

1994—No. 466

ROADS ACT 1993—REGULATION

(Roads (General) Regulation 1994)

NEW SOUTH WALES



[Published in Gazette No. 111 of 31 August 1994]

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

BRUCE BAIRD

Minister for Transport and Minister for Roads.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Roads (General) Regulation 1994.

Commencement

2. This Regulation commences on 1 September 1994.

Definitions

3. In this Regulation:

“**drive**” includes ride or draw (in relation to a vehicle) and ride or lead (in relation to an animal);

“**ferry**” means a road-ferry, and includes any vessel, equipment or structure that is used in connection with the operation of a road-ferry;

“**motor vehicle**” has the same meaning as it has in the Traffic Act 1909;

“opening bridge” means a bridge that is designed to be opened, whether by lifting or turning a span of the bridge or otherwise;

“operator” of an opening bridge or ferry means the person responsible for opening the bridge or operating the ferry;

“the Act” means the Roads Act 1993;

“vehicle” has the same meaning as it has in the Traffic Act 1909.

PART 2—ROADS

Division 1—General

Application of Part

4. This Part applies to a public road and to a classified road that is not a public road.

Temporary closing of road

5. (1) A roads authority must give at least 7 days’ notice of its intention to close a public road in the exercise of its functions under Part 8 of the Act:

- (a) by means of a notice published in a local newspaper; and
- (b) by means of conspicuous notices erected along the road.

(2) No such notice is necessary in the case of an emergency.

Traffic controllers

6. (1) For the purpose of enabling it to exercise its functions under Part 8 of the Act, a roads authority may appoint traffic controllers, or authorise its agents and contractors to appoint traffic controllers, to direct traffic on a road.

(2) A traffic controller must wear a badge or other distinguishing mark clearly indicating the traffic controller’s authority from the roads authority.

(3) A person must not disregard the reasonable directions of a traffic controller with respect to the regulation of traffic.

Maximum penalty (subclause (3)): 20 penalty units.

Division 2—Naming of roads**Notice to be given of proposed name**

7. (1) A roads authority that proposes to name or rename a road:
- (a) must publish notice of its proposal in a local newspaper; and
 - (b) must serve notice of its proposal on Australia Post, the Registrar-General and the Director-General of the Department of Conservation and Land Management and (in the case of a classified road) on the RTA.

(2) The notice must state that written submissions on the proposed name may be made to the roads authority and must specify the address to which, and the date by which, any such submissions should be made.

Making of submissions

8. Any person may make written submissions to the roads authority or its proposal to name or rename a road.

Notice to be given of new name

9. If, after considering any submissions duly made to it, the roads authority decides to proceed with the proposed name, the roads authority:

- (a) must publish notice of the new name in the Gazette and in a local newspaper, giving (in the case of a road that is being named for the first time) a brief description of the location of the road; and
- (b) must inform Australia Post, the Registrar-General and the Director-General of the Department of Conservation and Land Management and (in the case of a classified road) the RTA of the new name, giving sufficient particulars to enable the road to be identified.

Minister's approval required in certain cases

10. (1) A roads authority may not proceed with a proposal to name or rename a road against an objection made by Australia Post, the Registrar-General or the Director-General of the Department of Conservation and Land Management or (in the case of a classified road) the RTA, except with the approval of the Minister.

(2) This clause does not apply if the Minister is the roads authority concerned.

Division 3—Protection of roads and traffic**Things placed on and use of roads**

11. (1) A person must not:

- (a) place on a road anything that is likely to injure any person or damage any vehicle; or
- (b) place on a road anything that is likely to restrict or endanger the use of a road by the public or interfere with public convenience; or
- (c) load or unload a vehicle on or from the shoulder of a road in a manner that is likely to cause damage to the road; or
- (d) allow to escape onto a road any liquid or any loose or waste material.

Maximum penalty: 20 penalty units.

(2) Subclause (1) does not apply to:

- (a) the placement on a road of a building waste storage container, to the extent to which its placement is authorised by or under the Local Government Act 1993; or
- (b) the placement on a road of a garbage bin, bag or other receptacle or of other refuse collectible by the council, to the extent to which its placement is authorised by or under the Local Government Act 1993, so long as it is placed:
 - (i) beside the carriageway of the road; and
 - (ii) out of the line of traffic; or
- (c) the doing of anything on a road with the consent of the relevant roads authority; or
- (d) the temporary placement of anything on a road as a result of the breakdown of the vehicle or animal by which it is being carried.

(3) A person who leaves anything on a road because of the breakdown of the vehicle or animal by which it is being carried:

- (a) must place it out of the line of traffic; and
- (b) must ensure that it is adequately guarded to prevent its being a danger to the public; and
- (c) must ensure that it is adequately lit at night; and
- (d) must cause it to be removed from the road as soon as practicable.

Maximum penalty: 20 penalty units.

Protection of roads

12. A person must not:

- (a) drive a vehicle or animal on a road in such manner as to cause damage to the road or to any structure or work on the road, fair wear and tear excepted; or
- (b) tether in any road any animal that is capable of causing damage to the road or to any structure or work on the road.

Maximum penalty: 10 penalty units.

Dragging things on road

13. (1) A person must not:

- (a) propel or drag anything along the surface of a road that is capable of causing damage to the road or to any structure or work on the road, fair wear and tear excepted; or
- (b) drive a vehicle with chains on its wheels otherwise than on a road whose surface is covered with mud, snow or ice.

Maximum penalty: 10 penalty units.

(2) A person must not, except with the permission of the roads authority, drive on a road a vehicle that has caterpillar tracks or that has wheels having spikes, bars or other projections that come into contact with the road surface.

Maximum penalty: 20 penalty units.

Vehicles in disrepair

14. A person must not drive a vehicle on a road if the vehicle is in such a state of disrepair as to cause damage to the road or to any structure or work on the road, fair wear and tear excepted.

Maximum penalty: 10 penalty units.

Division 4—Protection of public safety**Lighting and fencing of obstructions and dangers**

15. Any person (including a roads authority) who carries out a work on a road in such a manner as to create a traffic hazard:

- (a) must ensure that the hazard is adequately guarded to prevent its being a danger to the public; and
- (b) must ensure that the hazard is adequately lit at night.

Maximum penalty: 20 penalty units.

Lights on roads

16. A person must not extinguish, interfere with or obscure any street light or hazard warning light on a road.

Maximum penalty: 20 penalty units.

Jumping onto or from bridges and other structures

17. A person must not jump onto or from any portion of a bridge or other structure that is situated on, or forms part of, a road.

Maximum penalty: 20 penalty units.

Division 5—Protection from neighbouring land**Throwing down materials from buildings**

18. A person must not, without the permission of a roads authority, cast or throw anything onto a road, or into a vehicle on a road, from any part of a building or structure.

Maximum penalty: 20 penalty units.

Property to be sufficiently spouted

19. The occupier of land having frontage to a road must not allow water to drip or flow from the land onto any part of the road other than the gutter.

Maximum penalty: 10 penalty units.

Excavations adjacent to road

20. A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road.

Maximum penalty: 20 penalty units.

Obstruction on footway or road

21. A person must not erect, maintain or use a door or gate that opens outwards into a road.

Maximum penalty: 10 penalty units.

PART 3—TOLLWAYS**Division 1—Payment of tolls and charges****Amounts of toll**

22. The toll for a motor vehicle using the tollway between Waterfall and Bulli Pass is the toll specified in Schedule 1 in respect of the vehicle.

Driver of motor vehicle to pay toll

23. (1) The driver of a motor vehicle must not drive the vehicle past any toll barrier on a tollway unless:

- (a) the relevant toll has been paid; or
- (b) the driver has been directed:
 - (i) by a direction given by an authorised officer under clause 35; or
 - (ii) by a direction contained in a notice displayed in accordance with clause 36,

to drive the vehicle past the toll barrier even though the relevant toll has not been paid.

Maximum penalty: 5 penalty units.

(2) A direction referred to in subclause (1) (b) is (unless the RTA otherwise directs) given subject to the condition that the driver of the motor vehicle pay the relevant toll to the RTA within 7 days after the direction is given.

(3) A person to whom a condition referred to in subclause (1) (b) is given (being a direction that is given subject to the condition referred to in subclause (2)) must not fail to pay the relevant toll in accordance with the condition.

Maximum penalty: 5 penalty units.

Manner of payment of toll

24. (1) A toll must be paid:

- (a) by the payment to an authorised officer at the toll barrier of a sum of money equivalent to the amount of the toll;
- (b) by the placement in the coin receptacle of an automatic toll collecting machine at the toll barrier of one or more coins totalling the amount of the toll; or

- (c) by the delivery to an authorised officer at the toll barrier of a voucher (in or to the effect of the form approved by the RTA) that indicates that the owner of the vehicle has paid to the RTA, or has undertaken to pay to the RTA, an amount equivalent to the amount of the toll.

(2) A person must not pay a toll by paying to an authorised officer any money that is enclosed in a container, package or receptacle of any kind.

Maximum penalty: 5 penalty units.

(3) A person must not pay a toll by placing in the coin receptacle of an automatic toll collecting machine:

- (a) any money that is enclosed in a container, package or receptacle of any kind; or
- (b) any coin other than a coin of a denomination that is indicated on the machine as a denomination of coin that the machine is designed to accept.

Maximum penalty: 5 penalty units.

Charge payable by owner of vehicle if toll regularly not paid at barrier

25. The charge payable by the owner of a motor vehicle referred to in item 1 or 2 of Schedule 1 in respect of which:

- (a) a direction referred to in clause 23 (1) (b) is given to the driver on a second or subsequent occasion in any period of 6 months (whether or not it is the same driver on each occasion); and
- (b) the directions are given in respect of the same tollway; and
- (c) the directions are given subject to the condition referred to in clause 23 (2),

is \$10.

Maximum penalty for not paying charge

26. If a charge payable for the use of a tollway by a motor vehicle is not paid to the RTA on demand and within the time specified in the demand, the owner of the vehicle is guilty of an offence.

Maximum penalty: 5 penalty units.

Division 2—Use of tollways**Vehicle to use carriageways**

27. (1) A person must not drive a motor vehicle on any part of a tollway other than a carriageway.

Maximum penalty: 10 penalty units.

(2) This clause does not prohibit a person from doing such things as are necessary to enable the person to comply with the requirements of clause 31.

Pedestrians to use footways and footbridges

28. (1) A pedestrian must not go onto any part of a tollway other than a footway or footbridge.

Maximum penalty: 10 penalty units.

(2) This clause does not prohibit a person from doing such things as are necessary to enable the person to comply with the requirements of clause 31.

Leaving motor vehicles unattended

29. (1) A person who is in charge of a motor vehicle that is situated on a tollway must not leave the vehicle unattended.

Maximum penalty: 20 penalty units.

(2) This clause does not prohibit a person from doing such things as are necessary to enable the person to comply with the requirements of clause 31.

Unloading of motor vehicles

30. A person must not load or unload a motor vehicle on or from any portion of a tollway or its carriageway otherwise than in accordance with a direction given by an authorised officer under clause 35.

Maximum penalty: 10 penalty units.

Breakdowns

31. The driver of a motor vehicle that breaks down while travelling along a tollway must not fail to take all reasonable steps to ensure that:

- (a) the vehicle is parked off the carriageway of the tollway; and

- (b) adequate measures (such as warning signs and warning lights) are employed to ensure that the vehicle does not constitute a hazard to other motor vehicles; and
 - (c) the vehicle is removed from the tollway as soon as practicable.
- Maximum penalty: 20 penalty units.

Straying animals

32. A person who is in charge of an animal must not allow the animal to stray onto any part of a tollway.

Maximum penalty: 10 penalty units.

Division 3—Miscellaneous

Application of sections 101 and 102 and Division 3 of Part 9 of the Act

33. (1) The following provisions of the Act apply to and in respect of a tollway under the control and management of the RTA in the same way as they apply to and in respect of a public road:

- (a) section 101 (restoration of public road following excavation etc.);
- (b) section 102 (liability for damage to public road);
- (c) Division 3 of Part 9 (which regulates the erection of structures and the carrying out of works on public roads);
- (d) such other provisions of the Act as are ancillary to the operation of the provisions referred to in paragraphs (a), (b) and (c).

(2) In their application to and in respect of a tollway:

- (a) a reference in those provisions to a public road is taken to be a reference to the tollway; and
- (b) a reference in those provisions to a roads authority is taken to be a reference to the RTA.

Application of Roads (Weight of Loads on Main Roads) Transitional Regulation 1993

34. (1) The Roads (Weight of Loads on Main Roads) Transitional Regulation 1993 (clause 9 excepted) applies to and in respect of a tollway in the same way as it applies to and in respect of a main road.

(2) In its application to and in respect of a tollway, a reference in that Regulation to a main road is taken to be a reference to a tollway.

Directions by authorised officers

35. (1) An authorised officer may give directions with respect to:

- (a) the regulation of pedestrian and vehicular traffic on a tollway; and
- (b) the safety of a tollway and of persons and property on the tollway.

(2) A person must not contravene a lawful direction given to the person under this clause.

Maximum penalty: 20 penalty units.

Directions by notice

36. (1) The RTA may display notices containing directions with respect to:

- (a) the regulation of pedestrian and vehicular traffic on a tollway; or
- (b) the safety of a tollway and of persons and property on the tollway.

(2) Such a notice does not have effect unless:

- (a) it is prominently displayed on or in the vicinity of that part of the tollway to which it is intended to apply; and
- (b) the directions contained in it are clearly legible to those persons to whom it is intended to apply.

(3) A person must not contravene a lawful direction contained in a notice displayed in accordance with this clause.

Maximum penalty: 20 penalty units.

Exemptions

37. This Part does not apply to:

- (a) a police officer; or
- (b) an authorised officer,

in the exercise of a function as a police officer or authorised officer.

Application of Part to Sydney Harbour Bridge

38. This Part (except clauses 22, 25, 33 and 34) applies to and in respect of the Sydney Harbour Bridge in the same way as it applies to and in respect of a tollway, and so applies as if a toll or charge for using the Sydney Harbour Bridge were a toll or charge for using a tollway.

PART 4—BRIDGES**Division 1—General****Extension of Part to ancillary works and structures**

39. This Part extends to a work or structure that is ancillary to a bridge (such as an approach to a bridge) as if it were part of the bridge.

Stability of bridges

40. A person must not do anything that endangers the stability of a bridge.

Maximum penalty: 30 penalty units.

Climbing on bridges

41. A person must not:

- (a) climb on any part of a bridge; or
- (b) remain on the moving span of a bridge while it is closed to traffic.

Maximum penalty: 20 penalty units.

Lighting fires

42. A person must not light, maintain or use a fire on, under or in the immediate vicinity of a bridge.

Maximum penalty: 20 penalty units.

Throwing or dropping things from bridges

43. A person must not throw or drop anything from a bridge.

Maximum penalty: 30 penalty units.

Fishing from bridges

44. (1) A roads authority may prohibit fishing from a bridge, or any part of a bridge, by means of notices conspicuously displayed on or adjacent to the bridge.

(2) A person must not fish from a bridge in contravention of any such notice.

Maximum penalty: 5 penalty units.

Control of traffic on opening bridges

45. (1) A roads authority or bridge operator may give such directions as appear necessary for the regulation of traffic in relation to the opening and closing of the bridge.

(2) A person must not contravene a lawful direction given to the person under this clause.

Maximum penalty: 20 penalty units.

Cyclists to use cycleways on Sydney Harbour Bridge

46. A person must not ride a bicycle on any part of the Sydney Harbour Bridge other than a cycleway.

Maximum penalty: 10 penalty units.

Regulation of commercial activities on Sydney Harbour Bridge

47. (1) A person must not, on the Sydney Harbour Bridge:

- (a) sell or hire any goods, or offer any goods for sale or hire; or
- (b) provide or offer to provide any services for fee, gain or reward; or
- (c) conduct or participate in any entertainment or exhibition (whether or not for fee, gain or reward); or
- (d) conduct or participate in any public assembly or public procession; or
- (e) display any advertisement (otherwise than on a vehicle travelling across the Bridge) or distribute any advertising matter,

otherwise than under and in accordance with a permit issued by the RTA.

Maximum penalty: 5 penalty units.

(2) This clause does not affect the operation of Part 4 (Public Assemblies) of the Summary Offences Act 1988.

Division 2—Navigation through bridges generally**Mooring of floating vessel**

48. A person must not moor any vessel, or make fast any floating timber, to a bridge.

Maximum penalty: 10 penalty units.

Navigation generally

- 49. (1)** The master of a vessel must not cause or allow the vessel:
- (a) to exceed 4 knots while passing through or under a bridge; or
 - (b) to pass through or under a bridge except under power or on tow; or
 - (c) to tow another vessel through or under a bridge while travelling with the tide; or
 - (d) to pass through or under a bridge abreast of another vessel.

Maximum penalty: 10 penalty units.

(2) In the case of a bridge for which a particular speed limit is fixed under the Maritime Services Act 1935, the reference in subclause (1) (a) to 4 knots is taken to be a reference to the speed limit so fixed.

(3) In this clause, a reference to a vessel on tow includes a reference to a vessel (such as a barge or lighter) that is being pushed by another vessel.

Division 3—Navigation through opening bridges**Navigation lights for opening bridges**

50. A bridge operator must ensure that the following navigation lights are displayed to vessels approaching the bridge from either direction:

- (a) a green light to indicate the starboard hand of the channel;
- (b) a red light to indicate the **port** hand of the channel.

Maximum penalty: 10 penalty units.

Signals for use for opening bridges

51. (1) The “**request acknowledged**” signal to be displayed by a bridge operator to acknowledge a request to open the bridge for a vessel is as follows:

- (a) between sunrise and sunset, a red semaphore arm, a red flag or a red light;
- (b) between sunset and sunrise, a red light.

(2) The “**bridge open**” signal to be displayed by a bridge operator to indicate that the bridge is open for vessels to pass through is as follows:

- (a) between sunrise and sunset, a green semaphore arm, a green flag or a green light;
- (b) between sunset and sunrise, a green light.

Signals to be given by vessels

52. (1) The **“request open bridge”** signal for a vessel that requires a bridge to be opened is to be given as follows:

- (a) between sunrise and sunset, by 3 long blasts on the vessel’s siren or whistle;
 - (b) between sunset and sunrise, by written notice given to the bridge operator.
- (2)** written notice referred to in subclause (1) (b):
- (a) must be given to the bridge operator at least 15 minutes (or, if the Maritime Services Board has determined a longer period for a particular bridge, that longer period) before the vessel is ready to pass through; and
 - (b) must state the approximate time when the bridge is required to be opened.

(3) The **“ready to pass through”** signal for a vessel that is ready to pass through an open bridge is to be given by one long blast, followed by one short blast, on the vessel’s siren or whistle.

Passing through opening bridges

53. (1) The master of the vessel must not cause or allow the vessel to approach within 100 metres (or, if the Maritime Services Board has determined a greater distance for a particular bridge, that greater distance) of the bridge until the **“bridge open”** signal is given.

Maximum penalty: 10 penalty units.

(2) After a bridge has been opened to allow a vessel to pass through, the master of the vessel:

- (a) must give the bridge operator the **“ready to pass through”** signal; and
- (b) after doing so, must take the vessel through the bridge without delay.

Maximum penalty: 10 penalty units.

(3) If the vessel is not ready to pass through the bridge within 15 minutes after the bridge is opened, the bridge operator:

- (a) may replace the **“bridge open”** signal with the **“request acknowledged”** signal; and
- (b) after doing so, may close the bridge.

PART 5—FERRIES**Division 1—General****Time-tables**

54. (1) A roads authority:

- (a) may fix a time-table for any ferry under its control; and
- (b) may determine the maximum capacity of the ferry; and
- (c) may restrict or prohibit the use of the ferry for the carriage of stock or heavy vehicles between 10 p.m. and 6 a.m.

(2) The roads authority must ensure that the ferry is operated:

- (a) at the times displayed in the time-table for the ferry; or
- (b) if no time-table is fixed for the ferry, at any time its use is demanded.

(3) However, the ferry is not required to operate during adverse weather, if to do so would risk loss of life or property, or during any period while the ferry is closed as referred to in clause 56.

Ferries to have notice-boards

55. (1) The roads authority must cause a notice to be conspicuously displayed at each part of the road from which access to the ferry is gained

(2) The notice must contain the following particulars:

- (a) the name of the ferry;
- (b) the ferry operator's name;
- (c) the time-table for the ferry (if any);
- (d) the charges (if any) that are payable for use of the ferry;
- (e) the maximum capacity of the ferry;
- (f) the restrictions or prohibitions (if any) that apply to the use of the ferry for the carriage of stock or heavy vehicles between 10 p.m. and 6 a.m.

(3) A person must not damage, deface or destroy a notice displayed in accordance with this clause.

Maximum penalty: 5 penalty units.

Temporary ferry closures

56. (1) The roads authority may temporarily close a ferry for any reason (such as unavailability of a ferry operator or loss or damage to the ferry) that the roads authority considers necessary.

(2) While the ferry is closed, the roads authority must cause notice of the closure:

- (a) to be conspicuously displayed at each part of the road from which access to the ferry is gained; and
- (b) to be published in a local newspaper.

Division 2—Conduct of ferry passengers

Passengers to pay ferry charges

57. A person must not use a ferry for which a charge is payable unless the charge has been paid.

Maximum penalty: 5 penalty units.

Passengers to board ferries only with ferry operator's permission

58. A person must not board a ferry until allowed to do so by the ferry operator.

Maximum penalty: 10 penalty units.

Animals and vehicles to board ferries only on ferry operator's instructions

59. A person must not drive a vehicle or animal towards a ferry beyond any sign displaying the word "STOP" on or in the vicinity of the ferry until the person is allowed to do so by the ferry operator.

Maximum penalty: 10 penalty units.

Regulation of commercial activities

60. (1) A person must not, on a ferry:

- (a) sell or hire any goods, or offer any goods for sale or hire; or
- (b) provide or offer to provide any services for fee, gain or reward; or
- (c) conduct or participate in any entertainment or exhibition (whether or not for fee, gain or reward).

Maximum penalty: 5 penalty units.

(2) This clause does not affect the operation of Part 4 (Public Assemblies) of the Summary Offences Act 1988.

Confusing lights not to be displayed

61. (1) A ferry operator may direct a person in charge of a vehicle to extinguish any light on the vehicle if satisfied that the light:

- (a) is likely to be mistaken for the navigation light of a ship; or
- (b) is likely to interfere with the safe operation of the ferry.

(2) A person must not fail to comply with a lawful direction given to the person under this clause.

Maximum penalty: 10 penalty units.

Passengers on foot to use only areas set aside for them

62. A foot passenger must not occupy any portion of a ferry set apart for vehicles or animals if special accommodation for foot passengers exists on the ferry.

Maximum penalty: 10 penalty units.

General offences

63. A person must not:

- (a) obstruct or interfere with a ferry; or
- (b) obstruct a ferry operator; or
- (c) obstruct any person boarding or leaving a ferry; or
- (d) leave unattended on a ferry any vehicle or animal that is under the person's control; or
- (e) open any container of petrol or other inflammable spirit or oil, or strike a match or expose a naked light on a ferry, except in connection with the working of the ferry; or
- (f) smoke on a ferry; or
- (g) move onto or occupy a position on the flap of a ferry while the ferry is in motion, or before permission to embark or disembark has been signified by the ferry operator.

Maximum penalty: 10 penalty units.

Control of traffic on ferries

64. (1) A ferry operator may give such directions as the ferry operator considers necessary for the regulation of traffic in relation to the operation of the ferry.

(2) In particular, the operator of a ferry may direct any passenger to leave the ferry, or to remove any vehicle, animal or goods from the ferry, if satisfied that it is necessary to do so for the safe operation of the ferry.

(3) A person must not contravene any lawful direction given to the person under this clause.

Maximum penalty: 10 penalty units.

(4) A ferry operator may refuse to operate the ferry while any direction under this clause is not complied with.

Division 3—Safety equipment and procedures

Gates and exits

65. (1) While a ferry is in motion, the ferry operator must keep all gates and exits from the ferry securely closed.

Maximum penalty: 10 penalty units.

(2) The ferry operator must cause the ferry to be securely moored and the gates adjusted before allowing any person, vehicle or animal to board the ferry.

Maximum penalty: 10 penalty units.

Emergency boats

66. The roads authority must equip each ferry under its control with a serviceable boat that is properly equipped.

Ferry approaches

67. The roads authority must ensure that the approaches to the ferry are sufficiently lit during darkness to ensure the safety and convenience of ferry passengers.

Ferries to be inspected

68. (1) A roads authority must inspect each ferry under its control, hull dry, at intervals of not more than 12 months.

(2) With the approval of the Maritime Services Board given in respect of a particular ferry, the roads authority may instead inspect the ferry, hull afloat, at intervals of not more than 3 months.

PART 6—PUBLIC GATES

Consent of adjoining landowner to be obtained

69. An application for a public gate permit that is made by a person who owns land on one side only of the road across which the proposed public gate is to be erected must be accompanied by the written consent of the owner or owners of the land on the other side of the road.

Notice inviting objections

70. Before determining an application for a public gate permit, the roads authority:

- (a) must cause notice of the proposal to erect a public gate (including particulars as to the proposed location of the gate) to be published in a local newspaper; and
- (b) must allow sufficient time (being not less than 28 days from the date of publication of the notice) for written submissions on the proposal to be made to the roads authority; and
- (c) must have due regard to any written submissions on the proposal that are made to the roads authority within that time.

Maintenance of public gates

71. The holder of a public gate permit must ensure that:

- (a) the gate is white; and
- (b) the posts on either side of the gate are fitted with reflectors facing along the road in each direction.

Maximum penalty: 10 penalty units.

Road near gate

72. The holder of a public gate permit must ensure that the road approaches to the gate are maintained in good condition for such distance (not exceeding 20 metres) from each side of the gate, and for such width, as the roads authority may determine when granting the permit.

Maximum penalty: 10 penalty units.

PART 7—MISCELLANEOUS**Transfer of application for the closing of a public road**

73. (1) For the purposes of section 34 (2) of the Act, the manner in which an application for the closing of a public road is to be transferred is as follows:

- (a) it must be in writing;
- (b) it must specify the full name, address and telephone number (if any) of the proposed transferor and proposed transferee;
- (c) it must state that the transferor assigns to the proposed transferee the whole of the transferor's interest in the application, and in any money or other property lodged with the Minister in connection with the application;

- (d) it should specify any application number, and any Departmental reference for the application or any correspondence relating to the application;
- (e) it must be signed by the proposed transferor and the proposed transferee;
- (f) it must be accompanied by a diagram or description that is sufficient to identify the road to which the application relates;
- (g) it must be lodged at an office of the Department of Conservation and Land Management.

(2) The transfer takes effect when it is received at an office of the Department of Conservation and Land Management, as referred to in subclause (1) (g).

(3) In this clause, “transferor” means the original applicant or any person to whom the application is transferred in accordance with this clause.

Authority to enter land

74. (1) For the purposes of section 172 (2) (f) of the Act, officers of the Department of Conservation and Land Management who hold positions referred to in Schedule 3A or 3B to the Public Sector Management Act 1988 are a prescribed class of officers in relation to certificates of authority issued by the Minister for Land and Water Conservation.

(2) For the purposes of section 172 (2) (f) of the Act, officers of the RTA who hold the position of Director are a prescribed class of officers in relation to certificates of authority issued by the RTA.

Transfer of application for the acquisition of land for the purposes of a public road

75. (1) For the purposes of section 182 (2) of the Act, the manner in which an application for the acquisition of land for the purposes of a public road is to be transferred is as follows:

- (a) it must be in writing;
- (b) it must specify the full name, address and telephone number (if any) of the proposed transferor and proposed transferee;
- (c) it must state that the proposed transferor assigns to the proposed transferee the whole of the transferor’s interest in the application, and in any money or other property lodged with the Minister in connection with the application;

- (d) it should specify any application number, and any Departmental reference for the application or any correspondence relating to the application;
- (e) it must be signed by the proposed transferor and the proposed transferee;
- (f) it must be accompanied by a diagram or description that is sufficient to identify the land to which the application relates;
- (g) it must be lodged at an office of the Department of Conservation and Land Management.

(2) The transfer takes effect when it is received at an office of the Department of Conservation and Land Management, as referred to in subclause (1) (g).

(3) In this clause, “transferor” means the original applicant or any person to whom the application is transferred in accordance with this clause.

Penalty notices

76. For the purposes of section 243 of the Act:

- (a) an offence specified in Schedule 2 is a prescribed offence; and
- (b) the amount specified in Schedule 2 in respect of such an offence is the prescribed penalty payable under section 243 of the Act in respect of that offence.

Evidentiary certificates

77. (1) Any officer of the Department of Conservation and Land Management who holds a position referred to in Schedule 3A or 3B to the Public Sector Management Act 1988 is a prescribed person, in relation to evidentiary certificates issued on behalf of the Minister for Land and Water Conservation, for the purposes of section 248 (1), (2) and (4) of the Act.

(2) Any officer of the RTA who is authorised by the RTA to issue evidentiary certificates for the purposes of section 248 (1), (2) or (4) of the Act, or of a particular paragraph of any of those subsections, is prescribed for the purposes of that subsection or paragraph.

(3) For the purposes of section 248 (1), (2) and (4) of the Act, the general manager of a council of a local government area is a prescribed person in relation to the issue of evidentiary certificates or certified copies of records, maps or plans kept by the council.

Authorised officer

78. For the purposes of paragraph (c) of the definition of “authorised officer” in the Dictionary to the Act, the following classes of persons are prescribed:

- (a) in respect of a reserve within the meaning of Part 5 of the Crown Lands Act 1989:
 - (i) a member or employee of the trust board for the relevant reserve trust; or
 - (ii) an employee of a corporation appointed to manage the affairs of the relevant reserve trust; or
 - (iii) an administrator appointed to manage the affairs of the relevant reserve trust;
- (b) in respect of a common within the meaning of the Commons Management Act 1989:
 - (i) a member or employee of the trust board for the trust for the common; or
 - (ii) an employee of a local authority appointed to manage the affairs of the trust for the common; or
 - (iii) an administrator appointed to manage the affairs of the trust for the common; or
- (c) in respect of a state recreation area within the meaning of the National Parks and Wildlife Act 1974:
 - (i) a trustee for the area or any employee of the trustees for the area; or
 - (ii) an employee of a corporation constituted under clause 3 of Schedule 9A to that Act in relation to the area; or
 - (iii) an administrator appointed under clause 14 of Schedule 9A to that Act in relation to the area.

Public authorities

79. For the purposes of the definition of “public authority” in the Dictionary to the Act, the Hunter Water Corporation Limited is prescribed as a public authority for the purposes of the Act.

Repeals

- 80. (1)** The following Regulations are repealed:
- (a) the Roads (General) Transitional Regulation 1993;
 - (b) the Roads (Ferries) Transitional Regulation 1993;

(c) the Roads (Public Gates) Transitional Regulation 1993;

(d) the Roads (Tollways) Transitional Regulation 1993.

(2) Any act, matter or thing that, immediately before the repeal of a Regulation referred to in subclause (1), had effect under that Regulation is taken to have effect under this Regulation.

**SCHEDULE I—TOLLS IN RESPECT OF THE TOLLWAY BETWEEN
WATERFALL AND BULLI PASS**

(Cl. 22)

<i>Class of motor vehicles</i>	<i>Toll</i>
1. Any motor vehicle other than a vehicle referred to in item 2, 3 or 4	\$1.00
2. Any motor vehicle, or combination of motor vehicles, having more than 3 axles (within the meaning of the Motor Traffic Regulations 1935) other than a vehicle referred to in item 3 or 4	\$3.00
[Note: Axles on a trailer or other motor vehicle which is attached to or drawn by the motor vehicle are to be included for the purposes of calculating the number of axles.]	
3. Any motor vehicle that consists of:	
(a) a vehicle that is the property of the RTA, that is readily identifiable as such and that is being used either for the purpose of maintenance work on the tollway or for the purpose of removing vehicles from the tollway; or	
(b) a police vehicle; or	
(c) a vehicle that belongs to a fire brigade and that is readily identifiable as such; or	
(d) an ambulance or rescue vehicle that is readily identifiable as such; or	
(e) a vehicle that is being driven by a person to whom a disabled person's pass has been issued by the RTA, being a pass that exempts the person from payment of tolls and charges for travelling along the tollway; or	
(f) a vehicle in which the driver or passenger displays a pass issued on behalf of the RTA, being a pass indicating that the holder is an incapacitated ex-serviceperson; or	
(g) a bus that is being used to provide a public passenger service within the meaning of the Passenger Transport Act 1990; or	
(h) a Defence Force vehicle that is readily identifiable as such	Nil
4. Any motor vehicle that is attached to, or carried or drawn by, another vehicle	Nil

**SCHEDULE 2—PRESCRIBED OFFENCES AND PENALTIES FOR THE
PURPOSES OF SECTION 243 OF THE ACT**

(Cl. 76)

Roads (General) Regulation 1994

	\$
Clause 6 (3)	300
Clause 11 (1)	300
Clause 11 (3)	300
Clause 12	200
Clause 13 (1)	200
Clause 13 (2)	300
Clause 14	200
Clause 15	300
Clause 16	300
Clause 17	300
Clause 18	300
Clause 19	200
Clause 20	300
Clause 21	200
Clause 23 (1)	100
Clause 23 (3)	100
Clause 24 (2)	100
Clause 24 (3) (a)	100
Clause 24 (3) (b)	100
Clause 26	100
Clause 27 (1)	200
Clause 28 (1)	200
Clause 29 (1)	300
Clause 30	200
Clause 31	300
Clause 32	200
Clause 35 (2)	300
Clause 36 (3)	300
Clause 41	300
Clause 42	300
Clause 44 (2)	100
Clause 45 (2)	300
Clause 46	200
Clause 47 (I)	100
Clause 48	200
Clause 49 (1)	200
Clause 50	200
Clause 53 (1)	200
Clause 53 (2)	200
Clause 55 (3)	100
Clause 57	100
Clause 58	200
Clause 59	200

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Clause	60	(1)	100
Clause	61	(2)	200
Clause	62		200
Clause	63		200
Clause	64	(3)	200
Clause	65	(1)	200
Clause	65	(2)	200
Clause	71		200
Clause	72		200

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6. Traffic controllers

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8. Making of submissions
9. Notice to be given of new name
10. Minister's approval required in certain cases

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12. Protection of roads
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14. Vehicles in disrepair

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SCHEDULE 1—TOLLS IN RESPECT OF THE TOLLWAY BETWEEN
WATERFALL AND BULLIPASS

SCHEDULE 2—PRESCRIBED OFFENCES AND PENALTIES FOR THE
PURPOSES OF SECTION 243 OF THE ACT

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake the provisions of the following Regulations:

- (a) the Roads (General) Transitional Regulation 1993;
- (b) the Roads (Femes) Transitional Regulation 1993;
- (c) the Roads (Public Gates) Transitional Regulation 1993;
- (d) the Roads (Tollways) Transitional Regulation 1993.

The new Regulation deals with the following matters:

- (a) roads (Part 2), including:
 - (i) general matters relating to roads (Division 1); and
 - (ii) the naming of roads (Division 2); and
 - (iii) the protection of roads and traffic (Division 3); and
 - (iv) the protection of public safety (Division 4); and
 - (v) the protection of roads from neighbouring land (Division 5);
- (b) tollways (Part 3), including:
 - (i) tolls and charges (Division 1); and
 - (ii) the use of tollways (Division 2); and
 - (iii) other matters relating to tollways (Division 3);
- (c) bridges (Part 4), including:
 - (i) the protection of bridges (Division 1); and
 - (ii) navigation through bridges generally (Division 2); and
 - (iii) navigation through opening bridges (Division 3);
- (d) ferries (Part 5), including:
 - (i) general provisions with respect to the operation of ferries (Division 1); and
 - (ii) the conduct of ferry passengers (Division 2); and
 - (iii) the safety equipment and procedures appropriate for ferries (Division 3);

(e) public gates (Part 6);

(f) other formal and machinery matters (Parts 1 and 7).

This Regulation is made under the Roads Act 1993, including section 264 (the general regulation making power) and various other sections.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
