

LOCAL GOVERNMENT (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 21, 1975.

An Act to make further provision for regulating the use of land in connection with movable dwellings and the use of movable dwellings on any such land; for this and other purposes to amend the Local Government Act, 1919; and for purposes connected therewith. [Assented to, 14th April, 1975.]

BE

Local Government (Amendment).

No. 21, 1975 **BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. 1. This Act may be cited as the "Local Government (Amendment) Act, 1975".

**Commence-
ment.** 2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 3 (a) and (b) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Amendment
of Act No.
41, 1919.** 3. The Local Government Act, 1919, is amended—

Sec. 288A. (a) by omitting section 288A and by inserting instead the following section :—

**Movable
dwellings.** 288A. (1) In this section, "movable dwelling" includes any tent, any van or other conveyance whether on wheels or not, and any shed or similar structure, being a tent, conveyance or structure which is used either regularly or at certain seasons only or intermittently, for human habitation, but does not include a structure to which a building ordinance under Part XI applies.

(2) An ordinance may, in so far as it makes provision for or with respect to regulating the use of land in connection with movable dwellings or the use of movable dwellings on that land, bind the Crown to the extent expressed in the ordinance.

(3)

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(3) Nothing in subsection (2) affects the No. 21, 1975
operation of section 111 of the Public Health Act,
1902.

(4) Where an ordinance regulating the
use of land in connection with movable dwellings or
the use of movable dwellings on that land so
provides, a person who is aggrieved—

- (a) by a decision of the council relating to
licensing; or
- (b) by a decision of the council relating to
licensing that is deemed by the ordinance
to have been made on the occurrence of an
event,

may, under this section, appeal against the decision
to a court of petty sessions.

(5) An appeal under this section may be
made within twelve months after written notice of
the decision—

- (a) has been given in the prescribed manner; or
- (b) is deemed by the ordinance to have been
given,

to the person entitled to appeal.

(6) The decision of the court of petty
sessions on an appeal under this section shall be
final and shall be binding on the council and the
appellant.

(7) A court of petty sessions—

- (a) shall not grant an appeal under this section
unless it is satisfied that the decision
appealed against is incorrect;

(b)

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- (b) shall dismiss the appeal if it is satisfied that the decision appealed against is correct; and
- (c) subject to paragraph (a), may, on granting an appeal under this section, direct that a license be issued or transferred subject to such conditions as the council is authorised to impose when issuing or transferring a license of the kind in relation to which the appeal is brought.

(8) Where the council gives written notice to a person of any decision from which an appeal lies under this section, the notice shall indicate that he has a right of appeal under this Act.

Sec. 303.
(Ordinances.)

- (b) (i) by omitting from section 303 (1) (r) the matter "section 289c." and by inserting instead the following matter and paragraphs :—

section 289c;

- (s) regulating the use of land in connection with movable dwellings, the use of movable dwellings on that land, and (without limiting the generality of the foregoing provisions of this paragraph)—
- (i) the making, keeping and production of records and returns;
- (ii) the issue, transfer, cancellation and suspension of licenses and the imposition of conditions thereon;

(iii)

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(iii) the provision and maintenance ^{No. 21, 1975} of water supplies, washing facilities, garbage receptacles, privy accommodation, lighting and fire-fighting equipment and other prescribed matters or things; and

(iv) regulating the presence of animals and the lighting and use of fires,

in relation to that land and those movable dwellings;

(t) appeals under section 288A and (without limiting the generality of the foregoing provision of this paragraph) prescribing the court of petty sessions to which an appeal under section 288A may be made.

(ii) by inserting after section 303 (2) the following subsection :—

(3) In this section, a reference to a movable dwelling is a reference to a movable dwelling within the meaning of section 288A.

(c) (i) by inserting after section 576 (2) the following subsection :—

(2A) An ordinance may be made, and shall be deemed always to have been able to be made, so as—

*Sec. 576.
(General
power to
make
ordinances.)*

(a) to be of general application or limited in its application by reference to time, place or circumstances;

(b)

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- (b) to be restricted in its application to any specified class of subject-matter or to all subject-matter other than that of a specified class; and
 - (c) to differ in its application according to specified factors or circumstances.
- (ii) by omitting from section 576 (3) the word "An" and by inserting instead the words "Without affecting the generality of subsection (2A), an".
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