

1993—No. 274

LOCAL GOVERNMENT ACT 1993—REGULATION

(Amendments consequent on the enactment of the Local Government Act 1993)

NEW SOUTH WALES



[Published in Gazette No. 73 of 1 July 1993]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1993, has been pleased to make the Regulation set forth hereunder.

GARRY WEST, M.P.,
Minister for Local Government and Co-operatives.

Commencement

1. This Regulation commences on 1 July 1993.

Amendment of Ordinance No. 71

2. (1) Ordinance No. 71 under the Local Government Act 1919, as in force immediately before 1 July 1993, is taken to be a regulation under the Local Government Act 1993.

(2) Ordinance No. 71 under the Local Government Act 1919 is amended:

(a) by omitting clause 1 and by inserting instead the following clause:

Citation

1. This Regulation may be cited as the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.

(b) by omitting from clause 3 (2) the words “Manufactured Home Estates Ordinance 1992” and by inserting instead the words “Local Government (Manufactured Home Estates) Transitional Regulation 1993”;

(c) by omitting from clause 4 (1) the definitions of “approved”, “Code for Connection of Movable Dwellings”, “licence” and “the Act” and by inserting instead, in alphabetical order, the following definitions:

“**agreed**” means agreed to by the Council;

“**approval**” means an approval in force under Part 1 of Chapter 7 of the Act, being an approval of the kind referred to in item 2 of Part F of the Table to section 68 of the Act;

“**approved premises**” means the premises of a caravan or camping ground the subject of an approval;

“**Plumbing and Drainage Code of Practice**” means the code of practice published by the Committee on Uniformity of Plumbing and Drainage in New South Wales under the title “New South Wales Code of Practice—Plumbing and Drainage”, as published in Gazette No. 89 of 17 July 1992, at pages 5098–5146;

“**proprietor**”, in relation to approved premises, means the holder of an approval for the approved premises;

“**the Act**” means the Local Government Act 1993;

(d) by omitting from the definitions of “camping ground” and “caravan park” in clause 4 (1) the words “(to an extent that, by the operation of section 289F of the Act, a licence is required)” wherever occurring;

(e) by omitting from the definition of “registerable movable dwelling” in clause 4 (1), and from clause 74, the word “Motor” wherever occurring;

(f) by omitting clause 4 (3);

(g) by omitting from clause 5 (1) the words “paragraph (b) of the definition of “movable dwelling” in section 289E (1) of the Act” and by inserting instead the words “paragraph (c) of the definition of “moveable dwelling” in the Dictionary to the Act”;

(h) by omitting clause 5 (2);

(i) by omitting Part 2;

(j) by omitting from clauses 19 (4), 26 (2), 29 (1) and (3), 35 (2), 38 (1), 44 (1) and (2), 45 (3) and (7), 47 (3), 49, 84, 86, 88 (2), 106 (3) the word “approved” wherever occurring and by inserting instead the word “agreed”;

- (k) by omitting from clauses 19 (4) and 20 the word “approval” wherever occurring and by inserting instead the word “agreement”;
- (l) by omitting from clause 20 the words “A licence” and by inserting instead the words “An approval”;
- (m) by omitting from clauses 27 (IA), 29 (2) and (6) and 94 (1) the words “Code for Connection of Movable Dwellings” wherever occurring and by inserting instead the words “Plumbing and Drainage Code of Practice”;
- (n) by omitting from clauses 45 (2) and 104 (1) and (2) the word “licence” wherever occurring and by inserting instead the word “approval”;
- (o) by omitting from clauses 47 (4) and 64 (1) the word “Approved” wherever occurring and by inserting instead the word “Agreed”;
- (p) by inserting in clause 68 (1) (d) after the word “transportation” the words “, including specifications as to the weight of each separate component of the dwelling or annexe”;
- (q) by omitting from clause 89 (3) the word “approves” and by inserting instead the word “agrees”;
- (r) by omitting from clause 91 (1) the word “approval” and by inserting instead the word “permission”;
- (s) by omitting from clause 91 (2) and (3) the words “an approval” wherever occurring and by inserting instead the word “permission”;
- (t) by omitting from clauses 101 (1) and 109 (2) the words “a licence” wherever occurring and by inserting instead the words “an approval”;
- (u) by omitting clause 101 (2) and by inserting instead the following subclause:
 - (2) The standards prescribed by this Regulation in respect of other approved premises do not apply to an approved primitive camping ground.
- (v) by omitting clauses 102, 103, 105, 108 (4) and 112;
- (w) by omitting Form 1;
- (x) by omitting from the Ordinance the words “licensed premises”, “licensee”, “movable” and “Ordinance” wherever occurring and by inserting instead the words “approved premises”, “proprietor”, “moveable” and “Regulation”, respectively.

Amendment of Manufactured Home Estates Ordinance 1992

3. The Manufactured Home Estates Ordinance 1992 (which, by virtue of clause 5 of Schedule 7 to the Local Government Act 1993, is taken to be a regulation under that Act) is amended:

(a) by omitting clause 1 and by inserting instead the following clause:

Citation

1. This Regulation may be cited as the Local Government (Manufactured Home Estates) Transitional Regulation 1993.

(b) by omitting from clause 5 the definitions of “associated structure”, “Department”, “Director-General”, “licence”, “manufactured home”, “manufactured home estate”, “Plumbing and Drainage Code of Practice” and “the Act” and by inserting instead, in alphabetical order, the following definitions:

“approval” means an approval in force under Part 1 of Chapter 7 of the Act, being an approval of the kind referred to in item 3 of Part F of the Table to section 68 of the Act;

“Plumbing and Drainage Code of Practice” means the code of practice published by the Committee on Uniformity of Plumbing and Drainage in New South Wales under the title “New South Wales Code of Practice—Plumbing and Drainage”, as published in Gazette No. 89 of 17 July 1992, at pages 5098–5146;

“proprietor”, in relation to a manufactured home estate, means the holder of an approval for the estate;

“the Act” means the Local Government Act 1993.

(c) by omitting from the definition of “Building Code of Australia” in clause 5 the words “Building Code of Australia (Administrative Provisions) Ordinance 1991” and by inserting instead the words “Local Government (Approvals) Regulation 1993”;

(d) by omitting from the definition of “residential site” in clause 5 the word “licence” and by inserting instead the word “approval”;

(e) by omitting clauses 6 and 7;

(f) by omitting Part 2;

(g) by omitting from clauses 18 and 61 the word “approve” wherever occurring and by inserting instead the word “permit”;

(h) by omitting from clauses 22 and 23 the words “approval” and “Approval” wherever occurring and by inserting instead the words “permission” and “Permission”, respectively;

- (i) by omitting from clauses 24, 32, 36, 62 and 68 the word “approved” wherever occurring and by inserting instead the words “agreed to”;
- (j) by omitting from clauses 36, 67, 68 and 69 the word “licensee” wherever occurring and by inserting instead the word “proprietor”;
- (k) by omitting from clause 44 (4) the words “approval by” and by inserting instead the words “agreement with”;
- (l) by omitting from clause 46 (1) the words “design, construction and”;
- (m) by omitting from clause 46 (3) the words “designed, constructed and”;
- (n) by inserting in clause 47 (2) (b) after the words “specifications as to” the words “the weight of each separate component of the manufactured home or structure, as to”;
- (o) by omitting from clause 60 (1) the word “approval” and by inserting instead the word “permission”;
- (p) by omitting from clause 60 (2) and (3) the words “an approval” wherever occurring and by inserting instead the word “permission”;
- (q) by omitting from clause 60 (3) the words “the approval” and by inserting instead the words “the permission”;
- (r) by omitting clause 65 and by inserting instead the following clause:

Certificates of completion

65. (1) Within 7 days after receiving written notice of the completion of installation of a manufactured home or associated structure, the council must issue to the owner of the home or structure:

- (a) a certificate of completion for the home or structure; or
- (b) a written notice that states why such a certificate is not being issued.

(2) In determining whether or not to issue a certificate of completion, the council must have regard to the following matters:

- (a) whether the engineer’s certificate with respect to the manufactured home or associated structure is available;
- (b) whether the installation of the manufactured home or associated structure complies with the specifications contained in the engineer’s certificate;

- (c) whether the setback, density, open space and site delineation requirements of this Regulation have been complied with;
- (d) whether a compliance plate has been duly affixed to the manufactured home or associated structure.
- (s) by omitting from clause 68 (a) the word “licence” and by inserting instead the word “approval”;
- (t) by omitting from clause 70 the words “Maximum penalty: \$1,000.”;
- (u) by omitting clauses 71–74;
- (v) by omitting from the Ordinance the word “Ordinance” wherever occurring and by inserting instead the word “Regulation”.

Transitional

4. In any Act or instrument under an Act (whether enacted or made before or after the commencement of this Regulation) and in any other document of any kind:

- (a) a reference to Ordinance No. 71 under the Local Government Act 1919 is to be read as a reference to the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993; and
- (b) a reference to the Manufactured Home Estates Ordinance 1992 is to be read as a reference to the Local Government (Manufactured Home Estates) Transitional Regulation 1993.

EXPLANATORY NOTE

The object of this Regulation is to amend certain ordinances as a consequence of the repeal of the Local Government Act 1919 and the enactment of the Local Government Act 1993 under which those ordinances are taken to be regulations. Some of their provisions are being repealed as a result of their inclusion in the Local Government (Approvals) Regulation 1993.

This Regulation is made under the Local Government Act 1993, including section 748 (the general regulation making power) and clause 2 of Schedule 7 (which empowers the making of regulations of a savings or transitional nature).
