

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

NEW SOUTH WALES



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**LOCAL GOVERNMENT (WORK ON PRIVATE LAND)
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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.

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- (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*]