

1 BACKGROUND

Council has statutory obligations as a regulatory authority under different legislation and regulations including but not limited to the structural safety of buildings and public areas, the effective control of pollution (including noise, water, air, and visual pollution), ensuring the safety of public roads and other public spaces, unhealthy conditions of premises, and compliance with development approvals and permits.

Council's regulatory responsibilities are applicable to *actual unlawful activity* as well as *a failure to act* (to be compliant with certain requirements). The Policy sets out the local requirements for Coonamble Shire Council and must be read in conjunction with other documents mentioned in this Policy.

2 PURPOSE

The Regulatory and Enforcement Policy ('the Policy') is designed to provide a framework that is a plain English guide for the community, the Council and Council staff in relation to Council's regulatory and enforcement functions that are consistent and without bias.

3 POLICY OBJECTIVE

The objectives of this Policy are to:

- Enable the Council to acknowledge its functions and obligations under the *Local Government Act 1993* to ensure that its regulatory powers are carried in a consistent manner and without bias.
- Ensure Council's statutory obligations and duty of care in regulatory and enforcement functions.
- Provide information including clear reporting lines for all internal and external stakeholders and interested parties about Council's position on regulatory and enforcement matters in the local government area.
- Outline matters and methods to be considered at the different stages of the enforcement processes from the receipt of complaint and investigation of reports of alleging unlawful activity, through to what enforcement option(s) Council will choose and whether to commence criminal or civil proceedings.
- Foster prompt, consistent and effective action by Council in response of actual unlawful activity whilst ensuring the principles of natural justice are respected.

4 LEGISLATION

The following legislation and regulations documents are related, either directly, or indirectly to the Policy:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Protection of the Environment Operations Act 1997*
- *Protection of the Environment Operations (General) Regulation 2021*
- *Protection of the Environment Operations (Clean Air) Regulation 2021*
- *Protection of the Environment Operations (Noise Control)*
- *Companion Animals Act 1998*
- *Companion Animals Regulation 2000*
- *Food Act 2003*
- *Food Regulation 2000*
- *Impounding Act 1993.*

5 APPLICATION/SCOPE

The Policy applies to the investigation and enforcement of complaints about unlawful activity or failure to comply with the terms or conditions of approvals and orders under the applicable legislation within the Coonamble Shire Local Government Area.

The Policy is directed at the regulation of development activity, the Policy is also applicable to, but not limited to:

- pollution control,
- regulation of parking,
- control over animals,
- unauthorised development including buildings,
- non-compliance with development consent conditions,
- food safety,
- public health and safety issues,
- tree(s) removal and land clearing,
- fire safety,
- water and sewer,
- environmental health,
- septic systems,
- noxious weeds.

The scope of the Policy is to provide structure for consistency and transparency in decision making, and to facilitate a proportional approach to compliance and enforcement.

6 POLICY

6.1 ORGANISATIONAL APPROACH

Coonamble Shire Council is committed to:

1. Preventing or minimising harm to health, welfare, safety, property or the environment.
2. Improving the safety and amenity of residents and visitors to the area.
3. The collective good, the welfare of the community or the public interest.
4. Promoting social policies (e.g., to preserve or protect the environment).
5. Managing risks.
6. Upholding social order.
7. Meeting the expectations of the community.
8. Encouraging the reporting of possible unlawful activity from the community.
9. Making the regulated community aware of their legal obligations and how to comply.

6.2 INDIVIDUAL APPROACH

Council staff are required to:

1. Treat all relevant parties with courtesy and respect.
2. Communicate with all relevant parties and provide feedback on the progress of an investigation and any reasons for delay without compromising the integrity of the investigation.
3. Make full and proper records in relation to the assessment and investigation of reports alleging unlawful activity, including reasons for any decisions.
4. Inform all relevant parties of reason for decisions.
5. Provide as much information as possible to all relevant parties about the outcomes of investigations to show that adequate and appropriate action was undertaken and/or is proposed to be undertaken.
6. Provide information to all relevant parties about any avenues to seek an internal or external review of a decision.

Reports alleging unlawful activity are to be entered into Council's record management system and actioned in a timely manner.

Only Council staff with appropriate delegations from the General Manager can undertake investigations or compliance and enforcement action in relation to this policy.

6.3 ROLES AND DELEGATIONS

The following table outlines the roles and delegations of personnel. Noting that the position titles may change, however, the responsibilities remain the same.

Delegations conferred on staff to initiate various levels of enforcement action are set out in the relevant Council Officers delegations.

POSITION	ROLES AND DELEGATIONS
The Elected Council	To be informed of Council staff recommendations and evidence provided where it requires reporting to Council for information. It should be noted that for all offences requiring the instigation of legal proceedings at the level of or above that of a district court jurisdiction, the matter shall be reported to Council, for action. All Land and Environment Court legal proceedings are required to be presented to Council, for action.
General Manager	The General Manger is responsible for the overall control and implementation of the Policy. Under the relevant acts and regulations, the General Manager is delegated as Council's Authorised Officer to enact enforcement and compliance.
Executive Leader Environment, Strategic Planning and Community	The Executive Leader is responsible for the management and implementation of the Policy. Under the relevant acts and regulations, the Executive Leader is delegated as Council's Authorised Officer to enact enforcement and compliance. The Executive Leader may also carry out the investigatory officer's role.
Manager Building and Compliance	To enforce this policy and to ensure that the Compliance Support Officer and / or Regulatory Officer has the training and required support to carry out public education relating to this policy. In the event of an incident and depending on the staffing resources at the time, act as the investigating officer.
Compliance Support Officer	The Compliance Support Officer is responsible for liaising with senior management during enforcement of this policy and to educate the public on the details of this policy and the Act. In the event of an incident and depending on the staffing resources at the time, act as the investigating officer.
Regulatory Officer	The Regulatory Officer (Ranger) is responsible for liaising with senior management during enforcement of this policy and to educate the public on the details of this policy and the Act. In the event of an incident and depending on the staffing resources at the time, act as the investigating officer.

POSITION	ROLES AND DELEGATIONS
General Public	The general public must act in accordance with this policy and abide by any determination made as a result of this policy.

6.4 REGULATORY AND ENFORCEMENT PRINCIPLES

The following are the principles that underpin Council actions including:

PRINCIPLE	COUNCIL'S ACTIONS
Accountable and transparent	<ul style="list-style-type: none"> • Acting in the best interest of protecting community health/safety and/or the environment. • Acting consistently, fairly, and impartially and without bias or unlawful discrimination. • Preventing discrimination based on race, religion, sex, national origin, political associations, or other personal reason/s. • Ensuring the proposed enforcement action is in keeping with the relative severity of the offence/s. • Ensuring enforcement action is taken against the right person for the correct offence. • Ensuring that any actual or potential conflict of interest situations are managed in a fair, consistent, and impartial manner. • Advising individuals, people, and organisations subject to enforcement action of any avenues available to them to seek an internal or external review of a decision.
Consistent	<ul style="list-style-type: none"> • Ensuring all compliance and enforcement action is implemented consistently. • Encouraging reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter or case.
Proportional	<ul style="list-style-type: none"> • Ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach. • Make cost-effective decisions about enforcement action. • Action is taken to address harm and deter future unlawful activity.
Timely	<ul style="list-style-type: none"> • Ensuring timely responses to reports alleging unlawful activity including decision making responses.

6.5 RESPONSIBILITIES

Efforts will be made to ensure that all Customer Service Requests about alleged unlawful activity are actioned within a reasonable amount of time for resolving the category of request as indicated in the Customer Service Request system.

All Council staff who deal with reports alleging unlawful activity are responsible for implementing this policy. Council staff are also responsible for ensuring that any other possible unlawful activity identified because of an inspection, proactive enforcement or other activity is brought to the attention of the appropriate business unit of Council.

All reports alleging unlawful activity are to be entered into Council's records management system and actioned in a timely manner by the appropriate business unit.

Only Council staff with appropriate delegations from the General Manager can undertake investigations or compliance and enforcement action in relation to this policy.

6.6 RESPONDING TO CUSTOMER REQUESTS

6.6.1 HOW COUNCIL DEALS WITH REPORTS ALLEGING UNLAWFUL ACTIVITY?

Council will record and assess every report alleging unlawful activity. Council will respond to every such report unless the person raising the matter has indicated they do not wish to receive a response about Council's handling of the matter, or the report is anonymous. Responses to customers may include phone calls, meetings, email, or written correspondence.

Not all reports will be investigated. A preliminary assessment of all matters will be made to determine the priority for a response, and whether investigation or other action is required. Noting that other actions may be referred to other state government agencies.

Investigations of an alleged unlawful activity can take a significant amount of time to completely, particularly where the issues are complex and where Council resources are scarce. Wherever possible, Council staff will provide feedback on the progress to the individual who has lodged the complaint.

There will also be instances where referral from other state agencies such as the NSW EPA may be referred to Council as the Appropriate Regulatory Authority.

6.6.2 WHAT COUNCIL REQUIRES IN THE REPORTING?

Council expects that people who report allegations of unlawful activity will cooperate and act in good faith in respect of any investigations conducted by Council. This includes:

1. Providing a clear description of the problem and issue and where relevant, the resolution being sought,

2. Giving all available and relevant information to Council, including any new information about the alleged activity that may become known to the person following the making of their report,
3. Not giving any information that is intentionally misleading or wrong,
4. Cooperating with Council's inquiries and giving timely responses to questions and requests for information,
5. Treating Council's staff with courtesy and respect,
6. Allowing the investigation to be completed without prematurely taking the matter to other agencies unless referred to by Council, and
7. Ensuring that the complaint is not trivial, frivolous, or vexatious.

Council may need to set limits or conditions on the continuation of the investigation or may need to restrict any further communications with the individual if these expectations are not met.

Any unreasonable conduct will be dealt with in accordance with the principles of the NSW Ombudsman *Managing unreasonable conduct by a complainant* (2021).

6.6.3 WHAT PARTIES CAN EXPECT FROM COUNCIL STAFF?

Council's approach and staff's approach is listed at section 6.1 and 6.2

6.6.4 CONFIDENTIALITY OF PEOPLE WHO REPORT ALLEGATIONS OF UNLAWFUL ACTIVITY AND ANONYMOUS REPORTING

In some instances, Council may have to disclose information that identifies individuals who have reported the allegations of unlawful activity in the following circumstances:

- The disclosure is necessary to investigate the matter.
- Their identity has already been disclosed to the subject of their report directly or in a publicly available document.
- The individual was consulted following receipt of a *Government Information (Public Access) Act 2009* application and did not object to the disclosure.
- The individual consents in writing to their identity being disclosed.
- The disclosure is required to comply with principles of procedural fairness.
- The matter proceeds to court.

Council will take all concerns an individual may have about their physical safety and wellbeing because of making a report. However, this may limit Council's ability to investigate the matter.

Anonymous reports will be recorded and preliminary assessed for further investigation. However, as it is not possible to seek clarification or additional information about a matter, it may be more difficult to evaluate the allegations and therefore these reports are less likely to warrant investigation.

6.6.5 UNLAWFUL ACTIVITY OUTSIDE BUSINESS HOURS

Unlawful activity can occur outside business hours. Council may receive reports about matters such as offensive noise and failure to comply with limitations on hours of operation during nights and weekends.

Due to resourcing and operational capability restraints on Council, investigations into alleged unlawful activity outside business hours will be assessed based on risk of *harm to health, welfare, safety, property or the environment* or it is otherwise in the public interest to take such action.

6.6.6 NEIGHBOUR DISPUTES

Council will at times receive reports from parties involved in neighbour disputes seeking Council's involvement. When a dispute between two neighbours is a civil matter, Council will often have no authority to resolve the issue in dispute. Some reports raise several matters, some of which will require Council's involvement and some of which will be personal to the parties.

Council staff will thoroughly assess such reports to determine whether there is evidence of any possible unlawful activity requiring action by Council. Care will be taken to explain which aspects of a report Council can deal with and which cannot be dealt with and why. Where possible, individuals will be provided with information about how to resolve neighbourhood disputes including referral information resources such as Law Access NSW and Community Justice Centres.

6.7 INVESTIGATING ALLEGED UNLAWFUL ACTIVITY

Not all reports alleging unlawful activity will warrant investigation. A preliminary assessment of all matters will be made to determine whether further investigation or other action is required. Council will prioritise matters based on risk to public safety, human health, and environment.

If there is insufficient information in the report to undertake a preliminary assessment, further information may need to be sought from the person who made the report, or an inspection undertaken.

The following provides a matrix of investigations and actions will be undertaken following the preliminary assessment.

Circumstances	Matrix
Where no action will be taken	<ul style="list-style-type: none">Council does not have jurisdiction to investigate or is not the appropriate authority to act on the issues raised. Where there is another appropriate authority or course of action, Council may bring the matter to the attention of the authority or provide information and contact details to the individual. For example, NSW WorkCover for workplace safety matters, the NSW

Circumstances	Matrix
	<p>Environment Protection Authority for possible environmental offences, Community Justice Centres NSW for personal disputes and NSW Police for criminal matters.</p> <ul style="list-style-type: none"> • The report relates substantially to a matter previously determined by Council and no new or compelling information is presented which would cause Council to change its earlier decision. • The allegations relate to a lawful activity (e.g., where there is an existing approval, or the activity is permissible without Council approval or consent being required). • The report is not supported with evidence or appears to have no substance. • The relevant manager, executive or the general manager determines that investigation or other action would have an unreasonable impact on resources and/or is unlikely to achieve an outcome sufficient to justify the expenditure of resources.
<p>Relevant factors guiding decisions as to whether to act on</p>	<p>When Council decides to investigate further, Council staff will consider a range of factors to making a determination including:</p> <ul style="list-style-type: none"> • The activity is having a significant detrimental effect on the environment, or it constitutes a risk to public safety. • The report is premature as it relates to some unfinished aspect of work that is still in progress. • The activity or work is permissible with or without permission and if had prior approval, all conditions of consent are being complied with. • Much time has elapsed since the events the subject of the report took place. • Another body is a more appropriate agency to investigate and deal with the matter. • It appears there is a pattern of conduct or evidence of a possible widespread problem. • The person or organisation reported has been the subject of previous reports. • The report raises matters of special significance in terms of the Council's existing priorities. • There are significant resource implications in relation to an investigation and any subsequent enforcement action. • Whether the complaint is trivial, frivolous or vexatious. • It is in the public interest to investigate the report.

Circumstances	Matrix
	Council staff are not limited in their use of discretion by these considerations and may decide to investigate based on these and other factors.
Analysis of factors	<p>Upon review of the relevant factors, Council staff will use the following to determine the unlawful activity:</p> <ul style="list-style-type: none"> • determine the cause of the incident, and/or • determine if there has been a contravention of law, policy, or standards, and/or • gather evidence to the required standard to support any required enforcement action, and or • determine any necessary action to mitigate the possibility of reoccurrence of similar incidents. <p>Any decision not to investigate an allegation of unlawful activity will be recorded and the reasons for that decision clearly stated.</p>
Taking enforcement action	<p>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:</p> <p><u>Consideration about the alleged offence and impact</u></p> <ul style="list-style-type: none"> • 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 or trivial in nature. • The time period that has lapsed since the date of the unlawful activity. <p><u>Considerations about the alleged offence</u></p> <ul style="list-style-type: none"> • Any prior warnings, instructions, advice that was issued to the person or organisation reported or previous enforcement action taken against them. • Whether the offence was committed with intent. • Whether the person or organisation 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.

Circumstances	Matrix
	<ul style="list-style-type: none"> • Any circumstances of hardship affecting the person or organisation reported. <p><u>Consideration about the impact of any enforcement action</u></p> <ul style="list-style-type: none"> • Any prior warnings, instructions, advice that was issued to the person or organisation reported. • Previous enforcement action taken against them. • Whether the person or organisation 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 circumstances of hardship affecting the person or organisation reported. <p><u>Considerations about the potential remedy</u></p> <ul style="list-style-type: none"> • 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 unauthorised use legal. <p>Refer to the following sections on how to deal with enforcement action.</p>

6.8 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 require a person subject to possible enforcement action to obtain professional advice in relation to the issues of concern to Council for assessment as to whether further action is required.

6.9 FINALISATION OF ENFORCEMENT ACTION

Prior to taking enforcement action, Council staff will consider the above considerations and principles outlined in this policy as well as the evidence gathered during their investigation. 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 any enforcement action. Records must be maintained on interactions with relevant parties.

Council staff will take steps to ensure that any enforcement action is taken against the correct person or organisation. 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.

6.9.1 OPTIONS FOR DEALING WITH CONFIRMED CASUES OF UNLAWFUL ACTIVITY

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.

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

6.9.2 FOLLOW UP ON 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 compliance outcomes are met. Should initial enforcement action be found to have been ineffective, Council staff will consider other enforcement options.

6.9.3 PENALTY INFRINGEMENT NOTICES

Penalty infringement notices are a way of imposing a fine on a person who an authorised officer believes is guilty of an offence without commencing criminal proceedings against them. Generally, penalty infringement notices are appropriate where:

- The facts appear incontrovertible,
- The imposition of the penalty is likely to provide a practical and viable deterrent; and
- There are no aggravating factors.

Authorised officers can and are required to issue penalty notices in accordance with their statutory responsibilities and delegations.

Penalty infringement notices are not appropriate where the breach is on-going or where the prescribed penalty is not adequate to address the severity of the offence. For example, repeated issuing of penalty infringement notices is not appropriate where there have been ongoing instances of unauthorised activity such as ongoing non-compliance with conditions of consent. Where possible, Council staff should also consider whether it is appropriate to issue a formal caution as an alternative to issuing a penalty infringement notice. Any cautions should follow the Attorney General's 'Guidelines under the Fines Act'.

Following an investigation of a complaint and assessment of the circumstances, the authorised officer who issues a penalty infringement notice should do so where they are satisfied that there is sufficient evidence to establish that the offence was committed.

In the circumstances where it is proposed to issue a penalty infringement notice on the basis of information provided only by a complainant (i.e., a person who is not a Council staff member) the evidence must include a statutory declaration signed by the witness and confirmation that the witness is prepared to give evidence in court if necessary. An example can include witness to a dog attack that Council staff did not witness.

Regarding the above, wherever possible, objective evidence should be included to demonstrate the offence, this includes photographs or video recordings. Council staff should be particularly cautious when issuing penalty infringement notices based only on evidenced by provided by a complainant, in such circumstances the matter should be referred to the Council's lawyer for advice.

6.10 TAKING LEGAL ACTION

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, and
- Time within which to commence proceedings.

6.10.1 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.

6.10.2 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.

6.10.3 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.

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 some time),
- 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.

6.10.4 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.

6.11 VARIATION AND REVIEW

The Regulatory and Enforcement Policy shall be reviewed every three (3) years to ensure that it meets the requirements of legislation and the needs of Council, or earlier if deemed necessary. Council reserves the right to vary or revoke the policy at its discretion.

6.12 IMPLEMENTATION/COMMUNICATION/DISTRIBUTION

The Regulatory and Enforcement Policy will be distributed and communicated to all relevant staff by the Executive Leader Environment, Strategic Planning and Community.

All staff will be informed of the Policy through Council's noticeboards and at other relevant staff meetings.

7 DEFINITION

For the purpose of this policy, the following definitions apply:

TERM	MEANING
Authorised Officer	Staff member of the Council authorised under legislation and by internal delegations to carry out compliance action on behalf of the Council.
Complaint	<p>A complaint is an expression of dissatisfaction made about Council services, staff, or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required. For the purposes of this policy, a complaint does not include:</p> <ul style="list-style-type: none"> • A report alleging unlawful activity (see definition below). • A request for information about a Council policy or procedure. • A request for an explanation of actions taken by Council. • A request for internal review of a Council decision.
Enforcement	Actions taken in response to serious or deliberate contraventions of laws.
Regulation	Using a variety of tools and strategies to influence and change behaviour to achieve the objectives of an Act, Regulation or other statutory instrument administered by Council.
Report alleging unlawful activity	An expression of concern or a request for service in relation to alleged unlawful activity, where a response or resolution is explicitly or implicitly expected or legally required.
Unlawful activity	<p>Any activity or work that has been or is being carried out:</p> <ul style="list-style-type: none"> • Contrary to the terms and conditions of a development consent, approval, permit or licence. • 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 a particular activity or work. • Without a required development consent, approval, permit or licence. • Contrary to legislation in relation to which the Council is the appropriate regulatory authority. • 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.

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