

Overgrown Properties

Lismore is located in a sub tropical region of Australia and as a result we experience higher than average rainfall. Whilst the rain fall 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 maybe 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 to guide to Councils service level for the matter of overgrown vegetation:

- Council **will respond** customer to **requests** of overgrown vegetation in built up urban areas, villages, industrial and business areas.
- Overgrown Vegetation **does include** vegetation that is considered to be in a state in which it is likely to render the land in an unsafe or unhealthy condition. This would include vegetation that due to the un-kept nature would likely be a harborage for or encourage vermin or presents as a potential fire risk.

- Council **will not respond** to customer requests in relation to overgrown vegetation in rural or rural residential areas.
- Overgrown Vegetation **does not include** vegetation that is protected under the Threatened Species Conservation Act 1995, Native Vegetation Act 2003 or Councils Tree Preservation Order.

Council encourages residents to commit to a good neighbour policy, that is, try to solve the problem amicably by talking to whoever is causing the nuisance. Often people are unaware that their activity or lack of property maintenance is causing a problem and are usually happy to work with you to find a solution.



In the event that neighborhood communications are unsuccessful and Councils assistance is requested Council will proceed with the following:

- We will write an initial letter to the property owner advising of Councils notification and the potential for further action in twenty eight (28) days if vegetation on the property is not maintained to a reasonable standard.

- If at the end of this period further complaints are received, and a site inspection confirms the overgrown nature of the property still exists, formal notices will be issued directing the property owner to manage and maintain the vegetation on-site for a (three (3) year period). Four (4) weeks will generally be required to satisfy the natural justice and administrative provisions of the Local Government Act for this stage.
- If Councils formal notice is not complied with enforcement actions (issuing of penalty notices etc) maybe initiated without further notice.

Therefore the time frame from initial customer request to vegetation being maintained will depend upon a number of variables but most significantly the property owner's willingness to respond to and manage the overgrown vegetation.

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