

Part 3 Overgrown and unsightly allotments

13 Overgrown allotments

- (1) This section applies where an authorised person forms the opinion that an allotment is overgrown with vegetation to such an extent that it—
 - (a) has adversely affected the visual amenity of the allotment; or
 - (b) is likely to attract or harbour designated pests; or
 - (c) is likely to present a risk to the health and safety of the public.
- (2) The authorised person may, by compliance notice⁷ given to the responsible person for the allotment, require the responsible person to cut and remove the vegetation to an extent specified in the notice.
- (3) However, the notice cannot prevent a use of land authorised under the Planning Act⁸ or the *Environmental Protection Act 1994*.
- (4) In this section—

designated pest has the same meaning as that in the *Public Health Act 2005*;

vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law⁹ of the State or Commonwealth or under the local government's planning scheme.
- (5) The local government may, by subordinate local law, prescribe requirements for the control of overgrown allotments.

14 Accumulation of objects and materials on allotments

- (1) This section applies where an authorised person forms the opinion, that objects or materials brought on to, or allowed to accumulate on, an allotment—
 - (a) have adversely affected the visual amenity of the allotment; or
 - (b) are likely to attract or harbour designated pests; or
 - (c) is likely to present a risk to the health and safety of the public.

⁷ See footnote 5.

⁸ See the definition of *Planning Act* in the Act, schedule 4

⁹ For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

Examples for paragraph (a) of objects and materials that may seriously affect the visual amenity of the surrounding area —

- *Discarded or disused machinery or machinery parts.*
- *Broken-down or severely rusted vehicles.*
- *Discarded bottles, containers or packaging.*
- *Refuse or scrap material.*

(2) The authorised person may, by compliance notice¹⁰ given to the responsible person for the allotment, require the responsible person to—

- (a) remove objects or materials that are causing the circumstance mentioned in subsection (1)(a), (b) or (c); or
- (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a), (b) or (c).

Example of action that might be required under paragraph (b)

- *Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from view.*

(3) However, the notice cannot prevent a use of land authorised under the *Planning Act* or the *Environmental Protection Act 1994*.

¹⁰ See footnote 5.

¹¹ See the *Fire and Rescue Service Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.