

1990 - No. 464

LOCAL GOVERNMENT ACT 1919 - ORDINANCE

(Relating to the adoption of the New South Wales
Code of Practice for House Drainage)

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. 46 under the Local Government Act 1919 is amended:

- (a) by inserting after clause 2B the following clause:

Code of Practice for Mouse Drainage

2C. (1) In this Ordinance, “the House Drainage Code” means the code entitled, “New South Wales Code of Practice ‘House Drainage’” as published in Gazette No. 50 of 24 April 1989.

(2) In this Ordinance, references to the House Drainage Code do not include references to Section 10.0 of the Code relating to stormwater drainage.

(3) Except as provided by subclause (4), a person commits a breach of this Ordinance if the person fails to comply with a provision of the House Drainage Code.

(4) 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 House Drainage 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 House Drainage 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 House Drainage 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 House Drainage Code.

(b) by omitting from clause 9 (1) the words “Except as provided by subclause (7)” and by inserting instead the words “Except as provided by Rule 1.5.4 of the House Drainage Code”;

(c) by omitting clause 9 (2), (7) and (8);

(d) by inserting in clause 9 (5) after the words “upon receiving the notice”, the words “or (if such a time is specified in the notice) immediately upon the expiration of the time specified in the notice for making the works safe”;

(e) by inserting after clause 9 (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 in writing within 7 days of the

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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.

EXPLANATORY NOTE

The object of this Ordinance is to adopt for the purposes of Ordinance 46 (Sewerage) made under the Local Government Act 1919, the New South Wales Code of Practice for House Drainage (with the exception of the provisions dealing with stormwater drainage). 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 24 April 1989.

The Ordinance includes consequential amendments to Ordinance No. 46 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 drainage or sewer plumbing work.
