represent a serious risk to public safety or the environment or the like which would preclude this opportunity;
  - b) give due consideration to any written submission made by an alleged offender made either directly to Council or via another agency (e.g. State Debt Recovery Office);
  - c) make appropriate enquiries, investigations and searches prior to making an enforcement decision;
  - d) establish appropriate procedures to avoid an enforcement decision being influenced by an actual, potential or perceived conflict of interest;
  - e) implement procedures to ensure pertinent information is provided to a complainant and alleged offender, subject to maintaining appropriate confidentiality provisions;
  - f) act without bias and within statutory time frames.

## 8. CODE OF CONDUCT

- 8.1 Council Officers carrying out their duties including the consideration of some form of enforcement action will have due regard to the contents of Council's Code of Conduct which is available on Council's website <http://www.camden.nsw.gov.au/assets/pdf/Council/AboutCouncil/Code-of-Conduct/Code-of-Conduct-Adopted-26022013.pdf>
- 8.2 It is Council's expectation all inspections will be carried out in a respectful, helpful manner while being attuned to any language or cultural considerations. All officers should:

- a) not permit personal views, or prejudices to influence their attitude towards any person or duty required to be undertaken;
- b) respond to any reasonable request or lawful direction of any supervisor or manager of the Council;
- c) not commit any act which constitutes dereliction of duties;
- d) not commit any act that brings Council into disrepute;
- e) not publicly criticise Council in any way that is demeaning, defamatory or brings disrespect, or embarrassment to Council;
- f) not publicly criticise any Council employee in any way, which is demeaning, defamatory or brings disrespect to Council;
- g) not obey any order or direction which is contrary to the law;
- h) report any such unlawful order to the attention of an immediate supervisor, manager or, if required the General Manager;
- i) not solicit or receive any gift that is contrary to Council's Code of Conduct.

8.3 Council Officers who are accredited under the Building Professionals Board scheme must also satisfy the code of professional conduct requirements of such scheme.

8.4 Each officer should be mindful of any constraints that may have been placed on their "Delegations" by Council and be equipped with their specific authorisation (with photograph) under the particular Acts.

## 9. CONFLICT OF INTEREST

9.1 If a situation arises where an officer believes a perceived or actual conflict of interest exists, the matter will be referred to the supervisor.

## 10. DISCLOSURE OF INFORMATION

10.1 Council Officers will respect the privacy and confidentiality of information received, however due to its statutory obligations and other requirements, confidentiality cannot always be guaranteed.

10.2 The complainant's identity may be disclosed where:

- a) access to the information is permitted under legislation including but not limited to the Government Information (Public Access) Act 2009;
- b) legal action is commenced and the information is disclosed in evidence
- c) the person consents to the disclosure of the information;
- d) the principles of natural justice dictate that information be disclosed to the person who is the subject of the complaint, which may enable the complainant to be identified;
- e) the Council is of the opinion that disclosure of information is necessary to effectively investigate the matter.

10.3 Council Officers will also observe the information protection principles in the Privacy and Personal Information Protection Act 1998 which provides in certain circumstances for information to be shared with other public sector agencies for law enforcement purposes.

10.4 Reasons for decisions regarding compliance and enforcement action will be made available, unless to do so would cause a breach of the law. Reasons may not be given in any case where the information may cause harm to an informant, witness, or the alleged offender, nor in circumstances which would significantly prejudice the administration of justice.

- 10.5 Council's Rangers have access to external electronic databases including the NSW Companion Animals Register and the Roads and Maritime Services Vehicle Ownership Register. Neither of these are registers to which the general public or other Council Officers have access. The information on both registers is protected from general disclosure and can only be used for the lawful exercise of functions under the relevant Acts. Rangers are subject to routine external auditing in regard to the use of the databases.
- 10.6 Some officers have access to the following information:
- Statewide Electronic Database of Residential Swimming Pools
  - Department of Fair Trading Boarding Houses Register

## 11 RECEIVING AND RESPONDING TO CUSTOMER REQUESTS

- 11.1 Council's expectation is that all customer requests will be electronically recorded and dealt with within set customer service standards and having regard to the seriousness of the issue and other priorities.
- 11.2 Council staff will manage enquiries and request as per Council's Customer Service Charter and Strategy.
- 11.3 All complaints will be initially assessed within practical time constraints and appropriate action taken in accordance with this Policy and the complainant so advised.
- 11.4 All complaints will be investigated unless:
- a) Council is not the Appropriate Regulatory Authority;
  - b) the matter has already been actioned and resolved;
  - c) insufficient information has been provided;
  - d) the complaint is premature and relates to an unfinished aspect of work still in progress;
  - e) a private Principal Certifying Authority is responsible for monitoring compliance with the conditions of development consent. Council will work cooperatively with relevant agencies and Private Certifiers to achieve compliant outcomes;
  - f) the activity is determined to be lawful and does not require an approval;
  - g) a Development Approval, Complying Development Certificate or any other lawful authority has been granted for the work;
  - h) the complaint is trivial, frivolous or vexatious in nature;
  - i) the complainant is solely seeking a monetary refund from a third party;
  - j) the complaint relates to a civil matter or dispute (private matter between neighbours).
- 11.5 In situations where Council is the Appropriate Regulatory Authority, the relative seriousness of each matter will determine the priority attached to a particular complaint. As a guide the following categories can be applied:

### Category 1

- significant environmental or safety risk to life or property e.g. discharge of toxic waste to a water body, likely collapse of a shop awning over a public road, removal of a swimming pool fence or barrier, a fire safety issue, dangerous retaining wall, demolition of a heritage item, asbestos removal

- serious community safety or public health issues (e.g. dog attack, food poisoning, Legionnaires case);
- urgent matters as directed by Council's senior management and Council.

### Category 2

- major non-compliance with approval
- non-life threatening fire safety or similar safety matter
- unauthorised use or building work where the opportunity to collect critical evidence is not lost (tree removal or demolition)

### Category 3

- minor non-compliance with approval
- neighbour dispute

- 11.6 An assessment after the initial response may result in a complaint being assigned a more appropriate priority category. It should also be remembered that some legislation including the Companion Animals Act and Swimming Pools Act include mandatory response times to complaints.
- 11.7 Efforts should be made to keep a complainant informed of the action taken in regard to their customer request, particularly those matters where action may become protracted due to the service of a Notice of Intention to Serve an Order, an Order or the instigation of legal action.
- 11.8 In the context of a Principal Certifying Authority, Council will investigate matters where the:
- a) Principal Certifying Authority fails or is unable to appropriately action a matter or where it is in the public interest;
  - b) Principal Certifying Authority has taken all the action available under the legislation, but the offence continues despite such action;
  - c) complaint relates to Council property;
  - d) complaint relates to an environmental pollution incident such as ineffective erosion and sediment control on a building site.

## 12 ANONYMOUS COMPLAINTS

- 12.1 Anonymous complaints may not be able to be investigated. The decision to investigate includes but is not limited to, the subject and seriousness of the matter, the likely reliability of the complaint, ability to access further information, available staff resources and Work Health and Safety responsibilities.
- 12.2 When an anonymous complaint is investigated, an appropriate record of the investigation will be made.

## 13 FRAUDULENT COMPLAINTS

- 13.1 Fraudulent complaints are where a person lodges a complaint with Council in someone else's name without that person's knowledge or where the nature of the complaint is untrue. Such complaints will be treated as vexatious unless a valid basis for such a complaint can be established. The decision to investigate such a matter will be based on the same criteria as for anonymous complaints.

## 14 USE OF STATUTORY DECLARATIONS

- 14.1 The investigation of some complaints may from time to time warrant consideration of the use of a statutory declaration by the complainant if a matter is to proceed. Any residents who complete a statutory declaration should be informed they may be required to appear in court as a witness should the matter be defended.
- 14.2 Furthermore, the completion of a statutory declaration by itself does not guarantee further enforcement action will be undertaken by Council.
- 14.3 In all circumstances involving the use of statutory declarations by residents, the relevant officer/s needs to be satisfied:
- a) a justified nuisance/offence exists which cannot be resolved without recourse to some other form of enforcement action;
  - b) other fair and reasonable attempts to resolve the matter have been unsuccessful;
  - c) the witness will appear in court if required;
  - d) the witness will be able to satisfy a Magistrate that they are a credible and impartial witness with a legitimate reason(s) for seeking resolution via the court
- 14.4 Unless these matters can be satisfied, other alternatives including private action or the use of mediation through the Community Justice Centre should be considered.

## 15 UNREASONABLE COMPLAINANT CONDUCT

- 15.1 Council has an obligation to use resources efficiently and effectively. While council acknowledges a customer's entitlement to make requests and complaints, it reserves the right to cease responding to customers that continually exhibit unreasonable customer behaviour including:
- a) requests that place unreasonable demands on Council's staff;
  - b) requests that place unreasonable demands on Council's resources;
  - c) unreasonable persistence;
  - d) unreasonable lack of cooperation;
  - e) requests or complaints based on unreasonable arguments;
  - f) abusive and derogatory behavior towards Council staff;
  - g) Complaints which are proven to be vexatious or retaliatory.
- 15.2 In the context of the above situations officers will follow Council's Policy on Dealing with Unreasonable Customer Conduct.

## 16 CONSULTATION WITH OTHER AGENCIES

- 16.1 There will be situations such as in the investigation of a complaint or the like where Council has no legal or geographical jurisdiction or operational responsibility and consequently the matter should be referred to the relevant agency without delay.
- 16.2 Agencies may include but not be limited to, the NSW Police Services, NSW Department of Planning and Infrastructure, Local Land Services, NSW Office of Fair Trading, NSW Department of Primary Industry, NSW WorkCover, NSW Environment Protection Authority, NSW Food Authority, NSW Health, the Building Professional Board, NSW Roads and Maritime Services, Fire and Rescue NSW.

- 16.3 Council will consult with the responsible agencies to facilitate a coordinated and constructive compliance approach and keep the complainant informed.

## 17 PRIVATE CERTIFIERS

- 17.1 In terms of Council's Development Compliance role, complaints are received from time to time in regard to various matters on building construction sites where Council is not the Principal Certifying Authority.
- 17.2 In such situations in the first instance the complainant should be encouraged to contact the Principal Certifying Authority directly to ensure all relevant details are accurately communicated to the Principal Certifying Authority.
- 17.3 Alternatively, should an external observation by a Council Officer of a building site which is under the jurisdiction of a Principal Certifying Authority (not being Council) disclose significant non-compliant issues, Council will initially draw the matter to the attention of the Principal Certifying Authority.
- 17.4 If a complaint or observation relates to an urgent matter involving a life threatening situation or significant environmental damage or an on-going matter where valuable evidence may not be available if an immediate response is not commenced, a Council Officer may undertake an immediate investigation to assess the seriousness of the situation.
- 17.5 If the complaint is substantiated, Council will consider action in accordance with this Policy and the Principal Certifying Authority informed of any action taken by Council.
- 17.6 In any situation where it is considered a Principal Certifying Authority has acted incorrectly, improperly and/or unprofessionally a report may be forwarded to the Manager recommending referral of the matter to the Building Professionals Board.
- 17.7 Relevant factors for determining if a matter should be referred to the Building Professionals Board are:
- a) the seriousness of the failure to act professionally;
  - b) any previous history of complaints;
  - c) the level of cooperation from the Principal Certifying Authority to rectify the problem/s;
  - d) the adequacy of changes made by the Principal Certifying Authority to procedures or practices to ensure that future problems will be minimized.
- 17.8 Examples of matters that might be referred to the Building Professionals Board include but are not limited to:
- a) significant departure from the development consent and the PCA does not appear to be taking appropriate action to address the issue;
  - b) the persistent failure to submit relevant certificates or other documentation to Council within the specified time period;
  - c) Complying Development Certificates that do not meet the development standards for the relevant State Environmental Planning Policy.

## 18 BUILDING CERTIFICATES

- 18.1 Council recognises that persons who may have carried out unlawful building works may, as an option, apply for a Building Certificate under section 149D of the Environmental Planning and Assessment Act to retain the structure. If a building certificate is issued, Council cannot ask for demolition or alterations unless after 7 years of fair wear and tear.
- 18.2 It is Council's policy however that such applications should not be encouraged to justify unlawful works. Irrespective of whether or not a Building Certificate is applied for, Council may take action against a person who carried out unlawful works
- 18.3 The action may include the issuing of a penalty notice or in conjunction with criminal proceedings, where it is considered appropriate and necessary for punitive action to also be taken, having regard to the restriction provisions provided under Section 127 (7) of the EP&A Act.
- 18.4 Building Certificate applications to support unlawful building works will be expected to provide the same level of details in plans, certificates, specifications etc as would be required for assessing an Application for Development, a Construction Certificate, a Complying Development Certificate and/or an Occupation Certificate.

## 19 PROACTIVE COMPLIANCE MONITORING

- 19.1 In addition to responding to complaints and enquiries about alleged unlawful activity Council also provides a number of proactive compliance programs around high risk regulatory areas. These areas include;
- Food premises inspections
  - Public swimming pool water quality monitoring
  - Onsite sewage management systems (septic tanks)
  - Fire safety
- 19.2 Compliance action may be initiated where non-compliance is identified in the course of a proactive compliance inspection, in which case the principles outlined in this policy will also be applied.

## 20 THE DECISION PROCESS - TAKING ENFORCEMENT ACTION

- 20.1 When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, council will consider the full circumstances and facts of the matter and the public interest. The following common considerations will assist council staff in determining the most appropriate response in the public interest:

### **Considerations about the alleged offence and impact:**

- The nature, extent and severity of the unlawful activity, including whether the activity is continuing;
- The harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity;
- The seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature;
- The time period that has lapsed since the date of the unlawful activity.

**Considerations about the alleged offender:**

- Any prior warnings, instruction, advice that was issued to the person or organization reported or previous enforcement action taken against them;
- Whether the offence was committed with intent;
- Whether the person or organization reported has been proactive in the resolution of the matter and assisted with any council requirements and instructions;
- Any mitigating or aggravating circumstances demonstrated by the alleged offender;
- Any particular circumstances of hardship affecting the person or organization reported.

**Considerations about the impact of any enforcement action:**

- The need to deter any future unlawful activity;
- Whether an educative approach would be more appropriate than a coercive approach in resolving the matter;
- The prospect of success if the proposed enforcement action was challenged in court;
- The costs and benefits of taking formal enforcement action as opposed to taking informal or no action;
- What action would be proportionate and reasonable in response to the unlawful activity;
- Whether council is prevented from taking action based on earlier advice given, ie whether an estoppel situation has been created.

**Considerations about the potential for remedy:**

- Whether the breach can be easily remedied
- Whether it is likely consent would have been given for the activity if it had been sought
- Whether there is a draft planning instrument on exhibition that would make the unauthorized use legal.

**20.2 Legal or technical issues**

Where legal and/or technical issues are in question, council staff will consider whether legal advice or professional advice from duly qualified staff or other experts should be obtained and considered. Council may also require a person subject to possible enforcement action to obtain professional advice in relation to issues of concern to council for assessment as to whether further action is required.

**20.3 Requirements of Council staff considering enforcement action**

Prior to taking enforcement action, council staff will take into account the above considerations as well as the evidence gathered during their investigation. Council staff must act impartially, be mindful of their obligations under council's code of conduct and not act as a decision-maker in relation to any matter in which they have a personal interest. Enforcement action will not be taken purely as a response to the conduct of an individual such as persistent demands or threats.

Council staff are required to maintain records about critical thinking and decision making processes in relation to reports alleging unlawful activity and any enforcement action, as well as records of interactions with relevant parties. Council staff will at all times adhere to council's internal approval processes prior to the commencement of any enforcement action.

Council staff will take steps to ensure that any enforcement action is taken against the correct person or organization. Where there are multiple possible parties to an alleged unlawful activity, it will generally not be appropriate to take enforcement action against every person who may be liable for the alleged unlawful activity. In such circumstances, Council staff will be guided by legal advice in determining the appropriate persons to pursue.

## 21 OPTIONS FOR DEALING WITH CONFIRMED CASES OF UNLAWFUL ACTIVITY

- 21.1 Council will try to use the quickest and most informal option to deal with unlawful activity wherever possible unless there is little likelihood of compliance with such options. Council staff will use discretion to determine the most appropriate response to confirmed cases of unlawful activity and may take more than one approach. Any enforcement action taken by council will depend on the full circumstances and facts of each case, with any decision being made on the merits.

At all times, council's key concerns are:

- To prevent or minimise harm to health, welfare, safety, property or the environment
- To influence behaviour change for the common good and on behalf of the community

The following enforcement options to be considered by council are ordered to reflect an escalation in response that is proportionate to the level of risk, the seriousness of the confirmed breach or the need for a deterrent:

Level of risk	Enforcement options
Very low	<ul style="list-style-type: none"> <li>• Take no action on the basis of a lack of evidence or some other appropriate reason</li> <li>• Provision of information/advice on how to be compliant</li> </ul>
Low	<ul style="list-style-type: none"> <li>• Negotiating with the person to obtain voluntary undertakings or an agreement to address the issues of concern</li> <li>• Issuing a warning or a formal caution</li> </ul>
Medium	<ul style="list-style-type: none"> <li>• Issuing a letter requiring work to be done or activity to cease in lieu of more formal action</li> <li>• Issuing a notice of intention to serve an order or notice under relevant legislation, and then serving an order or notice if appropriate</li> </ul>
High	<ul style="list-style-type: none"> <li>• Issuing a penalty notice</li> <li>• Carrying out the works specified in an order at the cost of the person served with the order</li> </ul>
Very High	<ul style="list-style-type: none"> <li>• Seeking an injunction through the courts to prevent future or continuing unlawful activity</li> <li>• Commence legal proceedings for an offence against the relevant Act or Regulation</li> </ul>

*(NB: this is a guide only and each issue is assessed on its merits and circumstances. Some offences such as parking may be dealt with using penalty notice due to the transient nature of the offence and the impracticality of using notices and orders to deal with the issue)*

### Following up enforcement action

All enforcement action will be reviewed and monitored to ensure compliance with any undertakings given by the subject of enforcement action or advice, directions or orders issued by council. Reports alleging continuing unlawful activity will be assessed and further action taken if necessary. If the unlawful activity has ceased or the work has been rectified, the matter will be resubmitted for follow up action to ensure ongoing compliance outcomes are met. Should initial enforcement action be found to have been ineffective, council staff will consider other enforcement options.

## 22 TAKING LEGAL ACTION

22.1 The council and its delegated staff will be guided by legal advice in deciding whether to commence criminal or civil proceedings and will consider the following;

- Whether there is sufficient evidence to establish a case to the required standard of proof
- Whether there is a reasonable prospect of success before a court
- Whether the public interest warrants legal action being pursued

### Whether there is sufficient evidence to establish a case to the required standard of proof

Council considers the decision to take legal action a serious matter, and as such will only initiate and continue proceedings once it has been established that there is admissible, substantial and reliable evidence to the required standard of proof.

The basic requirement of any criminal prosecution is that the available evidence establishes a prima facie case. The prosecutor is required to prove the elements of the offence beyond reasonable doubt.

In civil enforcement proceedings, council will require sufficient evidence to satisfy the court that an actual or threatened breach has occurred on the balance of probabilities.

### Whether there is a reasonable prospect of success before a court

Given the expense of legal action council will not take legal action unless there is a reasonable prospect of success before a court. In making this assessment, council staff will consider the availability, competence and credibility of witnesses, the admissibility of the evidence, all possible defences, and any other factors which could affect the likelihood of a successful outcome.

### Whether the public interest requires legal action to be pursued

The principal consideration in deciding whether to commence legal proceedings is whether to do so is in the public interest. In making this determination, the same factors to be considered when taking enforcement action apply (see Section 20).

The following considerations relate more specifically to the decision to commence legal proceedings and will assist council and its delegated staff in making this determination:

- The availability of any alternatives to legal action
- Whether an urgent resolution is required (court proceedings may take sometime)

- The possible length and expense of court proceedings
- Any possible counter-productive outcomes of prosecution
- What the effective sentencing options are available to the court in the event of conviction
- Whether the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive

**Time within which to commence proceedings**

Council staff must be aware of legislative time limits in which enforcement proceedings must be commenced. Sometimes legal action will be statute barred despite good evidence that unlawful activity has occurred.

**23 RECOVERY OF FINES & LEGAL COSTS**

23.1 Council's policy for recovery of costs in Court is:

- a) to seek to recover fair and reasonable costs in all matters where costs are recoverable, either by consent or by order of the court;
- b) to seek to recover the penalty imposed by the court where such penalty is imposed;
- c) consider any recommendations of its legal representative/s to accept a lesser amount than the full legal cost if the acceptance will result in Council not incurring further and unnecessary legal costs.

**24 COMMUNITY AWARENESS**

24.1 Council will take every opportunity to promote ongoing community awareness in regard to compliance/enforcement. This may include but is not limited to, website references, the publication of press releases and the periodic inclusion in any community newsletters with a view to improving community confidence and awareness.

24.2 Awareness initiatives that focus on residents, developers and business operators will adopt an educational approach designed to engage and promote:

- a) an awareness of the spirit and content of this Policy;
- b) the minimisation of non-compliance by improving the knowledge of legislation within the community;
- c) the benefits of complying with the legislation and the consequences of not complying.

**25 POLICY MONITORING & REVIEW**

25.1 To ensure this Policy remains contemporary it will be reviewed every 3 years or after legislative changes.

25.2 The processes will include but not be limited to determining the levels of compliance in regulated/core business activities and the emergence of any apparent trends, the success or otherwise of specific types of enforcement action and the effectiveness of any education campaign/s.

### Appendix A

The Policy applies but is not limited to the following NSW legislation and any subsequent amendments:

- Australian Road Rules 2008
- Boarding Houses Act 2012
- Companion Animals Act 1998
- Contaminated Land Management Act 1997
- Crown Lands Act 1989
- Environmental Planning & Assessment Act 1979
- Fines Act 1996,
- Food Act 2003
- Impounding Act 1993
- Local Government Act 1993
- Motor Dealers Act 1974
- Noxious Weeds Act 1993
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Swimming Pool Act 1992
- Roads Regulations 2008
- Road Transport (General) Regulation 2013
- Road Transport (Mass Loading & Access) Regulation 2005
- Rural Fires Act 2008
- Building Professionals Act 2005
- Sydney Water Act 1994, and
- The Regulations relating to the above Acts.

□ \*\*  
3 \*

**RELEVANT LEGISLATIVE INSTRUMENTS:** N/A

**RELATED POLICIES, PLANS AND PROCEDURES:** Asbestos Policy  
Customer Service Charter  
Customer Service Strategy  
Complaint Management  
Feral and Infant Animal Policy  
Dealing with Unreasonable Customer Conduct  
Swimming Pools Inspection Program

**RESPONSIBLE DIRECTOR:** Director Planning and Environment

**APPROVALS:** Council

**ATTACHMENTS:** N/A

**NEXT REVIEWDATE:** February 2019

**RECORD KEEPINGNOTES:** 16/32885

**HISTORY:**

Issue	Approved by	Changes made	Date	TRIM Number
1	<i>Approved by General Manager</i>	<i>Nil</i>	<i>Inset date</i>	<i>Trim Number</i>
2	<i>Approved by General Manager</i>	<i>Minor amendments</i>	<i>Inset date</i>	<i>Trim Number</i>



# Monthly Report

# Camden Council

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January 2016

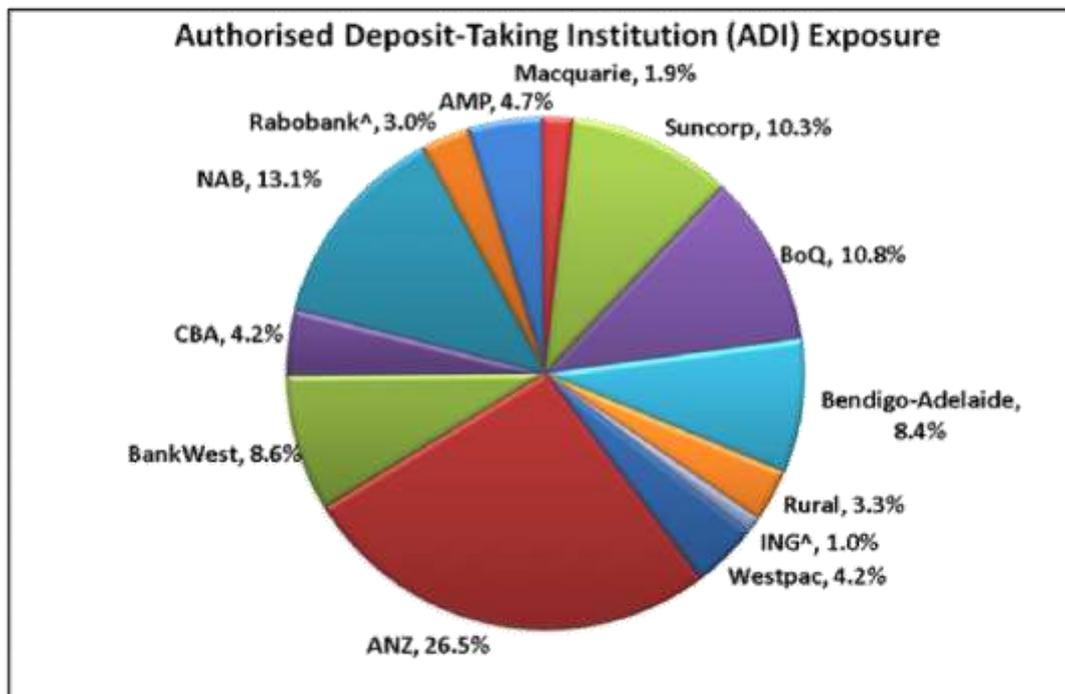
# Investment Exposure

Council's investment portfolio is mainly directed to the higher rated ADIs. ANZ exceeded capacity limits by \$1.57M. Changes in the total investment portfolio have impacted upon the percentage held by each financial institution. As investments have matured the ANZ counterparty percentage has fallen to 23.9% as at the beginning of February, which complies with Council's Policy.

ADI	Exposure \$M	Rating	Policy Limit	Actual	Capacity
Westpac	\$4.50M	A1+	25.0%	4.2%	\$22.14M
ANZ	\$28.20M	A1+	25.0%	26.5%	-\$1.57M
BankWest	\$9.20M	A1+	25.0%	8.6%	\$17.44M
CBA	\$4.44M	A1+	25.0%	4.2%	\$22.20M
NAB	\$14.00M	A1+	25.0%	13.1%	\$12.64M
Rabobank^	\$3.20M	A1	5.0%	3.0%	\$2.13M
AMP	\$5.00M	A1	15.0%	4.7%	\$10.98M
Macquarie	\$2.00M	A1	15.0%	1.9%	\$13.98M
Suncorp	\$11.00M	A1	15.0%	10.3%	\$4.98M
BoQ	\$11.50M	A1	15.0%	10.8%	\$4.48M
Bendigo-Adelaide	\$9.00M	A1	15.0%	8.4%	\$6.98M
Rural	\$3.50M	A1	15.0%	3.3%	\$12.48M
ING^	\$1.00M	A2	5.0%	1.0%	\$4.26M
<b>Total</b>	<b>\$106.54M</b>			<b>100.0%</b>	

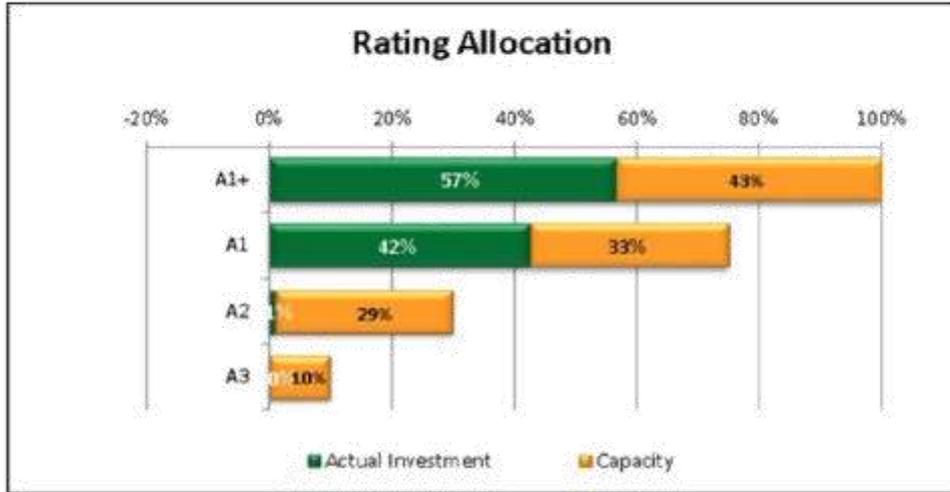
*^Foreign subsidiary banks are limited to 5% of the total investment portfolio as per Council's investment policy.*

The investment portfolio is predominately directed to the higher rated entities led by ANZ and NAB.



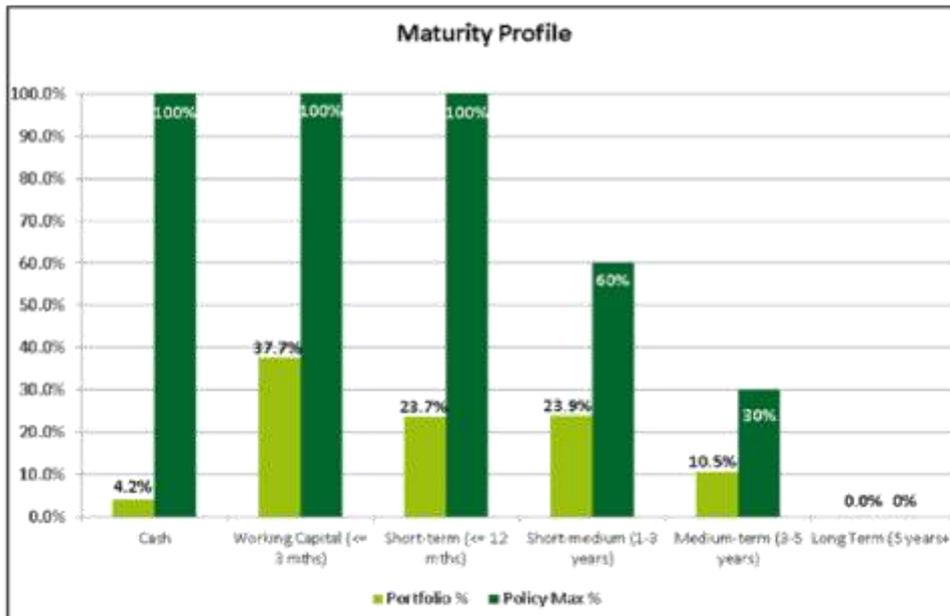
## Credit Quality

A1+ (the domestic majors) and A1 (the higher rated regionals) rated ADIs are the largest share of Council’s investments. There is still capacity to invest across the entire credit spectrum.



## Term to Maturity

The portfolio remains adequately liquid with approximately 4.2% of investments at-call and another 37.7% of assets maturing within 3 months. There is still capacity to invest in terms greater than 1 year. In consultation with its investment advisors, Council has strategically diversified its investments across various maturities up to 5 years over recent years.



In the historic low interest rate environment, as existing deposits mature, they will generally be reinvested at much lower rates than preceding years. A larger spread of maturities in medium-term assets would help income pressures over future financial years. This is becoming increasingly difficult with the RBA's pair of rate cuts in 2015, coupled with deposit margins contracting sharply. The futures market continues to factor in another rate cut in 2016.

## 2015-16 Budget

Current Budget Rate	3.00%
<b>Source of Funds Invested</b>	
Section 94 Developer Contributions	\$45,889,768
Restricted Grant Income	\$797,024
Externally Restricted Reserves	\$9,902,086
Internally Restricted Reserves	\$39,993,950
General Fund	\$9,957,172
<b>Total Funds Invested</b>	<b>\$106,540,000</b>

Council's investment portfolio has increased by \$940,000 since the December reporting period. The increase primarily relates to Section 94 cash receipts received for the January period.

INTEREST RECEIVED DURING 2015/16 FINANCIAL YEAR					
	January	Cumulative	Original Budget	*Revised Budget	Projected Interest
General Fund	\$139,998	\$819,029	\$1,000,400	\$1,374,000	\$1,374,000
Restricted	\$152,987	\$1,076,419	\$951,200	\$1,646,200	\$1,646,200
<b>Total</b>	<b>\$292,985</b>	<b>\$1,895,448</b>	<b>\$1,951,600</b>	<b>\$3,020,200</b>	<b>\$3,020,200</b>

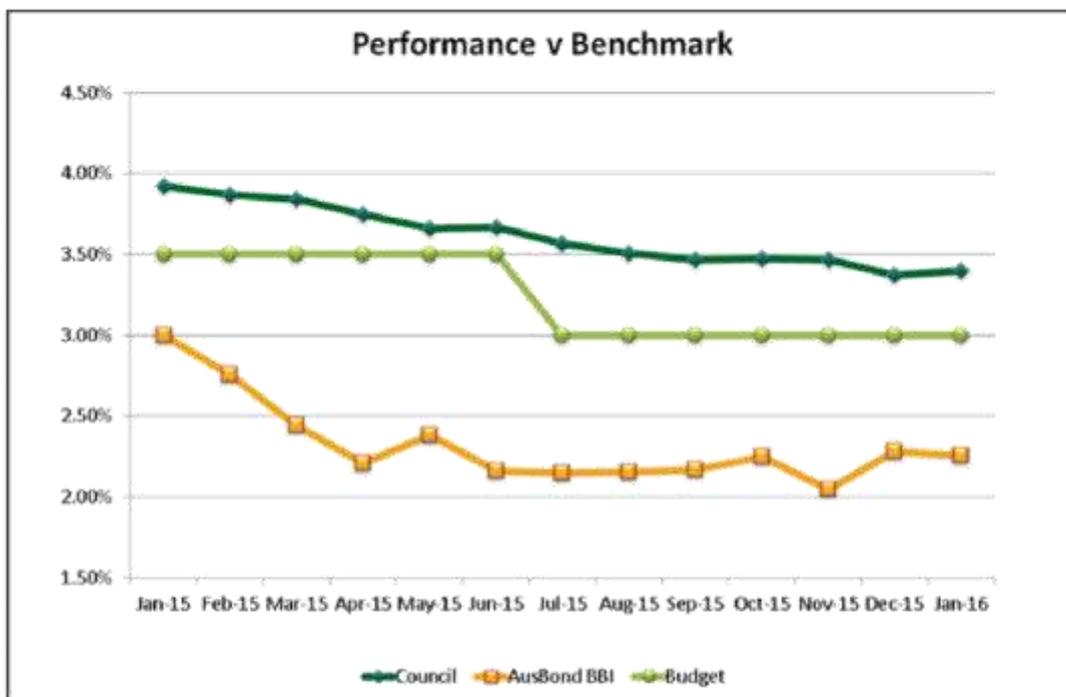
\*The Revised Budget is reviewed on a quarterly basis as part of the Budget Process

## Interest Summary

The portfolio's interest summary as at 31 January 2016 is as follows:

NUMBER OF INVESTMENTS	69
AVERAGE DAYS TO MATURITY	393
AVERAGE PERCENTAGE	3.46% p. a.
WEIGHTED PORTFOLIO RETURN	3.40% p. a.
CBA CALL ACCOUNT *	1.70% p. a.
HIGHEST RATE	5.10% p. a.
LOWEST RATE	2.80% p. a.
BUDGET RATE	3.00% p. a.
AVERAGE BBSW (30 Day)	2.05% p. a.
AVERAGE BBSW (90 Day)	2.30% p. a.
AVERAGE BBSW (180 Day)	2.42% p. a.
OFFICIAL CASH RATE	2.00% p. a.
AUSBOND BANK BILL INDEX	2.25% p. a.

\*Note: CBA call account is not included in the investment performance calculations

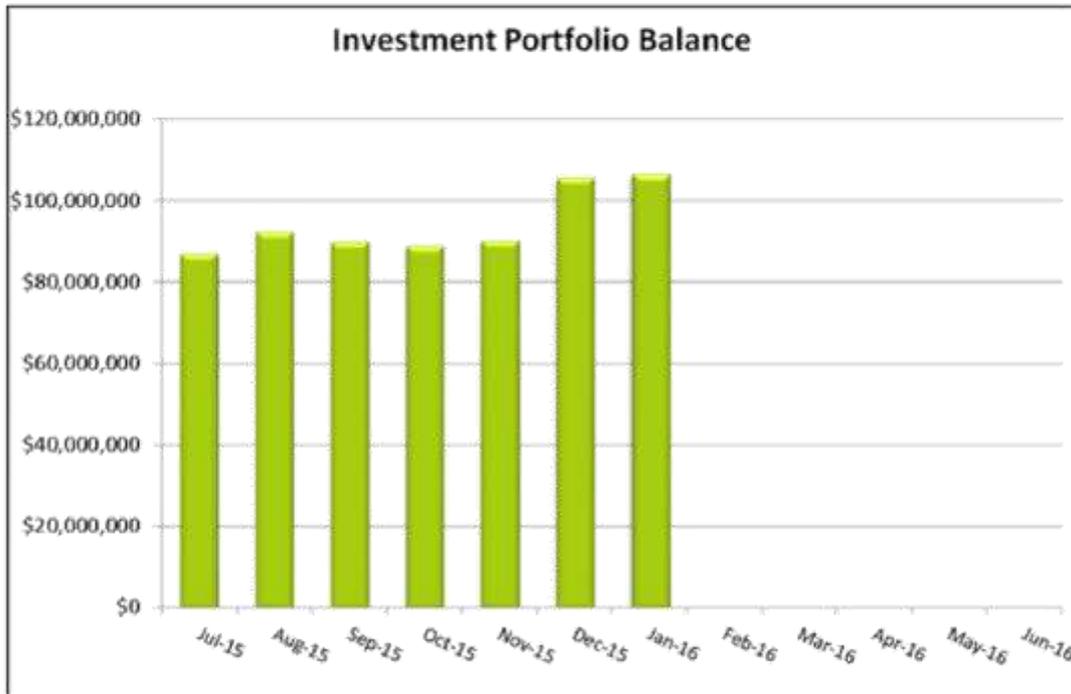


The portfolio's outperformance over the benchmark (AusBond Bank Bill Index) will continue to be attributed to the longer-dated deposits in the portfolio. Deposits invested close to or above 4% will contribute strongly to outperformance over future financial years. As existing deposits mature, performance will generally fall as deposits will be reinvested at much lower prevailing rates. Future budgets may be adjusted to reflect a longer period of low interest rates.

## Appendix A – List of Investments

Camden Council Investment Portfolio as at 31 January 2016								
Institution	Type	Amount	Interest Rate	Date Invested	Maturity Date	Original Term of Investment (days)	Days to Maturity	Interest Accrued as at 31/01/2016
Westpac	TD	\$500,000.00	4.55%	17/05/2013	15/05/2016	1090	109	\$16,295.40
BOQ	TD	\$2,500,000.00	5.00%	4/11/2013	1/11/2018	1823	1005	\$30,479.45
BOQ	TD	\$1,500,000.00	4.90%	7/11/2013	2/11/2016	1091	276	\$15,904.31
BOQ	TD	\$1,000,000.00	5.10%	25/11/2013	22/11/2018	1823	1026	\$9,501.37
ING Bank	TD	\$1,000,000.00	4.63%	26/11/2013	23/11/2017	1456	662	\$8,079.45
BOQ	TD	\$1,000,000.00	4.85%	26/11/2013	23/11/2017	1456	662	\$9,301.37
BOQ	TD	\$1,000,000.00	4.90%	26/11/2013	24/11/2016	1092	290	\$8,506.95
BOQ	TD	\$1,000,000.00	4.65%	27/02/2014	25/02/2018	1456	753	\$43,187.67
Rabobank	TD	\$1,000,000.00	5.00%	28/02/2014	28/02/2019	1826	1124	\$46,164.38
Rabobank	TD	\$1,200,000.00	5.00%	3/03/2014	6/03/2019	1829	1130	\$50,068.49
Westpac	TD	\$1,500,000.00	4.95%	15/05/2014	15/05/2019	1826	1200	\$48,990.41
Westpac	TD	\$1,500,000.00	4.95%	21/05/2014	22/05/2019	1827	1207	\$47,868.49
Bendigo Adelaide Bank	TD	\$1,500,000.00	4.05%	22/05/2014	24/05/2017	1090	479	\$42,441.70
Bendigo Adelaide Bank	TD	\$1,000,000.00	4.05%	27/05/2014	31/05/2017	1100	496	\$27,739.73
Bendigo Adelaide Bank	TD	\$2,000,000.00	4.05%	30/05/2014	31/05/2017	1097	486	\$54,813.70
NAB	TD	\$2,000,000.00	4.00%	3/06/2014	7/06/2017	1090	493	\$52,811.92
Macquarie Bank	TD	\$1,000,000.00	4.00%	1/08/2014	31/07/2017	1095	547	\$20,164.38
BOQ	TD	\$1,000,000.00	4.15%	5/08/2014	1/08/2019	1457	813	\$20,465.75
Rabobank	TD	\$1,000,000.00	4.10%	27/11/2014	27/11/2019	1826	1396	\$7,413.70
Bendigo Adelaide Bank	TD	\$1,500,000.00	4.25%	28/11/2014	4/12/2019	1832	1403	\$11,352.74
NAB	TD	\$1,500,000.00	4.00%	16/12/2014	11/12/2019	1821	1410	\$7,726.83
Macquarie Bank	TD	\$1,000,000.00	3.85%	19/12/2014	19/12/2019	1826	1418	\$4,641.10
Rural Bank	TD	\$2,000,000.00	3.70%	9/01/2015	9/01/2018	1096	709	\$4,663.81
Rural Bank	TD	\$1,500,000.00	3.70%	14/01/2015	15/01/2018	1097	715	\$2,736.39
Westpac	TD	\$1,000,000.00	3.90%	2/02/2015	2/02/2020	1826	1463	\$38,893.15
NAB	TD	\$1,000,000.00	3.15%	23/02/2015	2/03/2016	371	31	\$29,428.77
NAB	TD	\$1,000,000.00	3.15%	27/02/2015	1/03/2017	733	395	\$28,236.16
BOQ	TD	\$1,500,000.00	2.95%	8/03/2015	3/02/2016	210	3	\$25,216.44
Bankwest	TD	\$1,700,000.00	2.85%	21/03/2015	16/02/2016	304	10	\$29,894.25
NAB	TD	\$500,000.00	2.92%	22/03/2015	15/02/2016	208	15	\$7,760.00
Bankwest	TD	\$1,000,000.00	2.90%	24/03/2015	17/02/2016	208	17	\$15,254.79
NAB	TD	\$1,500,000.00	2.93%	29/03/2015	3/02/2016	309	3	\$22,516.85
NAB	TD	\$1,500,000.00	2.93%	5/04/2015	24/02/2016	203	24	\$23,673.97
AMP	TD	\$1,000,000.00	2.90%	13/04/2015	11/05/2016	272	101	\$13,645.75
AMP	TD	\$2,000,000.00	2.90%	19/04/2015	18/05/2016	273	108	\$26,370.08
AMP	TD	\$1,000,000.00	2.90%	28/04/2015	2/03/2016	307	31	\$12,473.97
Suncorp Metway	TD	\$1,500,000.00	2.85%	27/04/2015	3/03/2016	300	31	\$18,505.40
ANZ	TD	\$2,500,000.00	2.90%	28/04/2015	9/03/2016	394	39	\$31,184.93
ANZ	TD	\$1,500,000.00	2.90%	1/05/2015	16/03/2016	397	40	\$18,234.25
ANZ	TD	\$1,500,000.00	2.90%	1/05/2015	22/03/2016	203	51	\$18,234.25
ANZ	TD	\$1,000,000.00	2.90%	1/05/2015	30/03/2016	211	59	\$12,156.16
ANZ	TD	\$2,000,000.00	2.90%	2/05/2015	6/04/2016	217	66	\$24,153.42
ANZ	TD	\$1,000,000.00	2.90%	9/05/2015	13/04/2016	217	73	\$11,520.55
Suncorp Metway	TD	\$1,000,000.00	2.95%	21/05/2015	30/03/2016	309	59	\$10,587.67
NAB	TD	\$1,000,000.00	2.90%	14/06/2015	20/04/2016	309	80	\$8,739.73
Bendigo Adelaide Bank	TD	\$1,000,000.00	3.00%	14/06/2015	18/03/2017	735	626	\$9,043.10
Suncorp Metway	TD	\$1,500,000.00	2.90%	21/06/2015	12/04/2016	375	73	\$12,275.34
NAB	TD	\$1,500,000.00	2.85%	28/06/2015	20/04/2016	375	80	\$11,243.84
ANZ	TD	\$2,000,000.00	2.80%	4/11/2015	8/02/2017	462	374	\$13,654.79
ANZ	TD	\$1,500,000.00	2.80%	11/11/2015	27/04/2016	368	87	\$9,495.62
NAB	TD	\$1,000,000.00	2.85%	18/11/2015	11/05/2016	375	101	\$5,056.16

Camden Council Investment Portfolio as at 31 January 2016								
Institution	Type	Amount	Interest Rate	Date Invested	Maturity Date	Original Term of Investment (days)	Days to Maturity	Interest Accrued as at 31/01/2016
Bendigo Adelaide Bank	TD	\$2,000,000.00	3.00%	20/11/2015	22/11/2017	731	661	\$12,000.00
BOQ	TD	\$1,000,000.00	3.05%	25/11/2015	29/11/2017	735	660	\$5,682.19
Bankwest	TD	\$1,500,000.00	2.00%	27/11/2015	30/03/2016	124	59	\$0,136.39
Suncorp Metway	TD	\$1,000,000.00	3.00%	2/12/2015	25/05/2016	175	115	\$5,013.70
ANP	TD	\$2,000,000.00	2.85%	9/12/2015	7/12/2016	364	311	\$4,236.44
ANZ	TD	\$3,000,000.00	2.90%	10/12/2015	8/01/2016	60	8	\$12,632.88
ANZ	TD	\$3,000,000.00	3.05%	10/12/2015	9/03/2016	90	36	\$13,206.30
ANZ	TD	\$3,500,000.00	3.06%	10/12/2015	8/04/2016	120	68	\$15,551.51
ANZ	TD	\$2,000,000.00	3.07%	10/12/2015	8/05/2016	150	90	\$8,915.62
Suncorp Metway	TD	\$1,200,000.00	3.10%	11/12/2015	29/06/2016	201	150	\$5,299.78
Suncorp Metway	TD	\$1,300,000.00	3.02%	11/12/2015	27/07/2016	229	170	\$5,593.21
Suncorp Metway	TD	\$1,500,000.00	3.05%	11/12/2015	24/08/2016	257	206	\$6,517.81
Suncorp Metway	TD	\$2,000,000.00	3.06%	22/12/2015	10/05/2016	140	100	\$6,074.52
Bankwest	TD	\$1,000,000.00	3.00%	7/01/2016	4/05/2016	118	94	\$2,054.79
ANZ	TD	\$3,700,000.00	3.10%	11/01/2016	4/05/2016	114	94	\$6,599.18
Bankwest	TD	\$2,000,000.00	3.00%	13/01/2016	1/06/2016	140	122	\$3,123.29
Bankwest	TD	\$2,000,000.00	3.00%	20/01/2016	27/04/2016	98	87	\$1,972.60
NAB	TD	\$1,500,000.00	3.00%	27/01/2016	25/05/2016	119	115	\$616.40
<b># TD Investments</b>	<b>69</b>	<b>\$102,100,000.00</b>	<b>3.40%</b>					<b>\$1,204,351.62</b>
CBA	Call Account	\$4,440,000.00	1.70%					
		<b>\$106,540,000.00</b>						



## Appendix B – Ratings Definitions

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### Standard & Poor's Ratings Description

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general credit worthiness of an obligor with respect to particular debt security or other financial obligation – based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment
- Nature and provisions of the obligation
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights
- The issue rating definitions are expressed in terms of default risk.

### S&P Short-Term Obligation Ratings are:

- **A-1:** This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.
- **A-2:** A short-term obligation rated A-2 is somewhat more susceptible to the adverse changes in circumstances and economic conditions than obligations in higher rating categories. However the obligor's capacity to meet its financial commitment on the obligation is satisfactory.
- **A-3:** A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

**S&P Long-Term Obligations Ratings are:**

- **AAA:** An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
- **AA:** An obligation/obligor rated AA differs from the highest rated obligations only in small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.
- **A:** An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligors in higher rated categories. However the obligor's capacity to meet its financial commitment on the obligation is strong.
- **BBB:** A short-term obligation rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.
- **Unrated:** Financial Institutions do not necessarily require a credit rating from the various ratings agencies such as Standard & Poor's and these institutions are classed as "Unrated". Most Credit Unions and Building societies fall into this category. These institutions nonetheless must adhere to the capital maintenance requirements of the Australian Prudential Regulatory Authority (APRA) in line with all authorised Deposit Taking Institutions (Banks, Building societies and Credit Unions).
- **Plus (+) or Minus(-):** The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories

Fitch and Moody's have similar classifications.

## Appendix C – Recently Invested ADIs

### Rural Bank

Historically, the Bank was formed as Elders Rural Bank and received its banking licence in 2000. In August 2009, Elders Rural Bank Limited changed its name to Rural Bank Limited and, in December 2010, Rural Bank became a fully-owned subsidiary of the Bendigo and Adelaide Bank Group.

In December 2010, Bendigo and Adelaide Bank announced that it would increase its shareholding in Rural Bank from 60% to 100% for \$165m, or approximately 1.2 times book value. As such, Rural Bank takes on its parent's company's long-term credit rating of A- by S&P.

Over the years, the bank's business model has expanded, but its core business has not changed. They specialise in lending to the agricultural sector in rural and regional centres across the country. Rural Bank's products and services are now available at more than 400 locations nationally.

#### *Financial Results*

As at 30 September 2015, Bendigo-Adelaide Bank's Tier 1 Capital Ratio stood at 10.48% and its Total Capital Ratio at 12.46%, well above Basel III minimum capital requirements.

At a group level, Bendigo-Adelaide Bank Ltd announced a statutory profit after tax of \$191.6 million for the 6 months ending 30 June 2014, an 6.0% decrease on the prior corresponding period. The cash earnings result is \$196.4 million for the 6 months ending 30 June 2014, a 5.7% increase on the prior corresponding period. Retail deposits stood at \$44.84 billion (up from \$42.65 billion in December 2013), an increase of 5.0%.

### Rabobank Australia

With over 110 years of history, the Rabobank Group is a leading provider of financial services around the world and has a strong historical presence for the global food and agriculture industry. Headquartered in Utrecht, the Netherlands, Rabobank is a cooperative bank with over AUD\$926.4 billion in assets (€732 billion)<sup>1</sup>, approximately 10 million clients, more than 59,000 employees, and a presence in 48 countries. Rabobank is one of the 30 largest financial institutions in the world based on Tier 1 Capital.

Rabobank established an office in Australia in 1990 and acquired the Primary Industry Bank of Australia (PIBA) operating in Australia and New Zealand in 1994. With headquarters in Sydney, Rabobank has 61 branches throughout Australia and 32 branches in New Zealand. As at December 2011, the Group employed more than 1,000 people in Australia and New Zealand, with more than half based in regional locations.

In early November 2014, ratings agency Standard & Poor's downgraded the Dutch Rabobank group, and therefore Australia's long-term credit rating from AA- to A+ (short-term rating from A-1+ to A-1). Rabobank Australia itself remains financially solid with a Tier 1 Capital of 11.27% and Total Capital Ratio of 12.99% as at September 2015.

<sup>1</sup> As a comparison, CBA has approximately AUD\$750 billion in total assets and 45,000 employees

From May 2015, new Rabobank Australia deposits will not be guaranteed by the global group, but existing deposits will have their guarantee grandfathered.

**BankWest**

Bankwest is an ADI based in Perth, Western Australia. Formerly a wholly owned subsidiary of HBOS plc but was sold in October 2008 to the Commonwealth Bank of Australia (CBA) for \$2.1 billion. BankWest continues to operate independently of its parent company but has the same long-term credit rating of CBA, being "AA-" by ratings agency S&P.

At a group level, as at 30/09/2015, CBA had a Tier 1 Capital of 11.8% and Total Capital Ratio of 13.3%.