



Charters Towers Regional Council

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

**CONSOLIDATED VERSION NO. 1
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Local Law No. 3 (Community and Environmental Management) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—
 - (a) inadequate protection against animal and plant pests; and
 - (b) vegetation overgrowth; and
 - (c) visual pollution resulting from accumulation of objects and materials; and
 - (d) fires and fire hazards not regulated by State law; and
 - (e) community safety hazards; and
 - (f) noise that exceeds noise standards; and
 - (g) shopping trolleys removed from retail premises and left unattended at a prescribed place.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

Part 2 Declared local pests

Division 1 Application

5 Application of part

- (1) Except as otherwise provided for in this local law, this part does not apply to the management of an animal or plant that is an invasive biosecurity matter under the *Biosecurity Act 2014*,² which is either mentioned, declared or prescribed by

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

² Section 48(4) of the *Biosecurity Act 2014* allows a local government to provide for the management of invasive animals and plants, whether or not they are prohibited or restricted matter, in its local government area.

regulation to be either:

- (a) a prohibited matter;³ or
- (b) a restricted matter.⁴

Division 2 Declaration of local pests

6 Declaration of local pests

- (1) An animal or plant of a specified species described in Column 2 of Schedule 1 of *Subordinate Local Law No. 3 (Community and Environmental Management) 2011* is a declared local pest in the corresponding part of the local government's area mentioned in Column 1 of Schedule 1 (***declared local pest***).
- (2) The local government may also declare an animal or plant of a specified species to be a declared local pest by resolution of the local government, provided:
 - (a) the local government consults with the chief executive about the desirability of the declaration prior to the declaration being made; and
 - (b) the declaration is not inconsistent with the *Biosecurity Act 2014*.
- (3) Following a declaration made under subsection (2), the local government must:
 - (a) properly identify the declared local pest and record those details within a register kept by the local government; and
 - (b) as soon as practicable after the declaration is made, take all reasonable steps to notify:
 - (i) persons likely to be directly affected by the declaration or the making of the declaration; and
 - (ii) the public of the declaration being made.

Example for subsection (b)(i):

Reasonable steps to notify persons likely to be directly affected, may include electronically using emails and/or text messages, or automated telephoning, or advising on radio or television.

Example for subsection (b)(ii):

Reasonable steps to notify the public of the declaration may include publishing a notice on the local government's website.

7 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.
- (2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.
- (3) A declaration under this section—
 - (a) must be published on the local government's website as soon after making

³ Section 48(1)(a) and (b) of the *Biosecurity Act 2014*.

⁴ Section 48(1)(c) and (d) of the *Biosecurity Act 2014*.

the declaration as is reasonably practicable after the declaration has been made; and

- (b) comes into force on the date of publication on the local government's website; and
 - (c) comes to an end three months after the date of publication.
- (4) Following a declaration made under subsection (3), the local government must as soon as practicable after the declaration is made, take all reasonable steps to notify:
- (a) persons likely to be directly affected by the declaration or the making of the declaration; and
 - (b) the public of the declaration being made.

Example for subsection (b):

Reasonable steps to notify persons likely to be directly affected, may include electronically using emails and/or text messages, or automated telephoning, or advising on radio or television.

Example for subsection (c):

Reasonable steps to notify the public of the declaration may include publishing a notice on the local government's website.

- (5) In this section—

environmental harm see *Environmental Protection Act 1994*, section 14.

8 Application of declaration

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

Division 3 Control of local pests

9 Power to search for declared local pests

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of

the occupier; and

- (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 Pest control notices

- (1) An authorised person may, by compliance notice⁵ given to the owner of land, require the owner⁶ to take specified action to control declared local pests.
- (2) The specified action may include action to—
 - (a) destroy declared local pests on the land; or
 - (b) minimise the risk of an outbreak of declared local pests on the land; or
 - (c) prevent or minimise seeding or reproduction by declared local pests; or
 - (d) contain infestation by declared local pests within a localised area; or
 - (e) reduce the density or extent of infestation by declared local pests; or
 - (f) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

Division 4 Prohibition of sale and propagation

11 Prohibition on sale

- (1) A person must not—
 - (a) sell or supply a declared local pest; or
 - (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

- (2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

Example of a person that might be exempted from subsection (1) in relation to a specified pest—

A person who offers leucaena (*Leucaena Leucocephala*) for sale in circumstances where the person grows the plant in compliance with the requirements of the Leucaena Growers' Code of Conduct.

⁵ See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

⁶ See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

12 Prohibition on introducing, propagating etc a declared local pest

- (1) A person must not—
 - (a) introduce, propagate or breed a declared local pest; or
 - (b) provide harbour to a declared local pest.

Maximum penalty for subsection (1)—50 penalty units.

- (2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

Example of persons that might be exempted from subsection (1) in relation to specified pests—

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

- (3) In this section—

introduce means to introduce, or cause to introduce, into the local government's area.

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 seriously affected the visual amenity of the allotment; or
 - (b) is likely to attract or harbour reptiles.
- (2) The authorised person may, by compliance notice⁷ given to the responsible person for the allotment, require the responsible person to clear 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—

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.

⁷ See footnote 8.

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

⁹ For example, vegetation may be protected under the *Nature Conservation Act 1992*, 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).

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 seriously affected the visual amenity of the allotment; or
 - (b) are likely to attract or harbour reptiles.

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

- 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) or (b); or
 - (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a) or (b).

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 public view.

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

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 Services Act 1990*.¹¹
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

Example—

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
- the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;

¹⁰ See footnote 8.

¹¹ See the *Fire Services Act 1990*, section 145A, regarding fires authorised by notification, section 145C regarding fires authorised by permit and section 145G, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 145A, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 30 July 2010.

- the fire is lit and extinguished within a specified time.
- (3) A person must comply with a prohibition or restriction imposed under this section.
Maximum penalty for subsection (3)—50 penalty units.
- (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.
Maximum penalty for subsection (4)—50 penalty units.
- (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

16 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹² given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.¹³
- (3) In this section—

fire hazard means—

- (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
- (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

Examples of fire hazards for paragraph (a)—

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community safety hazards

17 What is a community safety hazard

A *community safety hazard* is—

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of

¹² See footnote 8.

¹³ See also the *Fire Services Act 1990*, section 145G(2)(b), under which the Commissioner of the Queensland Fire and Rescue Service and the Rural Fire Service Queensland can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

high wind in a way that poses a significant risk of causing injury to a person or damage to property; or

- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

Examples of a fence or structure that may be a community safety hazard for paragraph (a)—

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

18 Power to enter property to inspect for community safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to inspect the property for community safety hazards.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

19 Removal or reduction of community safety hazards

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹⁴ given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community safety hazard to—
 - (a) remove the hazard; or
 - (b) reduce the level of risk to persons or property.

Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—

¹⁴ See footnote 8.

Securing objects or materials that may become airborne in periods of high wind.

20 Prescribed requirements

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the owner's land.

Example of prescribed requirements—

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
 - A requirement to install and maintain an electric fence in accordance with appropriate standards.
- (2) A responsible person must comply with requirements prescribed under this section.
- Maximum penalty for subsection (2)—50 penalty units.

Part 6 Noise standards

21 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.¹⁵
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
 - (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);¹⁶ and
 - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.¹⁷

Part 6A Regulation of shopping trolleys

21A Application of this part

This part applies if—

- (a) a shopping trolley is owned by, or under the control of, a retailer (a ***relevant trolley***); and

¹⁵ See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2019*, section 131, devolves the administration and enforcement of noise standards to local governments. Section 143 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(2). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

¹⁶ See, however, *Local Law No. 1 (Administration) 2011*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

¹⁷ Section 440O(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.

- (b) the retailer —
 - (i) makes the relevant trolley available for use by customers of the retailer at the retailer's premises; or
 - (ii) permits or allows customers of the retailer to use the relevant trolley at the retailer's premises.

21B Relevant trolley identification requirement

- (1) Within 60 days of the commencement of this section, the retailer must ensure that each relevant trolley of the retailer is clearly identified with—
 - (a) the name or brand of the retailer; and
 - (b) the address of the retailer's premises.
- (2) If a relevant trolley of a retailer is not identified in compliance with subsection (1), the retailer must not—
 - (a) make the relevant trolley available for use by customers of the retailer at the retailer's premises; or
 - (b) permit or allow a customer of the retailer to use the relevant trolley at the retailer's premises.

Maximum penalty for subsection (2) — 50 penalty units.

21C Trolley not to be left at a prescribed place

A person must not, without reasonable excuse—

- (a) take a relevant trolley of a retailer from the retailer's premises; and
- (b) leave unattended, or abandon, the relevant trolley at a prescribed place outside the retailer's premises.

Maximum penalty — 20 penalty units.

21D Compliance notice about trolley left at a prescribed place

If a relevant trolley of a retailer is removed from the retailer's premises and left unattended, or abandoned, at a prescribed place, an authorised person may, by compliance notice, given to the retailer, require the retailer to take specified action to —

- (a) remove the relevant trolley from the prescribed place; and
- (b) return the relevant trolley to a safe and secure location, for example, the retailer's premises.

21E Seizure of trolley left at a prescribed place

- (1) An authorised person may seize a relevant trolley from a prescribed place and remove the trolley to a place for safe keeping if the authorised person considers on reasonable grounds that the trolley has been left unattended, or abandoned, at the prescribed place in contravention of—
 - (a) this local law; or

- (b) a compliance notice.
- (2) The local government may recover the cost of action taken under this section as a debt from the person responsible for a contravention mentioned subsection (1).

Part 7 Miscellaneous

22 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;¹⁸ or
- (b) lighting and maintaining of fires in the open;¹⁹ or
- (c) fire hazards;²⁰ or
- (d) community safety hazards;²¹ or
- (e) prescribed requirements relating to community safety hazards;²² or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*;²³ or
- (g) a place specified as a prescribed place;²⁴ or
- (h) another thing specified as a shopping trolley.²⁵

¹⁸ See section 6(1).

¹⁹ See section 15(2).

²⁰ See section 16(3)(b).

²¹ See section 17(c).

²² See section 20(1).

²³ See section 21(2).

²⁴ See schedule, definition *prescribed place*.

²⁵ See schedule, definition *shopping trolley*.

Schedule Dictionary

Section 3

allotment means an individual parcel or piece of land.

animal means any member of the animal kingdom (other than a human), whether alive or dead, and includes—

- (a) a live pre-natal or pre-hatched creature; and
- (b) the whole or any part of an embryo, or the eggs, ovum, semen or other genetic or reproductive material, of an animal; and
- (c) the whole or any part of the progeny, larvae or pupae of an animal.

building see *Building Act 1975*, schedule 2.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2011*, section 27.

declared local pest means a plant or animal declared to be a pest under section 6 or 7.

land see *Planning Act 2016*, schedule 2.

occupier, of premises, means the person who has the control or management of the premises.

owner, of premises, means the person for the being entitled to receive the rent for the premises, or who would be entitled to receive the rent for it if it were let to a tenant at a rent.

plant means vegetation of any type, including its flowers, roots, seeds and other parts.

premises means any land, building or structure and includes any part thereof.

prescribed place includes—

- (a) a local government controlled area; and
- (b) a road; and
- (c) another place specified in a subordinate local law.

reasonable written notice means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

relevant trolley see section 21A(a).

responsible person means 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.

retailer means a vendor of goods, or goods and services, to be sold direct to its customers within the local government area who makes relevant trolleys available for use by its customers.

retailer's premises, for a retailer, means premises —

- (a) which are owned or occupied by the retailer; and
- (b) from which the retailer sells goods, or goods and services, direct to its customers.

shopping trolley means a wheeled basket or frame used for transporting goods purchased from a retailer and any other thing specified in a subordinate local law.

structure see *Local Government Act 2009*, schedule 4.

the Act means the *Local Government Act 2009*.

Endnotes

1 Key

Key to abbreviations in list of amending local laws and annotations

| Key | | Explanation | Key | | Explanation |
|------|---|-------------|-------|---|-------------|
| amd | = | amended | prec | = | preceding |
| amdt | = | amendment | prev | = | previous |
| ch | = | chapter | prov | = | provision |
| def | = | definition | pt | = | part |
| div | = | division | renum | = | renumbered |
| hdg | = | heading | rep | = | repealed |
| ins | = | inserted | s | = | section |
| num | = | numbered | sch | = | schedule |
| om | = | omitted | sdiv | = | subdivision |
| p | = | page | sub | = | substituted |
| para | = | paragraph | unnum | = | Unnumbered |

2 Table of consolidated versions

| Consolidated Version No. | Amendments included | Effective | Notes |
|-----------------------------|---|------------------|-------|
| 1 | <i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2025</i> | 12 December 2025 | |

3 List of amending local laws

Amending Local Law No. 1 (Miscellaneous Local Laws) 2025

Commenced on 12 December 2025

4 List of annotations

Section 4 Application of part

s 5 om, ins 2025 No. 1 s 22(1)

s 5(1) ins 2025 No. 1 s 22(2)

s 5(1)(a) ins 2025 No. 1 s 22(3)

s 5(1)(b) om, ins 2025 No. 1 s 22(4)

Section 6 Declaration of local pests

s 6 om, ins 2025 No. 1 s 23(1)

Section 7 Emergency declarations

s 7(3) and (4) om, ins 2025 No. 1 s 24(1)

Section 13 Overgrown allotments

s 13(2) om, ins 2025 No. 1 s 25(1)

Section 14 Accumulation of objects and materials on allotments

s 14(2) om, ins 2025 No. 1 s 26(1)

Section 15 Fires and fire hazards

s 15(1) om, ins 2025 No. 1 s 27(1)

s 15(1) footnote 14 om, ins 2025 No. 1 s 27(2)

s 15(1) footnote 15 om, ins 2025 No. 1 s 27(3)

s 15(1) footnote 16 om, ins 2025 No. 1 s 27(4)

Section 19 Removal or reduction of community safety hazards

s 19(2) footnote 17 om, ins 2025 No. 1 s 28(1)

Section 21 Prescribed noise standards

s 21 footnote 18 om, ins 2025 No. 1 s 29(1)

Schedule Dictionary

sch om, ins 2025 No. 1 s 30(1)

Certification

Certification om 2025 No. 1 s 31(1)