



New South Wales

Local Government (Miscellaneous Amendments) Regulation 1998

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, M.P.,
Minister for Local Government

Explanatory note

The object of this Regulation is to amend various regulations under the *Local Government Act 1993* as a consequence of the enactment of the *Environmental Planning and Assessment Amendment Act 1997*. The amendments consist principally of the omission of provisions for which corresponding provisions are proposed to be made by regulations under the *Environmental Planning and Assessment Act 1979*.

This Regulation is made under the *Local Government Act 1993*, including section 748 (the general regulation-making power) and clause 2 of Schedule 7 (the power to make regulations of a savings and transitional nature consequent on the enactment of certain Acts enacted in 1993).

Local Government (Miscellaneous Amendments) Regulation 1998

1 Name of Regulation

This Regulation is the *Local Government (Miscellaneous Amendments) Regulation 1998*.

2 Commencement

This Regulation commences on the commencement of the *Environmental Planning and Assessment Amendment Act 1997*.

3 Amendment of Local Government (Approvals) Regulation 1993

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

4 Amendment of Local Government (Orders) Regulation 1993

The *Local Government (Orders) Regulation 1993* is amended as set out in Schedule 2.

5 Amendment of Local Government (General) Regulation 1993

The *Local Government (General) Regulation 1993* is amended as set out in Schedule 3.

6 Amendment of Local Government (Water, Sewerage and Drainage) Regulation 1993

The *Local Government (Water, Sewerage and Drainage) Regulation 1993* is amended as set out in Schedule 4.

7 Amendment of Local Government (Savings and Transitional) Regulation 1993

The *Local Government (Savings and Transitional) Regulation 1993* is amended as set out in Schedule 5.

8 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment of Local Government (Approvals) Regulation 1993

(Clause 3)

[1] Clause 4 Definitions

Omit the definitions of *building approval*, *certificate of classification classification*, *fire safety certificate*, *interim certificate of classification*, *interim fire safety statement* and *statutory fire safety measure* from clause 4 (1).

[2] Clause 4 (1)

Omit the definition of *Building Code of Australia*. Insert instead:

Building Code of Australia means the document of that name published on behalf of the Australian Building Codes Board in October 1996, together with:

- (a) such amendments made by the Board before the prescribed date, and
- (b) such variations approved by the Board in relation to New South Wales before the prescribed date,

where the prescribed date for the purposes of this definition is 1 July 1998.

[3] Clause 4 (4) and (5)

Omit the subclauses.

[4] Clause 6A Prescribed persons under section 69 of the Act

Omit "sections 69 and 70" from clause 6A (2).
Insert instead "section 69".

[5] Clause 6C Exclusion of Ultimo/Pymont Light Rail Transit Project

Omit "sections 69 and 748"
Insert instead "section 69".

1998 No 357

Local Government (Miscellaneous Amendments) Regulation 1998

Schedule 1 Amendment of Local Government (Approvals) Regulation 1993

[6] Clauses 6D and 7–9

Omit the clauses.

[7] Clause 9A Application may be made for approval for exempted activity

Renumber the clause as clause 149 and relocate it immediately after clause 148.

[8] Clauses 10-11A, 12 and 13

Omit the clauses.

[9] Clause 17 Matters to be taken into consideration by council in determining whether to approve the use or occupation of an uncompleted building

Insert at the end of the clause:

- (2) This clause applies only to an application made by or on behalf of the Crown in relation to the use or occupation of a place of public entertainment.

[10] Clauses 20–24

Omit the clauses.

[11] Clause 25 Compliance with standards

Omit clause 25 (2).

[12] Clause 25 (4) (a)

Omit the paragraph.

[13] Clauses 26-37B, 38A-40, 41 and 43–51A

Omit the clauses.

[14] Clause 52 Adoption of Building Code of Australia

Omit "items 1, 7 and 8" from clause 52 (1) (a).
Insert instead "item 3".

[15] Clause 52 (4)

Omit the subclause.

[16] Clauses 53-65, 67 and 68

Omit the clauses.

[17] Clause 70 Activities for which approval is not required

Omit clause 70 (g).

[18] Clause 101

Omit the clause.

[19] Clause 102 Compliance with standards

Omit "or by or under the Act".
Insert instead "or by any regulation in force under the *Local Government Act 1993* or the *Environmental Planning and Assessment Act 1979*".

[20] Clauses 103-112

Omit the clauses.

[21] Clause 116 Compliance with standards

Omit "or by or under the Act".
Insert instead "or by any regulation in force under the *Local Government Act 1993* or the *Environmental Planning and Assessment Act 1979*".

1998 No 357

Local Government (Miscellaneous Amendments) Regulation 1998

Schedule 1 Amendment of Local Government (Approvals) Regulation 1993

[22] **Clause 128 Activity for which approval is not required**

Insert "or development consent" after "approval" where thirdly and fourthly occurring.

[23] **Clause 128 (2)**

Insert at the end of clause 128:

- (2) In this clause, *development consent* has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.

[24] **Clause 140 Activity for which approval is not required**

Omit "by the council".

Insert instead "under Part 4A of the *Environmental Planning and Assessment Act 1979*".

[25] **Clauses 150 and 151**

Omit the clauses.

[26] **Clause 152 Local approvals policies: standards**

Omit clause 152 (1A).

[27] **Clause 152A**

Omit the clause. Insert instead:

152A Determination of applications

The council is to determine an application for an approval in accordance with the provisions of this Regulation as in force on the date on which the application is made.

[28] **Clause 153**

Omit the clause

[29] **Schedule 1 Forms**

Omit Forms 1, 2, 3, 4 and 5.

**Schedule 2 Amendment of Local Government
 (Orders) Regulation 1993**

(Clause 4)

[1] Clause 3 Definitions

Omit the definitions of *fire safety certificate*, *fire safety order* and *statutory fire safety measure* from clause 3 (1).

[2] Part 1 A Fire safety orders

Omit the Part.

[3] Clause 6 Fire safety orders

Omit the clause.

[4] Schedule 7 Forms

Omit Form 1.

**Schedule 3 Amendment of Local Government
(General) Regulation 1993**

(Clause 5)

[1] Clause 3 Definitions

Omit the definitions of *annual fire safety statement* and *fire safety order* from clause 3 (1).

[2] Part 2A Maintenance of essential fire or other safety measures

Omit the Part.

[3] Clause 10 Operation of certain doors relating to fire exits

Omit the clause.

[4] Schedule 1 Penalty notice offences

Omit the matter relating to sections 654 and 657 (c) of the *Local Government Act 1993*.

[5] Schedule 2 Forms

Omit Form 1.

[6] Schedule 3 Essential fire or other safety measures

Omit the Schedule.

**Schedule 4 Amendment of Local Government
(Water, Sewerage and Drainage)
Regulation 1993**

(Clause 6)

Clause 46 Compliance with standards

Omit "or by or under the Act".

Insert instead "or by any regulation in force under the *Local Government Act 1993* or the *Environmental Planning and Assessment Act 1979*".

**Schedule 5 Amendment of Local Government
(Savings and Transitional) Regulation
1993**

(Clause 7)

[1] Clause 5 Preservation of records

Omit clause 5 (6). Insert instead:

- (6) In subclause (1) (m1), *alternative solutions, assessment methods* and *performance requirements* have the same meanings as they have in the *Building Code of Australia* within the meaning of the *Local Government (Approvals) Regulation 1993*.

[2] Clause 49A Definitions

Omit the definition of *BCA 1996*. Insert instead:

BCA 1996 has the same meaning as the expression *Building Code of Australia* has in the *Local Government (Approvals) Regulation 1993*.

[3] Clause 53

Insert after clause 52:

53 Subdivisions for lease purposes

- (1) An application made, but not determined, before the appointed day, as referred to in section 289K (1) of the old Act is to be determined in accordance with the old Act as if that subsection had not been repealed.
- (2) Section 289K (2) of the old Act continues to apply to and in respect of any plan of subdivision affected by a determination referred to in section 289K (1) of the old Act (including a determination arising under subclause (1)) as if that subsection had not been repealed.

Local Government (Miscellaneous Amendments) Regulation 1998

Amendment of Local Government (Savings and Transitional) Regulation 1993 Schedule 5

- (3) A plan of subdivision the subject of a recording referred to in section 289K (2) of the old Act (including a recording arising under subclause (2)) is taken to be a plan of subdivision for lease purposes for the purposes of Division 3B of Part 2 of the Conveyancing Act 1919.
- (4) In this clause, *appointed day* means the day appointed under section 2 of the *Local Government (Consequential Provisions) Act 1993* for the commencement of the uncommenced provisions of that Act.