

Penalty Notices

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Council officers are authorised to implement a range of regulatory requirements which are set-down in various Acts, Regulations and associated approvals, notices, guidelines, rules and Council's [Enforcement Policy](#).

Authorised officers are also able to issue *penalty notices* for certain offences or breaches of the relevant regulations, approvals and rules. A *penalty notice* is basically a fine, issued in accordance with a relevant Act or Regulation, which may be issued on-the-spot, or it may be mailed to the recipient.

The *penalty notice* system was introduced to provide an effective and efficient means to deal with those offences which are generally not serious enough to warrant instituting Court proceedings.

Penalty Notices are issued in relation to various offences, including:

- Parking offences
- Roads and Traffic offences
- Waste and littering offences
- Companion Animals offences
- Pollution offences
- Public safety and public notices
- Failure to obtain relevant approvals from Council
- Unauthorised or non-complying development and building work
- Fire safety and submission of fire safety statements
- Failure to comply with relevant approvals and consents

The amount charged for a penalty notice is set by the NSW Government in the particular Act or Regulation. Councils do not set the amount of a penalty notice and they are unable to vary the amount of the notice.

Council's Officers are also unable to withdraw a penalty notice once it has been issued or commenced to be issued. However, there is an appeals procedure whereby a person can request a '[review](#)' of the Penalty Notice by referring your request directly to the [State Debt Recovery Office](#) (SDRO). The SDRO will consider any request for a review of the Penalty Notice in accordance with the [SDRO Review Guidelines](#).

Alternately, the person may elect to have the matter heard in court. However, in some cases, the court may impose a higher penalty if the person is found guilty of the offence.

In accordance with Council's Enforcement Policy and NSW Ombudsman Guidelines, any requests for a review of a penalty notice are required to be forwarded directly to the SDRO by completing the relevant form - [Request for Review of Penalty Notice](#). Please do not send your request for a review to Council. The SDRO may liaise with Council and

seek further information from Council prior to its determination of the review.

For more information refer to the State Debt Recovery Office website and view [frequently asked questions](#).

Payment of a penalty notice

A Penalty Notice must be paid within 21 days of it being issued, unless you request a review or appeal.

Payment may be made by:

- Internet - payments via credit card at:
<http://www.sdرو.nsw.gov.au/>
- Phone - 1300 130 112 using your credit card
- Post - Attach a cheque or money order (with Penalty Notice number written clearly on the back of the cheque) to State Debt Recovery Office, PO Box 4444, Parramatta NSW 2124
- In Person - at any Australia Post Office (Bill pay)

If your financial circumstances prevent you from paying a Penalty Notice in full, you may pay it off over two (2) months without incurring additional costs.

You can also make part payments as low as \$20 towards a fine, provided that full payment is made by the due date on the penalty reminder notice.

Please note: Penalty Notices are not paid directly to Council. Once a Penalty Notice has been issued, payment and any further correspondence are managed by the State Debt Recovery Office. For further information please refer to the State Debt Recovery Office '[fines process](#)'.

Requests for Review

You can request a review or appeal of a Penalty Notice by providing a written representation to the State Debt Recovery Office. A review form can be downloaded and submitted from the [SDRO](#) web site.

The State Debt Recovery Office must receive your request for review and evidence to support your claim before the due date of payment for the Penalty Notice.

Appeals

You may also elect to have the Penalty Notice determined by a Magistrate of the Local Court.

To do this, you can complete a court election form [online](#), providing the Penalty Notice is in your name or you are an authorised representative of

the company named on the Penalty Notice, and you lodge it before the due date on the original reminder notice.

If you attend court and plead guilty to the offence the court will base its decision on the evidence provided by the Council. The court may impose a fine greater or lesser than the Penalty Notice amount or not proceed to record a conviction. In either case, the prosecutor for Council will seek an Order that the Council be awarded court costs and professional costs. These costs are awarded at the discretion of the court.

For further information or to pay a penalty notice, please visit State Debt Recovery Office (SDRO) online [Office of State Revenue - Pay a Penalty Notice](#) -