

Responses to Questions on Notice

Received at the 28 March 2019
Ordinary Meeting of Council

A handwritten signature in black ink, appearing to read 'Mark Arnold'.

Mark Arnold
General Manager

BYRON SHIRE COUNCIL
ORDINARY MEETING

1. QUESTIONS WITH NOTICE

1 Compliance Matters.....3

QUESTIONS WITH NOTICE

Question with Notice No. 1
File No:

Bluesfest 2019 Parking Charges
I2019/364

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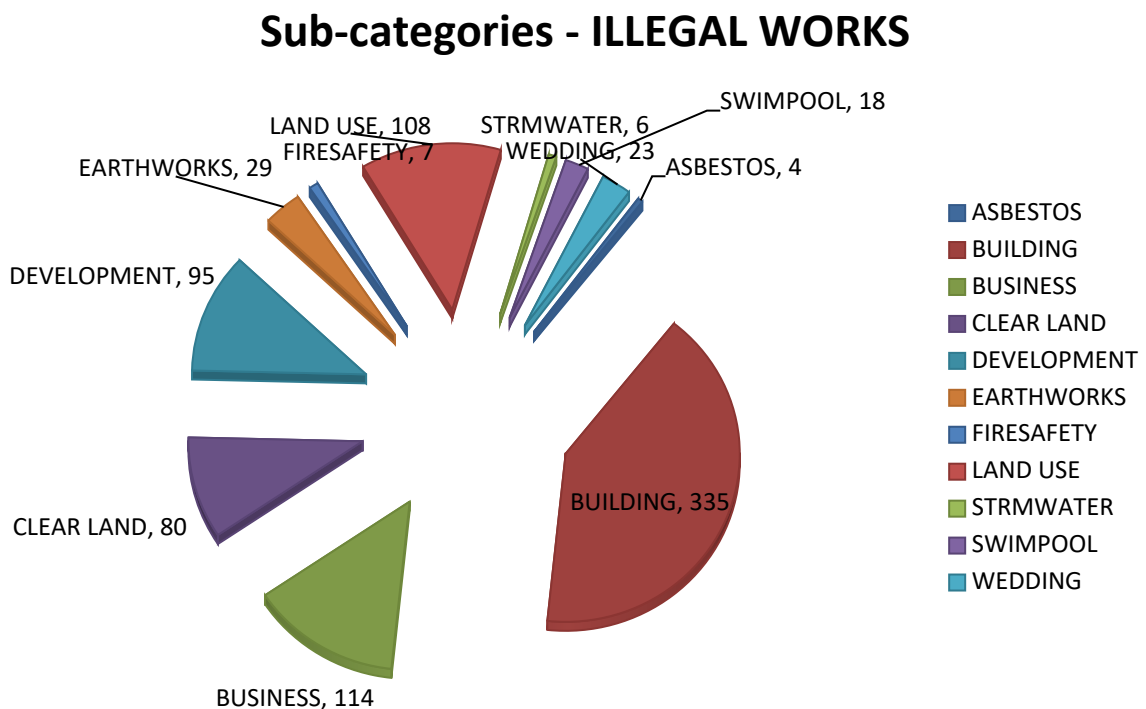
At Council’s Ordinary Meeting held on 28 March 2019, John Anderson asked the following question which was taken on notice:

Will the compliance section of Council, consistently with transparency and with the public right to information (whether or not enshrined in a formal declaration), assist the elected Council to properly fulfil its function by providing the next meeting of the so-called Strategic Planning Workshop with the following information, prior to releasing same to the public:

1. *A breakdown of the tidal wave of 819 complaints about illegal development made by the public last year into applicable categories such as alleged environmental damage, excessive construction, non-compliant construction, etc.*
2. *A breakdown of what proportion and type of complaints were dealt with by infringement notices, stop-work orders, prosecution, demolition or remediation orders*
3. *A breakdown of what proportion of the 700 plus complains staid to be ‘completed’ were dealt with by taking no action, by ensuring compliance, by the issue of a cation or by counselling, or by commencing civil or criminal proceedings as per clause 4.14 of the Enforcement Policy (which incidentally doesn’t mention demolition as an option)?*

Response Director Sustainable Environment and Economy:

Further to the Compliance Priorities Program Report 2018 tabled at Council’s Ordinary Meeting held on 28 February 2019, and specific to the area of illegal development , the following breakdown of the reported 819 complaints provides information on the sub categories these reports were recorded against:



Row Labels	Count of Minor Category
ASBESTOS	4
BUILDING	335
BUSINESS	114
CLEAR LAND	80
DEVELOPMENT	95
EARTHWORKS	29
FIRESAFETY	7
LAND USE	108
STRMWATER	6
SWIMPOOL	18
WEDDING	23
Grand Total	819

The total 819 complaints relating to illegal works represents just over 20% of the total complaints received. Despite there being an increase of 115 complaints in this category from the previous year the percentage of the total received remains consistent.

The Compliance Priorities Program Report 2018 provided detail of all regulatory notices issued and actions taken within the reporting period; these were grouped by the legislation that was breached, not the category of complaint. We are not currently able to provide further analysis as it relates to a “breakdown of what proportion and type of complaints were dealt with by infringement notices”.

In relation to Stop Work orders, Council issued 11 Stop Work notices/orders during the reporting period, no demolition orders were issued and Council successfully finalised 1 prosecution in the local court for development without consent, as referenced in the Compliance Priorities Program Report 2018.

As referenced in the Compliance Priorities Program Report 2018 Council is currently reviewing our complaints management system (CRM) and has included a number of areas of focus including the ability to provide better reporting and analysis to improve on the current metrics for use internally and externally.

Proposed enhancements include the ability to report on outcomes of cases closed, these features are not currently available so would need to form part of future reporting.

Despite not being able to provide statistics on specific action taken on those complaints completed, Council’s enforcement team respond to all compliance matters in line with our Enforcement Policy. The policy provides a clear system of assessing alleged unauthorised activity and provides a framework for decision making focussing on statutory regulations, severity of the matter, public interest, mitigating factors and the endorsed compliance priorities; always ensuring procedural fairness is given.

