

# Disused Materials

## Introduction

This policy is to guide fair assessment, and action when disused materials are stored on private property and cause the property to negatively impact the local area. Such cases are normally dealt with using notices under s.3.25 of the *Local Government Act 1995*.

## Objective

To ensure disused materials causing a nuisance, hazard, and a private property to be considered untidy are removed or amended to not detract from to the local amenity or pose a risk, nuisance or danger.

## Scope

This Policy applies in situations that involve disused material(s), which, for the purposes of this policy, includes disused vehicles on private property that do not display a current registered licence plate or are of not provably to be of future use.

## Definitions

Term	Definition
Rubbish, Refuse and Disused Materials Includes	<ul style="list-style-type: none"> <li data-bbox="539 1106 1445 1173">(i) Any material which is abandoned or unwanted by its owner or the person in possession of it;</li> <li data-bbox="539 1196 1445 1330">(ii) Any material which cannot be shown to be for an intended purpose, and which has been deposited or stored upon any property for no purpose other than their deposit or abandonment.</li> <li data-bbox="539 1352 1445 1487">(iii) Any motor vehicle, motor vehicle part or machinery which has been deposited or stored upon any property for the purpose of dismantling or breaking up or is unable to be used in good time.</li> <li data-bbox="539 1509 1445 1621">(iv) Any wood, metal or building material placed haphazardly on property, which shows no use while creating a nuisance, or an environmental hazard.</li> <li data-bbox="539 1644 1445 1778">(v) Any material may be refuse, rubbish, or disused material in spite potentially having a commercial value to its owner, the person in possession of it, or to the owner of any property upon which it is deposited or stored.</li> </ul>

## Policy Statement

It is Council's policy to ensure that the storage of disused material(s) does not negatively affect the amenity, safety, use, or value of properties in the local area or cause an environmental risk.

### 1. Issue of Notice

Under s.3.25 and clause 5A (1) of Schedule 3.1 Division 1 of the *Local Government Act 1995*, the Shire may issue a notice to an owner or occupier of land to remove disused materials (including motor vehicles) from private property if the material(s) are causing the property to be untidy.

Where an owner or occupier of land has allowed disused material to be stored on a property so that the property becomes untidy, the Shire may issue a notice to remove the material(s), unless:

- (a) The material is stored within an enclosed structure; or
- (b) The properties appearance from the roadside and from neighbouring residences reflects the appearance of other properties in the street and locality; and
- (c) The storage of the material(s) is not likely to adversely affect the use of adjoining properties or the health, safety, or convenience of neighbouring residents; and
- (d) Does not cause a hazard to the property itself or neighbouring properties; and
- (e) Will not be affected by wind and weather or intrude on other properties; and
- (f) Does not attract or harbour pests and vermin; and
- (g) In the case of a disused vehicle or machine it is either stored on a paved area or where the vegetation under and around is maintained at no greater than 10cm in height and is obscured from public view by a structure or weatherproof cover.

## Reference Information

Shire of Toodyay Local Planning Policies.

## Legislation

[Local Government Act 1995](#)

[Bush Fires Act 1954](#)

[Bush Fires Regulations 1954](#)

[Environmental Protection Act 1986](#)

[Health \(Miscellaneous Provisions\) Act 1911](#)

## Associated documents

Nil

## Version control information

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