

## Overgrown Urban Private Properties

This fact sheet is designed to help residents understand when and why a property would be considered 'overgrown' and the compliance action that may be initiated by Council to ensure the property is maintained to a reasonable standard and does not pose a health and safety risk to adjoining properties.



Ballina is located in a sub tropical region of Australia and as a result we experience higher than average rainfall. Whilst the rainfall is welcomed in most instances it does encourage rapid growth of vegetation particularly during the spring and summer months. It is during this period that Council receives a significant number of customer requests in relation to overgrown properties.

Overgrown land can be unsafe or unhealthy and may harbour or encourage mice, rats and snakes

Not all residents have the desire to keep properties in a 'park like' condition and this should be taken into consideration before a complaint is lodged with Council. Many properties may be considered to be untidy, but untidy does not necessarily mean that the property is in an unsafe or unhealthy condition and in need of Council intervention.

### How Council will respond to complaints

- Council **will respond to a customer request** to have overgrown vegetation in built up urban areas, villages, industrial and business areas/addressed
- If overgrown vegetation is considered to be in a state in which it is likely to render the land in an unsafe or unhealthy condition Council may initiate regulatory action. This would include vegetation that due to the unkept nature would likely be a harbourage for or encourage vermin
- Council **will not respond** to customer requests in relation to overgrown vegetation in rural or rural-residential areas
- Overgrown vegetation **does not include** native vegetation that is protected under the Threatened Species Conservation Act 1995, Native Vegetation Act 2003 and [Lennox Head Vegetation Management Order](#)
- Council **will not respond** to customer requests in relation to the potential fire risk of overgrown vegetation. These requests should be directed to NSW Rural Bushfire Service.



Council encourages residents to try to solve the problem amicably by talking to the property owner or manager if known. Often people are unaware that their activity or lack of property maintenance is causing a problem and are usually happy to address the problem after being notified.

Regulatory action involves the service of formal notices directing the property owner to manage and maintain the vegetation under the provisions of the Local Government Act.

If Council's formal notice is not complied with enforcement actions (issuing of penalty infringement notices) may be appropriate.

The time taken to have requests for vegetation to be maintained will depend upon a number of variables but most significantly weather conditions and the property owner's willingness to respond to and manage the overgrown vegetation.

From experience, overgrown lots in urban areas tend to become a repository for other people's garden waste or litter for which the landowner then becomes responsible.

Council strongly recommends that the owners of vacant land establish an agreement with a slashing or mowing contractor to maintain the land on a regular basis. As a bare minimum, attention should be given to the land in early summer, mid summer and early autumn.

## Further Information

Development and Environmental Health  
Rangers  
Ph: 02 6686 1210  
[ballina.nsw.gov.au](http://ballina.nsw.gov.au)