

ORDINARY MEETING OF THE COUNCIL

June 9, 2025

ITEM 9

BROKEN HILL CITY COUNCIL REPORT NO. 107/25

SUBJECT: DRAFT LOCAL ORDERS POLICY FOR PUBLIC EXHIBITION
D25/25629

Recommendation

1. That Broken Hill City Council Report No. 107/25 dated June 9, 2025, be received.
2. That Council endorse the Draft Local Orders Policy for the purposes of public exhibition and invite submissions.
3. That the draft Local Orders Policy be exhibited for public comment for a 28-day period.
4. That Council receives a further report at the conclusion of the public exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the Draft Local Orders Policy.

Executive Summary:

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.

Section 159 of the *Local Government Act 1993* - (Preparation of draft local policy for orders) states that:

- (1) *A council may prepare a draft local orders policy.*
- (2) *A draft local orders policy is to specify the criteria which (if the policy were to be adopted) the council must take into consideration in determining whether or not to give an order under Section 124.*
- (3) *This section does not apply in relation to order No 22A in the Table to Section 124.*

Section 160 of the *Local Government Act 1993* - (Public notice and exhibition of draft local policy) states that:

- (1) *The council must give public notice of a draft local policy after it is prepared.*
- (2) *The period of public exhibition must be not less than 28 days.*
- (3) *The public notice must also specify a period of not less than 42 days after the date on which the draft local policy is placed on public exhibition during which submissions may be made to the council.*
- (4) *The council must, in accordance with its notice, publicly exhibit the draft local policy together with any other matter which it considers appropriate or necessary to better enable the draft local policy and its implications to be understood.*

Section 161 of the *Local Government Act 1993* - (Amendment and revocation of local policy) states that:

- (1) *After considering all submissions received by it concerning the draft local policy, the council may decide—*

- (a) to amend its draft local policy, or*
- (b) to adopt it without amendment, or*
- (c) not to adopt it, except where the adoption of criteria is mandatory.*
- (2) If the council decides to amend its draft local policy, it may publicly exhibit the amended draft local policy in accordance with this Part or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft local policy without public exhibition.*

Section 165 of the *Local Government Act 1993* - (Adoption of draft local policy) states that:

- (1) A council may amend a local policy adopted under this Part by means only of a local policy so adopted.*
- (2) An amending local policy may deal with the whole or part of the local policy amended.*
- (3) A council may at any time revoke a local policy adopted under this Part.*
- (4) A local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.*

Report:

The purpose of a Local Orders Policy is to firstly provide a guideline for all local residents as to what is usually considered acceptable and secondly, to provide publicly accepted and documented criteria which Council will use in investigating complaints.

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.

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.

A copy of the draft Local Orders Policy is attached.

Council's Planning and Development Team and Community Safety Team undertook a policy review workshop during May 2025 to focus on the review of Council's Local Orders Policy and Local Approvals Policy. The review amendments are listed in the table on the following page.

Section Reference Local Orders Policy – D12/11916	
Introduction	Reference to Division of Local Government Circular 01/39 removed to make the sentence plain English and easier to understand.
Policy wide	Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 updated to 2021
Policy wide	Local Government (General) Regulation 2005 updated to 2021
Section 4.2 – Order 10 and Order 27	(Additional Criteria Considered) Sand, soil, rock, blue metal and any other material (removed further description of derived from any extraction or dredging process)
Section 5	Roles and responsibilities for implementation and adherence to this policy review and updated: <ul style="list-style-type: none"> • General Manager • Director Infrastructure and Environment • Director Corporate and Community • All employees who deal with complaints and the enforcement of the <i>Local Government Act 1993</i>, including the issuing of orders, are responsible for implementing this Policy e.g. compliance staff being: Building Surveyors, Town Planners, Community Safety Officers, Environmental Health Officers and any authorised officers appointed by the General Manager.
Section 5.3	Associated Documents Local Approval Policy included in associated documents.
Section 6 Review	Responsible Officer for this policy updated to reflect Council's organisational structure.

Community Engagement:

The Draft Local Orders Policy will be advertised for public exhibition for a period of 28-days prior to the matter being referred to Council for final adoption.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

- *Local Government Act 1993*
- Local Government (General) Regulation 2021
- *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*

Financial Implications:

There are no financial implications for Council to implement this Policy.

Attachments

1. [↓](#) Draft Local Orders Policy

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