

Local Orders Policy Review 2022 – Summary of Proposed Changes

Type	Description	Reason
Update	Transferred content to current Policy Template	To ensure clear and consistent formatting across Council's policy portfolio
Update	Sections 1 & 2 (Scope and Purpose): Updated statements	To ensure the content provided in these sections is effective and reads consistently with Council's policy portfolio
Update	Section 3 (Policy): Updated language, list formatting, and referencing. Consolidated overlapping statements. Updated order of some existing clauses.	To improve clarity of directives, and to ensure consistency with applicable Council and legal standards.
Addition	Section 3.2.6: Order 5(g) "A water meter on premises" was missing from existing Local Orders Policy. Added statement that: <i>Council will not give an Order under this criteria, as water meters on premises are regulated by Sydney Water.</i>	To ensure that all Orders set out by the Local Government Act are addressed in Council's Policy, as recommended by Legal Services. To provide clarification that regulation of water meters is under the jurisdiction of Sydney Water, and not Council.
Addition	Section 3.2.7: Order 5(h) "A water supply or sewerage system on premises" was missing from existing Local Orders Policy. Added compliance standards to establish where Council may give an Order, as follows: <i>3.2.7 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.</i> <i>3.2.7.1 Acts required by such an Order included those acts specified in clause 87 of the LG Regulation.</i> <i>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</i>	To ensure that all Orders set out by the Local Government Act are addressed in Council's Policy, as recommended by Legal Services.

	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	
Update	Section 3.4.1: Replaced specifications for assignment and display of property numbers with reference to Council's Property Numbering and Display of Property Number Policy.	To ensure consistent direction is provided by avoiding duplication with Council's Property Numbering and Display of Property Number Policy.
Addition	Section 3.7.2: Regarding Order 11 "Environmental damage", added specification that: <i>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.</i>	To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.
Addition	Section 3.7.4: Regarding Order 11 "Environmental damage", added requirement that: <i>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.</i>	To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.
Addition	Section 3.8.1: Regarding Order 12 "Control of the flow of surface water across land",	To support clearer implementation of the Policy directives. Specification recommended to be added by Legal

	<p>added requirement that:</p> <p><i>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.</i></p>	Services.
Addition	<p>Section 3.10: Order 16 "To cease the use of premises or to evacuate premises" was missing from existing Local Orders Policy. Added criteria to establish where Council may give an Order, as follows:</p> <p><i>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.</i></p>	To ensure that all Orders set out by the Local Government Act are addressed in Council's Policy, as recommended by Legal Services.
Addition	<p>Section 3.11: Order 17 "To leave premises or not to enter premises" was missing from existing Local Orders Policy. Added criteria to establish where Council may give an Order, as follows:</p> <p><i>Where a person to whom Order 15 is given, that person has failed to comply with the Order, Council may give an Order under this criteria. Such an Order can be given to any person, and would require that person to leave premises or not to enter premises.</i></p>	To ensure that all Orders set out by the Local Government Act are addressed in Council's Policy, as recommended by Legal Services.
Addition	<p>Section 3.12: Order 18 "Not to keep birds or animals on premises" was missing from existing Local Orders Policy. Added criteria to establish where Council may give an Order, as follows:</p> <p><i>Council may give an Order under this criteria, to an occupier of premises:</i></p> <p><i>(a) where the birds or animals kept on premises are of an inappropriate kind or number or are kept inappropriately; or</i></p> <p><i>(b) in the case of premises in a catchment district, the occupier is keeping birds or</i></p>	To ensure that all Orders set out by the Local Government Act are addressed in Council's Policy, as recommended by Legal Services.

	<p><i>animals that are suffering from a communicable disease, or pigs.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	
Addition	<p>Section 3.14: Regarding Order 20 "Food handling", added requirement that:</p> <p><i>Council may also give an order in circumstances specified in clause 93 of the LG Regulation.</i></p>	To ensure that all Orders set out by the Local Government Act are addressed in Council's Policy, as recommended by Legal Services.
Update	<p>Sections 3.15.1.5, 3.15.2.1, and 3.16.2(c): Replaced generic directive that waste must be disposed in an "approved manner" with specification that matter must be disposed by "disposing that matter in the relevant Council waste receptacle".</p>	To support clearer implementation of the Policy directives

Deletion	<p>Sections 3.15.1 and 3.15.2: Deleted requirement for the management of overgrown vegetation or rubbish that "All works should be undertaken by an appropriately qualified tradesperson".</p>	<p>To support property owners and occupiers to maintain overgrown vegetation or manage rubbish on their own properties, without setting a requirement to engage a tradesperson.</p> <p>To ensure that Council's Policy is consistent with section 164 of the Local Government Act, which sets that the local policy must not be more onerous than the Act or regulations.</p> <p>Determined to delete requirement in consultation with Legal Services and Governance.</p>
Update	<p>Section 3.15.4.1: Replaced generic directive that ceilings, walls, floors, cladding, window frames and window glass of premises must be maintained to "an acceptable standard" with specification that they must be maintained to "a defect-free standard and operate as intended".</p>	<p>To support clearer implementation of the Policy directives</p>
Addition	<p>Section 3.15.5.1: Regarding the criteria for "provision of adequate water supply", added requirement that:</p> <p><i>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.</i></p>	<p>To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.</p>
Addition	<p>Section 3.15.8.2: Regarding the criteria for "roofing, guttering, down-piping, stormwater drainage and/or spouting", added requirement that:</p> <p><i>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.</i></p>	<p>To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.</p>

Addition	<p>Section 3.15.10: Regarding the criteria for Order 21 "Keeping land or premises in a safe and healthy condition", added requirement that:</p> <p><i>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.</i></p>	To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.
Update	<p>Section 3.16: For Order 22 "Disposal of waste on land", further specified meaning of "satisfactorily" by adding that:</p> <p><i>The disposal of waste must be kept to the standards prescribed by clause 94 and Part 6 of Schedule 2 to the LG Regulation.</i></p>	To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.
Addition	<p>Section 3.16.3: Regarding the criteria for Order 22 "Disposal of waste on land", added requirement that:</p> <p>An Order:</p> <p><i>(a) cannot be inconsistent with regulations made under the Protection of the Environment Operations Act 1997 (NSW) (PEO Act); and</i></p> <p><i>(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.</i></p>	To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.
Addition	<p>Section 3.16.4: Regarding the criteria for Order 22 "Disposal of waste on land", added requirement that:</p> <p><i>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.</i></p>	To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.
Update	Section 3.17: Separated clauses for Order 23 "Water supply connectors" from being combined with clauses for Order 24	To support clearer implementation of the Policy directives. No clauses other

	"Sewerage system connectors".	Orders are combined in the Policy.
Update	<p>Section 3.17: Regarding the criteria for Order 23 "Water supply connectors", added specification regarding applicable standards and requirements, as follows:</p> <p><i>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.</i></p>	To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.
Addition	<p>Section 3.17.1: Regarding the criteria for Order 23 "Water supply connectors", added requirement that:</p> <p><i>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.</i></p>	To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.
Addition	<p>Section 3.18: Regarding the criteria for Order 24 "Sewerage system connectors", added requirements that:</p> <p><i>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.</i></p>	To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.
Addition	<p>Section 3.18.2: Regarding the criteria for Order 24 "Sewerage system connectors", added requirement that:</p> <p><i>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</i></p>	To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.

	Order.	
Addition	<p>Section 3.19.2: Regarding the criteria for Order 25 "Human waste storage", added requirement that:</p> <p><i>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.</i></p>	To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.
Addition	<p>Section 3.20.1: Regarding the criteria for Order 27 "Obstructing a public place", added requirement that:</p> <p><i>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.</i></p>	To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.
Addition	<p>Section 3.21.3: Regarding the criteria for Order 28 "Damage to a public place", added requirement that:</p> <p><i>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.</i></p>	To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.
Addition	<p>Section 3.22.2: Regarding the criteria for Order 29 "Structures over or under a public place", added requirement that:</p> <p><i>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.</i></p>	To support clearer implementation of the Policy directives. Specification recommended to be added by Legal Services.

Deletion	Section 3.23: Regarding Order 30 "Complying with an approval", deleted list of examples of approvals that may be required.	Supplementary information which poses risk of conflicting with other legislation or Council Policies. Local Orders Policy does not set out the instances where approvals are required, therefore these supplementary examples not required to be re-stated in the Policy.
Update	Former Section 4 (Related Legislation, Strategies, Plans or Policies): Deleted heading and moved relevant content to Delegations section and References table	To ensure consistency with Policy Template requirements
Update	Section 4 (Delegation): Moved content regarding Delegations from former section "Related Legislation, Strategies, Plans or Policies" to new heading "Delegation". Removed reference to specific delegations and replaced with standard statement directing reader to Delegations Manual.	To ensure consistency with Policy Template requirements
Addition	Section 5 (Procedure): Added Procedure heading. Added directive that Policy must be read in conjunction with Council's Regulatory Enforcement Policy.	To ensure consistency with Council's updated Policy Template, and to support implementation of the Policy.
Update	Section 6 (Definitions): Added definition for Order. Updated definition for Authorised Person as recommended by Legal Services. Deleted definitions for Boarding House, Civil Proceedings, Court Attendance Notice (CAN), Criminal Proceedings, Defendant, EPAA, GIPA, LGA, Penalty Infringement Notice, POEO, Respondent, and Unlawful Activity.	To ensure provided definitions are consistent with terms employed in updated Policy. To support clear implementation of the Policy.
Update	Removed section heading for History. Moved content to document Footer.	To ensure consistency with Council's updated Policy Template
Update	References Table: Updated list of references and associated Policies as required	To ensure list accurately reflects sources associated with Policy, and to ensure titles are formatted correctly as per legal standards