



FACT SHEET

Enforcement/Compliance Approach

Council's Enforcement Policy and Guidelines

Council has adopted an Enforcement Policy, which is accompanied by guidelines detailing how Council staff will respond and deal with allegations of unlawful works or activity to ensure Council fulfils its responsibilities to the community. Copies of these documents are available on Council's website at www.lismore.nsw.gov.au.

Why your cooperation is important to us

Responding to complaints of unlawful works or activity can consume considerable Council resources if people do not cooperate to resolve matters. Our records indicate 85% of the people that Council deals with on compliance matters work with Council and respond positively to what they are requested to do, which helps Council allocate its limited resources to other services for the community.

Your opportunity to respond and avoid unnecessary formal compliance action

Your initial letter from Council is in relation to a possible non-compliance within the provisions of NSW legislation. This is your opportunity to resolve the matter before any further action is undertaken.

You are able to respond and outline your proposed course of action to address the issues, as per the options listed within the 'remedial actions' section of our initial letter, and suggest a reasonable timeframe to undertake those measures.

Council wants to ensure any decision is in accordance with Council policy and is based on the relevant facts. This is why we ask for you to provide information addressing Council concerns.

Your side of the story will help us to ensure you are treated fairly. Upon receipt of the information, Council staff will:

- Consider submissions.
- Make reasonable inquiries or investigations and ensure that a decision is based upon findings of fact that are in turn based upon sound reasoning and relevant evidence.
- Act fairly and without bias in making decisions, ensuring that no person decides a case in which they have direct interest.
- Conclude the investigation or address an issue without undue delay.
- Determine what action (including a possible fine/penalty) is appropriate in the circumstances.

Your submission must be in writing, and provided prior to the date specified, so Council staff can determine follow up action appropriate to the circumstances.

We will then confirm any arrangements in writing.

Avoid additional penalties

If an adequate response to the matter(s) is not provided, Council will be obliged to consider taking further compliance action without your participation. Fines and court action can be expensive and we urge you to address Council concerns before further action is progressed.

There are two aspects to Council dealing with any unlawful activity:

- We want compliance to be achieved in cooperation with the person involved and will use court action as a last resort.
- Penalties may be applied to conclude Council's investigations, as a deterrent and to avoid repetition of unlawful behavior. As stated, prosecution in court is a last resort.

Fines may range from a few hundred dollars up to \$8000 depending on the nature of the offence. Court proceedings can incur significantly greater costs when people do not properly respond to Council's concerns or do not act responsibly.

Where significant costs and resources are required to properly deal with a compliance matter as a result of uncooperative behaviour, Council may seek to recover certain costs.

If you have any questions regarding the information provided above, phone us on 1300 87 83 87.

