

LOCAL GOVERNMENT (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 29, 1974.

An Act to make provisions with respect to the powers of councils to place obstructions or barriers to vehicles in public roads and the removal of any such obstructions or barriers; to authorise the inclusion in town and country planning schemes of provisions relating to any such obstructions or barriers; for these purposes to amend the Local Government Act, 1919; and for purposes connected therewith. [Assented to, 19th April, 1974.]

BE

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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, 1974".

Commence-
ment. 2. This Act shall commence upon 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. 269A. (a) by inserting after section 269 the following section :—

Regulation
of through
traffic on
public roads.

269A. (1) Nothing in this Act except this section authorises the council to place or maintain, or to cause or permit to be placed or maintained, obstructions or barriers in a public road which prevent or restrict the passage of vehicles along, or the access by a particular route of vehicles to, the public road.

(2) The council may place or maintain, or cause or permit to be placed or maintained, any such obstructions or barriers in a public road if the council does so—

(a) for the purpose of the exercise of its powers under section 240 (2) (a), section 242, section 249 (paragraph (k) excepted) or section 250, except in such cases or classes of cases, if any, as may be prescribed in relation to any such power;

(b)

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- (b) for the purpose of the prevention of injury **No. 29, 1974** to persons, or damage to property, on the public road and maintains, or causes or permits to be maintained, the obstructions or barriers for a period no longer than is necessary for that purpose;
- (c) in accordance with a consent, in force, of the Commissioner of Police given under subsection (6) (a) or an approval, in force, of the Minister given under subsection (8) (a) and with any conditions attached to such an approval; or
- (d) in such other cases or classes of cases, if any, as may be prescribed.

(3) The council shall not remove, or authorise the removal of, any obstructions or barriers placed in a public road pursuant to a consent given under subsection (6) (a) or an approval given under subsection (8) (a), otherwise than in accordance with—

- (a) a consent of the Commissioner of Police given under subsection (6) (b);
- (b) an approval of the Minister given under subsection (8) (b) and with any conditions attached to such an approval; or
- (c) an order given by the Minister under subsection (10).

(4) Not more than six months or less than twenty-eight days before applying for a consent of the Commissioner of Police under subsection (6), the council shall cause a notice, in or to the effect of the prescribed form, of its intention to apply for the consent to be published in the Gazette and in a newspaper.

(5)

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(5) At any time within twenty-eight days after the publication of the notice referred to in subsection (4) or, where the notice was published in the Gazette and in a newspaper on different days, at any time within twenty-eight days after the later publication of the notice, any person may lodge with the council an objection in writing to the application referred to in the notice.

(6) Subject to subsection (7), the Commissioner of Police, on application made to him by the council—

- (a) may consent in writing to the council's placing and maintaining, or causing or permitting to be placed and maintained, obstructions or barriers in the public road specified in the application; or
- (b) may consent in writing to the council's removing, or authorising the removal of, any obstructions or barriers placed in a public road pursuant to a consent given under paragraph (a).

(7) An application under subsection (6) shall be accompanied by a copy of the notice published by the council under subsection (4).

(8) If the Commissioner of Police refuses to grant an application under subsection (6), the council may submit its application, together with any objections to the application lodged under subsection (5), to the Minister who, after such inquiry, if any, as he thinks fit and taking into consideration any representations with respect to the application made by the Commissioner of

Police,

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Police, may, if in the public interest and the circumstances of the case he thinks it proper to do so—

- (a) give his approval to the council's placing and maintaining, or causing or permitting to be placed and maintained, obstructions or barriers in the public road specified in the application; or
- (b) give his approval to the council's removing, or authorising the removal of, any obstructions or barriers placed in a public road pursuant to a consent given under subsection (6) (a).

(9) An approval under subsection (8) may be given subject to such conditions as may be specified in the approval.

(10) Where before the commencement of the Local Government (Amendment) Act, 1974, there have been, or, after that commencement, there are, placed in a public road obstructions or barriers which prevent or restrict the passage of vehicles along, or the access by a particular route of vehicles to, the public road (whether or not those obstructions or barriers are so placed pursuant to a consent or an approval given under this section), the Minister may, if in the public interest and the circumstances of the case he thinks it proper to do so, by order direct the council within such time as may be specified in the order to remove the obstructions or barriers, and to take such other action as may be specified in the order so that the passage of vehicles along, or the access by a particular route of vehicles to, the public road will not be prevented or restricted.

(11) If an order referred to in subsection (10) is not obeyed, the Minister may cause the order to be executed and may recover from the council,

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council, as a debt, any costs and expenses incurred in the execution of the order in any court of competent jurisdiction.

(12) If any obstructions or barriers placed in a public road pursuant to a consent given under subsection (6) (a) or an approval given under subsection (8) (a) are removed otherwise than pursuant to the consent of the Commissioner of Police under subsection (6) (b), the approval of the Minister under subsection (8) (b) or an order of the Minister under subsection (10), the Minister may cause to be placed and maintained in the public road such obstructions and barriers as he considers necessary to prevent or restrict the passage of vehicles along, or access by a particular route of vehicles to, the public road and may recover from the council, as a debt, the costs and expenses of so doing in any court of competent jurisdiction.

Sec. 342G.
(Contents of
scheme.)

(b) by inserting after section 342G (3) (a) the following paragraphs :—

- (a1) the placing of obstructions or barriers in public roads so as to prevent or restrict the passage of vehicles along, or the access by a particular route of vehicles to, public roads;
- (a2) the removal of obstructions or barriers in public roads.

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