


GOVERNANCE POLICIES  CITY OF MARION Order-Making Authority	Policy Number:	GP-11
	Version Number:	1.0

POLICY STATEMENT:

The City of Marion is committed to using the order making powers available to it, under the Local Government Act 1999, in such way as to facilitate a safe and healthy environment and to improve the amenity of the locality.

This policy will apply to those circumstances listed in section 254 and 299 of the Local Government Act 1999 which is attachment 1 to this policy.

This policy is supported by procedures, which set out the steps Council will take in the making, enforcement and review of orders, to which this section of the Local Government Act applies.

Application

The City of Marion will apply the principals of social justice, ecological sustainability, accountability, transparent process and good customer service when undertaking to resolve a nuisance on private land using this policy.

The City of marion will consider the following factors when determining the merit of serving an order:

- Severity of the incident
- Hazard / Danger posed to the Community
- Risk to health and safety of the Community
- Impact on Local Amenity
- Frequency of Occurrence
- Previous attempts to reconcile the situation
- Potential to use options such as negotiation, mediation, warnings or other more collaborative approaches
- Public interest
- Offender Attitude / Recidivism
- Evidentiary support where potential for the order to be challenged
- Opportunities to take action under alternative legislation.

Penalties

Section 258 of the Local Government Act 1999 provides for a mximum penalty of \$750 and an expiation fee of \$105 for failure to comply with an order issued under Section 254 of the Act.

Appeals

Appeals against an action brought against a person under this policy must be in writing and will be considered by the Chief Executive. Where appropriate, the Chief Executive may refer the matter to Council.

DEFINITIONS:

PRINCIPLES:

To ensure that the correct procedures are used when issuing orders under section 254 of the Local Government Act 1999, Section 259(8) of the Act prescribes that Council must refer to the order making policy, prior to the issue of an order.

REFERENCES:

Corporate Plan:

KRA 2 - Community Life

Procedure References:

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WARNING

If using a printed copy of this document, be aware that whilst it was correct at the time of printing, it may have since been amended.

Section 254 of the Local Government Act 1999.

Other Related References :

Section 255-259 and 299 of the Local Government Act 1999.

Previous Versions:

Policy No GP-10 authorisation date 23/04/2001