LOCAL NUISANCE AND LITTER CONTROL

Insanitary conditions

WHAT IS LOCAL NUISANCE?

Local nuisance is described in *the Local Nuisance and Litter Control Act 2016* (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.

WHAT IS AMENITY?

Amenity value is defined in the Act as including any quality or condition of an area that is conductive 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. While 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.

INSANITARY CONDITIONS

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

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. Often simple solutions can be found to satisfy everyone.

Generally, councils 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 A 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, 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
- there is infestation by rodents or other pests
- offensive material or odours are emitted by the premises.

The City of PAE uses a gradated response to enforcement in line with our Enforcement Policy. The Enforcement Policy provides guidance to the Council, its delegates and authorised officers as to how and when enforcement mechanisms should be applied under the Act, and to inform its community about how decisions on enforcement matters are made. A copy of the Enforcement Policy can be found on Council's website.

MORE INFORMATION

This fact sheet is one of a range designed to increase your awareness and understanding of the requirements of the *Local Nuisance and Litter Control Act 2016*. Please see other fact sheets for further information about the Act. You can access more information on our website: cityofpae.sa.gov.au/live/public-and environmental-health/local-nuisance.