

LOCAL GOVERNMENT (DEMOLITION OF RESIDENTIAL BUILDINGS) AMENDMENT BILL, 1960.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to vary the existing provisions of section 317BA of the Local Government Act, 1919, as amended by subsequent Acts, relating to the control and regulation of the demolition of residential buildings ;
- (b) to apply such varied provisions only within the Counties of Cumberland and Northumberland, and the City of Greater Wollongong, and for a period of three years ;
- (c) to make other provisions of an ancillary or consequential character.

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BUILDINGS) AMENDMENT BILL, 1960.

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The object of the Bill is to amend the Local Government Act, 1958, in relation to the demolition of residential buildings. The Bill provides for the demolition of residential buildings which are in a state of disrepair and are a nuisance to the neighbourhood. The Bill also provides for the demolition of residential buildings which are in a state of disrepair and are a nuisance to the neighbourhood. The Bill also provides for the demolition of residential buildings which are in a state of disrepair and are a nuisance to the neighbourhood.

No. , 1960.

A BILL

To make further provision with respect to the regulation and control of the demolition of residential buildings; for this purpose to amend the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith.

[MR. HILLS;—18 *October*, 1960.]

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. This Act may be cited as the "Local Government Short title.
(Demolition of Residential Buildings) Amendment Act, 1960".

Local Government (Demolition of Residential Buildings) Amendment.

2. The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Amendment
of Act No.
41, 1919.
Sec. 317BA.
(Demolition
of
residential
buildings.)

5 (a) by omitting subsections one, two, three and four of section 317BA and by inserting in lieu thereof the following subsections :—

(1) A person shall not demolish any building used or designed for use for residential purposes or any part of any such building unless the approval of the council is obtained therefor beforehand.

10 (2) (a) Application for approval under this section shall be made by the owner of the building or part or by a person appointed in writing for the purpose by the owner.

15 (b) Where the building or part is occupied by a person other than the owner, the person making the application shall serve a copy thereof upon the occupier.

20 (3) (a) In respect of any application under this section for approval of the demolition of a building or part of a building the council shall take into consideration this Act, the ordinances, the circumstances of the case, and the public interest, and without limiting the generality of the foregoing provisions of this subsection shall take into
25 consideration—

- (i) the condition of the building ;
- (ii) the probable economic life of the building ;
- (iii) the historic and architectural significance of the building ;
- 30 (iv) the purposes for which the land on which the building is erected may lawfully be used ;
- (v) the purposes for which the land on which the building or part is erected is likely to be used if the building or part is demolished ;
- (vi)

Local Government (Demolition of Residential Buildings) Amendment.

- (vi) the provisions of any town planning or country planning scheme;
- 5 (vii) whether the building or part is unoccupied or occupied and, if occupied, whether by the owner of the building or by a person other than the owner; and
- (viii) any representations made to the council by the occupier of the building, or part.

10 (b) The council shall consider each application made to it in accordance with the provisions of this section and subject to the provisions of this paragraph may approve, or approve subject to conditions, or disapprove thereof.

15 The council shall not approve of an application for an approval under this section unless it is satisfied that the building or part in respect of which the application is made is unoccupied, or, if occupied, that the occupier has reasonably suitable alternative accommodation available for his
20 occupation for residential purposes.

25 (c) The council shall give notice to the applicant and, where the building or part in respect of which the application is made is occupied by a person other than the owner, to that person, of its approval, or approval subject to conditions, or disapproval, as the case may be, of the application within forty days after service of the application on the council.

30 (d) In the case of an approval subject to conditions or of a disapproval the notice referred to in paragraph (c) of this subsection shall sufficiently indicate the reasons for the council's decision.

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5 (4) If the applicant or, where the building or
part in respect of which the application was made
is occupied by a person other than the owner, that
person, is dissatisfied with the decision of the
council under this section on his application or in
10 respect of the building or part occupied by him, as
the case may be, or by any neglect or delay of the
council to give, within forty days after service of the
application on the council, a decision with respect
thereto, he may appeal to the Land and Valuation
Court.

(b) by omitting subsection eight of the same section
and by inserting in lieu thereof the following
subsection :—

- 15 (8) This section shall—
- (a) apply within the County of Cumberland, the
County of Northumberland, and the City of
Greater Wollongong; and
 - 20 (b) remain in force for a period of three years
from the commencement of the Local
Government (Demolition of Residential
Buildings) Amendment Act, 1960.

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 16 November, 1960.*

New South Wales



ANNO NONO

ELIZABETHÆ II REGINÆ

Act No. , 1960.

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15 (b) Where the building is occupied by a person other than the owner, the person making the application shall serve a copy thereof upon the occupier.

20 (3) (a) In respect of any application under this section for approval of the demolition of a building the council shall take into consideration this Act, the ordinances, the circumstances of the case, and the public interest, and without limiting the generality of the foregoing provisions of this subsection shall take into consideration—

- 25 (i) the condition of the building ;
(ii) the probable economic life of the building ;
(iii) the historic and architectural significance of the building ;
(iv) the purposes for which the land on which the building is erected may lawfully be used ;
30 (v) the purposes for which the land on which the building is erected is likely to be used if the building is demolished ;

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Local Government (Demolition of Residential Buildings) Amendment.

- (vi) the provisions of any town planning or country planning scheme;
- 5 (vii) whether the building is unoccupied or occupied and, if occupied, whether by the owner of the building or by a person other than the owner; and
- (viii) any representations made to the council by the occupier of the building.

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