



Receiving a Notice of Proposed Order

What is a Notice of Proposed Order?

A Notice of Proposed Order is a preliminary document which is commonly issued by Council prior to Council determining if an Order be issued. It provides you with notice of Council's intentions and gives you an opportunity to respond prior to Council making a final decision.

What does it mean?

The Notice of Proposed Order is advising you that Council intends to issue you with an Order requiring you to do/or stop doing something.

What should I do?

- **Do not ignore the Notice of Proposed Order**
- You may wish to seek professional advice from a legal representative, town planning or building consultant or other suitable person depending on what the Notice is requiring you to do.
- The Notice of Proposed Order provides you with an opportunity to make representations to Council in relation to the requirements of the Notice and also the timeframes that Council has specified for you to comply.
- If you wish to make representations, they must be provided to Council in writing before the expiry date nominated in the Notice.
- You may wish to comply with the requirements of the Notice before it expires and advise Council that the Notice has been complied with. In this instance there would be no need for the order to be issued.

What happens next?

- If you have made written representations in response to the Notice, Council must consider those representations before determining the Order be issued.
- Council may choose to issue the Order with the same requirements and timeframes as what was written in the Notice.
- Council may choose to modify the requirements of the proposed Order and/or the date for compliance based upon your representations or any other discussions you have had with Council.
- Council will then determine whether to issue the Order.
- If you receive an Order, you have the opportunity to appeal that Order in the Land and Environment Court of NSW (within the specified timeframe).

FACT SHEET:

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What if I want to lodge an application with Council for an unauthorised structure or activity?

- If you are intending to lodge an application to seek approval for an unapproved structure or activity (which is permissible with consent), you should seek professional town planning or building advice from a consultant. (Whilst Council cannot provide names of consultants, they can be found in the white/yellow pages and on the internet).
- General town planning/building advice can also be obtained from Council's Customer Service Centre located at 70 Station Street, Mullumbimby or alternatively by calling 02 6626 7025.
- If you have engaged a consultant to assist you, you should advise the Council Officer who has issued the Notice/Order to you as soon as possible.
- In most cases if an application has been lodged with Council before the expiry of the Order, the Order will be placed "on hold" until such time as your application has been determined.

What if I need more time?

Council will consider any written applications for extension of time to comply with an Order; however you must demonstrate to Council that you are making attempts to comply.

What if I ignore the Order

If you ignore the Order, Council may consider taking further enforcement action in accordance with Council's Enforcement Policy which includes possible fines and/or Court proceedings.