

**FILE NO:** PSC2013-00406-045

**TITLE:** COMPLIANCE POLICY

**OWNER:** DEVELOPMENT ASSESSMENT AND COMPLIANCE  
SECTION MANAGER

## 1. PURPOSE:

- 1.1 The purpose of this policy is to outline Port Stephens Council's general approach to compliance and enforcement. The policy relates to the regulation of development activity, pollution control, regulation of parking, natural resource management, environmental health, the control over the keeping of animals and other regulatory issues within Council's area of responsibility as listed in the community strategic plan.

## 2. CONTEXT/BACKGROUND:

- 2.1 As compliance is a challenging area with typically high levels of community interest, a policy is required to set the framework to assist staff and provide clarity for the community. The policy was first developed in 2007 and has been amended a number of times since. The policy provides the context around council officers using their discretion and factors to consider when handling compliance matters.

## 3. SCOPE:

- 3.1 This policy provides guidance for all compliance related matters in the Port Stephens local government area. The policy particularly applies to, or is useful for persons that are the subject of a compliance investigation, the complainant/submission maker, the general public and Council staff.
- 3.2 The NSW Ombudsman's Enforcement Guidelines for Council's have been used as the basis of framing this policy and for developing operational procedures to address compliance issues..

## 4. DEFINITIONS:

- 4.1 An outline of the key definitions of terms included in the policy.

Discretion

Discretion relates to a Council officers consideration in deciding whether to take enforcement action or not, or what extent of action to take.

Principles	The considerations and value to which Council staff consider any compliance matter against as mentioned in this policy.
Risk based approach	In a public and environmental context, risk is measured in terms of the likelihood of an event occurring and the risk of harm to human health and the environment.

## 5. STATEMENT:

- 5.1 Council will carry out its compliance responsibilities in a fair and equitable manner to ensure:
- The relevant details are considered in compliance investigations and decisions are made in an environmentally and socially responsible manner
  - The initiation of a process of education and creation of awareness within the community in relation to the reasons for and importance of compliance
  - The investigation and enforcement of complaints about unlawful activity or failure to comply with the terms or conditions of approval, notices, licences or breaches of legislation which Council is responsible for enforcing
  - Cooperation with other Government Agencies responsible for enforcing legislation that relates to unlawful activities within Port Stephens
  - The establishment of clear guidelines for the exercise of discretion in dealing with action requests or complaints about unlawful activity and to assist Council staff
  - Council considers the guiding principles in **(Appendix 1)** to assist staff in meeting the above policy statements to act promptly, consistently and effectively to allegations of unlawful activity.

## 6. RESPONSIBILITIES:

- 6.1 The policy is implemented primarily via the Environmental Health and Compliance Coordinator.
- 6.2 All Council staff that deal with written or verbal requests or complaints alleging unlawful activity are responsible for following the policy framework.
- 6.3 All formal notifications of alleged unlawful activity will be lodged in Councils customer request system and directed to the responsible officer.

## 7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993.
- 7.2 Environmental Planning and Assessment Act 1979.
- 7.3 Protection of the Environment Operations Act 1997.
- 7.4 Roads Act 1993.
- 7.5 Companion Animals Act 1998.
- 7.6 Public Health Act 2010.
- 7.7 Swimming Pools Act 1992.
- 7.8 Rural Fires Act 1997.
- 7.9 Road Transport Act 2013.
- 7.10 Food Act 2003.
- 7.11 Impounding Act 1993.
- 7.12 Biodiversity Conservation Act 2016.

## CONTROLLED DOCUMENT INFORMATION:

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<b>Author</b>	Environmental Health and Compliance Coordinator.		
<b>Review timeframe</b>	3 years	<b>Next review date</b>	13 July 2024
<b>Adoption date</b>	28 August 2007		

## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	28/08/2007	Manager Development and Building	Policy adopted by Council	235

Version	Date	Author	Details	Minute No.
2	26/11/2013	Manager Development Assessment and Compliance	Amended.	344
2.1	28/03/2017	Development Assessment and Compliance Section Manager	Updated to new template.	065
3	26/11/2019	Development Assessment and Compliance Section Manager	Minor punctuation and grammatical changes throughout including to: 2.1, 3.1, 3.2, 5.1a, 5.1e, 5.1f. 6.1 Deleted Manager Development Assessment and Compliance and replaced with Environmental Health and Compliance Coordinator. 7.12 Deleted Weeds Act and replaced with Biodiversity Conservation Act 2016.	231
4	13/07/2021	Environmental Health and Compliance Coordinator	Policy updated to new template to reflect current style.	169