

# » overgrown urban private properties

This factsheet is to help residents understand when and why a property would be considered 'overgrown', and the compliance action Council may initiate to ensure properties are maintained to a standard that does not pose a health and safety risk to adjoining properties.

Ballina 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.

» Overgrown land can be unsafe or unhealthy and may harbour or encourage mice and rats.

## » What is a 'tidy' property?

Not all residents have the desire to keep 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.

## » How Council responds to complaints

- Council **will only respond** to customer requests in relation to overgrown vegetation in residential zones
- Overgrown vegetation does include vegetation that is in a state which is likely to render the land in an unsafe or unhealthy condition. This would include vegetation that due to the unkept nature would likely be a potential harbourage for or encourage vermin (native animals are not vermin i.e. snakes).
- The vegetation in question is more than 600 mm (approximately) in height and covers a significant portion of the property (Overgrown vegetation does not include native vegetation that requires development consent to remove or is protected under the Biodiversity Conservation Act 2016, Council's Significant Tree Register or Lennox Head Vegetation Management Order).
- Council will not respond to customer requests in relation to the potential fire risk of overgrown vegetation. These requests should be directed to NSW Rural Bushfire Service.
- Council will not respond to overgrown/unhealthy land complaints relating to NSW State owned properties i.e. Housing NSW. These complaints must be directed to the property owner for action.



## Other solutions

Council encourages residents to try to solve the problem amicably by talking to the property owner or manager, if these contact details are not known Council's Rates Section (6686 1299) can provide them. 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. The Community Justice Centre also offers free mediation to parties in dispute, and have a high rate of success. They can provide assistance through their website [cjc.justice.nsw.gov.au](http://cjc.justice.nsw.gov.au) or on 1800 990 777.

In the event that neighbourhood communications are unsuccessful and Council's assistance is requested Council will proceed with the following:

- We will send a letter to the property owner advising of the concerns raised with Council and requesting property maintenance be reviewed and improved if appropriate. The property owner will also be advised that further action may be taken by Council if vegetation on the property continues to be in an unsafe or unhealthy condition.
- If at the end of this period further complaints are received, and a site inspection confirms the property is in an unsafe or unhealthy condition, formal notices will be issued directing the property owner to manage and maintain the vegetation on-site for a two year period. 4 weeks will generally be required in this stage to satisfy the natural justice and administrative provisions of the Local Government Act.

- If Council's formal notice is not complied with Council may engage a contractor to undertake the work (costs will be recovered from the property owner) and/or enforcement actions (issuing of penalty infringement notices) may be initiated without further notice.

Note: If this step is taken you may be required to provide a signed witness statement as evidence of how you are being impacted by the overgrown property. This may then be used as evidence in court if necessary.

Therefore the time taken from initial customer request to have vegetation maintained to final resolution 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.

From experience, overgrown lots in residential 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.



*For further information contact:*

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