

**ORD01****SUBJECT: ENVIRONMENT AND REGULATORY SERVICES ENFORCEMENT  
POLICY - REVISED****FROM:** Director Planning & Environment**EDMS #:** 22/358342**PREVIOUS ITEMS:** ORD02 - Compliance and Enforcement Policy - Ordinary  
Council - 13 Aug 2019 6.00pm**PURPOSE OF REPORT**

The purpose of this report is for Council to consider the revised Environment and Regulatory Services Enforcement Policy ('Policy'). This Policy was previously called the Compliance and Enforcement Policy. It is recommended that Council endorse the Policy to be placed on public exhibition.

**BACKGROUND**

Council adopted the current Policy in 2019 and it was scheduled for review after three years. The Policy has been reviewed and is provided as an **attachment** to this report.

Councillors were briefed on the Policy on 6 September 2022.

**MAIN REPORT**

Council's Environment and Regulatory Services Branch respond to over 5,000 customer requests each year. This includes matters such as public health enquiries and inspections, companion animal management, barking dog complaints, illegal dumping, parking matters, noise pollution, and swimming pool and development compliance.

The Policy guides the actions of Council officers when responding to customer requests regarding regulatory matters and details Council's role as the Appropriate Regulatory Authority under a range of legislation.

The Policy is broadly based on the NSW Ombudsman's 2015 Model Enforcement Policy.

The Policy provides a framework for decision-making and responding to regulatory matters, including the use of discretion where possible and a graduated, risk-based and consistent approach to taking enforcement action.

The Policy provides guidance to:

- Ensure regulatory matters are managed in a fair, equitable and consistent manner;
- Ensure officers respond promptly and effectively to complaints of unlawful activity and undertake proactive monitoring;
- Determine whether regulatory action is warranted and proportional to the relative seriousness of the situation; and
- Determine options for dealing with unlawful activity.

Whilst the context and application of the Policy remain the same, the revised Policy includes changes to the content, layout and order, providing a more logical structure and clearer framework. In addition, the Policy has been renamed to align with the

Environment and Regulatory Services branch name and legislative references have been updated.

### **FINANCIAL IMPLICATIONS**

There are no financial implications for Council arising from the review of the Policy.

### **CONCLUSION**

The revised Policy meets Council's requirements and outlines the roles of Council officers in carrying out regulatory activities in a consistent manner and without bias. It is recommended that Council endorse the draft Policy to proceed to public exhibition.

### **RECOMMENDED**

**That Council:**

- i. endorse the revised Environment and Regulatory Services Enforcement Policy for public exhibition;**
- ii. if no unresolved submissions are received during the public exhibition, adopt the Environment and Regulatory Services Enforcement Policy effective from the day after the close of the exhibition period; or**
- iii. if any unresolved submissions are received during the public exhibition, receive a further report to consider the submissions.**

### **ATTACHMENTS**

1. Environment and Regulatory Services Enforcement Policy - August 2022