



New South Wales

Local Government (Approvals) Amendment (Fencing of building sites) Regulation 1997

under the

Local Government Act 1993

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

Ernie Page

Minister for Local Government

Explanatory note

The objects of this Regulation are:

- (a) to require a council, when considering certain building applications, to consider whether public access to the building sites concerned should be restricted to lessen risk to persons on the sites (item 2) and, for this purpose and the purpose of ensuring that public places are not obstructed or rendered inconvenient by the building work, to require the lodgment with relevant building applications of an assessment as to the need to adopt measures for these purposes (item 1), and
- (b) to make it a condition of an approval to erect certain buildings that measures, approved by a council (by way of fencing or other appropriate means), be taken to restrict public access to building sites and to require the erection, in a prominent position on such sites, of a sign stating that unauthorised entry to the sites is not permitted and giving an after hours contact name and telephone number (item 3).

This Regulation is made under the *Local Government Act 1993*, including section 748 and Schedule 6.

1997 No 162

Clause 1 Local Government (Approvals) Amendment (Fencing of building sites) Regulation 1997

**Local Government (Approvals) Amendment
(Fencing of building sites) Regulation 1997**

1 Name of Regulation

This Regulation is the *Local Government (Approvals) Amendment (Fencing of building sites) Regulation 1997*.

2 Commencement

This Regulation commences on 2nd June 1997.

3 Amendment of Local Government (Approvals) Regulation 1993

The *Local Government (Approvals) Regulation 1993* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 7 Matters to accompany applications for building approvals

Insert at the end of clause 7 (1) (c):

,

- (d) except in the case of a single dwelling house, a single building containing 2 dwellings only or a class 10 building—2 copies of an assessment, for the purposes of clauses 37 and 37A, as to whether any measures should be adopted for the purposes of those clauses and, if so, details of the measures, the location of any structures to be erected and the time at which any such structures will be erected.

[2] Clause 12 Matters for consideration by council in determining whether to approve building applications

Insert after clause 12 (1) (j):

- (j1) whether, during the erection, public access to the building site should be restricted to lessen risk to persons on the site;

[3] Clause 37A

Insert after clause 37:

37A Restriction of public access to building sites

- (1) The purpose of this clause is to restrict entry by members of the public to a site on which a building is being erected to lessen risk to persons on the site.

1997 No 162

Local Government (Approvals) Amendment (Fencing of building sites) Regulation 1997

Schedule 1 Amendments

- (2) The council must not approve an application to erect a building unless it is satisfied that an adequate hoarding, fence or other measure, or combination of measures, acceptable to the council, will be adopted to restrict public access to the site and building works, materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
- (3) In addition, in a case to which subclause (2) applies, a sign must be erected on the site in a prominent, visible position:
 - (a) stating that unauthorised entry to the site is not permitted, and
 - (b) showing the name of the builder or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
- (4) This clause does not apply to:
 - (a) an application to erect a building that comprises a single dwelling house, a single building containing 2 dwellings only or a class 10 building, or
 - (b) a case in which the council, after a consideration of an assessment provided in accordance with clause 7 (1) (d), is satisfied that measures of the kind referred to in this clause are not necessary.
- (5) A structure erected to meet the requirements of this clause must be removed when it is no longer required for the purpose for which it was erected.