

Local Government Amendment Act 2019 No 6

[2019-6]



New South Wales

Status Information

Currency of version

Current version for 26 June 2019 to date (accessed 2 May 2024 at 23:16)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Note**

Amending Acts and amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Local Government Amendment Act 2019 No 6



New South Wales

An Act to amend the [Local Government Act 1993](#) with respect to rates, tendering requirements, election planning, mutual recognition of approvals and other regulatory matters; and for other purposes.

1 Name of Act

This Act is the [Local Government Amendment Act 2019](#).

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) Schedule 1 [4], [15]–[20] and Schedule 2.2 commence on a day or days to be appointed by proclamation.

Schedule 1 Amendment of [Local Government Act 1993 No 30](#)

[1]–[3] (Repealed)

[4] Section 178A

Insert after section 178:

178A Appeals relating to mutual recognition of approvals

- (1) The regulations may make provision for or with respect to appeals to the Land and Environment Court by applicants or approval holders who are dissatisfied with a determination of a council under a scheme prescribed by the regulations for the mutual recognition of approvals.
- (2) The regulations may also confer on the Land and Environment Court a discretion to award compensation, that is payable by a council, in circumstances of a kind referred to in section 179.

[5]-[14] (Repealed)

[15] Section 379 Delegation of regulatory functions

Insert at the end of section 379 (1) (d):

, or

(e) another council.

[16] Section 379 (2B)-(2D)

Insert after section 379 (2A):

(2B) A council may delegate a regulatory function to another council only with the approval, by resolution, of the other council.

(2C) The regulations may prescribe regulatory functions that must not be delegated by a council to another council under this section or limit the circumstances in which a regulatory function may be delegated by a council to another council under this section.

(2D) A council may delegate a regulatory function to a joint organisation under a provision of this section whether or not the council is a member council of the joint organisation.

[17] Section 379 (3) (c)

Insert “a committee of the board of the joint organisation or” before “the executive officer” where firstly occurring.

[18] Section 379 (3) (d)

Insert at the end of section 379 (3) (c):

, or

(d) a regulatory function is delegated to another council, the function may be delegated to:

(i) a committee of the other council of which all the members are councillors or of which all the members are either councillors or employees of the other council, or

(ii) the general manager of the other council and by the general manager to an employee of the other council.

[19] Chapter 15, Part 10, Division 5

Insert after Division 4 of Part 10 of Chapter 15:

Division 5 Exemption from regulatory requirements for fees

612 Regulations may exempt certain fees from regulatory requirements

- (1) Regulations may be made for or with respect to exempting fees that are charged by a council in connection with a commercial activity specified by the regulations from all or any of the requirements of this Act relating to public notification of council fees or the determination of fees in accordance with a pricing methodology.
- (2) An exemption made by or under the regulations for the purposes of this section may be unconditional or subject to conditions.
- (3) A regulation made under this section may validate a fee that was charged by a council before the making of the regulation if the fee would, if charged after the regulation commenced, have been validly imposed.

[20] Schedule 6 Regulations

Insert after item 8:

8AA A scheme for mutual recognition by councils of approvals under Part 1 of Chapter 7

Examples. Model policies for councils relating to mutual recognition

Policies of councils relating to mutual recognition

Arrangements between councils for mutual recognition

Approval of mutual recognition arrangements

Effect of recognition of approvals

Modification and revocation of recognised approvals and conditions of approvals

Compensation by councils for modification or revocation of recognised approvals

Procedures (including applications and payment of fees) for recognition of approvals granted by other councils

Records of recognised approvals

Exchange of information relating to recognised approvals

Notice to other councils of recognised approvals

Enforcement of recognised approvals by councils

[21] (Repealed)

Schedule 2 Amendment of other legislation

2.1

(Repealed)

2.2 Land and Environment Court Act 1979 No 204

Section 18 Class 2—local government and miscellaneous appeals and applications

Insert “, and regulations made under section 178A of,” after “611 of” in section 18 (a).

2.3, 2.4

(Repealed)