

# OVERGROWN AND UNSIGHTLY ALLOTMENTS POLICY

## COMMUNITY POLICY



### 1 Scope

This policy applies to investigations and actions taken by Rockhampton Regional Council under *Local Law 3 (Community and Environmental Management) 2011* in relation to overgrown and unsightly allotments excluding areas owned or controlled by Council.

### 2 Purpose

The purpose of this policy is to set out responsibilities of residents in relation to the maintenance of an allotment and provide guidance on investigations and reasonable enforcement action.

### 3 Related Documents

#### 3.1 Primary

Nil

#### 3.2 Secondary

*Building Act 1975*

*Local Government Act 2009*

*Local Law No. 1 (Administration) 2011*

*Local Law No. 3 (Community and Environmental Management) 2011*

*Public Health Act 2005*

*Public Health Regulation 2018*

*Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011*

*Transport Operations (Road Use Management—Road Rules) Regulation 2009*

*Vegetation Management Act 1999*

Enforcement Policy

Overgrown and Unsightly Land Fact Sheet

Rockhampton Regional Council Road Register

Rockhampton Region Planning Scheme

### 4 Definitions

To assist in interpretation, the following definitions apply:

Allotment	As defined within LL No. 3, an individual parcel or piece of land.
Authorised Person	A person who is appointed under the LL No. 3 to ensure members of the public comply with the local law in relation to the local government and the Region.

#### LEGAL AND GOVERNANCE USE ONLY

Adopted/Approved:	Adopted, 16 September 2025	Department:	Community Services
Version:	1	Section:	Planning and Regulatory Services
Reviewed Date:		Page No:	Page 1 of 5

Boundary Management Line	An area of an allotment, 10 meters wide, that is mowed or cleared to reduce vegetation and that bounds an external boundary.
Built-up Area	As defined in the <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i> , in relation to a length of road, means an area in which either of the following is present for a distance of at least 500m or, if the length of road is shorter than 500m, for the whole road: (a) Buildings, not over 100m apart, on land next to the road; (b) Street lights not over 100m apart.
Council	Rockhampton Regional Council
Footpath	As defined in <i>LL No. 1 (Administration) 2011</i> an area open to the public that is designated for, or has one of its main uses, use by pedestrians.
Highly Visible from Public Road	The majority of the allotment can be clearly seen by a person of average height standing on the road adjacent to the property.
LL No. 3	<i>Local Law No. 3 (Community and Environmental Management) 2011</i>
Overgrown or Unsightly Allotment	An allotment that, in an authorised person's opinion, satisfies <i>LL No. 3</i> section 13(1).
Recent History of Non-compliance	Enforcement action in the last 12 months against a responsible person at the same allotment, where a compliance notice has not been complied with.
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.
Responsible Person	As defined in <i>LL No. 3</i> , the person who has control or management of the place and includes a person in charge of activities or structures in the place that may result in contravention of this local law.
Rural locality	Allotments located on length of road that are not defined as a built-up area.
Structure	As defined in <i>Building Act 1975</i> , includes a wall or fence and anything fixed to or projecting from a building, wall, fence or other structure.
Urban locality	Allotments located on a length of road that are defined as a built-up area.
Vegetation	As defined in <i>LL No. 3</i> , includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law of the State or Commonwealth or under the local government's planning scheme.
Vermin	As defined within <i>LL No. 3</i> , reptiles, bed bugs, lice, fleas, parasites and cockroaches, and guinea pigs and other rodents capable of carrying or transmitting a notifiable condition.

## 5 Policy Statement

The purpose of *LL No. 3* is to protect the environment and public health, safety and amenity within the Region, with section 13 specifically dedicated to the management of overgrown and unsightly allotments.

Council is committed to maintaining the Region and encourages residents to maintain:

- (a) Their own allotment; and
- (b) Footpaths immediately adjacent to their allotment provided the activity is not likely to create a risk to the safety or pedestrian or vehicular traffic.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	Adopted, 16 September 2025	Department:	Community Services
Version:	1	Section:	Planning and Regulatory Services
Reviewed Date:		Page No:	Page 2 of 5

## 5.1 Community Responsibilities

Under LL No. 3, the responsible person for an allotment has the responsibility to maintain objects, materials or vegetation therein.

## 5.2 Overgrown and Unsightly Allotment Management

### 5.2.1 Investigation and Enforcement

Authorised persons undertake investigations into allotments reported as overgrown or unsightly.

When undertaking an investigation, authorised persons identify:

- (a) Whether the allotment meets the definition of an overgrown or unsightly allotment;
- (b) The responsible person for the allotment;
- (c) Recent history of non-compliance; and
- (d) The appropriate enforcement action.

To provide guidance on the definition of an overgrown or unsightly allotment, authorised persons consider a range of relevant circumstances when determining an allotment overgrown or unsightly, including, but not limited to:

- (a) The height of the unmaintained vegetation in comparison to neighbouring allotments;
- (b) The percentage of the allotment that is maintained compared to the amount of the allotment that is not maintained;
- (c) The method of storage of the objects and materials present on the allotment;
- (d) The visual appearance of the allotment in comparison to neighbouring allotments; and
- (e) The percentage of the allotment that is used for storage of objects and materials.

Subject to a variety of exceptions, allotments:

- (a) With unmaintained vegetation that is over a minimum height of 30cm tall and a minimum coverage of at least 30 percent of the allotment, excluding structures; and/or
- (b) That have objects and materials that are not stacked and stored in a neat manner and that may harbour or attract vermin,

will be considered overgrown or unsightly.

Should an authorised person form the opinion that an allotment meets the definition of an overgrown or unsightly allotment, they may take appropriate enforcement action in accordance with Council's Enforcement Policy, including education, issuing penalty infringement notices and issuing compliance notices.

In instances where a responsible person has recent history of non-compliance, an authorised person may issue a penalty infringement notice for a breach of LL No. 3, section 13(1) in addition to requiring reasonable rectification action under a compliance notice.

### 5.2.2 Reasonable Rectification Action

LL No. 3 provides general guidance on requirements under a compliance notice, being:

- (a) Remove objects, materials or vegetation that is causing the circumstance; or
- (b) Take other specified action to remedy the circumstance, and
- (c) An action can be required to be repeated at stated intervals or reappearance of an accumulation within a specific time period.

In instances where a responsible person has recent history of non-compliance, an authorised person may issue a compliance notice requiring the repetition of the reasonable rectification action under LL No. 3, sections 13(2) and 13(3).

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	Adopted, 16 September 2025	Department:	Community Services
Version:	1	Section:	Planning and Regulatory Services
Reviewed Date:		Page No:	Page 3 of 5

The following paragraphs do not limit the rectification actions an authorised person can require under LL No. 3, they provide guidance on what is a general acceptable standard. Authorised persons may require other reasonable rectification actions above these actions as required by the individual circumstances of the case.

#### **5.2.2.1 Overgrown Allotments**

Where an authorised person forms the opinion that an allotment is overgrown, they may require one or more of the below rectification actions to be undertaken or alternatively, another rectification action proportionate to the circumstances.

##### **Urban Localities**

For allotments within the urban locality:

- (a) Mow the entire allotment;
- (b) Mow a specified portion of the allotment;
- (c) Line trim along all adjoining boundary lines; and/or
- (d) Maintain or remove a specific type or area of vegetation.

In addition to the preceding, for allotments over 4000 square meters:

- (a) Clear or mow portions of the allotment that are highly visible from a public road; and/or
- (b) Clear or mow a boundary management line along a specified part of the external boundary or all external boundaries of the portion of the allotment that is not highly visible from a public road.

##### **Rural Localities**

For allotments located within the rural locality:

- (a) Clear or mow a specified portion of the allotment;
- (b) Maintain or remove a specific type or area of vegetation; and/or
- (c) Clear or mow a boundary management line along a specified part of the external boundary or all external boundaries.

#### **5.2.2.2 Unsightly Allotments**

Where an authorised person forms the opinion that an allotment is unsightly, they may require one or more of the below rectification actions to be undertaken or alternatively, another rectification action proportionate to the circumstances.

For allotments within the urban locality:

- (a) Clear or remove a specific amount and/or type of object/s and/or material/s from the allotment;
- (b) Clear or remove known sources of vermin harbourage;
- (c) Clear and dispose of vegetation or garden waste; and/or
- (d) Stack and store securely, objects or materials appropriately on the allotment in accordance with the amenity of the locality.

For allotments within the rural locality:

- (a) Clear or remove a specific amount or type of object/s or material/s from the allotment;
- (b) Clear or remove known sources of vermin harbourage; and/or
- (c) Stack and store securely, objects or materials appropriately on the allotment in accordance with the amenity of the locality.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	Adopted, 16 September 2025	Department:	Community Services
Version:	1	Section:	Planning and Regulatory Services
Reviewed Date:		Page No:	Page 4 of 5

### 5.2.3 Action After Compliance

Where the responsible person does not complete the actions required by the compliance notice, an authorised person may issue a penalty infringement notice for the offence of *LL No. 1 (Administration) 2011*, section 27(6), and arrange to undertake the required action. Associated costs are recovered from the responsible person in accordance with the *Local Government Act 2009*.

## 6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

## 7 Document Management

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Planning and Regulatory Services
Policy Quality Control	Legal and Governance



LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	Adopted, 16 September 2025	Department:	Community Services
Version:	1	Section:	Planning and Regulatory Services
Reviewed Date:		Page No:	Page 5 of 5