

LOCAL GOVERNMENT (REGULATION OF FLATS) BILL.

*Schedule of the Amendment referred to in Legislative Council's Message of
24 November, 1955.*

No. 1.—Page 4, clause 4, subclause (2), line 22. *Omit “twelve” insert “**nine**”.*

LOCAL GOVERNMENT DEPARTMENT OF PUBLIC WORKS

Minutes of the meeting held at the Municipal Council Chamber on
the 17th day of 1911

The meeting was held at 7.30 p.m. and was attended by the following members of the Council:

Mr. [Name]

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 November, 1955.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 24 November, 1955.*

New South Wales



ANNO QUARTO

ELIZABETHÆ II REGINÆ

Act No. , 1955.

An Act to enable residential flat buildings to be provided out of certain existing buildings; for this purpose to amend the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Local Government (Regulation of Flats) Act, 1955." Short title and construction.

Local Government (Regulation of Flats).

(2) This Act shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts, which Act, as so amended, is hereinafter referred to as the Principal Act.

5 (3) The Local Government (Regulation of Flats) Act, 1949, is hereby repealed. Repeal of Act No. 17, 1949.

2. (1) (a) The owner of any building erected before the thirtieth day of June, one thousand nine hundred and forty-nine, may, at any time before the expiration of ten years from the commencement of this Act, apply to the council of the area within which such building is situated for approval—

15 (i) to make alterations to such building for the purpose of converting it into a residential flat building;

20 (ii) to make alterations and additions to such building, such additions having a total floor plan area not exceeding thirty per centum of the ground floor area of the building, for the purpose of making the building, as altered and added to, into a residential flat building.

(b) Any such application may be made and approval of any such application may be given and any such alterations or alterations and additions may be carried out in accordance with such approval in respect of a building whether or not such building is within a residential district in which the erection or use of buildings for the purpose of a residential flat building has been prohibited by proclamation under paragraph (f) of subsection one of section three hundred and nine of the Principal Act.

(2) Any approval pursuant to the provisions of this Act may be given notwithstanding the fact that the minimum distances of the external walls of the proposed residential flat building from the side boundaries of the allotment

Local Government (Regulation of Flats).

allotment on which such residential flat building is to stand would be less than those prescribed by Schedule Seven to the Principal Act in respect of such residential flat building.

- 5 3. (1) (a) The owner of any building who is dis- Appeals.
satisfied with the refusal of the council to approve of an
application made by him pursuant to paragraph (a) of
subsection one of section two of this Act may, within
one month from the date on which he received notice of
10 the council's decision or from the expiration of the period
of forty days referred to in subsection two of this section,
as the case may be, or such longer period as the Minister
may allow, appeal to the Minister.
- (b) The Minister may dismiss or allow the
15 appeal but the Minister, before deciding any such appeal,
shall, if the appellant or the council so desires, afford
the appellant or the council an opportunity of appear-
ing before and being heard by a person appointed by
the Minister for the purpose.
- 20 (c) The decision of the Minister on appeal
under this subsection shall be final and shall be binding
upon the council and the appellant, and for the purposes
of this Act shall be deemed to be the final decision of
the council.
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application made under paragraph (a) of subsection one
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service of the application it has failed to give a decision
with respect thereto.
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and specifications of the alterations or alterations and
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Local Government (Regulation of Flats).

4. (1) An approval pursuant to the provisions of this Act shall not be given unless the proposed residential flat building—

Cases in which approval not to be given.

5 (a) will be in conformity with the provisions of the Principal Act and the ordinances made thereunder, other than those contained in Schedule Seven to the said Act prescribing the minimum distances of the external walls of such building from the side boundaries of the allotment upon

10 which it stands;

(b) will contain flats each of which has at least two rooms designed for use as bedrooms and one room designed for use as a living room;

15 (c) will in respect of the minimum distances of the external walls from the side boundaries of the allotment upon which such building stands comply with the provisions prescribed by subsection two of this section.

20 (2) The minimum distances of the external walls from the side boundaries of the allotment upon which the residential flat building stands shall in the aggregate be not less than ~~twelve~~ nine feet and no external wall shall be within three feet of the side boundaries of such allotment.

25 5. Any approval given by the council to any plans and specifications of the alterations or alterations and additions proposed to be made in accordance with any approval given pursuant to the provisions of this Act shall be void if the building work to which it refers is not

30 substantially commenced within twelve months after the date of the approval:

When approval lapses.

Provided that the council may if good cause be shown grant an extension or renewal of such approval beyond such period.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

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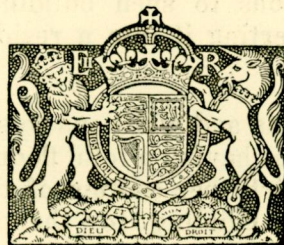
*Legislative Assembly Chamber,
Sydney, 23 November, 1955.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with
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New South Wales



ANNO QUARTO

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Short title
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(2) This Act shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts, which Act, as so amended, is hereinafter referred to as the Principal Act.

5 (3) The Local Government (Regulation of Flats) Act, 1949, is hereby repealed. Repeal of Act No. 17, 1949.

10 2. (1) (a) The owner of any building erected before the thirtieth day of June, one thousand nine hundred and forty-nine, may, at any time before the expiration of ten years from the commencement of this Act, apply to the council of the area within which such building is situated for approval—

15 (i) to make alterations to such building for the purpose of converting it into a residential flat building;

20 (ii) to make alterations and additions to such building, such additions having a total floor plan area not exceeding thirty per centum of the ground floor area of the building, for the purpose of making the building, as altered and added to, into a residential flat building.

25 (b) Any such application may be made and approval of any such application may be given and any such alterations or alterations and additions may be carried out in accordance with such approval in respect of a building whether or not such building is within a residential district in which the erection or use of buildings for the purpose of a residential flat building has been prohibited by proclamation under paragraph (f) of sub-section one of section three hundred and nine of the Principal Act.

35 (2) Any approval pursuant to the provisions of this Act may be given notwithstanding the fact that the minimum distances of the external walls of the proposed residential flat building from the side boundaries of the allotment

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allotment on which such residential flat building is to stand would be less than those prescribed by Schedule Seven to the Principal Act in respect of such residential flat building.

5 **3.** (1) (a) The owner of any building who is dis- Appeals.
satisfied with the refusal of the council to approve of an
application made by him pursuant to paragraph (a) of
subsection one of section two of this Act may, within
one month from the date on which he received notice of
10 the council's decision or from the expiration of the period
of forty days referred to in subsection two of this section,
as the case may be, or such longer period as the Minister
may allow, appeal to the Minister.

(b) The Minister may dismiss or allow the
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shall, if the appellant or the council so desires, afford
the appellant or the council an opportunity of appear-
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under this subsection shall be final and shall be binding
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application made under paragraph (a) of subsection one
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with the provisions of the Principal Act to the plans
and specifications of the alterations or alterations and
additions proposed to be made in accordance with any
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Local Government (Regulation of Flats).

4. (1) An approval pursuant to the provisions of this Act shall not be given unless the proposed residential flat building—

Cases in which approval not to be given.

5 (a) will be in conformity with the provisions of the Principal Act and the ordinances made thereunder, other than those contained in Schedule Seven to the said Act prescribing the minimum distances of the external walls of such building from the side boundaries of the allotment upon which it stands;

10 (b) will contain flats each of which has at least two rooms designed for use as bedrooms and one room designed for use as a living room;

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When approval lapses.

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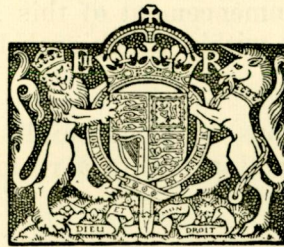
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2. (1) (a) The owner of any building erected before the thirtieth day of June, one thousand nine hundred and forty-nine, may, at any time before the expiration of ten years from the commencement of this Act, apply to the council of the area within which such building is situated for approval— Applications for approval of council to alter and add to existing buildings.

15 (i) to make alterations to such building for the purpose of converting it into a residential flat building;

20 (ii) to make alterations and additions to such building, such additions having a total floor plan area not exceeding thirty per centum of the ground floor area of the building, for the purpose of making the building, as altered and added to, into a residential flat building.

(b) Any such application may be made and approval of any such application may be given and any such alterations or alterations and additions may be carried out in accordance with such approval in respect of a building whether or not such building is within a residential district in which the erection or use of buildings for the purpose of a residential flat building has been prohibited by proclamation under paragraph (f) of subsection one of section three hundred and nine of the Principal Act.

(2) Any approval pursuant to the provisions of this Act may be given notwithstanding the fact that the minimum distances of the external walls of the proposed residential flat building from the side boundaries of the allotment

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A BILL

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[Mr. RENS^HAW;—16 *November*, 1955.]

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Cases in which approval not to be given.

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When approval lapses.

30 substantially commenced within twelve months after the date of the approval:

Provided that the council may if good cause be shown grant an extension or renewal of such approval beyond such period.

LOCAL GOVERNMENT (REGULATION OF FLATS) BILL, 1955.

EXPLANATORY NOTE.

THE object of this Bill is to enable a council, subject to the requirements of the Bill being complied with, to approve of alterations or alterations and additions being made to certain existing buildings for the purpose of their being subdivided into flats, whether or not any such building is within a proclaimed residential district in which the erection of flats is prohibited.

Any owner whose application for the council's approval is refused may appeal to the Minister against such refusal.

Applications for approval may be made at any time within ten years after the commencement of the Act.

LOCAL GOVERNMENT (AMENDMENT OF STATUTE) BILL 1982

EXPLANATORY NOTE

This Bill amends the Local Government Act 1972 to give effect to the recommendations of the Commission on Local Government in England (the Commission) in its report published in 1981. The Commission's recommendations are set out in the Schedule to this Bill. The main changes are as follows:—

(a) The number of members of local authorities is to be determined by reference to the population of the authority's area. The Commission recommended that the number of members should be 12 for areas with a population of up to 10,000, 16 for areas with a population of up to 25,000, 20 for areas with a population of up to 50,000, 24 for areas with a population of up to 100,000, 32 for areas with a population of up to 250,000, 40 for areas with a population of up to 500,000, and 48 for areas with a population of over 500,000.

(b) The Commission recommended that the number of members of local authorities should be increased to 24 for areas with a population of up to 100,000, to 32 for areas with a population of up to 250,000, to 40 for areas with a population of up to 500,000, and to 48 for areas with a population of over 500,000.

(c) The Commission recommended that the number of members of local authorities should be increased to 24 for areas with a population of up to 100,000, to 32 for areas with a population of up to 250,000, to 40 for areas with a population of up to 500,000, and to 48 for areas with a population of over 500,000.

(d) The Commission recommended that the number of members of local authorities should be increased to 24 for areas with a population of up to 100,000, to 32 for areas with a population of up to 250,000, to 40 for areas with a population of up to 500,000, and to 48 for areas with a population of over 500,000.

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(ii) to make alterations and additions to such building, such additions having a total floor plan area not exceeding thirty per centum of the ground floor area of the building, for the purpose of making the building, as altered and added to,
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1949.

(3) The Local Government (Regulation of Flats) Act, 1949, is hereby repealed.

Applications
for approval
of council
to alter and
add to
existing
buildings.

2. (1) (a) The owner of any building erected before the thirtieth day of June, one thousand nine hundred and forty-nine, may, at any time before the expiration of ten years from the commencement of this Act, apply to the council of the area within which such building is situated for approval—

(i) to make alterations to such building for the purpose of converting it into a residential flat building;

(ii) to make alterations and additions to such building, such additions having a total floor plan area not exceeding thirty per centum of the ground floor area of the building, for the purpose of making the building, as altered and added to, into a residential flat building.

(b) Any such application may be made and approval of any such application may be given and any such alterations or alterations and additions may be carried out in accordance with such approval in respect of a building whether or not such building is within a residential district in which the erection or use of buildings for the purpose of a residential flat building has been prohibited by proclamation under paragraph (f) of subsection one of section three hundred and nine of the Principal Act.

(2) Any approval pursuant to the provisions of this Act may be given notwithstanding the fact that the minimum distances of the external walls of the proposed residential flat building from the side boundaries of the
allotment

Local Government (Regulation of Flats).

allotment on which such residential flat building is to stand would be less than those prescribed by Schedule Seven to the Principal Act in respect of such residential flat building.

3. (1) (a) The owner of any building who is dissatisfied with the refusal of the council to approve of an application made by him pursuant to paragraph (a) of subsection one of section two of this Act may, within one month from the date on which he received notice of the council's decision or from the expiration of the period of forty days referred to in subsection two of this section, as the case may be, or such longer period as the Minister may allow, appeal to the Minister. Appeals.

(b) The Minister may dismiss or allow the appeal but the Minister, before deciding any such appeal, shall, if the appellant or the council so desires, afford the appellant or the council an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(c) The decision of the Minister on appeal under this subsection shall be final and shall be binding upon the council and the appellant, and for the purposes of this Act shall be deemed to be the final decision of the council.

(2) The council shall be deemed to have refused an application made under paragraph (a) of subsection one of section two of this Act if within forty days after service of the application it has failed to give a decision with respect thereto.

(3) Nothing in this Act shall exempt an applicant from obtaining the approval of the council in accordance with the provisions of the Principal Act to the plans and specifications of the alterations or alterations and additions proposed to be made in accordance with any approval given pursuant to the provisions of this Act.

Local Government (Regulation of Flats).

Cases in
which
approval
not to
be given.

4. (1) An approval pursuant to the provisions of this Act shall not be given unless the proposed residential flat building—

- (a) will be in conformity with the provisions of the Principal Act and the ordinances made thereunder, other than those contained in Schedule Seven to the said Act prescribing the minimum distances of the external walls of such building from the side boundaries of the allotment upon which it stands;
- (b) will contain flats each of which has at least two rooms designed for use as bedrooms and one room designed for use as a living room;
- (c) will in respect of the minimum distances of the external walls from the side boundaries of the allotment upon which such building stands comply with the provisions prescribed by subsection two of this section.

(2) The minimum distances of the external walls from the side boundaries of the allotment upon which the residential flat building stands shall in the aggregate be not less than nine feet and no external wall shall be within three feet of the side boundaries of such allotment.

When
approval
lapses.

5. Any approval given by the council to any plans and specifications of the alterations or alterations and additions proposed to be made in accordance with any approval given pursuant to the provisions of this Act shall be void if the building work to which it refers is not substantially commenced within twelve months after the date of the approval:

Provided that the council may if good cause be shown grant an extension or renewal of such approval beyond such period.

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1956.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 24 November, 1955.*

New South Wales



ANNO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 50, 1955.

An Act to enable residential flat buildings to be provided out of certain existing buildings; for this purpose to amend the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 13th December, 1955.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Local Government (Regulation of Flats) Act, 1955." Short title
and
construction.

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Local Government (Regulation of Flats).

(2) This Act shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts, which Act, as so amended, is hereinafter referred to as the Principal Act.

Repeal of
Act No. 17,
1949.

(3) The Local Government (Regulation of Flats) Act, 1949, is hereby repealed.

Applications
for approval
of council
to alter and
add to
existing
buildings.

2. (1) (a) The owner of any building erected before the thirtieth day of June, one thousand nine hundred and forty-nine, may, at any time before the expiration of ten years from the commencement of this Act, apply to the council of the area within which such building is situated for approval—

- (i) to make alterations to such building for the purpose of converting it into a residential flat building;
- (ii) to make alterations and additions to such building, such additions having a total floor plan area not exceeding thirty per centum of the ground floor area of the building, for the purpose of making the building, as altered and added to, into a residential flat building.

(b) Any such application may be made and approval of any such application may be given and any such alterations or alterations and additions may be carried out in accordance with such approval in respect of a building whether or not such building is within a residential district in which the erection or use of buildings for the purpose of a residential flat building has been prohibited by proclamation under paragraph (f) of subsection one of section three hundred and nine of the Principal Act.

(2) Any approval pursuant to the provisions of this Act may be given notwithstanding the fact that the minimum distances of the external walls of the proposed residential flat building from the side boundaries of the allotment

Local Government (Regulation of Flats).

allotment on which such residential flat building is to stand would be less than those prescribed by Schedule Seven to the Principal Act in respect of such residential flat building.

3. (1) (a) The owner of any building who is dissatisfied with the refusal of the council to approve of an application made by him pursuant to paragraph (a) of subsection one of section two of this Act may, within one month from the date on which he received notice of the council's decision or from the expiration of the period of forty days referred to in subsection two of this section, as the case may be, or such longer period as the Minister may allow, appeal to the Minister. Appeals.

(b) The Minister may dismiss or allow the appeal but the Minister, before deciding any such appeal, shall, if the appellant or the council so desires, afford the appellant or the council an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(c) The decision of the Minister on appeal under this subsection shall be final and shall be binding upon the council and the appellant, and for the purposes of this Act shall be deemed to be the final decision of the council.

(2) The council shall be deemed to have refused an application made under paragraph (a) of subsection one of section two of this Act if within forty days after service of the application it has failed to give a decision with respect thereto.

(3) Nothing in this Act shall exempt an applicant from obtaining the approval of the council in accordance with the provisions of the Principal Act to the plans and specifications of the alterations or alterations and additions proposed to be made in accordance with any approval given pursuant to the provisions of this Act.

4.

Local Government (Regulation of Flats).

Cases in which approval not to be given.

4. (1) An approval pursuant to the provisions of this Act shall not be given unless the proposed residential flat building—

- (a) will be in conformity with the provisions of the Principal Act and the ordinances made thereunder, other than those contained in Schedule Seven to the said Act prescribing the minimum distances of the external walls of such building from the side boundaries of the allotment upon which it stands;
- (b) will contain flats each of which has at least two rooms designed for use as bedrooms and one room designed for use as a living room;
- (c) will in respect of the minimum distances of the external walls from the side boundaries of the allotment upon which such building stands comply with the provisions prescribed by subsection two of this section.

(2) The minimum distances of the external walls from the side boundaries of the allotment upon which the residential flat building stands shall in the aggregate be not less than nine feet and no external wall shall be within three feet of the side boundaries of such allotment.

When approval lapses.

5. Any approval given by the council to any plans and specifications of the alterations or alterations and additions proposed to be made in accordance with any approval given pursuant to the provisions of this Act shall be void if the building work to which it refers is not substantially commenced within twelve months after the date of the approval:

Provided that the council may if good cause be shown grant an extension or renewal of such approval beyond such period.

In the name and on behalf of Her Majesty I assent to this Act.

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 13th December, 1955.*