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Local Government Act 1995

**Local Government (Uniform Local Provisions)  
Amendment Regulations 2013**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Local Government (Uniform Local Provisions) Amendment Regulations 2013*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Building Regulations 2012* Part 9 expires.

**3. Regulations amended**

These regulations amend the *Local Government (Uniform Local Provisions) Regulations 1996*.

**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

**r. 4**

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**4. Regulation 4 replaced**

Delete regulation 4 and insert:

**4. Terms used**

In these regulations, unless the contrary intention appears —

**goods** has the meaning that it has in section 3.38 of the Act;

**Government road** means —

- (a) a road declared by Order in Council under the *Public Works Act 1902* section 86(2) to be a Government road; or
- (b) a highway or main road as those terms are defined in the *Main Roads Act 1930* section 6;

**lawful authority**, in relation to the doing of a thing, means —

- (a) the authority under a provision of a written law to do the thing; or
- (b) an authorisation, approval, licence, permit or other right, granted by the local government or any other person, under another written law, to do the thing; or
- (c) if neither paragraph (a) nor (b) applies, the written permission of the local government to do the thing;

**local government** in relation to land, a public thoroughfare, a public place or local government property, means the local government in whose district the land, thoroughfare, place or property is located;

**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

---

**r. 5**

*specified*, in relation to an application for a local government's permission, means specified in the application.

**5A. Notes not part of regulations**

Notes in these regulations are provided to assist understanding and do not form part of the regulations.

**5. Regulations 5 and 6 replaced**

Delete regulations 5 and 6 and insert:

**5. Interfering with, or taking from, local government land**

- (1) A person must not, without lawful authority —
- (a) interfere with the soil of, or anything on, land that is local government property; or
  - (b) take anything from land that is local government property.

Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.

- (2) A local government may, by written notice served on a person who is carrying out plastering, painting or decorating operations (the *work*) over or near a footpath on land that is local government property, require the person to cover the footpath during the period specified in the notice so as to —
- (a) prevent damage to the footpath; or
  - (b) prevent inconvenience to the public or danger from falling materials.

**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

**r. 5**

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- (3) A person given a notice under subregulation (2) must not continue to do the work in respect of which the notice was given unless the person complies with the notice.

Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.

**6. Obstruction of public thoroughfare by things placed and left — Sch. 9.1 cl. 3(1)(a)**

- (1) A person must not, without lawful authority, place on a public thoroughfare anything that obstructs it.

Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the obstruction continues.

- (2) A person may apply to the local government for permission to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare.

- (3) Permission granted by the local government under this regulation —

- (a) must be in writing; and
- (b) must specify the period for which it is granted; and
- (c) must specify each condition imposed under subregulation (4); and
- (d) may be renewed from time to time; and
- (e) may be cancelled by giving written notice to the person to whom the permission was granted.

**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

---

**r. 5**

- (4) The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, any of the following —
- (a) conditions relating to the erection of hoardings, fences, walkways or other structures for the protection of the public thoroughfare or public safety (*protective structures*);
  - (b) conditions about the placement of things in the public thoroughfare including conditions about the depositing of building materials or waste, or storage or other facilities in the public thoroughfare;
  - (c) a condition imposing a charge for any damage to the public thoroughfare resulting from the placement of a thing on the public thoroughfare;
  - (d) a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the CEO of the local government to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant.
- (5) It is a condition of the permission granted under this regulation that —
- (a) placed things and protective structures are sufficiently illuminated every night from sunset to sunrise to prevent mishaps; and
  - (b) protective structures are kept and maintained in good condition, to the satisfaction of the CEO of the local government, during such time as

**Local Government (Uniform Local Provisions) Amendment Regulations 2013****r. 5**

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the CEO thinks necessary for the public safety and convenience; and

- (c) placed things or protective structures are removed within a reasonable time after the person granted the permission is required in writing to do so by the local government; and
  - (d) damage to the public thoroughfare resulting from the placement of a thing or a protective structure is repaired to the satisfaction of the CEO of the local government within a reasonable time after the person granted the permission is required in writing to do so by the local government.
- (6) The local government may, when renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (4) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.
- (7) A person granted permission under this regulation must comply with each condition of the permission.  
Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.
- (8) The local government may charge a person granted permission under this regulation a fee of not more than \$1.00 for each month or part of a month for each m<sup>2</sup> of public thoroughfare that is enclosed by a hoarding or fence in accordance with the permission.
- (9) For the purposes of section 3.37 of the Act, a contravention of subregulation (1) or (7) is a contravention that can lead to impounding of goods comprising a placed and left thing or structure.

**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

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**r. 6**

The note to inserted regulation 6 is to read:

Note: This regulation is of a kind prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 1. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.

**6. Regulation 7 replaced**

Delete regulation 7 and insert:

**7A. Obstruction of public thoroughfare by fallen things — Sch. 9.1 cl. 3(1)(b)**

A person who is the owner or occupier of land must, when requested by the local government to do so, remove any thing that —

- (a) has fallen from the land, or from anything on the land; and
- (b) is obstructing a public thoroughfare.

Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.

Note: This regulation is of a kind prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 1. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.

**7. Encroaching on public thoroughfare — Sch. 9.1 cl. 3(2)**

A person who is the owner or occupier of land on which a structure is erected or a tree or other plant is growing must, when requested by the local government to do so, remove any part of the structure, tree or plant

**Local Government (Uniform Local Provisions) Amendment Regulations 2013****r. 7**

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that is encroaching, without lawful authority, on a public thoroughfare.

Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.

The note to inserted regulation 7 is to read:

Note: This regulation is of a kind prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 1. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.

See also Schedule 3.1 Division 1 items 7, 8, and 9 which may allow a similar notice relating to vegetation to be given even when no offence has been committed.

Schedule 3.2, item 7, could also be relevant.

**7. Regulation 8 replaced**

Delete regulation 8 and insert:

**8. Separating land from public thoroughfare —  
Sch. 9.1 cl. 4**

A person who is the owner or occupier of land must keep in good repair any fence or gate that separates the land from a public thoroughfare.

Penalty: a fine of \$5 000.

The note to inserted regulation 8 is to read:

Note: See also the *Local Government Act 1995* Schedule 3.1 Division 1 item 4, which, for related reasons, allows a person to be given a notice under section 3.25(1)(a) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the person.



**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

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**r. 8****8. Regulation 9 amended**

Delete regulation 9(3) to (8) and insert:

- (3) Permission granted by the local government under this regulation —
  - (a) must be in writing; and
  - (b) must specify the period for which it is granted; and
  - (c) must specify each condition imposed under subregulation (4); and
  - (d) may be renewed from time to time; and
  - (e) may be cancelled by giving written notice to the person to whom the permission was granted.
- (4) The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, conditions on the construction, placement and maintenance of the gate or other device across the public thoroughfare.
- (5) The local government may, when renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (4) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.
- (6) The local government may at any time, by written notice given to the person to whom permission was granted under this regulation, cancel the permission and request the person responsible for the gate or other device to remove it within a time specified in the request.

**Local Government (Uniform Local Provisions) Amendment Regulations 2013****r. 9**

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- (7) A person to whom a request is made under subregulation (6) must comply with the request.

Penalty: a fine of \$5 000.

- (8) A local government must keep a register of gates and other devices constructed in accordance with a permission granted under this regulation.

The note to amended regulation 9 is to read:

Note: This regulation is of a kind prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 1A. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.

**9. Regulation 10 replaced**

Delete regulation 10 and insert:

**10. Gate across thoroughfare not to be left open — Sch. 9.1 cl. 5(2)**

A person who is responsible for a gate registered under regulation 9(8) must ensure that the gate is not left open.

Penalty: a fine of \$1 000.

**10. Regulation 11 amended**

Delete regulation 11(2) and (3) and insert:

- (2) A person to whom a request is made under subregulation (1)(b) must comply with the request.

Penalty: a fine of \$5 000.

**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

---

**r. 10**

- (3) A person must not, without lawful authority, make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare.
- Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.
- (4) A person may apply to the local government for permission to make or make and leave an excavation of specified dimensions and in a specified way in a specified part of a public thoroughfare or on a specified part of land adjoining a public thoroughfare.
- (5) Permission granted by the local government under this regulation —
- (a) must be in writing; and
  - (b) must specify the period for which it is granted; and
  - (c) must specify each condition imposed under subregulation (6); and
  - (d) may be renewed from time to time; and
  - (e) may be cancelled by giving written notice to the person to whom the permission was granted.
- (6) The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, any of the following —
- (a) conditions relating to the erection of hoardings, fences, walkways or other structures for the protection of the public thoroughfare, adjoining land or public safety (*protective structures*);
  - (b) a condition imposing a charge for any damage to the public thoroughfare or adjoining land resulting from the excavation;

***Local Government (Uniform Local Provisions) Amendment Regulations 2013*****r. 10**

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- (c) a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the CEO of the local government to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant.
- (7) It is a condition of the permission granted under this regulation that —
- (a) the excavation is securely fenced off from the public thoroughfare or adjoining land; and
  - (b) protective structures are sufficiently illuminated every night from sunset to sunrise to prevent mishaps; and
  - (c) protective structures are kept and maintained in good condition, to the satisfaction of the CEO of the local government, during such time as the CEO thinks necessary for the public safety and convenience; and
  - (d) the excavation is filled in or protective structures are removed within a reasonable time after the person granted the permission is required in writing to do so by the local government; and
  - (e) damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure is repaired to the satisfaction of the CEO of the local government within a reasonable time after the person granted the permission is required in writing to do so by the local government.

**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

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**r. 11**

- (8) The local government may, when renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (6) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.
- (9) A person granted permission under this regulation must comply with each condition of the permission.  
Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.
- (10) The local government may charge a person granted permission under this regulation a fee of not more than \$1.00 for each month or part of a month for each m<sup>2</sup> of public thoroughfare that is enclosed by a hoarding or fence in accordance with the permission.
- (11) For the purposes of section 3.37 of the Act, a contravention of subregulation (3) or (9) is a contravention that can lead to impounding of goods comprising a protective structure or other thing placed in or near the excavation.

The note to amended regulation 11 is to read:

Note: This regulation is of a kind prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 2. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.

**11. Regulation 12 amended**

- (1) In regulation 12(1) after “may,” insert:

in writing and

**Local Government (Uniform Local Provisions) Amendment Regulations 2013****r. 12**

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- (2) In regulation 12(2):
- (a) delete “as defined in section 5(1) of the *Road Traffic Act 1974*”;
  - (b) delete the penalty and insert:

Penalty: a fine of \$5 000.

The note to amended regulation 12 is to read:

Note: This regulation is of a kind prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 2A(a). This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.

**12. Regulation 13 amended**

Delete regulation 13(3) and (4) and insert:

- (3) A person given a notice under subregulation (1) must comply with the notice.

Penalty: a fine of \$5 000.

**13. Regulation 14 amended**

- (1) In regulation 14(1) delete “as defined in section 5(1) of the *Road Traffic Act 1974*”.
- (2) In regulation 14(2) after “approved” insert:

in writing

**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

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**r. 14**

- (3) Delete regulation 14(5) and (6) and insert:
- (5) A person given a notice under subregulation (3) must comply with the notice.  
Penalty: a fine of \$5 000.

The note to amended regulation 14 is to read:

Note: This regulation is of a kind prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 2A(b). This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.

**14. Regulation 16 deleted**

Delete regulation 16.

**15. Regulation 17 replaced**

Delete regulation 17 and insert:

**17. Private works on, over, or under public places — Sch. 9.1 cl. 8**

- (1) A person must not, without lawful authority, construct anything on, over, or under a public thoroughfare or other public place that is local government property.  
Penalty: a fine of \$5 000.
- (2) Subregulation (1) does not apply to the construction of things by or on behalf of the Crown.
- (3) A person may apply to the local government for permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property.

**Local Government (Uniform Local Provisions) Amendment Regulations 2013****r. 15**

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- (4) Permission granted by the local government under this regulation —
- (a) must be in writing; and
  - (b) must specify the period for which it is granted; and
  - (c) must specify each condition imposed under subregulation (5); and
  - (d) may be renewed from time to time; and
  - (e) may be cancelled by giving written notice to the person to whom the permission was granted.
- (5) The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, any of the following —
- (a) a condition imposing a charge for any damage to the public thoroughfare or public place resulting from the construction;
  - (b) a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the CEO of the local government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the construction, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant.
- (6) It is a condition of the permission granted under this regulation that —
- (a) the ordinary and reasonable use of the public thoroughfare or public place for the purpose to which it is dedicated is not to be permanently or unreasonably obstructed; and



**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

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**r. 15**

- (b) the person carrying out the construction work ensures that a footpath of a public thoroughfare or other public place that is local government property is covered during the period specified in writing by the local government so as to —
    - (i) prevent damage to the footpath; or
    - (ii) prevent inconvenience to the public or danger from falling materials;and
  - (c) damage to the public thoroughfare or public place resulting from the construction is repaired to the satisfaction of the CEO of the local government.
- (7) A person granted permission under this regulation must comply with each condition of the permission.  
Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.
- (8) A person who constructs anything in accordance with permission granted under this regulation must —
  - (a) maintain it; and
  - (b) obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use.  
Penalty: a fine of \$5 000.
- (9) For the purposes of section 3.37 of the Act, a contravention of subregulation (1) or (7) is a contravention that can lead to impounding of goods comprising a thing constructed on, over, or under a

**Local Government (Uniform Local Provisions) Amendment Regulations 2013****r. 16**

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public thoroughfare or other public place that is local government property.

The note to inserted regulation 17 is to read:

Note: This regulation is of the kind prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 3. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender. Schedule 9.1 item 8(4) is relevant.

See also Schedule 3.1 Division 1 item 3 which allows a similar notice to be given even when no offence has been committed.

**16. Regulation 18 replaced**

Delete regulation 18 and insert:

**18. Protection of watercourses, drains, tunnels and bridges — Sch. 9.1 cl. 9**

- (1) A person must not, without lawful authority, alter, obstruct, or interfere with, any watercourse, drain, tunnel, or bridge that is local government property.

Penalty: a fine of \$5 000.

- (2) A person must not, wilfully or negligently, cause or permit leaves, timber, logs or brushwood that is, or has been, growing on land occupied by that person, to fall into a watercourse that is local government property.

Penalty: a fine of \$5 000.

**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

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**r. 17**

The note to inserted regulation 18 is to read:

Note: This regulation is of a kind prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 4. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.

**17. Regulation 19 replaced**

Delete regulation 19 and insert:

**19. Protection of thoroughfares from water damage —  
Sch. 9.1 cl. 10**

A person must not, without lawful authority, alter, obstruct, or interfere with the natural flow of surface water across any thoroughfare or other land in such a way as is likely to damage any thoroughfare that is local government property.

Penalty: a fine of \$5 000.

The note to inserted regulation 19 is to read:

Note: This regulation is of a kind prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 5. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.

**18. Regulation 20 amended**

In regulation 20(2) and (3) delete “is required to” and insert:

must

**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

**r. 19**

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**19. Regulation 21 amended**

- (1) In regulation 21(2) delete “consent” and insert:

permission

- (2) Delete regulation 21(4) and (5) and insert:

- (4) A person given a notice under subregulation (1) must comply with the notice.

Penalty: a fine of \$5 000.

The note to amended regulation 21 is to read:

Note: This regulation is of a kind prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 6. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.

See also Schedule 3.1 Division 1 item 6 which allows a similar notice to be given even when no offence has been committed.

**20. Regulations 22 to 25 inserted**

After regulation 21 insert:

**22. Persons with lawful authority under other written laws to notify local government of proposed action**

- (1) In this regulation —

*do a thing* means do any of the following things —

- (a) interfere with the soil of, or anything on, land that is local government property;

**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

---

**r. 20**

- (b) take anything from land that is local government property;
- (c) place on a public thoroughfare anything that obstructs it;
- (d) make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare;
- (e) construct anything on, over, or under a public thoroughfare or other public place that is local government property;
- (f) alter, obstruct, or interfere with, any watercourse, drain, tunnel, or bridge that is local government property;
- (g) alter, obstruct, or interfere with the natural flow of surface water across any thoroughfare or other land in such a way as is likely to damage any thoroughfare that is local government property;

***lawful authority under another written law***, in relation to doing a thing, means —

- (a) the authority under a provision of another written law to do the thing; or
  - (b) an authorisation, approval, licence, permit or other right, granted under another written law by a person other than the local government, to do the thing.
- (2) A person who has lawful authority under another written law to do a thing must ensure that at least 7 days before doing the thing, the local government is given written notice of the lawful authority and the intention to do the thing.

Penalty: a fine of \$5 000.

**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

**r. 20**

**23. Objections and review**

Part 9 Division 1 of the Act applies to —

- (a) the decision of a local government to give a notice under regulation 5(2); or
- (b) a decision of a local government made upon an application under regulation 12 or a decision by the Commissioner of Main Roads under regulation 14(2) relating to the application; or
- (c) the decision of a local government to give a notice under regulation 13(1); or
- (d) the decision of the Commissioner of Main Roads to give a notice under regulation 14(3); or
- (e) the decision of a local government to give a notice under regulation 21(1),

and the applicant or person to whom the notice was given, as the case requires, is an affected person for the purposes of applying that Division.

Note: The *Local Government Act 1995* section 9.1(1) provides that Part 9 Division 1 applies when a local government makes a decision under the Act as to whether it will grant, renew, vary, or cancel an authorisation, as defined in section 9.2, under a regulation that operates as if it were a local law.

**24. Infringement notice offences**

- (1) An offence described in Schedule 1 column 1 is prescribed for the purposes of section 9.16(1) of the Act.
- (2) The amount specified in Schedule 1 column 2 for the offence is the modified penalty that is to be specified in an infringement notice given for that offence.

**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

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**r. 20****25. Transitional and savings provisions**

- (1) In this regulation —
- expiry day* means the day on which the *Building Regulations 2012* Part 9 expires;
- expired Part 9* means the *Building Regulations 2012* Part 9 as in force immediately before it expired.
- (2) A licence that was —
- (a) granted under the expired Part 9 regulation 64; and
  - (b) in effect immediately before expiry day; and
  - (c) for the purpose of authorising a person to deposit materials on a street, way or other public place,
- is, on and from expiry day, to be taken to be permission granted by the local government under regulation 6 of these regulations and subject to the conditions applying to the licence immediately before expiry day.
- (3) An application for a licence mentioned in subregulation (2) that had been made, but not decided, by a local government, before expiry day is, on and from expiry day, to be taken to be an application under regulation 6(2) of these regulations for which the application fee, if any, has been paid.
- (4) A review under the expired Part 9 regulation 64(7) —
- (a) of the refusal to grant a licence under the expired Part 9 regulation 64 for the purpose of authorising a person to deposit materials on a street, way or other public place; or
  - (b) of the conditions imposed on a licence mentioned in subregulation (2),

**Local Government (Uniform Local Provisions) Amendment Regulations 2013****r. 20**

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that was started, but not finalised, before expiry day must be dealt with as if the expired Part 9 had not expired, and a licence that is granted or varied as a result of such a review is to be taken to be permission granted by the local government under regulation 6 of these regulations subject to the conditions applying to the licence on its grant or variation.

- (5) A licence that was —
- (a) granted under the expired Part 9 regulation 64; and
  - (b) in effect immediately before expiry day; and
  - (c) for the purpose of authorising a person to make an excavation on land abutting or adjoining a street, way or other public place,

is, on and from expiry day, to be taken to be permission granted by the local government under regulation 11 of these regulations and subject to the conditions applying to the licence immediately before expiry day.

- (6) An application for a licence mentioned in subregulation (5) that had been made, but not decided, by a local government, before expiry day is, on and from expiry day, to be taken to be an application under regulation 11(4) of these regulations for which the application fee, if any, has been paid.
- (7) A review under the expired Part 9 regulation 64(7) —
- (a) of the refusal to grant a licence under the expired Part 9 regulation 64 for the purpose of authorising a person to make an excavation on land abutting or adjoining a street, way or other public place; or
  - (b) of the conditions imposed on a licence mentioned in subregulation (5),



**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

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**r. 20**

that was started, but not finalised, before expiry day must be dealt with as if the expired Part 9 had not expired, and a licence that is granted or varied as a result of such a review is to be taken to be permission granted by the local government under regulation 11 of these regulations subject to the conditions applying to the licence on its grant or variation.

- (8) Subregulations (2) to (7) do not prejudice or affect the application of the *Interpretation Act 1984* to and in relation to the expiry of the *Building Regulations 2012* Part 9 concerning —
- (a) the enforcement of any notice under the expired Part 9 regulation 65(h) or 66(2)(b); or
  - (b) the institution, continuation or enforcement of any legal proceeding for an offence under the expired Part 9 regulation 63, 64 or 67; or
  - (c) the institution, continuation or enforcement of any review under the expired Part 9 regulation 67(3).

**Local Government (Uniform Local Provisions) Amendment Regulations 2013****r. 21****21. Schedule 1 inserted**

At the end of the regulations insert:

**Schedule 1 — Infringement notice offences and modified penalties**

[r. 24]

Column 1	Column 2
Description of offence	\$
Interfering with, or taking anything from, land that is local government property without lawful authority (in contravention of r. 5(1))	500
Placing on a public thoroughfare anything that obstructs it without lawful authority (in contravention of r. 6(1))	500
Leaving open a gate registered under regulation 9(8) (in contravention of r. 10)	100
Making an excavation in a public thoroughfare or land adjoining a public thoroughfare without lawful authority (in contravention of r. 11(3))	500

**Local Government (Uniform Local Provisions) Amendment Regulations 2013**

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**r. 21**

<b>Column 1</b>	<b>Column 2</b>
Constructing anything on, over, or under a public thoroughfare or other public place that is local government property without lawful authority (in contravention of r. 17(1))	500
Not giving a local government at least 7 days' written notice of lawful authority under another written law to do a thing and the intention to do the thing (in contravention of r. 22(2))	500

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

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