



New South Wales

Local Government (Approvals) Amendment (Sewage Management) Regulation 1998 No 2

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

Amendments to the *Local Government (Approvals) Regulation 1993* (the *Approvals Regulation*) published in the Gazette on 6 March 1998 made further provision for the management of human waste, inserting (among other things) clauses 95A–95J in that Regulation.

By operation of clause 95D (in conjunction with section 68 of the *Local Government Act 1993*), a person requires local council approval to operate a system of sewage management (as defined in the Approvals Regulation) on and from 6 April 1998. Clause 95I provides for a temporary exemption (until 30 June 1998) from that requirement in respect of a system of sewage management that uses or involves sewage management facilities (as defined in the Approvals Regulation) that were installed or constructed on the premises concerned before 6 April 1998. It also provides for a further exemption in the case of a person who obtains the benefit of the first exemption and duly applies for the requisite approval on or before 30 June 1998. That further exemption lasts until the application is finally determined.

1998 No 243

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Explanatory note

The objects of this Regulation are:

- (a) to extend the period of the first exemption to 30 September 1998, and
- (b) to make further provision to the effect that, if a person who obtains the benefit of the first exemption fails to make due application for approval on or before 30 June 1998 but does so before 30 June 1999, the person obtains a further exemption beginning on the date of the making of the application and ending on the final determination of the application.

This Regulation also amends clause 72 of the Approvals Regulation (which specifies the matters that must accompany applications for approval to install or construct sewage management facilities on any premises). The amendment exempts from the operation of the clause sewage management facilities that the applicant for approval declares are to remain on the relevant premises for no more than 12 months. The Note to clause 75 is amended and transferred to clause 72, since it is relevant to that clause as amended.

This Regulation is made under the *Local Government Act 1993*, and, in particular, under section 748 and Schedule 6 (the general regulation-making power).

Local Government (Approvals) Amendment (Sewage Management) Regulation 1998 No 2

1 Name of Regulation

This Regulation is the *Local Government (Approvals) Amendment (Sewage Management) Regulation 1998 No 2*.

2 Amendment of Local Government (Approvals) Regulation 1993

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

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 72 Matters to accompany applications for approval to install or construct sewage management facilities

Insert after clause 72 (6):

(7) This clause does not apply to an application for approval to install or construct a sewage management facility on any premises if the applicant declares in the application that the facility will remain on the premises for no more than 12 months.

Note. The information that is to accompany such applications (and applications for approval to alter a sewage management facility) is to be determined by the council in each particular case. Section 81 of the *Local Government Act 1993* provides that an application for an approval under Part 1 of Chapter 7 of that Act (in which category such applications fall) must be accompanied by "such matters as may be prescribed by the regulations and such matters specified by the council as may be necessary to provide sufficient information to enable the council to determine the application".

[2] Clause 75 Matters to be taken into consideration in determining applications for approval to install, construct or alter sewage management facilities

Omit the note to clause 75.

[3] Clause 95I Transitional provision—temporary exemptions in relation to operation of system of sewage management

Omit "30 June 1998" from clause 95I (1).

Insert instead "30 September 1998".

[4] Clause 95I (3)

Insert after clause 95I (2):

(3) If the person does not duly apply for the requisite approval on or before 30 June 1998 but duly applies for it on or before 30 June 1999, the person may operate the system concerned without approval from the date of the application until the application is finally determined.

Note. However, in [redacted] with section 626 (3) of the Act, the person is guilty of an offence if he or she operates the system of sewage management at any time after 30 September 1998 and before the lodgment of the application.