



Local Orders Policy No 135

Contents

1. Scope
 2. Purpose
 3. Policy
 4. Related Legislation, Strategies, Plans or Policies
 5. Definitions
-

1. Scope

This policy applies to Orders able to be used/issued under various legislation in order to effect a correction of a failure to comply with terms or conditions of approvals, licences 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 overarching Regulatory Services Enforcement Policy.

2. Purpose

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

The purpose of the Local Orders Policy is to supplement provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005 by 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.

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

3. 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



3.1. The Orders Schedule related to this Policy is detailed in Section 124 of the Local Government Act 1993.

The giving of an order is not mandatory and is at the discretion of the Council authorised investigating officer whether or not the circumstances meet the applicable criteria for 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.

3.2. 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 particular Order are self-explanatory or do not apply, no additional criteria have been provided.

3.2.1 Order 5 Criteria

Orders may be issued under this criteria where a person(s) fails to comply with the relevant standards or requirements set or made by or under this Act or under the Local Government Act 1919.

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

Manufactured home estates, Caravan parks and camping grounds must be kept to the standards prescribed by the Local Government (General) Regulation 2005 as amended.

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

Local Government (General) Regulation 2005 as amended.

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

Places of shared accommodation must be kept to the standards prescribed by the Local Government (General) Regulation 2005 – Schedule 2, Part 1 - Standards for Places of Shared Accommodation as amended.

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



iv. Order 5(e) - A Hairdressers Shops or Beauty Salon:

Hairdresser shops and Beauty salons must be kept to the standards as prescribed by the 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.

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.

Hairdressers shops and beauty salons are subject to registration and yearly inspections by Council. Fees and charges also apply.

v. Order 5(f) - A Mortuary:

Mortuaries must be kept to the standards under the Local Government (General) Regulation 2005, Schedule 2, Part4 – Standards for Mortuaries.

3.2.2 Order 7 Criteria – 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 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.

Adequate fencing should be erected 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;
- c) meets the following general requirements:

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

- 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.

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

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.

3.2.3 Order 8 Criteria – Property Numbering

Orders may be used under this Criteria where premises have a frontage to an entrance from a road and there are no property number(s) that can readily be seen and understood from the road.

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.

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.

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

3.2.4 Order 9 Criteria – Fencing of a Hole or Waterhole

Orders may be used under this Criteria where a hole or waterhole is or may become dangerous to life.

A swimming pool, spa or the like, other than a pool or spa in the course of

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

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.

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

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.

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.

In the case of an order requiring a waterhole or hole to be fenced, the fencing must:

- 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) 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) not be unsightly and should complement the amenity of the area.

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

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.

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

3.2.5 Order 10 Criteria – Unsightly Matter near Public 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



CITY OF PARRAMATTA

Orders may be issued under this Criteria where land is used for storage of articles or matter so as to create or be likely to create unsightly conditions.

Fencing, covering or screening of articles and/or matter from view shall only be permitted on premises for which the consent of council has been obtained beforehand for the storage of such articles or matter.

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

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

- derelict motor vehicles, caravans, trailers, boats and their components and parts;
- machinery, equipment and appliances;
- building materials;
- firewood;
- any industrial or commercial waste products;
- any recycled material;
- furniture and household goods; and
- other sundry refuse.

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.

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 so as to prevent the likelihood of the harborage of vermin.

Fences or screens required to be erected must be sufficient to shield view from the unsightly articles or matter and must meet requirements as specified in the order.

Fences or screens erected under this order are to be removed when there are no longer any unsightly conditions being created from the storage of articles or matter.

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



The following general requirements must also be followed in regards to the erection of fences or screens:

- the fencing or screens must be structurally sound,
- the fencing or screens must not be constructed of defective or dangerous materials such as corrugated iron sheets,
- the fencing or screens must not pose a safety risk to the public, and
- the fencing or screens must complement the surrounding amenity and not be unsightly.

3.2.6 Order 11 Criteria – Environmental Damage

Orders may be issued under this Criteria where work carried out on land has caused or is likely to cause physical damage to the environment.

Where physical environmental damage occurs as a result of the flow of water on land.

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

Council has the option to pursue these matters under the Protection of the Environment Operations Act 1997.

3.2.7 Order 12 Criteria – Flow of Surface Water Across Land

Orders may be issued under this Criteria where water flowing across the surface of land causes or is likely to cause damage to land or buildings.

Surface water across land must be damaging or likely to be damaging land or a building on the land.

3.2.8 Order 15 Criteria – Life Threatening or Public Safety Hazards

Orders may be issued 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. Such activity must cease to be conducted or not conducted

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



as specified in the order.

3.2.9 Order 19 Criteria – Tennis Court Use

Orders may be issued under this Criteria where use of a tennis court creates actual or likely annoyance or is a threat to the safety of neighbours or users of public space.

Whilst Council recognises the benefits and enjoyment gained from the use of tennis courts, the needs of neighbours and the public are also considered in this order.

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 neighbours or to the public.

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.

3.2.10 Order 20 Criteria – Food Handling

Orders may be issued under this Criteria where food premises, vehicle or article is not in a clean or sanitary condition.

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

- 1) comply with Food Act 2003, Food Regulation 2004 and Food Standards Code;
- 2) ensure hygiene standards of premises and operators are adequate and appropriate;
and
- 3) 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

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



3.2.11 Order 21 Criteria – Keeping Land or Premises in a safe or Healthy Condition

Orders may be issued under this Criteria where land or premises are not in a safe or healthy condition.

a) Overgrown vegetation

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, such as composting in an approved compost bin.

In clearing overgrown vegetation, it is important not to:

- a) effect erosion control;
- b) completely remove plants other than weeds;
- c) contravene Council's Tree Preservation order; or
- d) compromise other environmental concerns.

Council expects the owner or occupier of 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 commence. 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.

It is the responsibility of the property owner or occupier to maintain the grassed area between the street boundary and the road verge in a similar condition as described above.

Notes:

- a) The responsibility for the maintenance of Council verges is covered under Council's Verge Mowing Policy.
- b) All materials, rubbish and vegetative matter required to be disposed of or removed from premises should be done so in an approved manner to an authorised waste disposal facility.

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

- c) All works should be undertaken by an appropriately qualified tradesperson.
- d) All works must be completed to the satisfaction of Council.

b) Waste or other refuse on premises

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

Notes:

- a) All materials, rubbish and vegetative matter required to be disposed of or removed from premises, should be done so in an approved manner, to an authorised waste disposal facility.
- b) All works should be undertaken by an appropriately qualified tradesperson.
- c) All works must be completed to the satisfaction of the council.

c) Water quality in private swimming pools/spas

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

The occupier of premises shall at all times maintain the swimming pool/spa and all fixtures and fittings in a clean and working condition.

Swimming pools/spas must have a filtration system capable of circulating a volume of water equal to the swimming pool's capacity at least every 8 hours.

The occupier of premises should use a test kit to monitor the levels of free residual chlorine, total chlorine and pH levels in the swimming pool/spa.

Swimming pools/spas water quality standards required to maintain healthy and safe conditions include:

- a) Free residual chlorine – 1.0 mg/L minimum
- b) Total chlorine level should never be more than double the free residual chlorine level;

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

- c) pH level – 7.2 to 7.8;
- d) Total alkalinity – 60.0 to 100.0 mg/L.

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

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

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

Ceilings, walls, floors, cladding, window frames and window glass of premises must be maintained at all times to an acceptable standard.

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.

Openable windows are to be operational at all times.

e) The provision of adequate water supply

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

f) The provision of adequate electric power

All electrical wiring, outlets and switches are to be maintained to a standard not less than that required by the electric supply authority and relevant Australian Standards.

g) Bathing, washing or cooking facilities

Bathing, clothes washing and cooking facilities are 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 are to be operational at all times.

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



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

All roofing is to be provided with roof guttering attached to downpipes and downpipes connected to an approved stormwater drainage system.

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

i) Lighting and ventilation

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

- a) each 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.

3.2.12 Order 22 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.

All waste is to be disposed of at an approved waste transfer station or depot, unless otherwise approved by a development approval.

Premises must be provided with approved receptacles that are impervious with close fitting lids for the containment of waste on premises.

Premises must also be provided with adequate waste container storing facilities.

Other requirements as specified in the order.

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



Notes:

- a) All materials, rubbish and vegetative matter required to be disposed of or removed from premises, should be done so in an approved manner to an authorised waste disposal facility.
- b) All works should be undertaken by an appropriately qualified tradesperson.
- c) All works must be completed to the satisfaction of Council.

3.2.13 Order 23 and 24 Criteria – Sewerage System Connectors

Orders may be issued under this Criteria where premises are within 75m of a sewage connection and are required by Sydney Water to make a connection.

Premises should be connected to the water supply in accordance with Sydney Water's requirements and the relevant Australian Standards.

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

2.3.14 Order 25 Criteria – Human Waste

Orders may be issued under this Criteria in order to protect public health in relation to human waste disposal.

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

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.

2.3.15 Order 27 Criteria – Obstructing a Public Place

Orders may be issued under this Criteria where an object or matter is causing or is like to cause an obstruction or encroachment on public land.

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

Examples of objects or matter under this order may include, but is 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) garbage skips, unless approved; and
- i) storage or accumulation of material, including waste.

3.2.16 Order 28 Criteria – Damage to a Public Place

Orders may be issued under this Criteria where damage to a public place is actual or likely.

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.

Examples of activities where this order may apply include:

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

3.2.17 Order 29 Criteria – Structures Over or Under a Public Place

An order may be issued under this Criteria 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.

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



Examples of works or structures to which this order may apply are:

- 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;
- h) Bus shelters; and
- i) Any other structure or work.

3.2.18 Order 30 Criteria – Complying with an Approval

Orders may be issued under this Criteria where an Approval under the relevant Act or Policy is not being complied with.

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;

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



- l) Expose or allow to be exposed (whether for sale or otherwise) in or on or so as 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

4 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 & regulations

The following Council strategies, plans and policies are also relevant to this policy:

- 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

5 Definitions

The following defined terms are used in this policy:

Authorised Officer

A City of Parramatta Council staff member with delegated authority to authorise certain Council officers under relevant legislation in order for them to carry out their duties and take necessary action.

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

All Council officers carrying out regulatory inspections on private land will:

- Have delegation to enter premises and carry out investigations as specified in Council's Instrument of Delegations and sub delegations;
- 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
- Carry documentation or certificates of authority where required by the legislation being implemented.

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)

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

**Defendant**

Means the accused person against whom criminal proceedings are brought.

EPAA

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 particular land;
- without a required development consent, approval, permission, direction, permit or licence; and/or
- contrary to the terms or conditions of a development consent, approval, permit or licence.

6 History

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

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

REFERENCES	
POLICIES	
ATTACHMENTS	

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