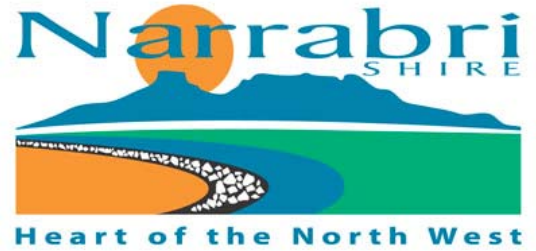


TOWNSHIP AMENITY AND PUBLIC SAFETY POLICY



Responsible Department: Development and Economic Growth
Responsible Section: Development and Economic Growth
Responsible Officer: Director of Development and Economic Growth

Objective

To provide definition and fair regulation regarding various ongoing issues which cause a variety of problems affecting both Council and the residents of Narrabri Shire.

Introduction

- To provide uniformity in all activities conducted by Authorised Officers.
- To provide set minimum standards and requirements for activities conducted within Narrabri Shire.
- To accompany and compliment existing laws and provide concise manners of dealing with various breaches of those laws.
- To ensure all activities are conducted in an open, fair and lawful manner.
- To regulate activities, practices & behaviour in Township areas so that no detriment is caused to the peace, order & amenity of the area or detrimental effect to property.
- Protect the amenity of residential areas, streets, roads & the safety of all road users.
- To provide a fair & equitable service to all residents while simultaneously improving their general quality of life within Narrabri Shire.
- To reduce unsightly land & promote township beautification.
- Provide effective and timely services while increasing the public's confidence in Council.

Policy

Council Issue of Orders

Is approved under the *Local Government Act 1993* section 124 Orders & section 125 Abatement of Public Nuisances

Terms Used In This Policy

Item/Thing	Anything not being an animal kept within the Narrabri Shire.
Activity	Anything requiring approval under this Policy.
Permit	Means a permit issued by Council under this Policy for a specific activity or the keeping of any excess animals or regulated items.
Township Area	Means any land within a Township for public use, business, industrial or residential purposes under the Narrabri planning scheme
General View	Clearly visible from a road or footpath to pedestrians or motorists. But excludes adjoining properties or rear lanes should any effort or elevation be required to gain sight of any regulated item or thing.
Fence / Fencing	Any fencing shall be to a type height and design specified by Council which best serves the interest of public safety in regard to the activities specific requirements.
Road	Except as otherwise provided, has the same meaning as is ascribed to it in the Local Government Act 1989.
Land	Means and includes all land within township areas but does not include land zoned for farming purposes.
Vehicle	Has the same meaning as is ascribed to it in the Road Transport (General) Act 2005 No 11
Unregistered vehicle	Any vehicle failing to meet the definition of being registered under the Road Transport (Vehicle Registration) Act 1997.
Vehicle crossing	Council approved and / or installed exit and entry point for vehicles from private or public land, allowing access across footpaths, nature strips, gutters, drains and channels or any other approved entry point.
Vehicle Breaking	Disassembly of vehicles within a Township area without approval under Councils planning scheme for monetary gain or the personal use of components.
Unregistered vehicle	Any vehicle failing to meet the definition of being registered under the Road Transport (Vehicle Registration) Act 1997.
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Waste materials/ rubble	Including but not restricted to timber, steel, concrete gravel, earth and any other material or miscellaneous items lacking any foreseeable useful purpose or intention, regardless of size or location.
Derelict Buildings or structures	Any structure or dwelling which is uninhabited in such a state of disrepair and / or collapse that it has the potential to cause a risk to surrounding resident's or the amenity of the area, this shall include the harbourage of vermin or reptiles.
Minor works	Slashing of vegetation or removal of items which can be completed with domestic tools and car & / or trailer by an individual/s without the assistance of skilled personnel or special equipment.
Major works	Large scale works requiring special equipment such as trucks & loaders to complete the task and / or skilled personnel such as electricians, plumbers & builders.
Vermin	Means non domesticated and caged mice and rats.
Clear zone	Minimum 4 metre strip of mowed or slashed vegetation which shall not exceed 100 mm in height for the express purpose of restricting and slowing the spread of fire.
Fire break	Minimum 4 metre strip of tilled earth kept devoid of any grass or vegetation for the express purpose of preventing the spread of fire.
Notice	Written formal directive from Council requiring the completion or compliance regarding any activity regulated by this policy.

1. Excess Vegetation

- a) If possible, height checks should be conducted in multiple locations in order to gain an "overall" vegetation height prior to any Notice being issued.
- b) Any land used for agricultural purposes which borders any residential dwelling/s shall be required to implement and maintain clear zones or firebreaks using a minimum width of 4 meters around those dwellings.

If any land breaches the vegetation excessive height definition then the directive to clear that vegetation shall specify the slashed or mowed height is not to exceed 100mm.

This section excludes garden beds containing ornamental plants, bushes or shrubs and trees.

2. Vegetation during the Fire Season

During the designated fire season all vegetation on any land within a Township area must be constantly maintained at the maximum approved slashed height of 100mm or a Notice may be issued requiring reduction.

3. Land not to be unsightly or Hazardous

- (1) An owner or occupier of any land must not allow or permit that land to be kept in a state which is unsightly, hazardous or detrimental to the amenity of the neighborhood.
- (2) In deciding whether land is unsightly the Council may take into consideration the condition, intended use and location of:
 - a) Stored vehicles, machinery or goods.
 - b) Stockpiles or excessive growth of vegetation.
 - c) Disused excavations, waste material or rubble.
 - d) Derelict buildings or structures.
 - e) Any other adverse or relevant condition or thing.

3(a) Waste Material or Rubble

Waste material or rubble includes, but is not restricted to, timber, steel, concrete gravel, earth, scrap iron and any other material or miscellaneous items lacking any foreseeable useful purpose or intention, regardless of size or location. Where any waste material or rubble creates or has the potential for creating an amenity or safety issue, Council may serve a Notice for, but not limited to:

- a) Securing and neat stacking of loose materials.
- b) Removal or securing of potential airborne hazards.
- c) Removal of unsightly collapsed buildings or structures.
- d) Elevation or removal of items to avoid vermin harborage.
- e) Any other thing required to rectify any situation relating to public safety and amenity.

4. Disused Excavations

Shall include disused building or demolition sites, general excavations or any other related activity deemed to be permanently ceased and shall include disused open wells and septic tanks or any other potentially hazardous excavation.

These shall be assessed in accordance with public safety as a prime concern, and Council may Order various solutions which may include, but not be limited to:

- a) That adequate fencing is put in place to prevent any person entering the site of said disused excavations.
- b) That warning notices and barriers be erected.
- c) That the excavations be filled and leveled to remove any hazard.
- d) Any other action required to abate any risk or immediate threat to the public.

5. Derelict buildings or structures

Where any building or structure creates or has the potential for creating an amenity or safety issue, Council may serve a Notice for, but not limited to;

- a) Securing and neat stacking of loose materials
- b) Removal or securing of potential airborne hazards
- c) Removal of unsightly collapsed buildings or structures
- d) Elevation or removal of items to avoid vermin harborage
- e) Any other thing required to rectify any situation relating to public safety and amenity.

6. Vermin Harborage

Any owner or occupier of any land in a Township area must not allow any animal, activity or item on that land to encourage, attract or shelter vermin or reptiles. Should any business or enterprise endure vermin as part of approved operations under the planning scheme that business or enterprise must make reasonable and continual efforts to control and reduce said vermin or reptiles.

Council may also require the implementation of additional controls including but not limited to:

- a) Elevating items a minimum of 300mm above ground level.
- b) Utilizing sealed vermin proof containers to store feed, fodder or any substance which may attract vermin.
- c) Approved methods of continual and approved baiting programme's.
- d) Removal of the problematic attractant, item or thing.
- e) Regular cleaning of areas which may attract vermin or reptiles.

7. Trees and Plants Not to Obstruct or Obscure

The owner or occupier of any Township land must not allow any plant growing on that land to obstruct or interfere with the passage of traffic by:

- a) Overhanging any footpath so as to be liable to obstruct or cause injury to pedestrians;
- b) Obscure the view of drivers or pedestrians so as to be liable to inhibit safe travel on a road;
or
- c) Obscuring street lighting.

8. Property Numbers to be displayed

The owner or occupier of any Township land that has been allocated a street or rural address number must mark the land with the allocated number. Properties not displaying numbers may be served a Notice instructing the resident to comply with this section.

- a) The numbers must be easy to locate visually and be well maintained.
- b) Numbers must be readable at a distance of twenty (20) metres under normal daytime conditions.
- c) Trees shrubs and bushes must not obscure numbers.

9. Storage of Unregistered Vehicles

This policy shall exclude any vehicle kept in a shed or garage for repair or restoration purposes.

Clause (b) shall not apply to land where the storage and dismantling of unregistered vehicles is a permitted activity under Councils planning scheme.

- a) An owner or occupier of any Township land must not, without Councils approval keep or allow to be kept on that land any more than one unregistered vehicle if the outline or any part of the vehicles is normally exposed to the view of another person.
- b) Approvals for storage of unregistered vehicles shall not approve or imply approval for the operation of any activity relating to the disassembly of vehicles for profit, known in this policy as “Vehicle breaking”
- c) Any disassembly and / or the removal of vehicle parts for personal use must be done with any remaining hulk or shell being removed from the property and adequately disposed of within 30 days.

Council may place specific requirements for the keeping of excess vehicles and these may include but not be limited to:

- a) The location and storage of unregistered vehicles.
- b) The purpose the permit is being applied for regarding the storage of unregistered vehicles.
- c) Shedding, screens and fences relating to contain or conceal unregistered vehicles.
- d) Likely hood of vermin harborage in and around unregistered vehicles.
- e) The storage and disposal of viscous liquids or fluids from vehicles.
- f) Any other relevant matter or foreseen circumstance relating to the storage of unregistered vehicles.

Fencing and screening of unregistered vehicles shall be monitored by Council to ensure adequate standards are met with appropriate materials used in any fence or screen construction.

10. Approval required for a vehicle crossing

A person must not without Council approval construct, install, remove or alter a Vehicle crossing.

11. Vehicle crossings

An owner or occupier of land must not without Council approval, cause or permit any vehicle to enter or leave that land unless via a vehicle crossing that is:

- a) Constructed to a standard approved by Council; and
- b) Maintained in good repair; and
- c) Adjacent to the entry to the land.

12. Damage or deposit of material on a Road

The person responsible for works or activities on any land within a Township area must not allow that work or activity to result in:

- a) Building residue, dirt or mud being left on or remaining on a road.
- b) Cause damage to a Road.

13. Fencing of livestock

The owner, occupier or lessee of any Township land that is used for the keeping of livestock must ensure that the fencing of that land is adequate to prevent the likely escape of that livestock onto any public place.

14. Burning of material

A person must not burn or allow any material, substance or thing to be burned on any Township land or public place or in any appliance in such a manner or to such an extent as to:

- a) Cause a nuisance
- b) Be liable to be dangerous to the health of any person
- c) Be offensive to any person
- d) Be liable to be damaging or prejudicial to any property

15. Removal of household waste

- a) All properties within township boundaries shall utilise the Council provided waste receptacle "Wheelie Bins".
- b) An occupier of a dwelling must remove all household waste from their property each week.

Powers And Procedures

Authorised Officers may issue a Notice

Where an authorised officer has reason to believe that a breach of this Policy has occurred, the officer may by serving a Notice direct any person to remedy any situation which constitutes a breach of this Policy or do anything required to be done under this Policy. A Notice must be essentially in the form required by the *Local Government Act 1993*.

Service of a Notice

If after the initial service of a Notice the breach is not rectified an Authorised Person shall serve the appropriate Order under section 124 of the *Local Government Act 1993*.

Completion Times

Times specified may not, except in special circumstances exceed 14 days for minor works, and 60 days for major works. Where appropriate an Officer of this Council may wish to consult with the owner/occupier to ensure they can complete any works required by Council within the specified time. Consideration must be given to associated costs and availability regarding anything needed to complete any required works.

Time Extensions/Discretionary Powers

Any person issued a Notice may at the issuing Authorised Persons discretion be granted a time extension to complete any activity/works specified.

Urgent Powers

An Authorised Person may, in urgent circumstances arising from a failure to comply with this Policy, take action to remove, remedy or rectify a situation, without the necessity to serve a Notice provided:

- a) He or she considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice, may place a person, animal, property or thing at risk or in danger;
- b) Details of the circumstances and remedying action are as soon as possible forwarded to the person on whose behalf the action was taken; and
- c) The action taken does not extend beyond what is necessary to cause the immediate abatement of or to minimise the risk or danger involved.

Failure To Comply With Order

Section 628 Local Government Act 1993

- (1) A person who fails to comply with an order given to the person under Part 2 of Chapter 7 that is an order in the terms of any of orders Nos 1, 3, 5 and 7–12 in the Table to section 124 is guilty of an offence.

Maximum penalty: 50 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).

- (1A) A person who fails to comply with an order given to the person under Part 2 of Chapter 7 that is an order in the terms of any of orders Nos 15, 16 or 17 in the Table to section 124 is guilty of an offence.

Maximum penalty: 100 penalty units (in the case of an individual) or 200 penalty units (in the case of a corporation).

- (2) A person who fails to comply with an order given to the person under Part 2 of Chapter 7 that is an order in the terms of any of orders Nos 18–25 or 27–29 of the Table to section 124 is guilty of an offence.

Maximum penalty: 20 penalty units.

- (3) A person who fails to comply with an order given to the person under Part 2 of Chapter 7 that is an order in the terms of order No 30 in the Table to section 124 is guilty of an offence.

Maximum penalty: The same penalty as the penalty imposed for carrying out the activity the subject of the approval otherwise than in accordance with the approval.

- (4) A person who fails to comply with an order given to the person under section 125 to abate a public nuisance is guilty of an offence.

Maximum penalty: 20 penalty units.

- (5) It is a sufficient defence to a prosecution for an offence to which this section applies if the defendant satisfies the court that the defendant was unaware of the fact that the activity in respect of which the offence arose was the subject of an order under Part 2 of Chapter 7.

References

- Local Government Act 1993.
- Protection of the Environment Operations Act 1997.
- Environmental Planning and Assessment Act 1979.
- Section 124 Orders & section 125 Abatement of Public Nuisances.

Measure of Success

- Application of policies balanced as measured by continuing observation that the attitudes of staff administering the policy and their actions are, curious, considered and timely. It is noted that in this area of interaction with people on sometimes difficult issues that stressed environments may be the operative environment and the measure of resolution if formal complaints are made is the result of dealing with that inquiry and any compliment from an outside agency, such as the Ombudsman, The antidiscrimination Commissioner, The Department of Local Government, the RSPCA or like interested entities.

History

MINUTE NUMBER	MEETING DATE	DESCRIPTION OF CHANGE
909/2007	18 December 2007	Adopted
26/2012	21 February 2012	Reviewed
607/2013	3 September 2013	Reviewed