Local Nuisance - Insanitary Conditions

The *Local Nuisance and Litter Control Act 2016* (the Act) was developed to support and enhance local amenity values by strengthening local nuisance and litter management services within South Australian communities. The Act provides legislative tools to deal with unsightly conditions in the community.

What is Local Nuisance?

Local nuisance is described in the Act as being any adverse impact on the amenity value of an area, which unreasonably interferes with, or is likely to unreasonably interfere with, the enjoyment of that area by people in that area. Insanitary conditions can be a cause of local nuisance in the community.

What is Amenity?

Amenity value is defined in the Act as including any quality or condition of an area that is conducive to its enjoyment. This can refer to a wide range of qualities, characteristics and attributes about a place or area that people value and which contributes to their experience of a good quality of life. Whilst the amenity values that individuals seek to appreciate vary according to each person's own principles, there is a wide range of common ideals that are generally accepted as being key elements relative to the amenity value of a community.

What are insanitary conditions?

Insanitary conditions are conditions that may or are interfering with other people's enjoyment of an area. This could be due to vermin activity, accumulated rubbish in the front area of a property or poorly kept property or deceased animals, or an absence of proper or adequate sanitary facilities.

What are the impacts of insanitary conditions?

Insanitary conditions can have a wide range of impacts particularly if there are odours being emitted from the premises or there is a risk of pest or rodent infestation. These type of conditions can quickly affect nearby residences, particularly where pest or rodent infestation is concerned.

How does Council determine if premises have insanitary conditions?

Council will refer to *Section 17* of the Act to assist in determining if premises have insanitary conditions. If there is reasonable belief that this is the case, then an authorised officer can declare that insanitary conditions exist – and hence, local nuisance is being caused. In making their assessment, an authorised officer will consider if:

- the premises are so filthy or neglected that there is a risk of infestation by rodents or other pests; or

- offensive material or odours are emitted from the premises.

What is the law with regard to insanitary conditions?

It is an offence under the Act to cause a local nuisance by way of insanitary conditions and penalties can apply. If a matter is considered serious enough, Council can issue the person causing the nuisance with a Nuisance Abatement Notice, which will specify a certain period within which the offender must rectify the problem.

When should insanitary conditions be reported?

In the first instance a person should try and discuss concerns with the people (e.g. neighbours) from where the nuisance is emanating from, as they may not be aware that they are causing a nuisance. Concerns should be raised and discussed, and suggestions provided to resolve problems - simple solutions can often be found that satisfy everyone. Council will only become involved if an issue within the community (e.g. between neighbours) cannot be resolved or if the nuisance is a broad-scale issue involving multiple parties.

How does Council manage complaints?

The City of Holdfast Bay uses a gradated response to enforcement in line with Council's Compliance and Enforcement Policy. The Compliance and Enforcement Policy provides guidance to the Council as to how and when enforcement mechanisms should be applied under the Act and to inform its community as to how decisions on enforcement matters are made. A copy can be requested from Council.

More information

If you would like any more information, or to make a complaint, please contact us by phone on (08) 8229 9999, or via email at mail@holdfast.sa.gov.au