

# DRAFT LOCAL ORDERS POLICY

QUALITY CONTROL			
TRIM References	D12/11916 - 12/114		
Responsible Position	Director Infrastructure and Environment		
Approved by	Council		
Review Date	September 2028	Revision No.	4
Effective Date	Action	Minute No.	
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## 1. INTRODUCTION

Section 131 of the *Local Government Act 1993* provides that if council has adopted a local orders policy under Part 3 of Chapter 7 of the Act, it must take into consideration the criteria specified therein before issuing an order under Section 124 of the Act.

The policy provides guidelines for all local residents as to what is usually considered acceptable and provides publicly accepted and documented criteria which council will use in investigating complaints and issuing Orders.

## 2. POLICY OBJECTIVE

This policy is developed to establish criteria to be considered before issuing certain orders under section 124 of the *Local Government Act 1993*, in pursuance of having clearly defined acceptable standards and requirements to which stakeholders may refer when addressing relevant matters.

## 3. POLICY SCOPE

This policy applies to the Broken Hill City Council Local Government Area and to orders under section 124 the *Local Government Act 1993* but does not include order 22A in the table to that section.

*Note: Clause (3) of Section 159 of the Local Government Act 1993 specifies that a local orders policy cannot apply to order number 22A in the table to section 124.*

## **4. POLICY STATEMENT**

### **4.1. Threat to Health and/or Safety**

When determining whether or not to issue any order within the scope of this policy, whether the matter constitutes or is likely to constitute a threat to the health and/or safety of any person is to be a criteria which Council must take into consideration.

### **4.2. Additional Criteria to be considered**

When determining whether to issue an order listed in column 1 of the following table (described in column 2 of the table) under Section 124 of the *Local Government Act 1993*, Council must take into consideration the matters described opposite in column 5 of the table.

*Note: The contents of columns 1, 2, 3 and 4 are directly copied from the table to Section 124 of the Local Government Act 1993.*

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
1	To demolish or remove a building	(a)–(c) (Repealed) (d) Building is erected in a catchment district and causes or is likely to cause pollution of the water supply	Owner of building	No additional criteria specified.
2	[Repealed]			
3	To repair or make structural alterations to a building	(a), (b) (Repealed) (c) Building is erected in a catchment district and causes or is likely to cause pollution of the water supply	Owner of building	No additional criteria specified.
4	[Repealed]			
5(a) and 5(b)	To take such action as is necessary to bring a camping ground, caravan park or manufactured home estate or a moveable dwelling or manufactured home into compliance with relevant standards or requirements set or made by or under the <i>Local Government Act 1993</i> or under the <i>Local Government Act 1919</i>	Failure to comply with relevant standards or requirements set or made by or under the <i>Local Government Act 1993</i> or under the <i>Local Government Act 1919</i>	Owner, occupier or manager or, in the case of a water meter, water supply or sewerage system in respect of which a defect occurs in work due to faulty workmanship of, or defective material supplied by, a licensed contractor (being the holder of a licence in force under the <i>Home Building Act 1989</i> authorising the holder to contract to do the work) within 12 months after the work is carried out or the material is supplied, the licensed contractor	<ul style="list-style-type: none"> <li>The applicable standards as set out in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.</li> </ul>
5(c)	[Repealed]			

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
5(d)	To take such action as is necessary to bring a place of shared accommodation into compliance with relevant standards or requirements set or made by or under the <i>Local Government Act 1993</i> or under the <i>Local Government Act 1919</i>	Failure to comply with relevant standards or requirements set or made by or under the <i>Local Government Act 1993</i> or under the <i>Local Government Act 1919</i>	Owner, occupier or manager or, in the case of a water meter, water supply or sewerage system in respect of which a defect occurs in work due to faulty workmanship of, or defective material supplied by, a licensed contractor (being the holder of a licence in force under the <i>Home Building Act 1989</i> authorising the holder to contract to do the work) within 12 months after the work is carried out or the material is supplied, the licensed contractor	<ul style="list-style-type: none"> <li>The standards for places of shared accommodation set out in Part 1 of Schedule 2 of the Local Government (General) Regulation 2021.</li> </ul>
5(e)	To take such action as is necessary to bring a hairdresser shop or beauty salon into compliance with relevant standards or requirements set or made by or under the <i>Local Government Act 1993</i> or under the <i>Local Government Act 1919</i>	As above	As above	<ul style="list-style-type: none"> <li>The standards for hairdresser shops set out in Part 2 of Schedule 2 of the Local Government (General) Regulation 2021.</li> <li>The standards for beauty salons set out in Part 3 of Schedule 2 of the Local Government (General) Regulation 2021.</li> </ul>
5(f)	To take such action as is necessary to bring a mortuary into compliance with relevant standards or requirements set or made by or under the <i>Local</i>	As above	As above	<ul style="list-style-type: none"> <li>The standards for mortuaries set out in Part 4 of Schedule 2 of the Local Government (General) Regulation 2021.</li> </ul>

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
	<i>Government Act 1993</i> or under the <i>Local Government Act 1919</i>			
5(g)	To take such action as is necessary to bring a water meter on premises into compliance with relevant standards or requirements set or made by or under the <i>Local Government Act 1993</i> or under the <i>Local Government Act 1919</i>	As above	As above	No additional criteria specified.
5(h)	To take such action as is necessary to bring a water supply or sewerage system on premises, but only in relation to any work that is not plumbing and drainage work within the meaning of the <i>Plumbing and Drainage Act 2011</i> into compliance with relevant standards or requirements set or made by or under the <i>Local Government Act 1993</i> or under the <i>Local Government Act 1919</i>	As above	As above	<ul style="list-style-type: none"> <li>• Clauses 87 and 88 of the Local Government (General) Regulation 2021.</li> </ul>
6	[Repealed]			
7	To fence land	Public health, safety or convenience renders it necessary or expedient to	Owner or occupier of land	<ul style="list-style-type: none"> <li>• Whether the condition, location or use of the land poses a threat to the health, safety and convenience of the public.</li> </ul>

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
		do so and there is no adequate fence between the land and a public place		
8	To identify premises with such numbers or other identification in such manner as is specified in the order	Premises have a frontage to or entrance from a road and there are no markings that can readily be seen and understood from the road	Owner or occupier of land	<ul style="list-style-type: none"> <li>Whether a local emergency service or other relevant body considers that the property lacks adequate identification.</li> <li>Whether the property number can be easily legible from the road. Digits should be no less than 50mm in height.</li> <li>For residential premises, whether the house numbers are displayed in large, reflective digits on the house facade and/or the letter box.</li> <li>For non-residential premises, whether the property numbers are displayed in large, reflective digits on the facade of the main building.</li> </ul> <p>Where this position or building is not clearly visible from the road, the digits should be placed on a fence, sign or similar structure close to the street frontage.</p> <ul style="list-style-type: none"> <li>Whether there is unauthorised use of, or duplication of, numbers.</li> <li>Whether numbers are not in accordance with the street patterns.</li> <li>Whether there is potential for confusion in the identification of premises.</li> <li>If plants, trees or other objects obstruct existing identification signage or numbers</li> </ul>

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
				<p>from being clearly legible from the road, additional identification should be erected or the obstruction removed.</p> <ul style="list-style-type: none"> <li>Kerbside numbering is recommended and encouraged but does not replace the need for the premises to be identified elsewhere, in accordance with the above principles.</li> </ul>
9	To fence, empty, fill in or cover up a hole or waterhole in the manner specified in the order	Hole or waterhole is or may become dangerous to life	Owner or occupier of land	<ul style="list-style-type: none"> <li>Whether the hole or waterhole is located within an urban area and is directly accessible from a public place or another private property.</li> <li>The hole or waterhole is not adequately covered or fenced to the minimum requirements of the <i>Swimming Pools Act 1992</i> to prevent direct access to it from a public place or any other private property.</li> <li>Holes or waterholes should not be of such a character as to be likely to harbor pests, including (but not limited to) mosquitoes, fungi and algae.</li> </ul>
10	To remove or stack articles or matter, to cover articles or matter, to erect fences or screens or to plant trees	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	Owner or occupier of land	<ul style="list-style-type: none"> <li>Definition of "article" or "matter" includes but is not limited to: - <ul style="list-style-type: none"> <li>Disused motor vehicles, caravans, trailers, boats or associated parts;</li> <li>Disused machinery, equipment and appliances;</li> <li>Old, used or second-hand materials (including building materials);</li> <li>Sand, soil, rock, blue metal and any other material;</li> <li>Any organic or vegetative material;</li> </ul> </li> </ul>

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
				<ul style="list-style-type: none"> <li>○ Any industrial or commercial waste products;</li> <li>○ Any household rubbish or domestic waste;</li> <li>○ Any recycled or composted material;</li> <li>○ Furniture.</li> <li>• Whether the articles or matter are visible from the public place.</li> <li>• Whether the articles or matter are being kept in an orderly fashion or not.</li> </ul>
11	To do or to refrain from doing such things as are specified in the order to prevent environmental damage, to repair environmental damage or to prevent further environmental damage	<p>Work carried out on land has caused or is likely to cause environmental damage, being damage to the physical environment that is caused by:</p> <ul style="list-style-type: none"> <li>(a) drainage, or</li> <li>(b) drainage works, or</li> <li>(c) obstructing a natural watercourse other than by a work constructed or used under a water management work approval granted under the <i>Water Management Act 2000</i>, <p>not being environmental damage arising from premises, works or equipment the subject of</p> </li></ul>	Owner or occupier of land	No additional criteria specified.



Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
		a licence issued under the <i>Protection of the Environment Operations Act 1997</i> or the subject of a notice or direction issued by a regulatory authority under that Act		
12	To do such things as are necessary to control the flow of surface water across land	Other land, or a building on the land or other land, is being damaged or is likely to be damaged	Owner or occupier of land	<ul style="list-style-type: none"> <li>• Clause 89 of the Local Government (General) Regulation 2021.</li> <li>• Whether the premises has been altered or changed in the last (approximately) 18 months to create the issue where rectification works are required.</li> <li>• Whether it is likely that the flow of water will result in a threat to the health or safety of any person if left uncontrolled or unaltered.</li> <li>• Paved, cemented or other hard surfaced areas must have surface water diverted to an appropriate stormwater disposal system to minimise discharge onto adjoining properties.</li> <li>• Any stormwater disposal system should direct water (including overflows) in such a manner as to avoid damage to any land, building or structure.</li> </ul>
13,14	[Repealed]			
15	Not to conduct, or to cease conducting, an activity on premises (whether or not the activity is approved under this Act)	The activity constitutes or is likely to constitute: (a) a life-threatening hazard, or (b) a threat to public health or public safety	Any person apparently engaged in promoting, conducting or carrying out the activity	No additional criteria specified.

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
		and is not regulated or controlled under any other Act by a public authority		
15A	[Repealed]			
16	To cease the use of premises or to evacuate premises	A person to whom order No 15 is given has failed to comply with the order	The person to whom order No 15 is given	<ul style="list-style-type: none"> <li>• The terms of the order previously issued</li> <li>• The nature of the activity to which the previous order related to</li> <li>• Whether the whole or part of the premises should cease being used or be vacated</li> <li>• The nature/type of premises</li> </ul>
17	To leave premises or not to enter premises	A person to whom order No 15 is given has failed to comply with the order	Any person	<ul style="list-style-type: none"> <li>• The terms of the order previously issued</li> <li>• The nature of the activity to which the previous order related to</li> <li>• Whether the whole or part of the premises should cease being used or be vacated</li> <li>• The nature/type of premises</li> </ul>
18	Not to keep birds or animals on premises, other than of such kinds, in such numbers or in such manner as specified in the order	<p>Birds or animals kept on premises are:</p> <p>(a) in the case of any premises (whether or not in a catchment district)—of an inappropriate kind or number or are kept inappropriately, or</p> <p>(b) in the case of premises in a catchment district—birds or animals</p>	Occupier of premises	<ul style="list-style-type: none"> <li>• The terms of an order should generally be consistent with the standards for the keeping of birds or animals set out in Part 5 of Schedule 2 of the Local Government (General) Regulation 2021.</li> <li>• There are no restrictions on the number of birds and animals that can be kept in the City in <i>normal</i> circumstances. However, limits and standards may be applied via an order when: <ul style="list-style-type: none"> <li>○ A legitimate problem has been identified relating to the numbers and/or types of</li> </ul> </li> </ul>

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
		(being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs		<p>birds or animals kept on particular premises.</p> <ul style="list-style-type: none"> <li>○ There is a detrimental impact on the health, amenity and/or safety of others including, but not limited to: <ul style="list-style-type: none"> <li>▪ Continuing offensive noise at inappropriate times.</li> <li>▪ Continuing offensive odours.</li> <li>▪ Vermin infestation through poor cleaning.</li> <li>▪ Actual and potential impacts on neighbours or the public.</li> </ul> </li> <li>○ The number and type of bird(s) or animal(s) being kept is either not appropriate or not acceptable.</li> <li>○ The conditions in which the animals are being kept are either not appropriate or not acceptable.</li> <li>• Where the keeping of birds or animals on premises is capable of being regulated by the Environment Protection Authority, Council is excluded from making an order.</li> </ul> <p>Council will not issue this order in relation to:</p> <ul style="list-style-type: none"> <li>a) Damage caused by wild or native birds or animals;</li> <li>b) The trapping of any wild or native birds or animals;</li> <li>c) The control of or treatment of termites on private or public land;</li> </ul>

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Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
				<ul style="list-style-type: none"> <li>• <b>In relation to pigeons kept in a predominantly residential area</b>, the following criteria are to be taken into consideration: <ul style="list-style-type: none"> <li>○ The requirements of any local Pigeon Fanciers' Association or club,</li> <li>○ The release of pigeons for free flight or training should not be carried out on Saturdays, Sundays or Mondays,</li> <li>○ The release of pigeons for free flight or training is to be restricted to dawn to 8.30 a.m. and 3.30 p.m. to sunset,</li> <li>○ Any pigeon loft, cages or aviary shall be erected a minimum distance of 10m from any dwelling or associated structure,</li> <li>○ Premises are to be kept free from any nuisance caused by rodents, vermin or odour at all times,</li> <li>○ Grain and other food to be kept in vermin/rodent proof and sealed containers,</li> <li>○ The pigeon loft, cages or aviary should be constructed in a proper, workmanlike manner, free from debris and unsightly accumulations upon the roof, with a concrete floor and wall nib, or alternatively a raised timber/slatted floor no less than 450mm off the ground, with the roof graded appropriately.</li> </ul> </li> </ul>
19	To use or not to use a tennis court as specified	Actual or likely annoyance or threat to	Occupier of land	No additional criteria specified.

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
		the safety of neighbours or users of a public place		
20	To do such things as are specified in the order to put premises, vehicles or articles used for the manufacture, preparation, storage, sale, transportation or other handling or use of or in relation to food into a clean or sanitary condition	The premises, vehicle or article is not in a clean or sanitary condition	Owner or occupier of premises or owner or operator of vehicle or article	<p>This order should not be used where provision is available for action under the <i>Food Act 2003</i>.</p> <p>When the <i>Food Act 2003</i> is not applicable, the standards and requirements set for food premises under that act shall be taken into consideration and the terms of any order should generally reflect those standards and requirements.</p>
21	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 or healthy condition	The land or premises are not in a safe or healthy condition	Owner or occupier of land or premises	<p>Circumstances in which land or premises would be considered not to be in a safe and/or healthy condition include but are not limited to:</p> <ul style="list-style-type: none"> <li>• The presence of dampness in walls and ceilings in any property;</li> <li>• The presence of leaky roofs, defective guttering and/or downpiping;</li> <li>• Defective floor timbers and/or stair treads;</li> <li>• Accumulations or deposits likely to afford harbourage for vermin;</li> <li>• Defective sewerage service pipes;</li> <li>• The presence and/or accumulation of vegetation or vegetative matter (whether alive or dead) which is likely to become a harbourage for rubbish or vermin;</li> </ul> <p>Circumstances in which premises being used as a dwelling would be considered not to be in a</p>

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
				<p>safe and/or healthy condition include but are not limited:</p> <ul style="list-style-type: none"> <li>• The lack of adequate wholesome water supply;</li> <li>• The lack of or damage to waste pipes, sanitary fittings and/or flush pipe to water closet pans;</li> <li>• The presence of windows that: <ul style="list-style-type: none"> <li>○ contain broken glass</li> <li>○ have been rendered incapable of being opened</li> <li>○ have been covered over (boarded up) so as to prevent the entry of natural light;</li> </ul> </li> <li>• Lack of provision of suitable kitchen sink, facilities for bathing and for washing of clothes with water;</li> <li>• Lack of provision of an adequate stove or other facilities for cooking.</li> </ul>
22	To store, treat, process, collect, remove, dispose of or destroy waste which is on land or premises in the manner specified in the order, provided that it is not inconsistent with regulations made under the <i>Protection of the Environment Operations Act 1997</i>	Waste is present or generated on the land or premises and is not being dealt with satisfactorily, and is not regulated or controlled by, or subject to, a licence or notice granted or issued under the <i>Protection of the Environment Operations Act 1997</i>	Owner or occupier of land or premises, owner of or person responsible for the waste or for any receptacle or container in which the waste is contained	No additional criteria specified.

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
22A	To remove or dispose of waste that is on any residential premises or to refrain from keeping waste on those premises	The waste is causing or is likely to cause a threat to public health or the health of any individual	Owner or occupier of the premises	This order is outside the scope of this policy (refer section 159(3) of the <i>Local Government Act 1993</i> ).
23	To connect premises to the council's water supply by a specified date	The premises are situated within 225 metres of a water pipe of the council	Owner or occupier of land	No additional criteria specified.
24	To connect premises with a sewerage system by a specified date	The premises are situated within 75 metres of a sewer of the council	Owner or occupier of premises	No additional criteria specified.
25	Not to use or permit the use of a human waste storage facility on premises after a specified date	It is necessary for the purpose of protecting public health	Owner or occupier of premises	No additional criteria specified.
26	[Repealed]			
27	To remove an object or matter from a public place or prevent any object or matter being deposited there	<p>The object or matter:</p> <p>(a) is causing or is likely to cause an obstruction or encroachment of or on the public place and the obstruction or encroachment is not authorised by or under any Act, or</p> <p>(b) is causing or is likely to cause danger, annoyance or</p>	Person causing obstruction or encroachment or owner or occupier of land from which the object or matter emanates or is likely to emanate	<ul style="list-style-type: none"> <li>An object or matter includes (but is not limited to): <ul style="list-style-type: none"> <li>Advertising signs, advertisement generally;</li> <li>Motor vehicles or motor vehicle parts;</li> <li>Caravans or caravan parts;</li> <li>Trailers/boats or trailer/boat parts;</li> <li>Machinery, equipment and appliances;</li> <li>Second hand materials including building materials;</li> <li>Demolition materials;</li> </ul> </li> </ul>

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
		inconvenience to the public		<ul style="list-style-type: none"> <li>o Sand, soil rock, blue metal and any other material;</li> <li>o Any organic or vegetative material;</li> <li>o Any industrial or commercial waste product;</li> <li>o Any household rubbish or waste;</li> <li>o Any recycled or composted material;</li> <li>o Any stand, or article used for the display, distribution or sale of products;</li> <li>o Any products or merchandise for distribution or sale.</li> <li>• Whether any approval (under any Act) has been sought or gained that relates to the location of the object or article and the terms of any such approval.</li> </ul>
28	To take whatever steps are necessary to prevent damage to a public place and to repair damage to a public place	<p>There is actual or likely damage:</p> <p>(a) by excavation or removal of material from or adjacent to the public place, or</p> <p>(b) by a work or structure, or</p> <p>(c) by surface drainage or irrigation</p>	<p>Person responsible for the excavation or the removal of the material</p> <p>Owner or person entitled to the benefit of the work or structure</p> <p>Owner or occupier of land from which surface drainage flows or from which spray emanates</p>	No additional criteria specified.
29	To alter or repair a work or structure on, over or under a public place	It is in the public interest to do so	Owner of the work or structure	Circumstances where Council may issue this order include (but are not limited to) when



Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
				<p>structures on, over, or under a footway or road are:</p> <ul style="list-style-type: none"> <li>• Not maintained, erected or installed in accordance with approvals;</li> <li>• Considered unsafe or dangerous.</li> </ul> <p>This includes (but is not limited to):</p> <ul style="list-style-type: none"> <li>• Private services within a public place (for example, sewer services and roof water/stormwater pipes not covered by lease agreements) that require repairs</li> <li>• Driveway crossings which are not being maintained in a safe condition.</li> <li>• Shop awnings which are not being maintained in a safe or sightly condition.</li> <li>• Maintenance of underground pipes within a public place.</li> </ul>
30	To comply with an approval	The approval is not being complied with	Person entitled to act on the approval or person acting otherwise than in compliance with the approval	<ul style="list-style-type: none"> <li>• The requirements of the relevant approval.</li> <li>• The provisions of any Local Approvals Policy council has adopted under Part 3 of Chapter 7 of the <i>Local Government Act 1993</i>.</li> </ul>

## **5. IMPLEMENTATION**

### **5.1. Roles and Responsibilities**

The following Council officers are responsible for the implementation and the adherence to this policy:

- General Manager
- Director Infrastructure and Environment
- Director Corporate and Community
- All employees who deal with complaints and the enforcement of the *Local Government Act 1993*, including the issuing of orders, are responsible for implementing this Policy e.g. compliance staff being: Building Surveyors, Town Planners, , Community Safety Officers/Rangers, Environmental Health Officers and any authorised officers appointed by the General Manager.

### **5.2. Communication**

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

### **5.3. Associated Documents**

The following documentation is to be read in conjunction with this policy.

- Compliance and Enforcement Policy;
- Code of Conduct Policy
- Local Approvals Policy

## **6. REVIEW**

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council; with adoption within 12 months following a general election under the *Local Government Act 1993*, so as to avoid automatic revocation under Section 165, clause (4) of that Act. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Director Infrastructure and Environment is responsible for the review of this policy.

## **7. LEGISLATIVE AND LEGAL FRAMEWORK**

This policy is to be read in conjunction with the following:

- *Local Government Act 1993*, especially Chapter 7;
- Local Government (General) Regulation 2021, particularly Part 3 and Schedule 2;
- Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021;

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Local Orders Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

## 8. DEFINITIONS

Terms or expressions used in this policy which are defined in the *Local Government Act 1993* or one of its regulations have the meanings set out in those instruments.

Relevant terms and expressions defined by the *Local Government Act 1993* and/or its Regulations include:

**"Approval"** shall mean an approval that is in force under the *Local Government Act 1993*.

**"Building"** includes part of a building and any structure or part of a structure but does not include a moveable dwelling or associated structure or part of a moveable dwelling or associated structure.

**"Building"** includes a proposed building.

**"Carry out an Activity"** includes to organise, arrange for or otherwise cause the activity to be carried out.

**"Domestic Waste"** shall mean waste on domestic premises of a kind and quantity ordinarily generated on domestic premises and includes waste that may be recycled but does not include sewage.

**"Human Waste"** shall mean human faeces and urine.

**"Human Waste Storage Facility"** shall mean a device for holding or disposing of human waste, including a cesspit, septic tank, septic closet, water closet, chemical closet, humus closet and combustion closet.

**"Manufactured Home"** shall mean a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- (a) that comprises one or more major sections, and
- (b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the *Road Transport Act 2013*,

and includes any associated structures that form part of the dwelling.

**"Manufactured Home Estate"** shall mean land on which manufactured homes are, or are to be, erected.

**"Moveable Dwelling"** shall mean:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.

**"Place of Shared Accommodation"** includes a boarding house, a common lodging house, a house let in lodgings and a backpacker's hostel.

**"Premises"** shall mean any of the following:

- (a) a building of any description or any part of it and the appurtenances to it,
- (b) land, whether built on or not,
- (c) a shed or other structure,
- (d) a tent,

- (e) a swimming pool,
- (f) a ship or vessel of any description (including a houseboat),
- (g) a van.

**“Public Place”** shall mean:

- (a) a public reserve, public bathing reserve, public baths or public swimming pool, or
- (b) a public road, public bridge, public wharf or public road-ferry, or
- (c) a Crown reserve comprising land reserved for future public requirements, or
- (d) public land or Crown land that is not:
- (e) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or
- (f) a common, or
  - (i) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
  - (ii) land that has been sold or leased or lawfully contracted to be sold or leased, or
- (g) land that is declared by the regulations to be a public place for the purposes of this definition.

**“Road”** includes:

- (a) highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and
- (b) any part of a road and any part of anything referred to in paragraph (a), and
- (c) anything forming part of a road or anything forming part of anything referred to in paragraph (a).

**“Waste”** shall mean:

- (a) effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or
- (b) trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work, or
- (c) garbage, being all refuse other than trade waste and effluent,

and includes any other substance defined as waste for the purposes of the *Protection of the Environment Operations Act 1997*, and a substance is not precluded from being waste merely because it is capable of being refined or recycled.