

1990 - No. 463

LOCAL GOVERNMENT ACT 1919 - ORDINANCE

(Relating to the adoption of the New South
Wales Code of Practice for Water Supply)

NEW SOUTH WALES



[Published in Gazette No. 82 of 29 June 1990]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1919, has been pleased to make the Ordinance set forth hereunder.

W. T. J. MURRAY
Minister for Public Works.

Commencement

1. This Ordinance commences on 1 July 1990.

Amendments

2. Ordinance No. 45 under the Local Government Act 1919 is amended:

- (a) by omitting from clause 2 (1) the definition of "Work of water supply";
- (b) by omitting from clauses 8 and 30 the word "stop-cocks" wherever occurring and by inserting instead the word "stop-valves";
- (c) by omitting clause 9 and by inserting instead the following clause:

Depth of pipe

9. (1) Every service pipe must be laid in accordance with the Water Supply Code.

(2) Despite subclause (1), the Council may, in its discretion, by permit in writing, authorise the laying of any service pipe at a lesser depth than that required by the Water Supply Code.

- (d) by omitting from clauses 10 (a) and 11 the word "stop-cock" wherever occurring and by inserting instead the word "stop-valve";
- (e) by omitting clauses 13A, 14, 15, 16 and 17;
- (f) by omitting from clause 18 (1) the words "Except as provided by subclause (7)" and by inserting instead the words "Except as provided in Rule 2-4 of the Water Supply Code";
- (g) by omitting clause 18 (2), (7) and (8);
- (h) by inserting after clause 18 (6) the following subclauses:

(7) If, pursuant to the provisions of this clause, the Council refuses to issue a permit or revokes a permit, the Council must give written reasons to the person who applied for the permit and that person may request that the refusal to issue the permit or the revocation of the permit, as the case may be, be reconsidered at a meeting of the Council.

(8) An application for such a reconsideration by a meeting of the Council must be made within 7 days of the Council's refusal or revocation of the permit, and the Council must, after reconsidering the matter at a meeting, notify the person of its determination of the application within 60 days after the application is lodged with the Council.

- (i) by omitting from clause 19A the words "Metropolitan Water Sewerage and Drainage Board" wherever occurring and by inserting instead the words "Water Board";
- (j) by omitting from clause 21 (1) the words "and shall conform to standards approved by the Chief Engineer, Department of Public Works" and by inserting instead the words "or of other materials as may be approved by the Chief Engineer, Public Works Department";
- (k) by omitting clause 21 (2) and (3);
- (l) by omitting the Table to clause 21 and clauses 21A, 21B, 22 and 23;

(m) by inserting after clause 21 the following clauses:

Fittings

22. All fittings used in connection with copper, stainless steel, cast iron, ductile iron, polyethylene or other materials that are approved for the purposes of this Ordinance by the Chief Engineer, Public Works Department must conform to a design approved by the Chief Engineer, Public Works Department.

Joints

23. Joints between like or unlike materials must be made in a manner approved by the Chief Engineer, Public Works Department and, if not inconsistent with a manner so approved, in accordance with the Water Supply Code.

(n) by omitting clause 24 and by inserting instead the following clause:

Tap or valve

24. Any tap or valve used in connection with the supply of water of the Council must be made of material as specified in Australian Standards AS1718-1988 and AS3718-1988 and must bear the test stamp of the Water Board or of such other competent testing authority as may be approved from time to time by the Chief Engineer, Public Works Department.

(o) by omitting from clause 25 the words “equilibrium ball-valve” and by inserting instead the words “ball-valve of a kind approved by the Chief Engineer, Public Works Department”;

(p) by omitting from clause 26 the words “or cock”;

(q) by omitting clauses 26A (2), 27 (b), 29 (a) and (b), 31 and 32;

(r) by omitting from clause 33 the words “of the Metropolitan Board of Water Supply and Sewerage pattern” and by inserting instead “it is of a type approved by the Council, fixed in accordance with the Water Supply Code”;

(s) by omitting from clause 33 (b) and 34 (a) the word “cocks” wherever occurring and by inserting instead the word “valves”;

(t) by omitting from clause 40 the word “cock” and by inserting instead the word “valve”;

(u) by omitting from clause 56 (a) the words “A licensee” and by inserting instead the words “The holder of an endorsed contractor licence”;

- (v) by omitting from clause 56 (a) the words "holder of a contractor's authority or licensee" and by inserting instead the words "licensed contractor";
- (w) by omitting from clause 56 (b) the words "licensee or holder of a contractor's authority" and by inserting instead the words "licensed contractor";
- (x) inserting after Part 8A, the following Part:

8B - WATER SUPPLY CODE

65E. In this Ordinance, "**the Water Supply Code**" means the code entitled "New South Wales Code of Practice Water Supply" as published in Gazette No. 46 of 18 April 1989.

65F. Except as provided by clause 65G, a person must not carry out any work to which the Water Supply Code applies unless that work is carried out in accordance with the Code.

65G. A person does not commit a breach of this Ordinance:

- (a) only because the person does an act that is:
 - (i) prohibited to be done pursuant to a provision of the Water Supply Code but permitted or required to be done pursuant to a provision of this Ordinance; or
 - (ii) prohibited to be done pursuant to a provision of this Ordinance but permitted or required to be done pursuant to a provision of the Water Supply Code; or
- (b) only because the person omits to do an act that is:
 - (i) required to be done pursuant to a provision of the Water Supply Code but prohibited, or permitted to be omitted, to be done pursuant to a provision of this Ordinance; or
 - (ii) required to be done pursuant to a provision of this Ordinance but prohibited, or permitted to be omitted, to be done pursuant to a provision of the Water Supply Code.
- (y) by omitting from clause 66 the word "cock" and by inserting instead the word "tap".

EXPLANATORY NOTE

The object of this Ordinance is to adopt, for the purposes of Ordinance No. 45 (Water Supplies) made under the Local Government Act 1919, the New South Wales Code of Practice for Water Supply. The Code was produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales and was published in the Gazette on 18 April 1989.

The Ordinance includes consequential amendments to Ordinance No. 45 and makes provision for a person to apply for a review, by a Council, of a decision by the Council to refuse or revoke a permit which enables the person to perform certain water supply work.
