	<p style="text-align: center;">GOVERNANCE POLICY</p> <p style="text-align: center;">UNSIGHTLY, INSANITARY AND DERELICT PREMISES</p>	Policy Number Version Number Issued Last Review Next Review GDS	G1.54 1 February 2023 - February 2028 9.63.1.1
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UNSIGHTLY, INSANITARY AND DERELICT PREMISES

BACKGROUND

The purpose of this Policy is to describe the framework for the equitable investigation and determination of Unsightly, Insanitary and Derelict Premises in The Flinders Ranges Council (Council) area pursuant to the *Local Nuisance and Litter Control Act 2016* and the *South Australian Public Health Act 2011*.

DEFINITIONS

Terms used within this Policy are defined by the Council or stated in the *Local Nuisance and Litter Control Act 2016* and the *South Australian Public Health Act 2011*.

These definitions are included to clarify the terms and conditions implied throughout this Policy:

Amenity Value of an area means any quality or condition of the area that conduces to its enjoyment.

Authorised Graffiti means any graffiti that is placed within the public domain with permission or authority or placed on a surface established for the free application of graffiti.

General **Duty** means the onus placed on everyone pursuant to Section 56 of the *South Australian Public Health Act 2011* to prevent or minimise any harm to public health, a person who causes a material or serious risk to public health.

Harm includes physical or psychological harm, or potential harm, to individuals, whether of long term or immediate impact or effect.

Insanitary means a condition that may interfere, or is interfering, with other people's enjoyment of an area. This could be due to vermin activity (rodent or pest infestation), accumulated rubbish either indoors or outdoors, poorly kept or deceased animals, or an absence of proper or adequate sanitary facilities including offensive odours being emitted.

Potential Harm includes risk of harm and future harm.

Premises means:

- (a) any land, building (including residential premises) or place (including a public place, or a movable building or structure); or
- (b) a part of premises.

Public Health may involve a combination of policies, programs and safeguards designed:

- (a) to protect, maintain or promote the health of the community at large, including where one (1) or more persons may be the focus of any safeguards, action or response; or
- (b) to prevent or reduce the incidence of disease, injury or disability within the community.


Unsightly means a condition of a premises involves:

- a) Excessive or unconstrained rubbish, waste or vegetation; or
- b) Stockpiled, excessive or unconstrained disused or derelict items (including unregistered vehicles) or material that a reasonable person would consider to be rubbish or waste; or
- c) Graffiti (other than authorised graffiti) that has been left on the premises for more than 28 days (or seven (7) days for offensive graffiti); or
- d) A building on the premises having been left partially demolished or in a state of disrepair, dilapidation or damage.

POLICY STATEMENT

This Policy aims to promote public health, safety and local amenity in keeping with the requirements of the *Local Nuisance and Litter Control Act 2016* and the *South Australian Public Health Act 2011* in an equitable and professional manner across the Council area.

The conditions of a premises will be assessed by an Authorised Officer with regard to the requirements of the relevant legislation, from the following perspectives;

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A premise will be deemed **unsightly** if;

- There is an excess of unconstrained rubbish, waste or vegetation; or
- There are stockpiled, excessive or unconstrained disused or derelict items or material, including unregistered motor vehicles, that a reasonable person would consider to be rubbish or waste in the circumstances; or
- There is graffiti (other than authorised graffiti) that has been left on the premises for:
 - More than 7 days in the case of offensive graffiti; or in any other case,
 - More than 28 days; or
- The condition of the premises has an adverse effect on the amenity value of the area, or causes the premises to be significantly out of conformity with the general appearance of neighbouring premises; or
- A building or structure has been left partially demolished, or in a state of disrepair, dilapidation or damage where the conditions have had an adverse effect on the amenity value of the area, or causes the premises to be significantly out of conformity with the general appearance of neighbouring premises; or
- It is caused by human activity, or a failure to act.

A premise will be deemed **insanitary** if;

- The premises are filthy or neglected so that there is a risk of infestation by rodents or other pest; or
- Offensive materials or odours are emitted from the premises; or
- The condition of the premises will unreasonably interfere with, or is likely to interfere unreasonably with, the enjoyment of premises occupied by persons in the vicinity.

A premise may be deemed both unsightly and insanitary at the same time.

The owner of a premises that is derelict, neglected or abandoned may be served an Order to demolish the premises if it is unsightly, insanitary or a material threat to public health.

If the condition of a premises is, in the opinion of an Authorised Officer, likely to cause a threat to public health, of either the community or the resident at the location, pursuant to Section 56 of the *South Australian Public Health Act 2011* additional assessment criteria will be undertaken in association with the SA Health Hoarding Guideline: 'A Foot in the Door' and the Environmental Cleanliness and Clutter Scale.

The owner of a property deemed to be unsightly, insanitary or derelict will receive Orders, pursuant to the relevant legislation, detailing the corrective actions required to remediate the condition of the premises in accordance with the following risk-based response table:

SEVERITY LEVEL	RESPONSE	NON-COMPLIANCE RESONSE	PENALTIES
Minor	1 Verbal Warning / Request to Cease / Implement Corrective Actions	Escalation to Level 2	-
	2 Written Warning / Request to Cease / Implement Corrective Actions	Escalation to Level 3	-
	↓ 3 May be a combination of Level 2 & 4 depending on situation & demeanour of responsible person	Escalation to Level 4	Expiation Fee \$500
Severe	4 Abatement Notice Issued with defined corrective actions & compliance deadline	Enforcement	Expiation Fee \$500 Body Corporate \$60,000
	5 Emergency (verbal) Abatement Notice served on the spot – written f/up in 24hrs <i>May include immediate expiation</i>	Enforcement	Natural Person \$30,000 Body Corporate \$20,000

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				Natural Person \$10,000
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RESPONSIBILITIES

The Director of Works will be responsible for this policy.

LEGISLATION

Local Nuisance and Litter Control Act 2016
South Australian Public Health Act 2011

RELATED DOCUMENTS

Severe Domestic Squalor: 'A Foot in the Door' — SA Health Guideline
Environmental Cleanliness and Clutter Scale

AVAILABILITY OF POLICY

This Policy will be available for inspection at the Council Offices during ordinary business hours at no charge and a copy may be purchased for a fee as set annually by the Council.

Copies of this policy will also be available from the Council's website www.frc.sa.gov.au

REVIEW

To be reviewed within 12 months after a General Election, in line with legislation and any legislative changes or by resolution of Council.

Adopted by Council
Resolution

Review Date	Version Number	Change	Resolution
21 March 2023	v1	Approved for public consultation	52/2023
19 April 2023	v1	Adopted by Council	93/2023