

Local Orders Policy ~~No 135~~

Contents

1. Scope
2. Purpose
3. Policy
- ~~4. Related Legislation, Strategies, Plans or Policies~~
- ~~4.5. Procedure~~
- ~~5.6. Definitions~~

1. Scope

- ~~1.1 This Policy applies to Orders able to be used/issued by City of Parramatta Council (Council) under various legislation the Local Government Act 1993 (NSW) (LG Act) to order that person do or refrain from doing something; meet a specified standard for a person's premises; or indicate the nature of the work that, if carried out, would satisfy that standard. affect a correction of a failure to comply with terms or conditions of an approval, consent, license or similar. and orders.~~

~~This Policy applies to the regulation of matters relating to public health, environmental protection and building compliance and is to be read in conjunction with Council's over-arching Regulatory Services Enforcement Policy.~~

2. Purpose

~~This policy provides a legal and administrative framework to assist Council in making decisions in its enforcement functions.~~

- ~~2.1 The purpose of the Local Orders This Policy is to supplement provisions of the Local Government Act 1993 LG Act and the Local Government (General) Regulation 20212005 (NSW) (LG Regulation), as amended from time to time, by setting out The following are the circumstances in which an Order may be given under section 124 of the LG Act and the criteria that must be considered in so giving an Order, specifying the criteria which Council must take into consideration in determining whether or not to give an Order under Sections 124 or 125 of the Local Government Act.~~

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review: 2020	Review period: every 3 years

This policy establishes fair, impartial and equitable guideline/s for the exercise of regulating activities under the Local Government Act 1993, considering all relevant information including the available evidence, cost to the community, the circumstances of the individual case, public policy, and precedent considerations.

3. Policy

3.1 ~~The Orders Schedule related to this Policy is detailed in~~ In this part, a reference to an Order of a particular number, is a reference to the Order of that number set out in the Table to Section 124 of the LG Act ~~Local Government Act 1993.~~

3.2.1 The giving of an order is ~~not mandatory and is~~ at the discretion of an ~~Council~~ authorised investigating Person officer and is relative to whether the circumstances that meet the applicable criteria for the giving of that Order. ~~The criteria shall only apply to a person if Council serves an Order under Section 124 of the Local Government Act, to that effect on that person.~~

~~The following are the circumstances in which an Order may be given and the criteria that must be considered. In areas where it is considered that the circumstances for the Order are self-explanatory or do not apply, no additional criteria have been provided.~~

3.2 Order 5 ~~c~~Criteria

~~Orders may be issued under these criteria, w~~ Where a person/s (owner, occupier, or manager) fails to comply with the relevant standards or requirements set or made by or under this the LG Act 1993 or under the Local Government Act 1919 (NSW), the following Orders may be given, subject to the stated criteria being met.:

3.2.1 Order 5(a) - A camping ground, caravan park or manufactured home estate:

~~Manufactured home estates, Caravan parks and C~~ camping grounds, caravan parks, and manufactured home estates must be kept to the standards prescribed by clause 82 of the LG Regulation Local Government (General) Regulation 2005 as amended. Where these standards are not being complied with, an Order may be given.

3.2.2 Order 5(b) - A moveable dwelling or manufactured home:

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review:2020	Review period: every 3 years

Moveable dwellings must be kept to the standards as prescribed by clause 82 of the Local Government (General) LG Regulation 2005 as amended. Where these standards are not being complied with, an Order may be given.

3.2.3 Order 5(d) - A place of shared accommodation:

Places of shared accommodation must be kept to the standards prescribed by clause 83 and Part 1 of Schedule 2 to the LG Regulation, Local Government (General) Regulation 2005 – Schedule 2, Part 1 – Standards for Places of Shared Accommodation as amended. Where these standards are not being complied with, an Order may be given.

3.2.4 Order 5(e) - A ~~h~~Hairdressers ~~s~~Shops or ~~b~~Beauty ~~s~~Salon:

Hairdresser's shops and ~~b~~Beauty salons must be kept to the standards as prescribed by:

- clauses 83-83 and Parts 2-3 of Schedule 2 to the LG Regulation, Local Government (General) Regulation 2005, Schedule 2, Part 2 – Standards for Hairdressers Shops and Part 3 – Standards for Beauty Salons as applicable and as amended.
- AS 1668, Parts 1 and 2, as amended, from time to time; and
- the relevant provisions of the Public Health Act 2010 (NSW) and the Public Health Regulation 2022 (NSW), in relation to skin penetration procedures, as amended, from time to time.

The Skin Penetration Guidelines issued by the NSW Department of Health and AS-1668, parts 1 and 2 are also required to be satisfied by hairdresser's shops and beauty salons this Order.

3.2.4.1 Where any of these standards are not being complied with, an Order may be given.

3.2.4.2 Hairdresser's shops and beauty salons are also subject to registration and a yearly inspections by Council. Fees and charges also apply Council's Schedule of Fees and Charges sets out the applicable Council inspection fee.

3.2.5 Order 5(f) - A ~~m~~Mortuary:

Mortuaries must be kept to the standards ~~under~~ prescribed by clause 86 and Part 4 of Schedule 2 to the Local Government (General) Regulation 2005 LG Regulation,

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review: 2020	Review period: every 3 years

Schedule 2, Part 4 – Standards for Mortuaries. Where these standards are not being complied with, an Order may be given.

3.2.6 Order 5(g) - A water meter on premises

Council will not give an Order under this criteria, as water meters on premises are regulated by Sydney Water.

3.2.7 Order 5(h) – A water supply or sewerage system on premises

Water supply and sewerage systems must be kept to the standards prescribed by clause 87 in the LG Regulation, in relation to any work that is not plumbing and drainage work within the meaning of the *Plumbing and Drainage Act 2011* (NSW). Where these standards are not being complied with, an Order may be given.

3.2.7.1 Acts required by such an Order included those acts specified in clause 87 of the LG Regulation.

3.2.7.2 An Order may also be given to a licensed contractor in relation to defective water supply or sewerage system work, as a result of the licensed contractor's faulty workmanship or supply of defective material, within 12 months after the work is carried out or the material is supplied.

3.2.7.3 Where Council gives an order to rectify defective water supply or sewerage work, Council and the licensed contractor must comply with the requirements of clause 88 of the LG Regulation.

3.2.7.4 In accordance with clause 98 of the LG Regulation, an Order requiring water supply or sewerage work to be carried out is not complied with unless the work is carried out in accordance with any applicable standards or requirements set out or referred to, in Part 2 of the LG Regulation or the Order.

3.3 Order 7 cCriteria – Fencing Adjacent to Public Land

Orders may be issued under this Criteria where the need for public health, safety or convenience renders it necessary or expedient to do so and there is no adequate fence between the land and public place.

Council may give an Order under this criteria, to an owner or occupier of land, will require the

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review: 2020	Review period: every 3 years

installation of fencing ~~between the land subject of the Order and a public place,~~ where ~~the need for public health, safety or convenience renders it necessary or expedient to do so, and there is no adequate fence between the land and public place.~~ ~~there are conditions that affect public health, safety, or convenience, such as the Instances warranting such an Order include but are not limited to~~ dumping of rubbish on land or a site, whether built upon or not, that has become, or is likely to become a threat to public health and safety.

3.3.1 Adequate fencing ~~should be erected~~ is fencing that:

- (a) achieves a clear distinction between private and public land and adequately restricts access to the private land by an unauthorised person.
- (b) is sufficient to overcome the ~~problems or~~ conditions affecting public health, safety, or convenience; and
- (c) meets the following general requirements:
 - i. ~~T~~The fencing ~~must be~~ is structurally sound.
 - ii. ~~T~~he fencing is not ~~to be~~ constructed of defective or dangerous materials, such as corrugated iron sheets.
 - iii. ~~T~~he fencing ~~does must~~ not pose a safety risk to the public; and
 - iv. ~~T~~he fencing ~~must not be~~ complements the surrounding amenity and is not unsightly; ~~and should complement the amenity of the area; and~~
 - v. ~~T~~he fencing ~~must be~~ is between 1.5 metres and 1.8 metres high in height.

3.3.2 Certain fences such as those constructed of brick or masonry may require a separate development approval before construction.

3.3.3 Fences erected under this order are to be removed when the land or site is managed and returned to an acceptable state, so such that the conditions affecting public health, safety or convenience no longer exist.

3.4 Order 8 ~~c~~Criteria – Property ~~n~~Numbering

Council may give an ~~Orders may be used~~ under this Criteria, to an owner or occupier of land, requiring the identification of premises with such numbers or other identification as is specified in the Order, where premises have a frontage to ~~an or~~ entrance from a road; and there are no property number(s) that can readily be seen and understood from the road.

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review: 2020	Review period: every 3 years

Premises must be clearly identified by number, or other identification, in a manner that can be understood clearly from the road. Apart from public convenience, identification of premises is vital for swift response by emergency services to locate dwellings.

~~3.4.1 At least one street number of a minimum height of 65 millimetres should be in a position where it is visually prominent from the street, such as on a letterbox, front fence or near a well-lit front entrance. Council will assign a property number to a premises, in accordance with Council's Property Numbering and Display of Property Numbers Policy.~~

~~The street number to be displayed on premises must be the number allocated to the premises by Council.~~

3.5 Order 9 ~~c~~Criteria – Fencing of a Hole or Waterhole

~~Orders may be used under this Criteria w~~Where a hole or waterhole is or may become dangerous to life, ~~Council may give an Order under this criteria, to an owner or occupier of land, requiring the hole or waterhole to be fenced, emptied, filled in or covered up, in the manner specified in the Order.~~

~~3.5.1~~ A swimming pool, spa, or the like, other than a pool or spa during construction, will not be considered a waterhole for the purposes of this ~~O~~Order. These structures must comply with the requirements of the *Swimming Pools Act 1992 (NSW)*, ~~as amended, from time to time.~~

~~3.5.2~~ A hole includes excavations for the purposes of building, where such sites have been abandoned or delayed in construction.

~~3.5.3~~ A hole or waterhole will be considered dangerous to life ~~by based on~~ its accessibility, ~~and~~ by the way it is maintained, and/or ~~based on~~ the creation of other likely impediments to public health and safety; ~~i~~ such as if a waterhole presents a potential breeding ground for mosquitoes.

~~3.5.4~~ A hole or waterhole must not be accessible by the public and must be maintained so the water does not pose a health or safety risk to persons.

~~3.5.5~~ The hole or waterhole must be kept separate from any residential building on the premises and from any place (whether public or private) adjoining the premises

~~3.5.6~~ In the case of ~~Where~~ an ~~O~~Order requiring a ~~waterhole or hole or waterhole~~ to be

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review: 2020	Review period: every 3 years

fenced, the fencing must ~~be in line with the requirements set out in paragraph 3.3.1(c) of this Policy.:~~

~~separate the hole or waterhole from any residential building on the premises and from any place (whether public or private) adjoining the premises.;~~

~~(b) — be between a height of 1.5 and 1.8 metres;~~

~~(c) — be constructed of chain wire;~~

~~(d) — be structurally sound;~~

~~(e) — not be constructed of defective or dangerous materials such as corrugated iron sheets;~~

~~(f) — not pose a safety risk to the public and~~

~~(g)(a) not be unsightly and should complement the amenity of the area.~~

3.5.7 Any gates within the fence are to be provided with suitable locks.

3.5.8 If the waterhole is required to be emptied, the water must be flocked or another suitable treatment used to prevent sediment from leaving the property, which could impact on waterways.

~~A waterhole must be maintained so that it does not provide or be likely to provide a breeding ground for mosquitoes.~~

3.6 Order 10 ~~c~~Criteria – Unsightly ~~m~~Matter near ~~a~~Public ~~place~~Land

~~Orders may be issued under this Criteria where land is used for storage of articles or matter to create or be likely to create unsightly conditions. Where land is in the immediate vicinity of a public place and is used for the storage of articles or matter, so as to create or be likely to create unsightly conditions, Council may give an Order under this criteria, to an owner or occupier of land. Such an Order would require the removal, stacking or covering of articles or matter; or the erection of fences, screens or planting of trees, as the circumstances require.~~

3.6.1 Fencing, covering, or screening of articles ~~and/or~~ matter from view shall only be permitted on ~~premises land for which~~where Council's ~~prior~~the consent of council has been obtained, ~~beforehand~~ for the storage of such articles or matter on the land.

~~Articles or matter must not be stored in a manner that will create or be likely to create unsightly conditions. Any such articles or matter must be removed, stacked, or covered in an~~

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review:2020	Review period: every 3 years

~~appropriate manner, or fences or screens erected, or trees planted, as specified in the order.~~

3.6.2 Articles or matter that will be deemed unsightly includes, but are not limited to:

- (a) derelict motor vehicles, caravans, trailers, boats and their components and parts;
- (b) machinery, equipment, and appliances;
- (c) building materials;
- (d) Firewood;
- (e) ~~any~~ industrial or commercial waste products;
- (f) ~~any~~ recycled material;
- (g) furniture and household goods; and
- (h) other sundry refuse.

3.6.3 Articles or matter required to be removed must be relocated or disposed of in an appropriate manner, such as to an authorised waste/recycling facility.

3.6.4 Articles or matter must be stacked in an appropriate and safe manner. Articles or matter required to be stacked should be kept to a height of no less than 300 millimetres above ground level and no less than 300 millimetres distance clear of fences, buildings, and walls to prevent the likelihood of the harbourage of vermin.

3.6.5 Fences or screens required to be erected must meet the requirements set out in paragraph 3.3.1(c) of this Policy. Fences or screens must also be sufficient to shield view from the unsightly articles or matter and ~~must~~ meet the requirements ~~as~~ specified in the Order.

3.6.6 Fences or screens erected under this Order ~~must~~ may be removed when there are no longer any unsightly conditions ~~being created in existence, from as a result of~~ the storage of articles or matter.

~~The following general requirements must also be followed regarding the erection of fences or screens:~~

- ~~(a) — the fencing or screens must be structurally sound;~~
- ~~(b) — the fencing or screens must not be constructed of defective or dangerous materials such as corrugated iron sheets;~~
- ~~(c) — the fencing or screens must not pose a safety risk to the public, and~~
- ~~(d)(a) — the fencing or screens must complement the surrounding amenity and not be~~

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review: 2020	Review period: every 3 years

unsightly.

3.7 Order 11 ~~c~~Criteria – Environmental ~~d~~Damage

~~Orders may be issued under this Criteria w~~Where works are carried out on land have caused or are likely to cause damage to the physical environment (Environmental Damage), caused by drainage, drainage works, or obstructing a natural watercourse then Council may give an Order under this criteria, to an owner or occupier of land. Such an Order would require the owner or occupier to do or refrain from doing such things as are specified in the Order, to prevent or repair Environmental Damage, or prevent further Environmental Damage. ~~drainage infrastructure, or such works have impeded the land and caused or is likely to cause physical damage to the environment.~~

~~Where physical environmental damage occurs because of works that affect the flow of water on land.~~

3.7.1 The natural flow of surface/seepage water must not be impeded unless connected to an approved drainage system. This includes work undertaken, or a structure erected, without proper approval, that is obstructing or is likely to obstruct, the natural flow of water along any watercourse.

3.7.2 The obstruction of a natural watercourse by a work constructed or used under a water management work approval granted under the *Water Management Act 2000 (NSW)*, as amended, from time to time, will not be the subject of an Order under this criteria.

3.7.3 Council has the option to pursue these matters Environmental Damage that arises from premises, works or equipment the subject of a licence, notice or direction issued under the *Protection of the Environment Operations Act 1997 (NSW) (PEO Act)*, as amended from time to time, will not be the subject of an Order under this criteria. In these instances, Council may pursue regulatory action under the PEO Act.

3.7.4 In accordance with clause 97 of the LG Regulation, if Council gives an Order under this criteria, and the land or premises is subject to statutory contaminated land management, the Council must provide the Environment Protection Authority with a copy of the Order and of any modification or revocation of it.

3.8 Order 12 ~~c~~Criteria – Control of the ~~f~~Flow of ~~s~~Surface ~~w~~Water ~~a~~Across ~~l~~Land

~~Orders may be issued under this Criteria w~~Where water flowing across the surface of land

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review:2020	Review period: every 3 years

causes or is likely to cause damage to other land or buildings, including in circumstances specified by clause 89 of the LG Regulation, Council may give an Order under this criteria, to the owner or occupier of the land. Such an Order would require the owner or occupier to do such things as are necessary to control the land.

~~Surface water flowing across land must be damaging or likely to be damaging land or a building on the land for an Order to be issued.~~

3.8.1 In accordance with clause 97 of the LG Regulation, if Council gives an Order under this criteria, and the land or premises is subject to statutory contaminated land management, the Council must provide the Environment Protection Authority with a copy of the Order and of any modification or revocation of it.

3.9 Order 15 cCriteria – Life tThreatening or pPublic sSafety hHazards

~~Orders may be issued~~ Council may give an Order under this cCriteria for any activity carried out on premises that constitutes or is likely to constitute a life-threatening hazard or a threat to public health or safety, as well as in circumstances specified in clause 90 of the LG Regulation. Such an Order may be given to any person apparently engaged in promoting, conducting or carrying out the activity, requiring the activity to not be conducted or must cease to be conducted, ~~or not conducted~~ as specified in the Oorder.

3.10 Order 16 criteria - To cease the use of premises or to evacuate premises

Council may give an Order under this criteria, to a person to whom Order 15 is given, where that person has failed to comply with the Order. Such an Order would require that person to cease the use of premises or to evacuate premises.

3.11 Order 17 criteria - To leave premises or not to enter premises

Council may give an Order under this criteria, where a person to whom Order 15 is given has failed to comply with the Order. Such an Order can be given to any person, and would require that person to leave premises or not to enter premises.

3.12 Order 18 criteria - Not to keep birds or animals on premises

Council may give an Order under this criteria, to an occupier of premises:

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review:2020	Review period: every 3 years

- (a) where the birds or animals kept on premises are of an inappropriate kind or number or are kept inappropriately; or
- (b) in the case of premises in a catchment district, the occupier is keeping birds or animals that are suffering from a communicable disease, or pigs.

3.12.1 Such an Order would require the occupier to not keep birds or animals on premises, other than of such kinds, in such numbers or in such manner as appropriate to avoid nuisance to neighbouring properties, or as stipulated in Council's Keeping of Birds and Animals Policy relative to specific breeds, or as otherwise specified in the Order.

3.12.2 In accordance with clause 91 of the LG Regulation, Council may also give an Order to an occupier of premises where there is a failure to comply with the relevant standards or requirements for the keeping of birds or animals, as specified in clause 92 and Part 5 of Schedule 2 to the LG Regulation. Such an Order would require compliance with the standards not being complied with.

3.12.3 In accordance with clause 97 of the LG Regulation, if Council gives an Order under this criteria, and the land or premises is subject to statutory contaminated land management, the Council must provide the Environment Protection Authority with a copy of the Order and of any modification or revocation of it.

3.12.4 When considering whether to give an Order under this criteria, regard should also be had to Council's Keeping of Birds and Animals Policy.

3.13 Order 19 Criteria – Tennis Court Use

Orders may be issued Council may give an Order under this Criteria, to an occupier of land, where use of a tennis court creates actual or likely annoyance or is a threat to the safety of neighbouring residents or users of a public spaceplace. Such an Order would require the occupier to use or not use the tennis court, as specified.

3.13.1 Whilst Council recognises the benefits and enjoyment gained from the use of tennis courts, the needs of neighbouring residents and the public are also considered in this Order.

3.10.2 Lighting of tennis courts must be adequately shielded from the view of neighbouring residents and passing motorists or users of a public place, so as not to cause an annoyance to neighbouring residents or to the public.

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review:2020	Review period: every 3 years

3.10.3 Tennis courts and lighting of tennis courts are not permitted for use between the hours of 10pm and 8am, ~~to prevent the annoyance of neighbouring residents.~~

3.14 Order 20 ~~C~~riteria – Food ~~h~~Handling

~~Orders may be issued~~ Council may give an Order under this ~~c~~riteria, ~~to an owner or occupier of premises, or an owner or operator of a vehicle or article,~~ where the food premises, vehicle or article ~~are~~ is not kept in a clean or sanitary condition. ~~Council may also give an Order in circumstances specified in clause 93 of the LG Regulation.~~

3.14.1 All premises manufacturing, preparing, storing, selling, transporting, processing and/or handling food for human consumption must:

- (a) comply with ~~the~~ Food Act 2003 (NSW), Food Regulation ~~2004~~ 2015 (NSW) and Food Standards Code (Cth), ~~as amended, from time to time;~~
- (b) ensure hygiene standards of premises and operators are adequate and appropriate; and
- (c) ensure foodstuffs are handled and stored appropriately.

~~The following are also relevant to this order:~~

- ~~a) Food Standards Code~~
- ~~b) Food Act 2003~~
- ~~c) Food Regulation 2015~~

3.15 Order 21 ~~c~~riteria – Keeping ~~l~~and or ~~p~~remises in a safe or ~~h~~Healthy ~~c~~Condition

~~Orders may be issued~~ Council may give an Order under this Criteria, ~~to an owner or occupier of land or premises,~~ where land or premises are not in a safe or healthy condition. ~~Such an Order would require the owner or occupier to do or refrain from doing such things as are specified in the Order, to ensure that land is or premises are placed or kept in a safe and healthy condition.~~

3.15.1 Overgrown vegetation

3.15.1.1 Dead or live vegetation must not be accumulated to such an excess level so that it is, or is likely to be, a harbourage for vermin or could create a fire hazard. Overgrown vegetation, whether dead or alive, should be cut or slashed and the cuttings disposed of in an approved manner, such as ~~composting~~ in an approved

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review: 2020	Review period: every 3 years

compost bin or removed from a subject property.

3.15.1.2 In the clearing of overgrown vegetation, ~~it is important not to an owner or occupier must not:~~

- (a) ~~effect affect~~ erosion control;
- (b) completely remove plants other than weeds;
- (c) contravene Council's ~~t~~Tree ~~p~~Preservation order; or
- (d) compromise other environmental concerns.

3.15.1.3 Council expects the owner or occupier of land or premises to maintain grass and lawns approximately 50 millimetres above the ground surface neatly trimmed to paths, curbing and fence lines. If grass or weeds exceed a height of 300 millimetres above ground level, ~~enforcement action may be commenced an Order may be given.~~ Grass and weeds above this height ~~is are~~ considered a likely harbourage for vermin, capable of concealing dangerous objects and generally creating unhealthy and unsafe conditions ~~that may result in an order to be issued.~~

3.15.1.4 It is the responsibility of the ~~property~~ owner or occupier of land or premises to maintain the grassed area between the street boundary and the road verge in a similar condition, as described ~~at paragraph 3.15.1.3 above.~~ The responsibility for the maintenance of Council verges is covered under Council's Verge Mowing Policy.

Notes:

~~The responsibility for the maintenance of Council verges is covered under Council's Verge Mowing Policy.~~

3.15.1.5 All materials, rubbish and vegetative matter required to be disposed of or removed from land or premises should be done so ~~in an approved manner by disposing that matter in the relevant Council waste receptacle or by transporting the matter for disposal to~~ an authorised waste disposal facility.

~~All works should be undertaken by an appropriately qualified tradesperson.~~

~~All works must be completed to the satisfaction of Council.~~

3.15.2 Waste or other refuse on land or premises

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review: 2020	Review period: every 3 years

Rubbish or refuse must not be accumulated on land or premises so that it is likely to be a harbourage for vermin, is unsightly, and provides a health or safety risk to the owner/s, or occupier/s of the land or premises, or to the public.

Notes:

All materials, rubbish and vegetative matter required to be disposed of or removed from land premises, should be done so ~~in an approved manner, by disposing that matter in the relevant Council waste receptacle or by transporting the matter for disposal to~~ an authorised waste disposal facility.

~~All works should be undertaken by an appropriately qualified tradesperson.~~

~~e) All works must be completed to the satisfaction of the council.~~

3.15.3 Water quality in private swimming pools and /spas

The water quality in private swimming pools and /spas on land or premises must be maintained to a standard that provides safe and healthy conditions.

3.15.3.1 The owner or occupier of land or premises ~~must~~ shall always maintain the swimming pool and /spa and all fixtures and fittings in a clean and working condition.

3.15.3.2 Swimming pools and /spas must have a filtration system capable of circulating the volume of water to ensure filtration and the correct chemical measurements.~~'s~~

3.15.3.3 The owner or occupier of land or premises should either use a test kit to monitor the levels of free residual chlorine, total chlorine and pH levels in the swimming pool/spa or have a pool water sample tested as necessary to maintain the correct chemical measurements.

3.15.3.4 Swimming pools and /spas water is required to meet the following quality standards ~~required~~ to maintain healthy and safe conditions:

- (a) ~~A~~ F free residual chlorine ~~level of~~ 1.0 mg/L minimum.
- (b) ~~A~~ t Total chlorine level should never be more than double the free residual chlorine level.
- (c) ~~A~~ p pH level ~~of~~ 7.2 to 7.8~~;~~

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review: 2020	Review period: every 3 years

(d) ~~A t~~Total alkalinity ~~level of~~ 60.0 to 100.0 mg/L.

3.15.3.5 Swimming pool/spa water must be maintained so as not to provide a breeding ground for mosquitoes.

3.15.4 Defective floors, walls, ceilings, windows, and window glass in residential premises

Premises should be impervious to moisture such as rain, seepage, or rising damp, ~~to avoid as it~~ promotes the growth of mould, decay, and unhealthy, unsafe, and unsanitary conditions.

3.15.4.1 Ceilings, walls, floors, cladding, window frames and window glass of premises must be always maintained to ~~an acceptable standard~~ a defect-free standard and operate as intended.

3.15.4.2 Damage to flooring, walls, ceilings, window frames or window glass on premises should be repaired or replaced as necessary to maintain a healthy and safe standard.

3.15.4.3 Openable windows are to be always operational.

3.15.5 The provision of adequate water supply

An adequate water supply, in volume and pressure, from Sydney Water must be always available to premises to maintain the health and safety of the owner/s or occupiers of the premises.

3.15.5.1 ~~In accordance with clause 98 of the LG Regulation, an Order requiring water supply work to be carried out is not complied with unless the work is carried out in accordance with any applicable standards or requirements set out or referred to, in Part 2 of the LG Regulation or the Order.~~

3.15.6 The provision of adequate electric power

All electrical wiring, outlets and switches ~~must~~ are to be maintained as per the code applicable at the time of installation. Any works required to rectify or update electrical wiring need to be as per to a standard not less than that required by the electric supply authority and relevant Australian Standards AS/NZS 3000:2018.

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review:2020	Review period: every 3 years

Electrical Installations Wiring Rules.

3.15.7 Bathing, washing, or cooking facilities

Bathing, clothes washing, and cooking facilities ~~mustare required to~~ be provided to all residential buildings to maintain the health of the owner/s or occupier/s of the premises. All plumbing fixtures ~~mustare to~~ be always operational.

3.15.8 Roofing, guttering, down-piping, stormwater drainage and/or spouting

All roofing ~~mustis to~~ be provided with roof guttering attached to downpipes, ~~and~~ ~~D~~downpipes ~~must be~~ connected to an Council approved stormwater drainage system.

3.15.8.1 Roofing, guttering, down-piping, stormwater drainage lines and spouting are to be regularly maintained.

3.15.8.2 In accordance with clause 98 of the LG Regulation, an Order requiring stormwater drainage work to be carried out is not complied with unless the work is carried out in accordance with any applicable standards or requirements set out or referred to, in Part 2 of the LG Regulation or the Order.

3.15.9 Lighting and ventilation

A habitable room in a residential building must be always provided with natural light and ventilation. For this purpose:

- (a) each habitable room must be provided with a glazed window, each not less than 10 percent of the floor area of the room with at least half of the window being openable; and
- (b) a room or cubicle used for sleeping purposes must have a minimum floor area of 5.5 metres squared per person with a minimum of 2 metres squared for each additional person.

3.15.10 In accordance with clause 97 of the LG Regulation, if Council gives an Order under this criteria, and the land or premises is subject to statutory contaminated land management, the Council must provide the Environment Protection Authority with a copy of the Order and of any modification or revocation of it.

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review:2020	Review period: every 3 years

3.16 Order 22 ~~c~~Criteria – Disposal of Waste on Land

~~Orders may be issued under this Criteria where waste is present or generated on the land or premises and is not being dealt with satisfactorily. The disposal of waste must be kept to the standards prescribed by clause 94 and Part 6 of Schedule 2 to the LG Regulation. Where these standards are not being complied with, such that waste is present or generated on the land or premises and is not being dealt with satisfactorily, Council may give an Order under this criteria.~~

~~3.16.1 Such an Order would require the owner or occupier of land or premises, or an owner of or person responsible for the waste or waste receptacle or container, in which the waste is contained, to store, treat, process, collect, remove, dispose of or destroy the waste in the manner specified in the Order.~~

~~3.16.2 Specifically:~~

- ~~(a) All waste is to be disposed of at an approved waste transfer station or depot, unless otherwise approved by a development approval.~~
- ~~(b) Premises must be provided with approved receptacles that are impervious with close fitting lids for the containment of waste on premises.~~

Notes:

~~(c) All materials, rubbish and vegetative matter required to be disposed of or removed from land or premises, ~~must~~should be done so ~~in an approved manner to by disposing that matter in the relevant Council waste receptacle or by transporting the matter for disposal at~~ an authorised waste disposal facility.~~

~~All works should be undertaken by an appropriately qualified tradesperson.~~

~~e) All works must be completed to the satisfaction of Council.~~

3.16.3 An Order:

- ~~(a) cannot be inconsistent with regulations made under the *Protection of the Environment Operations Act 1997 (NSW) (PEO Act)*; and~~
- ~~(b) will not apply to waste that is regulated or controlled by, or subject to, a licence or notice granted or issued under the PEO Act.~~

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review:2020	Review period: every 3 years

3.16.4 In accordance with clause 97 of the LG Regulation, if Council gives an Order under this criteria, and the land or premises is subject to statutory contaminated land management, the Council must provide the Environment Protection Authority with a copy of the Order and of any modification or revocation of it.

3.17 Order 23 criteria – Water supply connectors

Where premises are situated within 225 metres of a Council water pipe, Council may give an Order under this criteria. Such an Order would require an owner or occupier of land to connect the premises to Council's water supply, by a specified date. Council may also give an Order, requiring additional acts to be taken, as specified in clause 95 of the LG Regulation.

3.17.1 In accordance with clause 98 of the LG Regulation, an Order requiring water supply work to be carried out is not complied with unless the work is carried out in accordance with any applicable standards or requirements set out or referred to, in Part 2 of the LG Regulation or the Order.

3.18 Order 23 and Order 24 Criteria – Sewerage System Connectors

~~Orders may be issued under this Criteria w~~Where premises are within 75 metres of a Council sewer, Council may give an Order under this criteria. Such an Order would require the owner or occupier of the premises to connect the premises to a sewage system connection and are required by Sydney Water to make a connection. Council may also give an Order, requiring additional acts to be taken, as specified under the stated circumstances in clause 96 of the LG Regulation.

~~3.18.1 Premises should be connected to the water supply in accordance with Sydney Water's requirements and the relevant Australian Standards. Such a connection will need to be made in accordance with Sydney Water's requirements, as the sewerage authority.~~

~~Premises should be connected to the sewerage system in accordance with Sydney Water's requirements and the relevant Australian Standards.~~

3.18.2 In accordance with clause 98 of the LG Regulation, an Order requiring sewerage work to be carried out is not complied with unless the work is carried out in

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review: 2020	Review period: every 3 years

accordance with any applicable standards or requirements set out or referred to, in Part 2 of the LG Regulation or the Order.

3.19 Order 25 cCriteria – Human wWaste storage

Orders may be issued under this Criteria to Council may give an Order under this criteria, to an owner or occupier of premises, not to use or permit the use of a human waste storage facility on premises, after a specified date. Such an Order would be given where it is necessary for the purpose of protecting public health in relation to human waste disposal.

All human waste is required to be disposed of via the sewerage system of Sydney Water.

3.19.1 Council may direct the removal and/or decommissioning of a human waste facility such as a septic tank upon connection of the premises to a sewer.

3.19.2 In accordance with clause 97 of the LG Regulation, if Council gives an Order under this criteria, and the land or premises is subject to statutory contaminated land management, the Council must provide the Environment Protection Authority with a copy of the Order and of any modification or revocation of it.

3.20 Order 27 cCriteria – Obstructing a pPublic pPlace

Orders may be issued Council may give an Order under this cCriteria, where an object or matter is causing or is likely to:

- (a) -cause an obstruction or encroachment of or on a public placeland, and the obstruction or encroachment is not authorised by or under any Act; or
- (e)(b) Cause danger, annoyance or inconvenience to the public.

Objects or matter must not obstruct or encroach upon a public place, or cause danger, annoyance, or inconvenience to the public.

3.20.1 Such an Order would require the person causing the obstruction or encroachment, or the owner or occupier of land from which the object or matter emanates or is likely to emanate, to remove the object or matter from a public place, or prevent any object or matter being deposited there.

3.20.2 Examples of obstructing or encroaching objects or matter under this Oorder may include, but areis not limited to:

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review:2020	Review period: every 3 years

- (a) unauthorised site sheds and work caravans;
- (b) unauthorised structures on or over a public place;
- (c) unauthorised vehicles, materials, and equipment;
- (d) unauthorised footpaths, crossings, and driveways;
- (e) protruding tree or plant growth;
- (f) unauthorised signage;
- (g) gates that open outwards from a property;
- (h) unauthorised garbage skips, ~~unless approved~~; and
- (i) storage or accumulation of material, including waste.

3.21 Order 28 cCriteria – Damage to a pPublic pPlace

~~Orders may be issued~~ Council may give an Order under this Criteria, where damage to a public place is actual or likely. Such an Order would require the owner or occupier of land from which the damaging act emanates, or the person responsible for the actual or likely damage to a public place, to take whatever steps are necessary to prevent damage to and repair a public place.

3.21.1 Damage to a public place must be prevented by installation of appropriate barriers and/or work practices, or other requirements. Council will require satisfactory repair or replacement of damaged areas.

3.21.2 Examples of activities where this Oorder may be given ~~applied but not limited to~~ include, but are not limited to:

- (a) ~~excavation or removal of material from or adjacent to the public place;~~
- ~~(a)~~(b) a road opened without a permit;
- ~~(b)~~(c) unauthorised use of a driveway, footpath, or other roadworks causing or likely to cause damage to the public area;
- ~~(e)~~(d) an unauthorised site shed or work caravan;
- ~~(d)~~(e) ~~unauthorised~~permitted use of a crane;
- ~~(e)~~(f) the erection of an unauthorised structure on a public place;
- ~~(f)~~(g) the storage of building materials, plants, and equipment on a public place and/or adjacent to trees or driplines; and
- ~~(g)~~(h) stormwater discharge onto a public road, other than by an approved storm water kerb outlet.

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review:2020	Review period: every 3 years

3.21.3 In accordance with clause 98 of the LG Regulation, an Order requiring stormwater drainage work to be carried out is not complied with unless the work is carried out in accordance with any applicable standards or requirements set out or referred to, in Part 2 of the LG Regulation or the Order.

3.22 Order 29 cCriteria – Structures oOver or uUnder a pPublic pPlace

Council may give An Oorder-may-be-issued- under this cCriteria, to an owner of the work or structure, where it is in the public interest to require the alteration or repair of a work or structure on, over or under a public place.

3.22.1 Examples of works or structures to which this Oorder may apply/- include, but are not limited to are:

- (a) sShop awnings;-
- (b) pPedestrian overpasses or pedestrian underpasses;-
- (c) hHoardings;-
- (d) uUtilities (permanent or temporary);-
- (e) lLow electricity cables;-
- (f) sStormwater pits and grates;-
- (g) aAdvertising structures;-and
- (h) bBus shelters;-;and
 - a) Any other structure or work.

3.22.2 In accordance with clause 98 of the LG Regulation, an Order requiring stormwater drainage work to be carried out is not complied with unless the work is carried out in accordance with any applicable standards or requirements set out or referred to, in Part 2 of the LG Regulation or the Order.

3.23 Order 30 cCriteria – Complying with an aApproval

Oorders may be issued-Council may give an Order under this cCriteria, where an aApproval under the relevant Act or pPolicy is not being complied with. Such an Order would require the person entitled to act on the approval or acting otherwise than in compliance with the approval, to comply with the approval.

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review:2020	Review period: every 3 years

All requirements, terms, and conditions of an approval are to be complied with, pursuant to relevant legislation.

Examples of approvals that may be required are:

- (a) Installation of a manufactured home, moveable dwelling, or associated structure on land.
- (b) Installation of a temporary structure on land.
- (c) Use a building or temporary structure as a place of public entertainment or permit its use as a place of public entertainment.
- (d) Place a waste storage container in a public place.
- (e) Operate a system of sewerage management.
- (f) Engage in a trade or business.
- (g) Direct or procure a theatrical, musical, or other entertainment for the public.
- (h) Playing of a musical instrument or sing for fee or reward.
- (i) Set up, operate or use a loudspeaker or sound amplifying device, excluding spruiking, which is not permitted.
- (j) Deliver a public address or hold a religious service or public meeting.
- (k) Swing or hoist goods across or over any part of a public road by means of lift, hoist, or tackle projecting over the footway.
- (l) Expose or allow to be exposed (whether for sale or otherwise) in or on or to overhang any part of the road or outside a shop window or doorway abutting the road or hang an article beneath an awning over the road.
- (m) Operate a public car park.
- (n) Operate a caravan park or camping ground.
- (o) Operate a manufactured home estate.
- (p) Install or operate amusement devices.
- (q) Operate an undertaker's business; and
- (r) Operate a mortuary

Related Legislation, Strategies, Plans or Policies

The following Acts and Regulations are the guiding legislation for regulatory matters they include:

~~Local Government Act 1993 & Regulations~~

~~Environmental Planning & Assessment Act 1979 & Regulations~~

~~Protection of the Environment Operation Act 1997 & reg~~ The following Council strategies, plans and policies are also relevant to this policy:

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review:2020	Review period: every 3 years

~~Staff Delegations – Determinations regarding enforcement action will be made in accordance with this policy and relevant delegation criteria including all relevant Acts and Regulations as defined under Delegation/s.~~

~~Regulatory Services Enforcement Policy No 306
Standard Operating Procedures~~

4. Delegation

4.1 There are Administrative and/or Legislative Delegations applicable to this policy, which are provided for in Council's Delegations Manual.

5. Procedure

5.1 This Policy must be read in conjunction with Council's Regulatory Enforcement Policy, which provides a detailed framework for Council's regulatory enforcement activities.

6. Definitions

The following defined terms are used in this policy:

<p>Authorised PersonOfficer</p>	<p>An employee of City of Parramatta Council staff member generally or specially authorised by Council in respect of or whose duty it is to deal with, or to act in regard to, any acts, matters or things in relation to which the expression is used. with delegated authority to authorise certain Council officers under relevant legislation for them to carry out their duties and take necessary action.</p> <p>All Council officers carrying out regulatory inspections on private land will:</p> <ul style="list-style-type: none"> • Have delegation to enter premises and carry out investigations as specified in Council's Instrument of Delegations and subdelegations; • Be authorised by Council where this is required under specific legislation to permit inspections on private property; • Carry photographic identification demonstrating authorisation to enter premises and private lands under each specific Act; and
--	---

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review:2020	Review period: every 3 years

	<ul style="list-style-type: none"> Carry documentation or certificates of authority where required by the legislation being implemented.
Order	An authoritative direction or instruction given by Council

Boarding house

Takes the meaning given in the Parramatta Local Environmental Plan (LEP) 2011.

Civil Proceedings

Civil Proceeds include

- Notices and orders issued by Council pursuant to various legislation;
- Class 4 proceedings before the Land & Environment Court, seeking an order of the Court to remedy or strain a breach of the EPAA (Section 123), the LGA (Section 673), the POEO (Sections 252 & 253), or any other Act, if the breach is causing or is likely to cause harm to the environment; and
- Interlocutory relief for matters causing, or with the reasonable potential to cause, serious environmental harm. In such proceedings it is likely the Council would be required to provide an undertaking as to damages.

Court Attendance Notice (CAN)

Means a court attendance notice issued and filed in accordance with the Criminal Procedure Act 1986. A CAN may be used to commence summary proceedings in the local court. A CAN specifies the offence and its essential particulars as well as the address of the court where the matter is to be heard. If a person does not attend court on the day specified in a CAN, a warrant may be issued for the arrest of the person or the matter may be dealt with in the absence of the person.

Criminal Proceedings

Criminal proceedings include

- Issuing a PIN;
- Prosecuting the offence in the Local Court by issuing a CAN; and
- Prosecuting the offence in the Land & Environment Court in its summary jurisdiction (Class 5)

Defendant

Means the accused person against whom criminal proceedings are brought.

EPAA

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review: 2020	Review period: every 3 years

~~Means the Environmental Planning and Assessment Act 1979.~~

~~GIPA~~

~~Means Government Information (Public Access) Act 2009.~~

~~LGA~~

~~Means the Local Government Act 1993.~~

~~Penalty Infringement Notice (PIN)~~

~~Means penalty infringement notice. Sometimes referred to as an 'on-the-spot' fine. PINs may only be issued for prescribed offences and the value of the fine is also prescribed by legislation.~~

~~POEO~~

~~Means the Protection of the Environment Operations Act 1997.~~

~~Respondent~~

~~Means the party against whom civil proceedings are brought in the Land & Environment Court.~~

Unlawful activity

Means any activity or work that has been or is being carried out:

- ~~contrary to a legislative provision regulating a particular activity or work.~~
- ~~contrary to an environmental planning instrument that regulates the activities or work that can be carried out on land.~~
- ~~without a required development consent, approval, permission, direction, permit or license; and/or~~
- ~~contrary to the terms or conditions of a development consent, approval, permit or license.~~

History

Parramatta City Council Local Orders and Animal Policy – adopted 22/04/2013

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review:2020	Review period: every 3 years



CITY OF PARRAMATTA

REFERENCES	AS 1668 AS/NZS 3000:2018 Electrical Installations Wiring Rules Food Act 2003 (NSW) Food Regulation 2015 (NSW) Food Standards Code (Cth) Local Government Act 1919 (NSW) Local Government Act 1993 (NSW) & Regulations Local Government (General) Regulation 2021 (NSW) Environmental Planning & Assessment Act 1979 & Regulations Plumbing and Drainage Act 2011 (NSW) Protection of the Environment Operation Act 1997 (NSW) & regulations Public Health Act 2010 (NSW) Public Health Regulation 2022 (NSW) Swimming Pools Act 1992 (NSW) Water Management Act 2000 (NSW)
ASSOCIATED POLICIES	City of Parramatta Schedule of Fees and Charges Regulatory Services Enforcement Policy Keeping of Birds and Animals Policy Property Numbering and Display of Property Numbers Policy Regulatory Enforcement Policy Verge Maintenance Policy Standard Operating Procedures
ATTACHMENTS	Nil

Local Orders Policy		
Owner: Manager Regulatory Services	Area: Regulatory Services	POL No: 135
Date of Commencement: 2003	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review: 2020	Review period: every 3 years