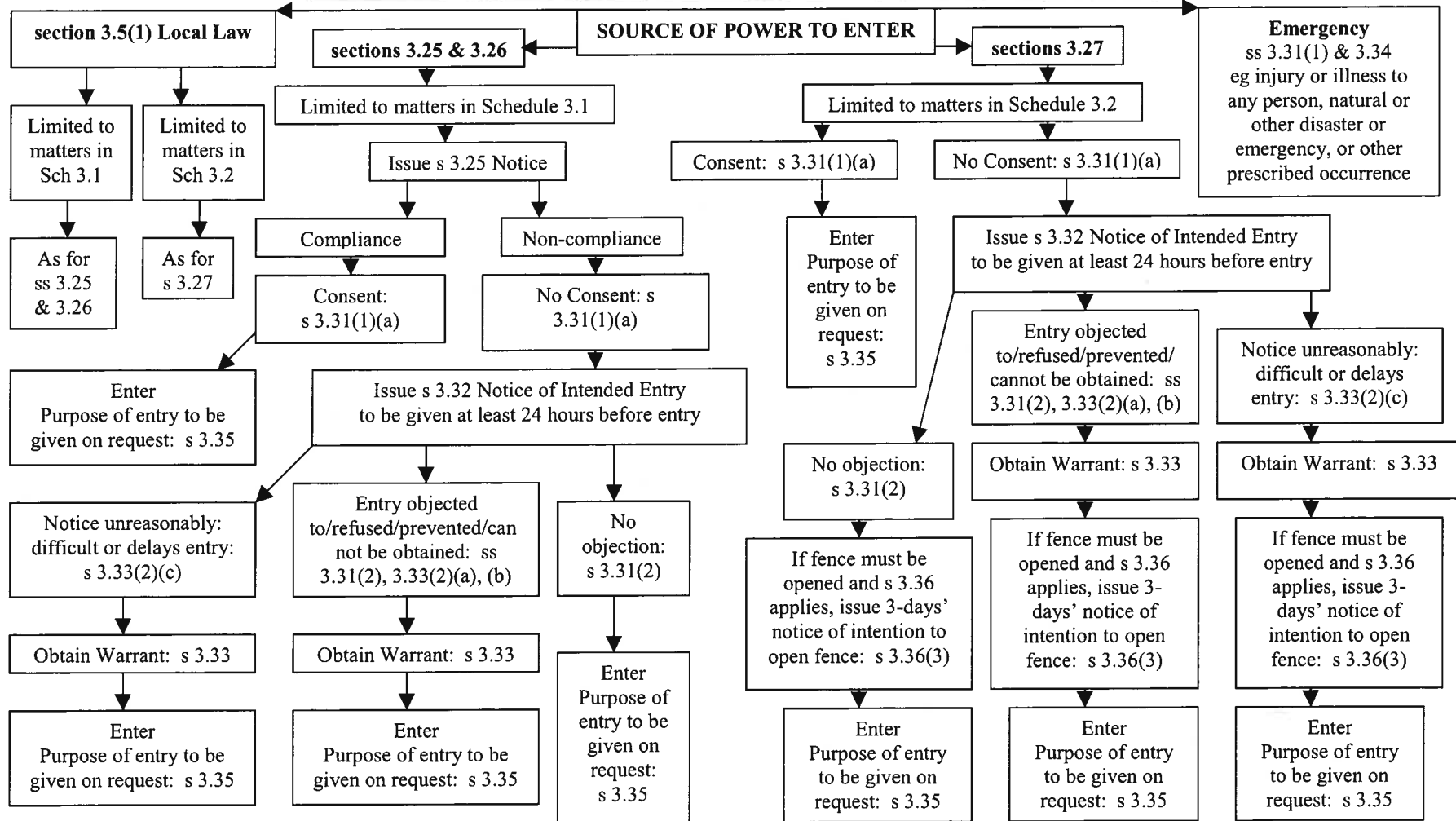


**Practical Steps for Entering Private Land Pursuant to the *Local Government Act 1995***



**Local Government Act 1995****Schedule 3.1** Powers under notices to owners or occupiers of land**Division 1** Things a notice may require to be done**Schedule 3.1 — Powers under notices to owners or occupiers of land**

[Section 3.25(1)]

**Division 1 — Things a notice may require to be done**

1. Prevent water from dripping or running from a building on the land onto any other land.
2. Place in a prominent position on the land a number to indicate the address.
3. Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.
4. (1) Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law —
  - (a) is suitably enclosed to separate it from the public place; and
  - (b) where applicable, is enclosed with a close fence, to the satisfaction of the local government, suitable to prevent sand or other matter coming from the land onto the public place.
- (2) The notice cannot be given to an occupier who is not an owner.
5. (1) Ensure that unsightly land is enclosed, to the satisfaction of the local government, with a fence or other means suitable to prevent the land, so far as is practicable, from being unsightly.
- (2) In this item —
 

*unsightly*, in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality.
- (3) The notice cannot be given to an occupier who is not an owner.
- 5A. (1) Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy.
- (2) In this item —
 

*disused material* includes disused motor vehicles, old motor vehicle bodies and old machinery.

- 5B. Ensure that graffiti that is —
- (a) applied with the consent of the owner or occupier; and
  - (b) visible from a public place; and
  - (c) considered by the local government to be unsightly or offensive,
- is obliterated in a manner acceptable to the local government.
6. Take specified measures for preventing or minimising the movement of sand, silt, clay or rocks on or from the land if, in the opinion of the local government, that movement would be likely to adversely affect other land.
7. Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law is not overgrown.
8. Remove all or part of a tree that is obstructing or otherwise prejudicially affecting a thoroughfare that is under the local government's control or management and adjoins the land where the tree is situated.
9. Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.
10. Take specified measures for preventing or minimizing —
- (a) danger to the public; or
  - (b) damage to property,
- which might result from cyclonic activity.
11. Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.
12. Ensure that an unsightly, dilapidated or dangerous fence or gate that separates the land from land that is local government property is modified or repaired.
13. Take specific measures to prevent —
- (a) artificial light being emitted from the land; or
  - (b) natural or artificial light being reflected from something on the land,
- creating a nuisance.
14. (1) Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare so that danger to anyone using the thoroughfare is prevented or minimised.

**Local Government Act 1995**

**Schedule 3.1** Powers under notices to owners or occupiers of land

**Division 2** Provisions contraventions of which may lead to a notice requiring things to be done

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(2) In this item —

*private thoroughfare* has the same meaning as in Schedule 9.1 clause 7(1).

*[Division 1 amended in Gazette 29 Apr 1997 p. 2144; amended by No. 49 of 2004 s. 72; No. 17 of 2009 s. 46.]*

**Division 2 — Provisions contraventions of which may lead to a notice requiring things to be done**

1. Regulations under Schedule 9.1, clause 3 (Obstructing or encroaching on public thoroughfare).
- 1A. Regulations under Schedule 9.1, clause 5(1) (Gates and other devices across public thoroughfares) requiring a person to remove a gate or other device from across a public thoroughfare when requested by a local government to do so.
2. Regulations under Schedule 9.1, clause 6 (Dangerous excavation in or near public thoroughfare).
- 2A. Regulations under Schedule 9.1, clause 7(2) (Crossings from public thoroughfares to private land or to private thoroughfares) that —
  - (a) prohibit a person from constructing a crossing; or
  - (b) by means of a notice in writing given to a person by the Commissioner of Main Roads, require the person to bring a crossing into accordance with an approval by the Commissioner of Main Roads or to remove a crossing and restore the place where it was to its former condition.
3. Regulations under Schedule 9.1, clause 8(1) (Constructing private works on, over, or under public places).
4. Regulations under Schedule 9.1, clause 9 (Protection of watercourses, drains, tunnels and bridges).
5. Regulations under Schedule 9.1, clause 10 (Protection of thoroughfares from water damage).
6. Regulations under Schedule 9.1, clause 12 (Wind erosion and sand drifts).

*[Division 2 amended in Gazette 24 Jun 1996 p. 2862.]*

**Local Government Act 1995**

Particular things local governments can do on land even though it is not local government property **Schedule 3.2**

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**Schedule 3.2 — Particular things local governments can do on land even though it is not local government property**

[Section 3.27(1)]

1. Carry out works for the drainage of land.
2. Do earthworks or other works on land for preventing or reducing flooding.
3. Take from land any native growing or dead timber, earth, stone, sand, or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence, or gate.  
Section 3.36 applies.  
Section 3.27(3) applies.
4. Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence, or gate do not, in the local government's opinion, require.  
Section 3.36 applies.  
Section 3.27(3) applies.
5. Make a temporary thoroughfare through land for use by the public as a detour while work is being done on a public thoroughfare.  
Section 3.36 applies.  
Section 3.27(3) applies.
6. Place on land signs to indicate the names of public thoroughfares.
7. Make safe a tree that presents serious and immediate danger, without having given the owner the notice otherwise required by regulations.
8. Obliterate graffiti that is visible from a public place and that has been applied without the consent of the owner or occupier.

*[Schedule 3.2 amended by No. 17 of 2009 s. 47.]*