



# Local Government (General) Amendment (Caretaker Period Restrictions) Regulation 2012

under the

Local Government Act 1993

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

DON PAGE, MP  
Minister for Local Government

## **Explanatory note**

The object of this Regulation is to provide that councils must not exercise certain functions during the period of 4 weeks preceding an ordinary election.

This Regulation is made under the *Local Government Act 1993*, including section 748 (the general regulation-making power) and item 14A (relating to caretaker provisions) of Schedule 6.

**2012 No 266**

Local Government (General) Amendment (Caretaker Period Restrictions)  
Clause 1 Regulation 2012

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**Local Government (General) Amendment (Caretaker  
Period Restrictions) Regulation 2012**

under the

Local Government Act 1993

**1 Name of Regulation**

This Regulation is the *Local Government (General) Amendment (Caretaker Period Restrictions) Regulation 2012*.

**2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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## Schedule 1      Amendment of Local Government (General) Regulation 2005

### Clause 393B

Insert after clause 393A:

#### 393B      Exercise of council functions during caretaker period

- (1) The following functions of a council must not be exercised by the council, or the general manager or any other delegate of the council (other than a Joint Regional Planning Panel or the Central Sydney Planning Committee), during a caretaker period:
  - (a) entering a contract or undertaking involving the expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger),
  - (b) determining a controversial development application, except where:
    - (i) a failure to make such a determination would give rise to a deemed refusal under section 82 of the *Environmental Planning and Assessment Act 1979*, or
    - (ii) such a deemed refusal arose before the commencement of the caretaker period,
  - (c) the appointment or reappointment of a person as the council's general manager (or the removal of a person from that position), other than:
    - (i) an appointment of a person to act as general manager under section 336 (1) of the Act, or
    - (ii) a temporary appointment of a person as general manager under section 351 (1) of the Act.
- (2) Despite subclause (1), such a function may be exercised in a particular case with the consent of the Minister.
- (3) In this clause:

***caretaker period*** means the period of 4 weeks preceding the date of an ordinary election.

***controversial development application*** means a development application under the *Environmental Planning and Assessment*

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*Act 1979* for which at least 25 persons have made submissions  
under section 79 (5) of that Act by way of objection.

**Note.** See also Division 9A (Provisions relating to activities during regulated  
periods) of this Part for controls on certain activities during the regulated period  
before elections.