

**LOCAL GOVERNMENT (BUILDING REGULATION)
AMENDMENT ACT 1989 No. 80**

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS

**LOCAL GOVERNMENT (BUILDING REGULATION) AMENDMENT
ACT 1989 No. 80**

NEW SOUTH WALES



Act No. 80, 1989

An Act to amend the Local Government Act 1919 to specify the extent to which the Crown is bound by the building regulation provisions of that Act and to make further provision with respect to the determination of building applications; and for other purposes. [Assented to 2 June 1989]

Local Government (Building Regulation) Amendment 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Local Government (Building Regulation) 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.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Part 11, Division 1, heading—

Omit the heading, insert instead:

Division 1—Interpretation and application

(2) Section 304A—

After section 304, insert:

Extent to which Part binds Crown

304A. (1) A building commenced to be erected by or on behalf of the Crown after the date on which this section commences shall comply with the technical provisions of the State's building laws, except as provided by this section.

(2) A Minister, by order in writing, may at any time determine in relation to buildings generally or to a specified building or buildings of a specified class that a specified technical provision of the State's building laws—

(a) does not apply; or

(b) does apply, but with such exceptions or modifications as may be specified.

(3) A determination of a Minister applies only to—

(a) a building erected on behalf of the Minister; or

(b) a building erected by or on behalf of a person appointed, constituted or regulated by or under an Act administered by the Minister,

and has effect according to its tenor.

Local Government (Building Regulation) Amendment 1989

SCHEDULE 1—AMENDMENTS—*continued*

(4) In this section, “technical provisions of the State’s building laws” means those provisions of—

- (a) an ordinance; or
- (b) a publication, the provisions of which have been applied, adopted or incorporated by an ordinance,

which are prescribed to be technical provisions of the State’s building laws for the purposes of this section.

(3) Section 314 (**Duty of council**)—

After section 314 (1), insert:

(1A) Nothing in this Act or any other law precludes the council from being satisfied as to the compliance of the building with a provision of—

- (a) an ordinance; or
- (b) a publication, the provisions of which have been applied, adopted or incorporated by an ordinance,

which is prescribed for the purposes of this subsection by the acceptance of a prescribed certificate from a person having prescribed qualifications certifying that the building complies with the provision.

(1AA) A council shall not incur any liability in respect of—

- (a) any advice furnished in good faith by the council in reliance on a prescribed certificate referred to in subsection (1A); or
- (b) anything done or omitted to be done in good faith by the council in reliance on a matter certified in a prescribed certificate referred to in subsection (1A) (including the granting or refusal of an application for the erection of a building).

(4) Section 318 (**Ordinances**)—

After section 318 (39), insert:

- (40) the form of a certificate certifying the compliance of a building with a provision prescribed for the purposes of section 314 (1A) and the qualifications of a person who may give such a certificate.

(5) Section 319 (**Additional provisions concerning ordinances**)—

Section 319 (3)—

Local Government (Building Regulation) Amendment 1989

SCHEDULE 1—AMENDMENTS—*continued*

Before “or otherwise”, insert “or whether the application for the approval of the council is accompanied by a prescribed certificate under section 314 (1A),”.

[*Minister's second reading speech made in—
Legislative Assembly on 3 May 1989
Legislative Council on 11 May 1989*]