

Local Orders Policy

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1. Scope

- 1.1 This Policy applies to Orders issued by City of Parramatta Council (**Council**) under the *Local Government Act 1993* (NSW) (**LG Act**), to order that a 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.

2. Purpose

- 2.1 This Policy supplements provisions of the LG Act and the *Local Government (General) Regulation 2021* (NSW) (**LG Regulation**), as amended, from time to time, by setting out 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.

3. Policy

- 3.1 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.
- 3.2 The giving of an Order is at the discretion of an Authorised Person and is relative to the circumstances that meet the applicable criteria for the giving of that Order.
- 3.2 Order 5 criteria

Where a person (owner, occupier or manager) fails to comply with the relevant standards

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or requirements set or made by or under the LG Act 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:

Camping grounds, caravan parks, and manufactured home estates must be kept to the standards prescribed by clause 82 of the LG Regulation. 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:

Moveable dwellings must be kept to the standards prescribed by clause 82 of the LG Regulation. 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. Where these standards are not being complied with, an Order may be given.

3.2.4 Order 5(e) - A hairdressers shop or beauty salon:

Hairdressers shops and beauty salons must be kept to the standards prescribed by:

- clauses 84-85 and Parts 2-3 of Schedule 2 to the LG Regulation;
- 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.

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

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

3.2.5 Order 5(f) - A mortuary:

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Mortuaries must be kept to the standards prescribed by clause 86 and Part 4 of Schedule 2 to the LG Regulation. 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 criteria – Fencing adjacent to public land

Council may give an Order under this criteria, to an owner or occupier of land, requiring the installation of fencing between the land the subject of the Order and a public place, where the need for public health, safety or convenience renders it necessary or expedient

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to do so, and there is no adequate fence between the land and a public place. 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 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 conditions affecting public health, safety or convenience; and
- (c) meets the following general requirements:
 - i. The fencing is structurally sound.
 - ii. The fencing is not constructed of defective or dangerous materials, such as corrugated iron sheets.
 - iii. The fencing does not pose a safety risk to the public.
 - iv. The fencing complements the surrounding amenity and is not unsightly.
 - v. The fencing is between 1.5 metres and 1.8 metres high.

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, such that the conditions affecting public health, safety or convenience no longer exist.

3.4 Order 8 criteria – Property numbering

Council may give an Order 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 or entrance from a road; and there are no property numbers/markings that can readily be seen and understood from the road.

3.4.1 Council will assign a property number to a premises, in accordance with Council's Property Numbering and Display of Property Numbers Policy.

3.5 Order 9 criteria – Fencing of a hole or waterhole

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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 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 based on its accessibility, by the way it is maintained, and/or based on the creation of other likely impediments to public health and safety; 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 land and from any place (whether public or private) adjoining the land.

3.5.6 Where an Order requires a hole or waterhole to be fenced, the fencing must be in line with the requirements set out in paragraph 3.3.1(c) of this Policy.

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.

3.6 Order 10 criteria – Unsightly matter near a public place

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.

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

3.6.2 Articles or matter that will be deemed unsightly include, 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) industrial or commercial waste products;
- (f) 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 requirements as specified in the Order.

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

3.7 Order 11 criteria – Environmental damage

Where works 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

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refrain from doing such things as are specified in the Order, to prevent or repair Environmental Damage, or prevent further Environmental Damage.

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 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 criteria – Control of the flow of surface water across land

Where water flowing across the surface of land 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 land. Such an Order would require the owner or occupier to do such things as are necessary to control the flow of surface water across the land.

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 criteria – Life threatening or public safety hazards

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Council may give an Order under this criteria 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 cease to be conducted, as specified in the Order.

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:

- (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.

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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

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 place. 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.

3.13.2 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.

3.13.3 Tennis courts and lighting of tennis courts are not permitted for use between the hours of 10pm and 8am.

3.14 Order 20 criteria – Food handling

Council may give an Order under this criteria, 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 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 or handling food for human consumption must:

- (a) comply with the *Food Act 2003* (NSW), *Food Regulation 2015* (NSW) and *Food Standards Code* (Cth), as amended, from time to time;
- (b) ensure hygiene standards of premises and operators are adequate and

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- appropriate; and
- (c) ensure foodstuffs are handled and stored appropriately.

3.15 Order 21 criteria – Keeping land or premises in a safe or healthy condition

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 in an approved compost bin or removed from a subject property.

3.15.1.2 In the clearing of overgrown vegetation, an owner or occupier must not:

- (a) affect erosion control;
- (b) completely remove plants other than weeds;
- (c) contravene Council's tree 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, an Order may be given. Grass and weeds above this height are considered a likely harbourage for vermin, capable of concealing dangerous objects and generally creating unhealthy and unsafe conditions.

3.15.1.4 It is the responsibility of the 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 Maintenance Policy.

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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 by disposing that matter in the relevant Council waste receptacle or by transporting the matter for disposal at an authorised waste disposal facility.

3.15.2 Waste or other refuse on land or premises

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 or occupier of the land or premises, or to the public.

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

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 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.

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 pool and spa water is required to meet the following quality standards to maintain healthy and safe conditions:

(a) A free residual chlorine level of 1.0 mg/L minimum.

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- (b) A total chlorine level no more than double the free residual chlorine level.
- (c) A pH level of 7.2 to 7.8.
- (d) A 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 promoting 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 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 or occupier 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 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 AS/NZS 3000:2018 Electrical Installations Wiring

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3.15.7 Bathing, washing, or cooking facilities

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

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

All roofing must be provided with roof guttering attached to downpipes. Downpipes must be connected to a 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.

3.16 Order 22 criteria – Disposal of waste on land

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

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.

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

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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 24 criteria – Sewerage system connectors

Where premises are situated 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 premises to connect the premises with a sewerage system, by a specified date. 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 Such a connection will need to be made in accordance with Sydney Water's requirements, as the sewerage authority.

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 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 criteria – Human waste storage

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.

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.

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3.20 Order 27 criteria – Obstructing a public place

Council may give an Order under this criteria, where an object or matter is causing or is likely to:

- (a) cause an obstruction or encroachment of or on a public place, and the obstruction or encroachment is not authorised by or under any Act; or
- (b) 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 Order may include, but are not limited to:

- (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; and
- (i) storage or accumulation of material, including waste.

3.21 Order 28 criteria – Damage to a public place

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.

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

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

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 criteria – Structures over or under a public place

Council may give an Order under this criteria, 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 Order may apply include, but are not limited to:

- (a) shop awnings;
- (b) pedestrian overpasses or pedestrian underpasses;
- (c) hoardings;
- (d) utilities (permanent or temporary);
- (e) low electricity cables;
- (f) stormwater pits and grates;
- (g) advertising structures; and
- (h) bus shelters

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

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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 criteria – Complying with an approval

Council may give an Order under this criteria, where an approval under the relevant Act or policy 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.

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

Authorised Person	An employee of Council 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.
Order	An authoritative direction or instruction given by Council.

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

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