



Policy Subject/Title: Overgrown allotments policy

Policy Number: C/ 029

Responsible Officer: Director Corporate and Community Services

Legislative or Regulatory Reference: *Local Government Act 2009/Local laws 1 and 3*

Authorised by: Somerset Regional Council

Authorised on: 11 January 2017 (Doc Id 930696)

Review / Amendment dates: 25 March 2020 (Doc Id 1186457)

1. OBJECTIVE

To ensure that processes for regulating overgrown privately-owned allotments are applied that are consistent and effective.

2. BACKGROUND

Local law number 3 deals in part with overgrown and unsightly allotments.

Council may issue a compliance notice to the person responsible for an overgrown allotment requiring clearing of vegetation.

Local law number 1 section 27 confirms that not complying with this notice is an offence and sets down what must be included in the compliance notice.

3. PURPOSE

Council will use its regulatory powers to control the number of overgrown and unsightly allotments.

As at 21 December 2016, the value of a penalty unit was \$121.90 and the fine payable under local law number 1 section 27 would be based on 5 penalty units (Section 7 of State Penalties Enforcement Regulation 2014) or \$609.50. This amount is indicative only for the purpose of this policy.

4. SCOPE

This policy applies to Council and Somerset Regional Council property owners.

5. POLICY

On being advised that a privately-owned allotment is overgrown, Council will seek evidence to confirm that the property is overgrown and if and when evidence is obtained, Council will issue a warning letter to the owner of the property as the responsible person.

The warning letter will include a date on which a compliance notice would issue if the property is confirmed to be overgrown at that time.

The date on the warning letter for issuing the compliance notice will be 14 days after the date of issue of the warning letter.

The warning letter will include information about the potential compliance action and about contractors who may be available to provide relevant services for the property owner to avoid a compliance action.

On the date given on the warning letter, if the authorised officer forms the opinion that the allotment is overgrown as set out in local law 3, Council will issue a compliance notice.

The compliance notice will also be a remedial notice under the *Local Government Act 2009*.

It is considered reasonable for public health and safety reasons that the time by which the recipient must comply with the compliance notice is 14 days.

These reasons include the risk of fire and harbourage of vermin in addition to the matters listed in the local law.

If the compliance notice is not complied with within 14 days, Council will immediately issue (within 24 hours):

- an infringement notice to the owner
- a reasonable entry notice providing the minimum notice period confirming that a contractor has been appointed to take the required action on a nominated date.

Council will then charge the external costs of taking the required action to the property owner.

Photographs including a date will be obtained as evidence of the state of the property at each relevant stage.

The Chief Executive Officer is empowered to nominate alternate actions and / or response timeframes nominated under this policy where extraordinary circumstances prevail.

6. EFFECTIVE FROM

Date of amendment namely 25 March 2020.

7. CONTROLS

This policy is subject to controls outlined in the financial management risk register.

8. DATE OF RESOLUTION

The original policy was approved by the Chief Executive Officer and adopted by Somerset Regional Council at the Ordinary Meeting of 11 January 2017.

Signed:

A handwritten signature in black ink, consisting of a stylized, cursive script that is difficult to decipher but appears to be a personal name.

Date: 25 March 2020