

## 1.0 INTRODUCTION

- 1.1 Council adopted the following procedure for non-compliance with an order issued under items 21 or 22A of Section 124 of the Local Government Act:

## 2.0 PROCEDURE

- 2.1 In relation to land, other than that being used of occupied residential purposes, issue a notice of intention to enter authorising entry to the premises by Council staff or contractors and execute the order by carrying out the clean-up works and issue an invoice to the owner for the costs incurred.
- 2.2 In relation to land that is being used for residential purposes, obtain a search warrant from the registrar of the Moree Local Court authorising entry to the premises by Council staff or contractors to execute the order by carrying out the clean-up works and issue an invoice to the owner for the costs incurred.
- 2.3 In circumstances where the owner is able to be located by Council and an order No 21 under Section 124 of the Local Government Act 1993 has not been complied with the owner will be issued with a \$330 penalty notice in addition to Council executing the order.
- 2.4 In circumstances where the estimated cost of executing an order is greater than \$2,000 a report shall be generated to Council seeking authority to carry out the necessary works.


## 3.0 GENERAL MANAGER'S DELEGATED AUTHORITY

It was resolved that Council delegates its authority under the Local Government Act 1993 and Environmental Planning and Assessment Act 1979 to the General Manager to do all things necessary to enforce the orders provision of both Acts by:

- 3.1 Entering land for the purpose of carrying out inspections and conducting investigations and
- 3.2 Issuing appropriate orders
- 3.3 Entering upon the land and executing the order where compliance with the orders requirements is not achieved
- 3.4 Issuing the relevant penalty infringement notices where orders are not complied with

Issue Date: 5 March 2009

Council Reviewed: 5 March 2009

Drafted by:	Executive	Adopted:	05/03/2009	Dated:	6/3/2009	GM's Signature:	
MANEX Reviewed:		Council Reviewed:	05/03/2009	Resolution No.	09/03/09	Pages:	1 of 1