

FIRST PRINT

**LOCAL GOVERNMENT (WORK ON PRIVATE LAND)
AMENDMENT BILL 1989**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Local Government Act 1919 to enable a council to carry out work on private land for an amount agreed on by the council and the owner or occupier of the land.

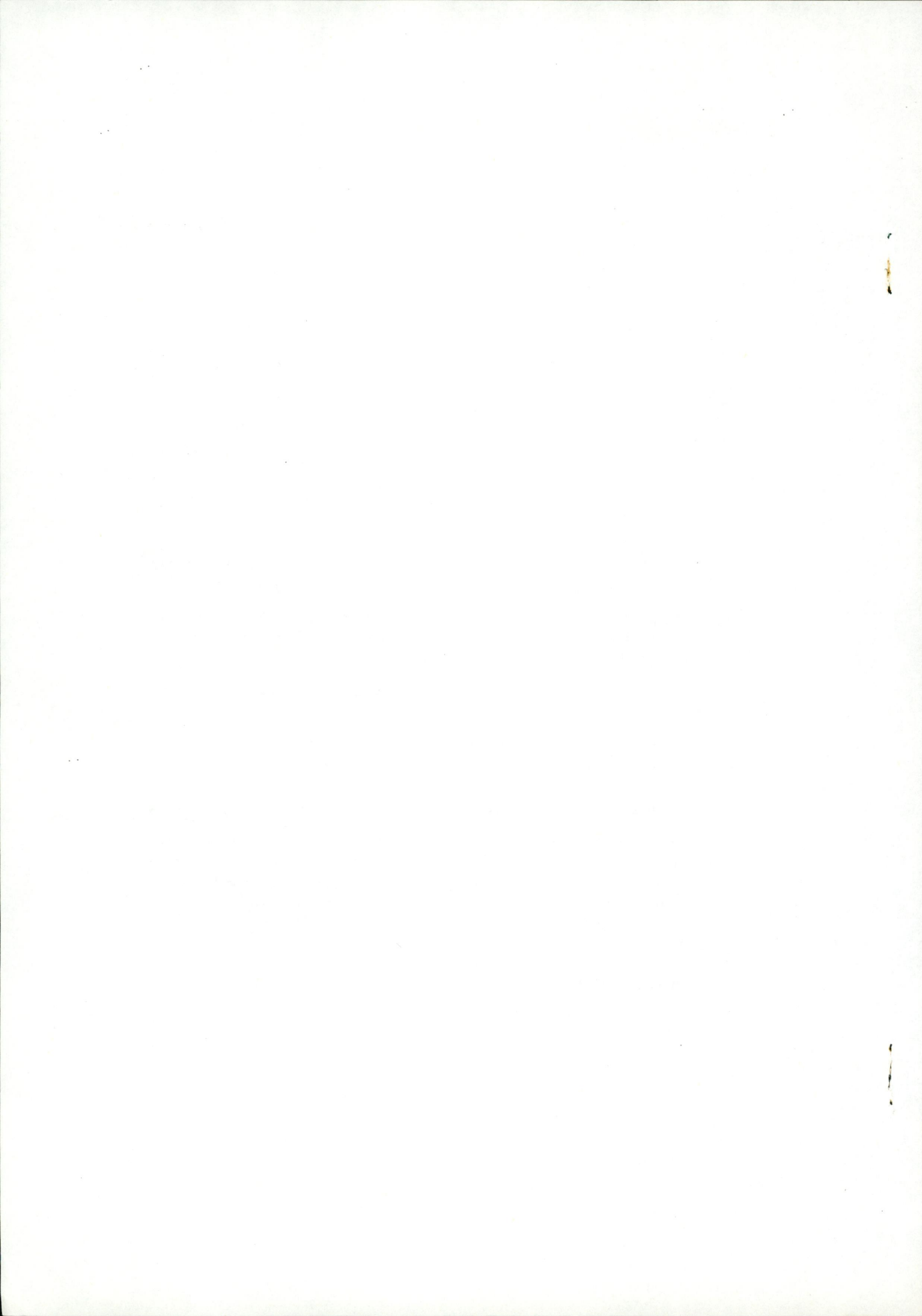
Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day to be appointed by proclamation.

Clause 3 substitutes section 500 (work on private land) to allow a council, on application by the owner or occupier of land or premises, to carry out certain work on the land or premises for an amount equal to the actual cost to the council of carrying out the work or for an amount agreed on by the council and the applicant.

A decision to carry out work for an amount so agreed on must be made by a resolution of the council at an open meeting and, if that amount is estimated to be lower than the actual cost, the resolution must contain the reasons for the council's decision.

Section 500 currently allows a council to carry out work if it is done at the applicant's expense.



LEGISLATIVE COUNCIL

LOCAL GOVERNMENT (WORK ON PRIVATE LAND) AMENDMENT
BILL 1989

Amendments to be moved in Committee

1. Page 2, clause 3. Omit from subsection (2) (b) of proposed section 500 the words "higher than, equal to or lower than", insert instead "equal to".
 2. Page 2, clause 3. After subsection (2) of proposed section 500, insert:

(3) Nothing in this section prevents work from being carried out under this section by the council at an amount that is less than the actual cost to the council of carrying out the work and that is agreed on by the council and the applicant before the carrying out of the work if the work is carried out on land that is vested in the New South Wales Aboriginal Land Council, a Regional Aboriginal Land Council or a Local Aboriginal Land Council constituted under the Aboriginal Land Rights Act 1983.
 3. Page 2, clause 3. From subsection (3) of proposed section 500 (to be renumbered as subsection (4)), omit "subsection (2) (b)", insert instead "subsection (3)".
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Mrs Chadwick

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**LOCAL GOVERNMENT (WORK ON PRIVATE LAND)
AMENDMENT BILL 1989**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Local Government Act 1919 No. 41, s. 500
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**LOCAL GOVERNMENT (WORK ON PRIVATE LAND)
AMENDMENT BILL 1989**

NEW SOUTH WALES



No. , 1989

A BILL FOR

An Act to amend the Local Government Act 1919 with respect to the carrying out of work on private land by councils.

Local Government (Work on Private Land) Amendment 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Local Government (Work on Private Land) Amendment Act 1989.

Commencement

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

Amendment of Local Government Act 1919 No. 41, s. 500

3. The Local Government Act 1919 is amended by omitting section 500 and by inserting instead the following section:

Work on private land

500. (1) The council may, on the application of the owner or occupier of land or premises, carry out paving, kerbing, guttering, roadmaking, draining, tree-planting or gardening on the land or connect the premises to water, gas, electricity or sewerage mains or carry out any other works whatever which may be lawfully carried out on the land or premises.

(2) Work may be carried out under this section only if the applicant pays or agrees to pay:

- (a) an amount equal to the actual cost to the council of carrying out the work; or
- (b) an amount estimated by the council to be higher than, equal to or lower than the actual cost and agreed on by the council and the applicant before the carrying out of the work.

(3) A decision to carry out work for an amount agreed on under subsection (2) (b) must be made by a resolution:

- (a) passed at a meeting of the council open to the public; and
- (b) containing the reasons for the decision, where the agreed amount is estimated by the council to be less than the actual cost to the council of carrying out the work.

(4) This section does not apply to work that may be carried out under section 499.

**LOCAL GOVERNMENT (WORK ON PRIVATE LAND)
AMENDMENT ACT 1989 No. 210**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Local Government Act 1919 No. 41, s. 500
-

**LOCAL GOVERNMENT (WORK ON PRIVATE LAND)
AMENDMENT ACT 1989 No. 210**

NEW SOUTH WALES



Act No. 210, 1989

An Act to amend the Local Government Act 1919 with respect to the carrying out of work on private land by councils. [Assented to 21 December 1989]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Local Government (Work on Private Land) Amendment Act 1989.

Commencement

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

Amendment of Local Government Act 1919 No. 41, s. 500

3. The Local Government Act 1919 is amended by omitting section 500 and by inserting instead the following section:

Work on private land

500. (1) The council may, on the application of the owner or occupier of land or premises, carry out paving, kerbing, guttering, roadmaking, draining, tree-planting or gardening on the land or connect the premises to water, gas, electricity or sewerage mains or carry out any other works whatever which may be lawfully carried out on the land or premises.

(2) Work may be carried out under this section only if the applicant pays or agrees to pay:

- (a) an amount equal to the actual cost to the council of carrying out the work; or
- (b) an amount estimated by the council to be higher than, equal to or lower than the actual cost and agreed on by the council and the applicant before the carrying out of the work.

(3) The council must cause a notice containing brief details of any proposal to carry out work for an amount estimated by the council to be lower than the actual cost and agreed on under subsection (2) (b) to be published at least 14 days before the meeting at which the proposal is to be considered in a newspaper circulating in the council's area.

(4) Before a decision on a proposal to carry out work for an amount estimated by the council to be lower than the actual cost and agreed on under subsection (2) (b) is made by the council, the council must consider any written submissions received in relation to the proposal.

Local Government (Work on Private Land) Amendment 1989

(5) A decision to carry out work for an amount agreed on under subsection (2) (b) must be made by a resolution:

(a) passed at a meeting of the council open to the public; and

(b) containing the reasons for the decision, where the agreed amount is estimated by the council to be less than the actual cost to the council of carrying out the work.

(6) The council need not comply with subsections (3), (4) and (5) in a case of emergency if:

(a) the mayor, president or chairman of the council makes a written report detailing the reasons for not complying with those subsections; and

(b) the report is laid on the table by the council at the next ordinary meeting of the council after the carrying out of the work or at a special meeting of the council called to consider the matter, whichever occurs first.

(7) The council must include a brief description of each resolution to carry out work for an amount agreed under subsection (2) (b) in the next annual report under section 654A after the meeting at which the resolution was passed.

(8) This section does not apply to work that may be carried out under section 499.

[*Minister's second reading speech made in -
Legislative Assembly on 17 October 1989
Legislative Council on 16 November 1989*]