

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

14B Maintenance of premises

- (1) A person must not allow an allotment or any structure upon an allotment to fall into a state of disrepair or dilapidation such that it becomes a risk to property or people in the neighbourhood.
- (2) A person must not cause or allow any structure on an allotment to remain in a state where it becomes a visual blight on the neighbourhood.

Maximum Penalty under subsections (1) or (2) - 50 penalty units

- (3) In determining whether there is a visual blight on the neighbourhood the following factors will be considered:
- (a) whether the local government has received any complaints;
 - (b) the content of the complaints;
 - (c) the number of the complaints;
 - (d) the visual impact of the structure including:
 - (i) whether the building is in a dirty condition;
 - (ii) whether the building is in a state of disrepair or dilapidation; and
 - (iii) whether the building is in need of repainting;
 - (e) the prominence of the structure for those living in the neighbourhood and those passing by the premises;

Maximum penalty for subsection (3) - 50 penalty units.

- (4) If any building or other structure is marked with graffiti the owner or responsible person for the place must remove the graffiti within a reasonable time.
- (5) An authorised person may give a compliance notice to the owner and responsible person requiring them to remove graffiti or to repair, clean or paint the building or structure so that it is not dilapidated or in a state of disrepair, or no longer a visual blight.

Part 4 Fires and fire hazards

15 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Rescue Service Act 1990*.¹¹

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