

## LOCAL ORDERS POLICY

<b>Responsible Department:</b>	Planning, Strategy and People
<b>Responsible Section:</b>	Development
<b>Responsible Officer:</b>	Manager Development

### Objective

The objective of this policy is to specify the criteria which the council must take into consideration in determining whether or not to give an order under section 124 of the Local Government Act 1993.

### Introduction

This Policy is prepared and adopted under Chapter 7, Part 3 of the Local Government Act 1993. The Policy is designed to outline the criteria which Council must take into consideration in determining whether or not to give an order under section 124. This does not apply in relation to order No. 22A in the Table to section 124.

### Policy

#### 1. Order 7 – Fencing land

- 1.1. Council will require the installation of fencing where there are conditions that affect public health, safety or convenience, such as the 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.
- 1.2. Adequate fencing should be erected that:
  - a) Achieves a clear distinction between private and public land and
  - b) Adequately restricts access to the private land by an unauthorised person;
  - c) Is sufficient to overcome the problems or conditions affecting public health, safety or convenience;
  - d) Meets the following general requirements:
    - (i) The fencing must be structurally sound;
    - (ii) The fencing is not to be constructed of defective or dangerous materials such as corrugated iron sheets;
    - (iii) The fencing must not pose a safety risk to the public; and
    - (iv) The fencing must not be unsightly and should complement the amenity of the area; and
    - (v) The fencing must be between 1.5 and 1.8 metres in height.
- 1.3. Certain fences such as those constructed of brick or masonry may require a development approval before construction.

- 1.4. Fences erected under this order are to be removed when the land or site is managed so the conditions affecting public health, safety or convenience no longer exist.

## **2. Order 8 – Identification of premises**

- 2.1. 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.
- 2.2. 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.
- 2.3. The street number to be displayed on premises must be the number allocated to the premises by Council.

## **3. Order 9 – Waterholes and holes**

- 3.1. A swimming pool, spa or the like, other than a pool or spa in the course of 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.
- 3.2. A hole includes excavations for the purposes of building, where such sites have been abandoned or delayed in construction.
- 3.3. A hole or waterhole will be considered dangerous to life by its accessibility and by the manner in which it is maintained and/or the creation of other likely impediments to public health and safety, such as if a waterhole presents a potential breeding ground for mosquitoes.
- 3.4. 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. In the case of an order requiring a waterhole or hole to be fenced, the fencing is required to:
  - a) Separate the hole or waterhole from any residential building on the premises and from any place (whether public or private) adjoining the premises;
  - b) Fencing of the hole or waterhole is to be between a height of 1.5 and 1.8 metres and to be constructed of chain wire; and
  - c) Any gates are to be provided with suitable locks.
- 3.6. The following general requirements must also be met in relation to the construction of fencing:
  - a) The fencing must be structurally sound;
  - b) The fencing is not to be constructed of defective or dangerous materials such as corrugated iron sheets;
  - c) The fencing must not pose a safety risk to the public; and
  - d) The fencing must not be unsightly and should complement the amenity of the area.

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

#### **4. Order 10 – To remove, stack or cover articles**

- 4.1. 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 appropriate manner.
- 4.2. Articles or matter that will be deemed unsightly includes but is not limited to:
- a) Derelict motor vehicles, caravans, trailers, boats and their components and parts;
  - b) Machinery, equipment and appliances;
  - c) Building materials;
  - d) Collapsed buildings or structures;
  - e) Firewood and vegetation;
  - f) Industrial or commercial waste products;
  - g) Recycled material;
  - h) Furniture and household goods; and
  - i) Other sundry refuse.

#### **5. Order 12 – To control the flow of surface water across land**

- 5.1. Surface water across land must not be artificially controlled, manipulated or impeded.
- 5.2. Examples where this order applies include:
- a) Work undertaken or structure erected that is damaging or is likely to damage other land or a building;
  - b) Erosion of land is occurring from the flow of surface water;
  - c) Premises contain defective or insufficient guttering, spouting, downpipes or roofing;
  - d) When drainage pipes are not connected to an appropriate stormwater disposal system; and
  - e) Bunding that prevents the natural flow of surface water.
- 5.3. Roof guttering must be connected to downpipes that are connected to an approved stormwater disposal system.
- 5.4. Paved, cemented or other hard surfaced areas must have surface water diverted to an approved stormwater disposal system to minimise discharge onto adjoining properties.

#### **6. Order 21 – Control of rats, mice and other vermin**

- 6.1. An occupier of premises must take reasonable measures to keep the premises free from fleas, rats, mice and other vermin (except any such animals kept as pets). Rats, mice and other vermin should be kept under control on land and premises by:

- a) Not providing places for vermin to harbour, such as overgrown vegetation or accumulated rubbish or refuse;
- b) Eradicating rats, mice and/or other vermin from premises where necessary to prevent further breeding and infestation, in an approved manner; and
- c) Not allowing any other conditions on land or in premises which are likely to harbour rats, mice and/or other vermin, for example, not leaving dog/cat food in pet food bowls.

## **7. Order 21 – Overgrow vegetation**

- 7.1. Dead or live vegetation must not be accumulated so that it is, or is likely to be, a harbourage for vermin or a fire hazard. Overgrown vegetation, whether dead or alive, should be cut or slashed and the cuttings disposed of in an approved manner.
- 7.2. Council expects the owner or occupier of premises to maintain grass and lawns as approximately 100 millimetres above ground surface. If grass or weeds exceed a height of 300 millimetres above ground level enforcement action may commence. Grass and weeds must not exceed a height of 500 millimetres. Grass and weeds above this height is 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.
- 7.3. Any land used for agricultural purposes and greater than 1 Ha in area which borders any residential dwelling/s shall be required to implement and maintain clear zones or firebreaks using a minimum width of 4 meters around the boundary of those dwellings.

## **8. Order 21 – Waste or other refuse on premises**

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

## **9. Order 21 – Defective roofing, guttering, down piping, stormwater drainage and/or spouting**

- 9.1. All roofing is to be provided with roof guttering attached to downpipes and downpipes connected to an approved stormwater drainage system.
- 9.2. Roofing, guttering, down piping, stormwater drainage lines and spouting are to be regularly maintained.

## **10. Order 22 – Waste on land or premises**

- 10.1. All waste is to be disposed of at an approved waste transfer station or depot, unless otherwise approved by a development approval.
- 10.2. Premises must be provided with approved receptacles that are impervious with close fitting lids for the containment of waste on premises.
- 10.3. Premises must also be provided with adequate waste container storing facilities.
- 10.4. Other requirements as specified in the order.

## 11. Order 22 – Waste on land or premises

- 11.1. Objects or matter must not obstruct or encroach upon a public place, or cause danger, annoyance or inconvenience to the public.
- 11.2. Objects or matter under this order includes but is not limited to:
  - a) Unauthorised site sheds and work caravans;
  - b) Unauthorised structure on or over a public place;
  - c) Unauthorised vehicles, materials and equipment;
  - d) Protruding tree or plant growth;
  - e) Unauthorised signs;
  - f) Gates that open outwards from a property onto a public place;
  - g) Garbage skips unless approved; and
  - h) Storage or accumulation of material, including waste.

## References

In writing this policy Council have referred to the policies and other materials of numerous councils and other bodies. We acknowledge the materials and assistance in writing this policy from the following:

- Narrabri Township Amenity and Public Safety Policy.
- Bankstown City Council Local Orders Policy.

## History

Minute Number	Meeting Date	Description of Change
221/2017	October 24. 2017	New Policy Adopted
	September 1, 2021	Rebranded

