



## Fact Sheet

### Overgrown Land

Nambucca Shire Council is located in a sub-tropical region of Australia and, as a result, we experience higher than average rainfall. Whilst the rainfall is welcomed in most instances, it does encourage rapid growth of vegetation, particularly during the spring and summer months. It is during this period that Council receives a significant number of customer requests in relation to overgrown properties.

This fact sheet is designed to help residents understand when and why a property would be considered 'Overgrown' and the compliance action(s) that may be initiated by Council to ensure the property is maintained to a reasonable standard to ensure that it does not pose a health and safety risk to adjoining properties.

Not all residents have the desire to keep their properties in a 'park like' condition and this should be taken into consideration before a complaint is lodged with Council. Many properties may be considered to be untidy, but untidy does not necessarily mean that the property is in an unsafe or unhealthy condition and in need of Council intervention.

The following dot points are provided as a guide to Council's service level for the matter of overgrown vegetation:

#### Criteria for Overgrown Land

- a) The property is located in the following residential or business zones (R1, R2, R3, R4, RU5, B1, B2, B3, B4 or B7) - Council will not respond to requests in relation to overgrown vegetation in rural or industrial areas; and
- b) The vegetation is more than 600mm in height; and
- c) Over 50% of the land is overgrown to a minimum height of 600mm; and
- d) Overgrown vegetation is within 10 metres of the complainant's dwelling or alternatively within 5 metres of their property boundary; and
- e) Detailed information/evidence of the harbourage of vermin and impacts upon the complainant are provided.

Council will not action complaints based upon "unsightliness" or complaints from residents outside the "proximity" criteria above.

Complaints will not be accepted where the alleged overgrown vegetation is located within close proximity to environmentally sensitive land, reserves, bushland and water courses.

Please note overgrown vegetation does not include native vegetation that is protected under the Threatened Species Conservation Act 1995 or the Native Vegetation Act 2003.

Overgrown vegetation that contains “Noxious Weeds” must be directed to Council’s Noxious Weeds Officer.

Council will not respond to customer requests in relation to the potential fire risk of overgrown vegetation as these requests should be directed to NSW Rural Fire Service.

If overgrown vegetation is considered to be in a state which is likely to render the land unsafe or unhealthy, Council may initiate regulatory action. This would include vegetation that due to its unkempt nature would likely be a harbourage for or encourage vermin.

Native mice, native rats and snakes are not considered to be vermin and are protected under the National Parks and Wildlife Act 1974. Should the presence of snakes concern you, it is recommended that you contact the National Parks and Wildlife Service or a wildlife rescue/relocation service.

Council encourages residents to try to solve the problem amicably by talking to the property owner or manager if known. Often people are unaware that their activity or lack of property maintenance is causing a problem and are usually happy to address the problem after being notified.

Regulatory action involves the issuing of formal notices and orders directing the property owner to manage and maintain the vegetation on-site for a three (3) year period under the provisions of the Local Government Act.

If Council’s formal notice and/or order is not complied with, enforcement actions (issuing of penalty infringement notices) may be appropriate.

The time taken to have requests for vegetation to be maintained will depend upon a number of variables but most significantly, weather conditions and the property owner’s willingness to respond to and manage the overgrown vegetation. Council must also abide by legislative timeframes and procedural fairness and therefore the property may remain overgrown for periods of 8-10 weeks following Council’s initial notification.

From experience, overgrown lots in urban areas tend to become a repository for other people’s garden waste or litter for which the landowner then becomes responsible.

Council strongly recommends that the owners of vacant land establish an agreement with a slashing or mowing contractor to maintain the land on a regular basis. As a bare minimum, attention should be given to the land in early summer, midsummer and early autumn.

#### **Further Information**

Please call Council on (02) 6568 2555 or refer to Council’s *Local Orders Policy* available on Council’s website at [www.nambucca.nsw.gov.au](http://www.nambucca.nsw.gov.au).