

**1990 - No. 460**

**LOCAL GOVERNMENT ACT 1919 - ORDINANCE**

(Relating to building waste containers  
and use of roads and bridges)

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.

JOE SCHIPP  
Minister for Local Government.

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**Commencement**

**1.** This Ordinance commences on 1 August 1990.

**Amendments: building waste containers**

**2.** Ordinance No. 30 under the Local Government Act 1919 is amended:

(a) by inserting in clause 1 (b), in alphabetical order, the following definition:

**"building waste container"** means a container that is designed:

(a) to be used and re-used for the temporary storage and subsequent conveyance and disposal of builders' rubble, waste, tree loppings, household or other rubbish or earth (but not for the storage of putrescible or dangerous waste); and

- (b) to be removed from, returned to and carried by a vehicle that, when carrying the container, may lawfully be used on a public road;
- (b) by omitting clause 6 and by inserting instead the following clause:

**Things placed on and use of roads**

- 6. (1) A person must not:
  - (a) place on a road any matter or thing likely to injure any person or damage any vehicle; or
  - (b) place on a road a building waste container unless the Council's prior written approval has been obtained; or
  - (c) distribute on a road a handbill or advertisement unless the Council's prior approval has been obtained.
- (2) An approval under this clause is subject to any conditions or restrictions that the Council may impose and the holder of an approval must not contravene or fail to comply with any condition or restriction attached to the approval.
- (3) In granting an approval under subclause (1) (b), the Council is to take into consideration any requirements or guidelines relating to the location, size and visibility of building waste containers placed on roads that are notified to the Council from time to time by the Authority.
- (4) This clause has effect subject to section 60 of the State Roads Act 1986 if the road concerned is a classified road within the meaning of that Act.
- (6) by inserting at the end of clause 50 the following subclause:
  - (2) Subclause (1) does not apply in respect of:
    - (a) the placement of a building waste container on a road where the placement is in accordance with the Council's approval obtained under clause 6 (1) (b); and
    - (b) the placement of a garbage pan, bag or other receptacle on the outer edge of the footway of a road in accordance with clause 5 (b1) of Ordinance No. 51 ("Garbage").

**Amendments: other matters and law revision**

- 3. Ordinance No. 30 under the Local Government Act 1919 is further amended:

- (a) by inserting in clause 1 (b), in alphabetical order, the following definition:

"Authority" means the Roads and Traffic Authority of New South Wales;
- (b) by omitting from clause 1 (b) the definition of "Commissioner";
- (c) by omitting from the definition of "Council" in clause 1 (b) the word "Commissioner" wherever occurring and by inserting instead the word "Authority";
- (d) by omitting from the definition of "vehicle" in clause 1 (b) the words "Motor Traffic Act, 1909, as amended by subsequent Acts" and by inserting instead the words "Traffic Act 1909";
- (e) by omitting from clause 4A (d) the word "Commissioner" wherever occurring and by inserting instead the word "Authority";
- (f) by omitting from clause 10 (d) (i) the matter "Transport Act, 1930" and by inserting instead the matter "Transport Administration Act 1988";
- (g) by omitting from clause 10 (d) (i) the matter "Metropolitan Traffic Act, 1900," and by inserting instead the matter "Traffic Act 1909";
- (h) by omitting clause 67 and the Schedule thereto;
- (i) by omitting clause 80A and by inserting instead the following clause:

**Throwing or dropping article from bridge**

80A A person must not throw or drop an article from a bridge.

by omitting from Form 3 the words "Traffic Authority" wherever occurring and by inserting instead the words "Roads and Traffic Authority"; and

by omitting from Form 3 the words "Minister for Local Government" wherever occurring and by inserting instead the words "Minister for Transport".

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**EXPLANATORY NOTE**

The object of this Ordinance is to amend Ordinance No. 30 under the Local Government Act 1919 so as to extend the existing provisions dealing with the placement of material on roads to cover the placement of building waste containers on roads.

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Some minor amendments by way of law revision are also made.

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