

**LOCAL GOVERNMENT (BUILDING APPROVALS)  
AMENDMENT ACT 1989 No. 149**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Local Government Act 1919 No. 41

SCHEDULE 1 - AMENDMENTS

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**LOCAL GOVERNMENT (BUILDING APPROVALS)  
AMENDMENT ACT 1989 No. 149**

NEW SOUTH WALES



**Act No. 149, 1989**

An Act to amend the Local Government Act 1919 with respect to council building approvals and information concerning builders; and for other purposes. [Assented to 7 November 1989]

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Local Government (Building Approvals) Amendment Act 1989.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Local Government Act 1919 No. 41**

3. The Local Government Act 1919 is amended as set out in Schedule 1.

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**SCHEDULE 1 - AMENDMENTS**

(Sec. 3)

(1) Section 311A:

Omit the section, insert instead:

**Payment of insurance premium for residential building work**

311A. (1) Where the council approves (whether or not subject to conditions) of the doing of any residential building work (within the meaning of the Building Services Corporation Act 1989), the council must not forward or deliver to the applicant for the approval or to any other person a copy of the plans and specifications submitted to it with the application unless:

- (a) the council is satisfied that the appropriate amount payable under the Builders Licensing Act 1971 or the Building Services Corporation Act 1989 as an insurance premium has been duly paid, or that no amount is so payable, in respect of the work; and
- (b) the council has endorsed on that copy that the council is so satisfied.

SCHEDULE 1 - AMENDMENTS - *continued*

(2) Even though the council has approved (whether or not subject to conditions) of the doing of any such work, the approval has no force or effect unless the council has so endorsed a copy of the plans and specifications and forwarded or delivered the copy to the applicant after that approval was given.

(3) A certificate purporting to be issued under section 22 of the Builders Licensing Act 1971 or section 131 of, or clause 16 of Schedule 3 to, the Building Services Corporation Act 1989 and certifying that:

(a) the appropriate amount of insurance premium has been paid; or

(b) no such amount is payable,

is, for the purpose of the council's making an endorsement, sufficient evidence of the matter referred to in paragraph (a) or (b).

(4) A statement purporting to be signed by an owner of land and declaring:

(a) that the owner intends to do building work on the land; and

(b) that the reasonable market cost of the labour and materials involved in the work is not high enough for the owner to need an owner-builder permit to do the work,

is, for the purpose of the council's making an endorsement, sufficient evidence of the matter referred to in paragraph (b).

(2) Sections 315A, 315B:

After section 315, insert:

**Records of licensees and owner-builders**

315A. (1) The owner of any land on which, pursuant to an application made after the commencement of this section, the council has approved of the doing of residential building work (within the meaning of the Building Services Corporation Act 1989) must, before the

SCHEDULE 1 - AMENDMENTS - *continued*

work is commenced, ensure that the council is informed in writing of:

- (a) the name and contractor licence number of the licensee who has contracted to do or intends to do the work; or
- (b) the name and permit number of the owner-builder who intends to do the work.

Maximum penalty: 5 penalty units.

(2) The council is required:

- (a) to keep a record of the names of licensees and owner-builders and the numbers of contractor licences and permits of which it is informed under this section; and
- (b) to update that record from any further information supplied under this section.

(3) The council is not required to maintain any such record relating to an application for approval of the doing of any work for more than 7 years after the application was made.

(4) An owner of land must immediately inform the council in writing of sufficient particulars for it to update accurately the record it is required to keep under this section if:

- (a) the owner enters into a contract for the work to be done by a different licensee; or
- (b) the owner otherwise changes arrangements for the doing of the work.

Maximum penalty (subsection (4)): 5 penalty units.

**Information about building approvals and builders**

315B. (1) An application may be made to the council for particulars of council approvals for the erection of buildings on specified land by:

SCHEDULE 1 - AMENDMENTS - *continued*

- (a) the owner of the land; or
- (b) any intending purchaser of the land; or
- (c) a solicitor, architect or agent of, or engaged by, the owner or by any such intending purchaser; or
- (d) any other person acting with the written consent of the owner or the owner's solicitor.

(2) On receipt of such an application, the council is required to advise the applicant in writing whether or not any such approval was given by the council during the last 7 years before the application was made.

(3) If such an approval was given, the council is also required to advise the applicant in writing of the current information (if any) maintained under section 315A concerning any licensee or owner-builder recorded by the council as having contracted to do or intending to do the work to which the approval relates.

- (4) The council is not required by this section:
  - (a) to provide any advice about an approval given by the council before the commencement of this section; or
  - (b) to provide any advice under this section unless the appropriate fee (if any) fixed by the council (not exceeding the prescribed maximum fee, if any) has been paid.

(3) Section 387 (**Maps**):

From section 387 (3), omit "certificate of registration or contractor's authority granted under the Plumbers, Gasfitters and Drainers Act 1979", insert instead "or a supervisor or registration certificate, in force under the Building Services Corporation Act 1989".

(4) Section 576 (**General power to make ordinances**):

Omit section 576 (5), insert instead:

(5) An ordinance may create an offence with a penalty not exceeding 100 penalty units if a person does any plumbing or drainage work while the person is not:

SCHEDULE 1 - AMENDMENTS - *continued*

- (a) the holder of an appropriate licence, or of an appropriate supervisor or registration certificate, in force under the Building Services Corporation Act 1989; or
  - (b) under the immediate supervision of such a holder, or if a person employs anyone else who does any such work in those circumstances.
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[*Minister's second reading speech made in -  
Legislative Assembly on 18 October 1989  
Legislative Council on 25 October 1989*]

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BY AUTHORITY  
G. J. COSTELLOE, ACTING GOVERNMENT PRINTER - 1989



FIRST PRINT

**LOCAL GOVERNMENT (BUILDING APPROVALS)  
AMENDMENT BILL 1989**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

This Bill is cognate with the Building Services Corporation Bill 1989.

The object of this Bill is to amend the Local Government Act 1919 so as:

- (a) to ensure the payment of insurance premiums under the proposed Building Services Corporation Act 1989; and
- (b) to require councils to provide information about building approvals and about licensees and owner-builders who have done residential building work; and
- (c) to make other amendments to that Act consequential on the enactment of the proposed Building Services Corporation Act 1989.

The amendments will make provision for the following:

- \* plans and specifications lodged with an application for building approval will not be released by the council until it is satisfied that any appropriate insurance premium has been paid for BSC Insurance to be provided under the proposed Building Services Corporation Act 1989;
  - \* owners of land on which building work is to be done, being work for which any such insurance is to be provided, must ensure that the council is given details of the licensed builder or the owner-builder who will do the work;
  - \* the council must (when requested by owners or purchasers of land and other specified persons) provide written advice about building approvals concerning the land and such current information about builders and owner-builders as has been given to the council under the new requirements.
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*Local Government (Building Approvals) Amendment 1989*

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a proclaimed day or days.

**Clause 3** gives effect to the Schedule of amendments.

**Schedule 1** amends the Local Government Act 1919 to make provision as described above.

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FIRST PRINT

**LOCAL GOVERNMENT (BUILDING APPROVALS)  
AMENDMENT BILL 1989**

NEW SOUTH WALES

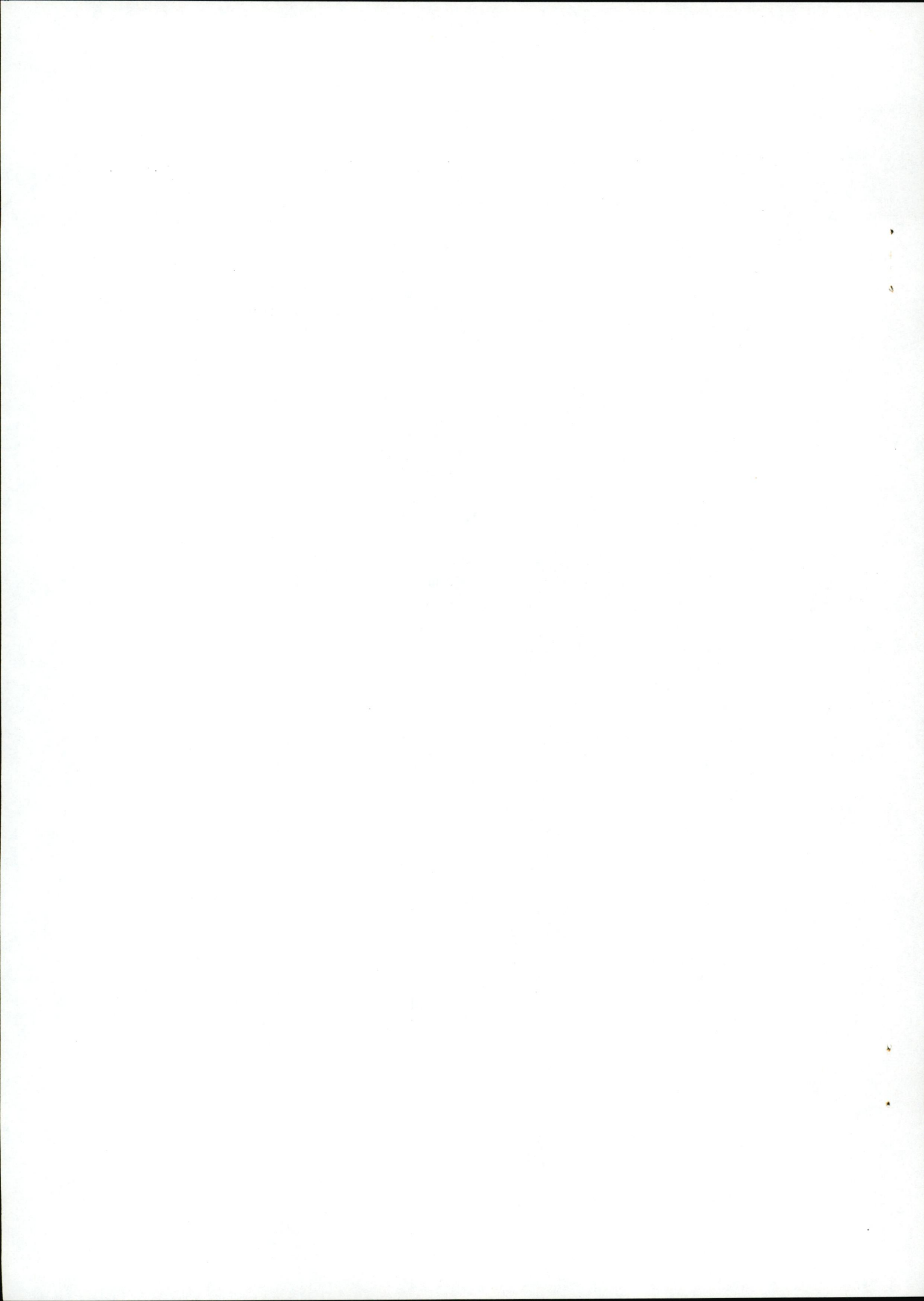


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**SCHEDULE 1 - AMENDMENTS**

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**LOCAL GOVERNMENT (BUILDING APPROVALS)  
AMENDMENT BILL 1989**

NEW SOUTH WALES



No. , 1989

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**A BILL FOR**

An Act to amend the Local Government Act 1919 with respect to council building approvals and information concerning builders; and for other purposes.

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*Local Government (Building Approvals) Amendment 1989*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Local Government (Building Approvals) Amendment Act 1989.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Local Government Act 1919 No. 41**

3. The Local Government Act 1919 is amended as set out in Schedule 1.

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**SCHEDULE 1 - AMENDMENTS**

(Sec. 3)

(1) Section 311A:

Omit the section, insert instead:

**Payment of insurance premium for residential building work**

311A (1) Where the council approves (whether or not subject to conditions) of the doing of any residential building work (within the meaning of the Building Services Corporation Act 1989), the council must not forward or deliver to the applicant for the approval or to any other person a copy of the plans and specifications submitted to it with the application unless:

- (a) the council is satisfied that the appropriate amount payable under the Builders Licensing Act 1971 or the Building Services Corporation Act 1989 as an insurance premium has been duly paid, or that no amount is so payable, in respect of the work; and
- (b) the council has endorsed on that copy that the council is so satisfied.

SCHEDULE 1 - AMENDMENTS - *continued*

(2) Even though the council has approved (whether or not subject to conditions) of the doing of any such work, the approval has no force or effect unless the council has so endorsed a copy of the plans and specifications and forwarded or delivered the copy to the applicant after that approval was given.

(3) A certificate purporting to be issued under section 22 of the Builders Licensing Act 1971 or section 131 of, or clause 16 of Schedule 3 to, the Building Services Corporation Act 1989 and certifying that:

(a) the appropriate amount of insurance premium has been paid; or

(b) no such amount is payable,

in respect of any building work specified in the certificate is, for the purpose of the council's making an endorsement, sufficient evidence of the matter referred to in paragraph (a) or (b).

(4) A statement purporting to be signed by an owner of land and declaring:

(a) that the owner intends to do building work on the land; and

(b) that the reasonable market cost of the labour and materials involved in the work is not high enough for the owner to need an owner-builder permit to do the work,

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(2) Sections 315A, 315B:

After section 315, insert:

**Records of licensees and owner-builders**

315A (1) The owner of any land on which, pursuant to an application made after the commencement of this section, the council has approved of the doing of residential building work (within the meaning of the Building Services Corporation Act 1989) must, before the

SCHEDULE 1 - AMENDMENTS - *continued*

work is commenced, ensure that the council is informed in writing of:

- (a) the name and contractor licence number of the licensee who has contracted to do or intends to do the work; or
- (b) the name and permit number of the owner-builder who intends to do the work.

Maximum penalty: 5 penalty units.

(2) The council is required:

- (a) to keep a record of the names of licensees and owner-builders and the numbers of contractor licences and permits of which it is informed under this section; and
- (b) to update that record from any further information supplied under this section.

(3) The council is not required to maintain any such record relating to an application for approval of the doing of any work for more than 7 years after the application was made.

(4) An owner of land must immediately inform the council in writing of sufficient particulars for it to update accurately the record it is required to keep under this section if:

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- (b) the owner otherwise changes arrangements for the doing of the work.

Maximum penalty (subsection (4)): 5 penalty units.

**Information about building approvals and builders**

315B. (1) An application may be made to the council for particulars of council approvals for the erection of buildings on specified land by:



SCHEDULE 1 - AMENDMENTS - *continued*

- (a) the owner of the land; or
- (b) any intending purchaser of the land; or
- (c) a solicitor, architect or agent of, or engaged by, the owner or by any such intending purchaser; or
- (d) any other person acting with the written consent of the owner or the owner's solicitor.

(2) On receipt of such an application, the council is required to advise the applicant in writing whether or not any such approval was given by the council during the last 7 years before the application was made.

(3) If such an approval was given, the council is also required to advise the applicant in writing of the current information (if any) maintained under section 315A concerning any licensee or owner-builder recorded by the council as having contracted to do or intending to do the work to which the approval relates.

- (4) The council is not required by this section:
  - (a) to provide any advice about an approval given by the council before the commencement of this section; or
  - (b) to provide any advice under this section unless the appropriate fee (if any) fixed by the council (not exceeding the prescribed maximum fee, if any) has been paid.

(3) Section 387 (**Maps**):

From section 387 (3), omit "certificate of registration or contractor's authority granted under the Plumbers, Gasfitters and Drainers Act 1979", insert instead "or a supervisor or registration certificate, in force under the Building Services Corporation Act 1989".

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(5) An ordinance may create an offence with a penalty not exceeding 100 penalty units if a person does any plumbing or drainage work while the person is not:

SCHEDULE 1 - AMENDMENTS - *continued*

- (a) the holder of an appropriate licence, or of an appropriate supervisor or registration certificate, in force under the Building Services Corporation Act 1989; or
  - (b) under the immediate supervision of such a holder, or if a person employs anyone else who does any such work in those circumstances.
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