

**LOCAL GOVERNMENT (REGULATION OF FLATS)
AMENDMENT BILL, 1979**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to extend for a further period of 5 years the time within which applications may be made to convert certain existing buildings into residential flat buildings notwithstanding that the conversion is prohibited under the Local Government Act, 1919 (clause 3);
 - (b) to enable buildings erected before 1st July, 1974, instead of before 30th June, 1949, to be so converted (clause 4); and
 - (c) to provide that existing buildings containing more than 2 storeys above ground or located within certain fire zones may not be so converted (clause 4).
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LOCAL GOVERNMENT (DELEGATION OF POWERS)
AMENDMENT BILL 1973

SECTION 2

(1) The powers conferred by section 1 of this Act shall be exercisable by the local authority in relation to the following matters, that is to say—

- (a) to make any byelaws which may be made by a local authority under section 1 of the Local Government Act 1972 (the 1972 Act) in relation to the following matters, that is to say—
(i) the regulation of the use of land, buildings and premises;
(ii) the regulation of the use of vehicles, animals and other things;
(iii) the regulation of the use of premises, buildings and other things;
(iv) the regulation of the use of premises, buildings and other things;
(v) the regulation of the use of premises, buildings and other things;
- (b) to make any byelaws which may be made by a local authority under section 1 of the 1972 Act in relation to the following matters, that is to say—
(i) the regulation of the use of land, buildings and premises;
(ii) the regulation of the use of vehicles, animals and other things;
(iii) the regulation of the use of premises, buildings and other things;
(iv) the regulation of the use of premises, buildings and other things;
(v) the regulation of the use of premises, buildings and other things;

**LOCAL GOVERNMENT (REGULATION OF FLATS)
AMENDMENT BILL, 1979**

No. , 1979.

A BILL FOR

An Act to amend the Local Government (Regulation of Flats) Act, 1955, to extend the time within which applications may be made to convert certain existing buildings into residential flat buildings and to reduce the minimum age, and restrict the type, of existing buildings that may be so converted.

[MR JENSEN—1 *March*, 1979.]

Local Government (Regulation of Flats) Amendment.

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 :—

5 **1.** This Act may be cited as the "Local Government (Regulation of Flats) Amendment Act, 1979". Short title.

2. (1) Except as provided in subsections (2) and (3), this Act shall commence on the date of assent to this Act. Commencement.

(2) Section 3 shall be deemed to have commenced on 1st 10 January, 1979.

(3) Section 4 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Local Government (Regulation of Flats) Act, 1955, is amended by omitting from section 2 (1) (a) the matter "1st January, 1979" and by inserting instead the matter "1st January, 1984". Amendment of Act No. 50, 1955. Sec. 2.

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

Local Government (Regulation of Flats) Amendment.

4. The Local Government (Regulation of Flats) Act, 1955, is further amended—

Further amendment of Act No. 50, 1955.

(a) by inserting after section 1 the following section :—

Sec. 1A.

1A. (1) In this Act—

Interpretation.

5 “prescribed existing building” means a building erected before 1st July, 1974, but does not include a building—

(a) containing more than 2 storeys above the ground; or

10 (b) located within a fire zone established by or under any ordinance made under the Principal Act;

15 “storey” means that space within a building which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include any such space that—

(a) is designed, constructed or adapted only for use as—

20 (i) a lift shaft, stairway or meter room;

(ii) a bathroom, shower room, laundry, water closet or other sanitary compartment;

25 (iii) a storeroom where the building is a single dwelling-house; or

Local Government (Regulation of Flats) Amendment.

(iv) accommodation for not more than 3 vehicles,

or for any combination of those things;

5 (b) is a mezzanine having a floor area of not more than 200 square metres or is 2 or more mezzanines at or near the same level and having an aggregate floor area of not more than 200 square metres; or

10 (c) is situated at the top of the building and contains only heating, ventilating, lift or other equipment, water tanks or similar service units.

15 (2) In determining the number of storeys above the ground in any building for the purposes of paragraph (a) of the definition of "prescribed existing building" in subsection (1), a storey shall be excluded if the storey is situated partly below the level of the ground adjacent to any external wall of the building and the highest point inside that storey is not more than 1 metre above the average level of the ground adjacent to at least one of the external walls of the building.

25 (b) (i) by omitting from section 2 (1) (a) the words "any building erected before the thirtieth day of June, one thousand nine hundred and forty-nine," and by inserting instead the words "any prescribed existing building";

Sec. 2.
(Applica-
tions
for approval
of council
to alter and
add to
existing
buildings.)

30 (ii) by omitting from section 2 (1) (b) the words "a building" and by inserting instead the words "a prescribed existing building".

Local Government (Regulation of Flats) Amendment.

5. The amendments made by section 4 do not apply to or in Saving. relation to any application made under the Local Government (Regulation of Flats) Act, 1955, before the commencement of that section.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

[16c]

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT
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PHYSICS DEPARTMENT

LOCAL GOVERNMENT (REGULATION OF FLATS) AMENDMENT BILL

Schedule of the Amendments referred to in Legislative Council's
Message of April, 1979

No. 1.—Page 2, clause 2, line 7. Omit “subsections (2) and (3)”, insert “**subsection (2)**”.

No. 2.—Page 2, clause 2, lines 11 to 13. Omit all words on these lines.

No. 3.—Pages 3 and 4, clause 4. Omit the clause, insert—

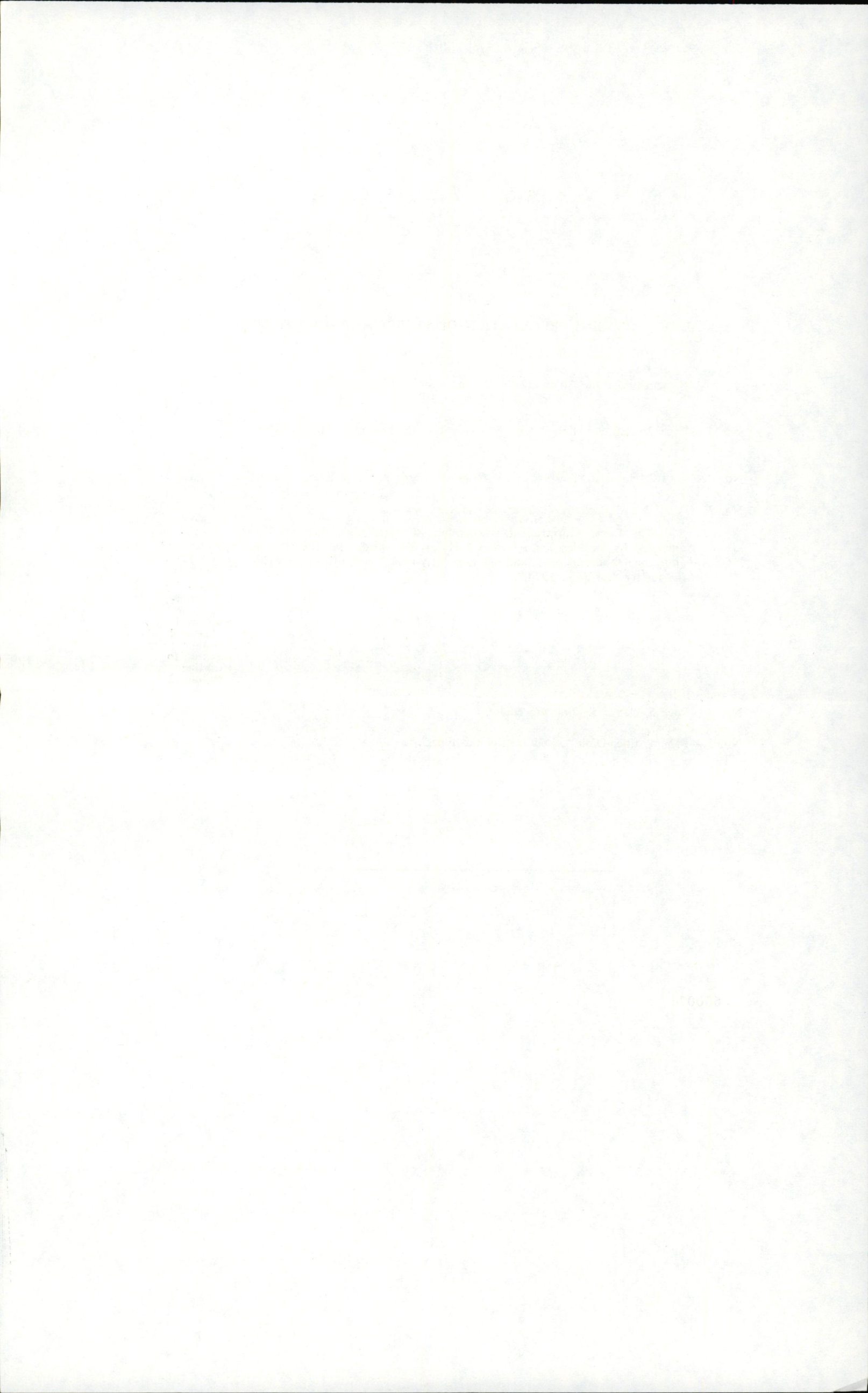
4. The Local Government (Regulation of Flats) Act, 1955, is further amended by omitting from section 2 (1) (a) the words “the thirtieth day of June, one thousand nine hundred and forty-nine,” and by inserting instead the matter “1st July, 1974,”.

Further amendment of Act No. 50, 1955.

Sec. 2.
(Applications for approval of council to alter and add to existing buildings.)

No. 4.—Page 5, clause 5. Omit the clause.

No. 5.—Page 1, title. Omit “, and restrict the type;”.



**LOCAL GOVERNMENT (REGULATION OF FLATS)
AMENDMENT ACT, 1979, No. 30**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 30, 1979.

An Act to amend the Local Government (Regulation of Flats) Act, 1955, to extend the time within which applications may be made to convert certain existing buildings into residential flat buildings and to reduce the minimum age of existing buildings that may be so converted. [Assented to, 26th April, 1979.]

Local Government (Regulation of Flats) Amendment.

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 :—

Short title. **1.** This Act may be cited as the "Local Government (Regulation of Flats) Amendment Act, 1979".

Commence- **2.** (1) Except as provided in subsection (2), this Act shall
ment. commence on the date of assent to this Act.

(2) Section 3 shall be deemed to have commenced on 1st January, 1979.

Amendment **3.** The Local Government (Regulation of Flats) Act, 1955,
of Act No. is amended by omitting from section 2 (1) (a) the matter "1st
50, 1955. January, 1979" and by inserting instead the matter "1st January,
Sec. 2. 1984".
(Applica- tions
for approval of council
to alter and add to
existing buildings.)

Further **4.** The Local Government (Regulation of Flats) Act, 1955, is
amendment further amended by omitting from section 2 (1) (a) the words "the
of Act No. thirtieth day of June, one thousand nine hundred and forty-nine,"
50, 1955. and by inserting instead the matter "1st July, 1974,".
Sec. 2. (Applica-
(Applica- tions for
approval approval
of council of council
to alter to alter
and add to and add to
existing existing
buildings.) buildings.)

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 26th April, 1979.*