

FIRST PRINT

LOCAL GOVERNMENT (RESIDENTIAL FLAT BUILDINGS) AMENDMENT BILL 1986

NEW SOUTH WALES



EXPLANATORY NOTE

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

The Miscellaneous Acts (Residential Flat Buildings) Repeal and Amendment Bill 1986 is cognate with this Bill.

The object of this Bill is to repeal certain provisions of the Local Government Act 1919 which control the erection of residential flat buildings so as to enable more modern and more flexible controls to be imposed by means of a State environmental planning policy to be made under the Environmental Planning and Assessment Act 1979.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 provides that, for the purposes of the proposed Act, the Local Government Act 1919 is referred to as the Principal Act.

Clause 4 is a formal provision which gives effect to the Schedule of amendments.

Clause 5 provides for the repeal of certain instruments made under the Principal Act which control and regulate the erection of residential flat buildings.

Schedule 1 (1) omits certain definitions from the Principal Act which are rendered unnecessary as a consequence of the other amendments to the Principal Act.

Schedule 1 (2) omits Division 3 of Part XI of the Principal Act dealing with "Residential districts". The Division contains section 309 which empowers the Governor-in-Council to proclaim residential districts and section 309A which requires councils to prepare maps and keep registers of residential districts within their areas.

Schedule 1 (3) omits provisions which prevent councils from approving the erection of residential flat buildings which do not conform to standards prescribed in Schedule 7 to the Principal Act.

Schedule 1 (4) omits Schedule 7 to the Principal Act.

LOCAL GOVERNMENT (RESIDENTIAL FLAT BUILDINGS) AMENDMENT BILL 1986

NEW SOUTH WALES



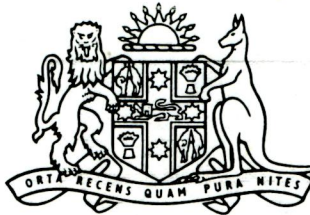
TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Principal Act
4. Amendment of Act No. 41, 1919
5. Repeal of certain instruments

SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT

**LOCAL GOVERNMENT (RESIDENTIAL FLAT
BUILDINGS) AMENDMENT BILL 1986**

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to repeal certain provisions made by and under the Local Government Act 1919 relating to the erection of residential flat buildings.

See also Miscellaneous Acts (Residential Flat Buildings) Repeal and Amendment Bill 1986.

Local Government (Residential Flat Buildings) Amendment 1986

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 Short title

1. This Act may be cited as the "Local Government (Residential Flat Buildings) Amendment Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Principal Act

15 3. The Local Government Act 1919 is referred to in this Act as the Principal Act.

Amendment of Act No. 41, 1919

4. The Principal Act is amended in the manner set forth in Schedule 1.

Repeal of certain instruments

20 5. The following instruments are repealed:

(a) proclamations under section 309 of the Principal Act which, at any time before the day appointed and notified pursuant to section 2 (2), have not been repealed;

25 (b) proclamations under section 314A of the Principal Act which, at any time before that day, have not been repealed;

(c) ordinances under section 342U (2) of the Principal Act which, at any time before that day, have not been repealed;

(d) Ordinance No. 21 under the Principal Act.

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT

- (1) Section 304 (**Interpretation**)—
- 5 Section 304, definitions of “Flat”, “Residential flat building”,
 “Storey”—
 Omit the definitions.
- (2) Part XI, Division 3 (**Residential districts**)—
 Omit the Division.
- 10 (3) Section 314 (**Duty of council**)—
- (a) Section 314 (1) (b)—
 Omit “instrument; and”, insert instead “instrument.”.
- (b) Section 314 (1) (c)—
 Omit the paragraph.
- 15 (c) Section 314 (1A)—
 Omit the subsection.
- (4) Schedule 7 (Classes of residential flat buildings)—
 Omit the Schedule.



**LOCAL GOVERNMENT (RESIDENTIAL FLAT
BUILDINGS) AMENDMENT ACT 1986 No. 131**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Principal Act
4. Amendment of Act No. 41, 1919
5. Repeal of certain instruments

SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT

**LOCAL GOVERNMENT (RESIDENTIAL FLAT BUILDINGS)
AMENDMENT ACT 1986 No. 131**

NEW SOUTH WALES



Act No. 131, 1986

An Act to repeal certain provisions made by and under the Local Government Act 1919 relating to the erection of residential flat buildings.
[Assented to, 4 December 1986]

See also Miscellaneous Acts (Residential Flat Buildings) Repeal and Amendment Act 1986.

Local Government (Residential Flat Buildings) Amendment 1986

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 (Residential Flat Buildings) Amendment Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Principal Act

3. The Local Government Act 1919 is referred to in this Act as the Principal Act.

Amendment of Act No. 41, 1919

4. The Principal Act is amended in the manner set forth in Schedule 1.

Repeal of certain instruments

5. The following instruments are repealed:

- (a) proclamations under section 309 of the Principal Act which, at any time before the day appointed and notified pursuant to section 2 (2), have not been repealed;
 - (b) proclamations under section 314A of the Principal Act which, at any time before that day, have not been repealed;
 - (c) ordinances under section 342U (2) of the Principal Act which, at any time before that day, have not been repealed;
 - (d) Ordinance No. 21 under the Principal Act.
-

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT

- (1) Section 304 (**Interpretation**)—
Section 304, definitions of “Flat”, “Residential flat building”, “Storey”—
Omit the definitions.
- (2) Part XI, Division 3 (**Residential districts**)—
Omit the Division.
- (3) Section 314 (**Duty of council**)—
 - (a) Section 314 (1) (b)—
Omit “instrument; and”, insert instead “instrument.”.
 - (b) Section 314 (1) (c)—
Omit the paragraph.
 - (c) Section 314 (1A)—
Omit the subsection.
- (4) Schedule 7 (Classes of residential flat buildings)—
Omit the Schedule.

