

# Roads Regulation 2008

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New South Wales

## Status Information

### Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

This Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2018.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 September 2018

# Roads Regulation 2008



New South Wales

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# Roads Regulation 2008



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Roads Regulation 2008*.

### 2 Commencement

This Regulation commences on 3 June 2008.

### 3 Definitions

In this Regulation:

**carriageway** means the portion of a road improved or designed for use by, or used by, the main body of moving vehicles and does not include any shoulder of a road, breakdown lane or other lateral part of the road not so improved, designed or used.

**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 *Road Transport Act 2013*.

**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*.

**toll** has the same meaning as in section 250A of the Act.

**vehicle** has the same meaning as it has in the *Road Transport Act 2013*.

**Note—**

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

## **Part 2 Roads**

### **Division 1 General**

#### **4 Application of Part**

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

#### **5 Temporary closing of road**

- (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.

#### **6 Traffic controllers**

- (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**

#### **7 Notice to be given of proposed name**

- (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 the following persons or bodies:
    - (i) Australia Post,
    - (ii) the Registrar-General,
    - (iii) the Surveyor-General,



- (iv) the Chief Executive of the Ambulance Service of NSW,
- (v) New South Wales Fire Brigades,
- (vi) the NSW Rural Fire Service,
- (vii) the NSW Police Force,
- (viii) the State Emergency Service,
- (ix) the New South Wales Volunteer Rescue Association Incorporated,
- (x) in the case of a classified road—RMS.

(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.

### **8 Making of submissions**

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

### **9 Notice to be given of new name**

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 the following persons or bodies of the new name, giving sufficient particulars to enable the road to be identified:
  - (i) Australia Post,
  - (ii) the Registrar-General,
  - (iii) the Surveyor-General,
  - (iv) the Chief Executive of the Ambulance Service of NSW,
  - (v) New South Wales Fire Brigades,
  - (vi) the NSW Rural Fire Service,
  - (vii) the NSW Police Force,
  - (viii) the State Emergency Service,

- (ix) the New South Wales Volunteer Rescue Association Incorporated,
- (x) in the case of a classified road—RMS.

#### **10 Minister's approval required in certain cases**

- (1) A roads authority may not proceed with a proposal to name or rename a road against an objection made by any of the following persons or bodies except with the approval of the Minister:
  - (a) Australia Post,
  - (b) the Registrar-General,
  - (c) the Surveyor-General,
  - (d) the Chief Executive of the Ambulance Service of NSW,
  - (e) New South Wales Fire Brigades,
  - (f) the NSW Rural Fire Service,
  - (g) the NSW Police Force,
  - (h) the State Emergency Service,
  - (i) the New South Wales Volunteer Rescue Association Incorporated,
  - (j) in the case of a classified road—RMS.
- (2) This clause does not apply if the Minister is the roads authority concerned.

### **Division 3 Protection of roads and traffic**

#### **11 Things placed on and use of roads**

- (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.

## **12 Protection of roads**

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.

## **13 Dragging things on road**

(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.

#### **14 Vehicles in disrepair**

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**

#### **15 Lighting and fencing of obstructions and dangers**

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.

#### **16 Lights on roads**

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

Maximum penalty: 20 penalty units.

#### **17 Jumping onto or from bridges and other structures**

- (1) 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: 30 penalty units.

- (2) A roads authority may, either unconditionally or subject to conditions, exempt any person or class of persons in writing from the operation of this clause.

## Division 5 Protection from neighbouring land

### 18 Throwing things onto roads or vehicles

A person must not, without the permission of a roads authority, cast or throw anything onto a road, or into or onto a vehicle on a road, from anywhere (including the road).

Maximum penalty: 30 penalty units.

### 19 Property to be sufficiently spouted

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.

### 20 Excavations adjacent to road

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.

### 21 Obstruction on footway or road

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

Maximum penalty: 10 penalty units.

## Division 6 Road events

### 21A Filming projects

For the purposes of the definition of **road event** in the Dictionary to the Act, a filming project (within the meaning of the [Local Government Act 1993](#)), and any activity that is ancillary to or connected with such a filming project, is prescribed as a road event.

## Part 3 Tollways

### Division 1 Payment of tolls and charges

#### 22 Definition

In this Part:

**electronic device** means a device, bearing a unique identifying number or alphanumeric identifier, issued by a toll operator for use in payment of a toll and affixed to a vehicle, or otherwise used, as approved by the toll operator.

### **23 Driver of vehicle to pay toll**

- (1) The driver of a motor vehicle who drives the vehicle past any toll point is liable to pay and must not fail to pay the relevant toll to the toll operator, at or within the time and in a manner permitted by the toll operator in respect of the tollway or a particular lane of the tollway.

Maximum penalty: 5 penalty units.

- (2) A toll operator may indicate, by the use of signs (approved by RMS), the manner of payment that is permitted in respect of the tollway or a particular lane of the tollway.
- (3) Nothing in clause 38 or 39 affects the requirement of a person to pay a toll under this clause.
- (4) A toll operator may waive a toll in respect of a particular driver or a driver belonging to a particular class of drivers.
- (5) A requirement to pay a toll includes a requirement to pay the toll in accordance with any terms and conditions (including a term requiring the payment of any administrative charges) that may be imposed by a toll operator in relation to the particular manner of payment of the toll.

- (6) In this clause:

**drive** a motor vehicle includes draw or tow a trailer behind a motor vehicle.

### **24 Manner of payment of toll**

- (1) 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.

- (2) 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.

### **25 Toll collection: offences**

- (1) A person must not, without reasonable excuse, tamper or otherwise interfere with:
  - (a) any electronic device, or

(b) any equipment used in connection with the collection of a toll (such as a sensor unit, an electronic boom gate or automatic toll collecting machine), or

(c) any part of such a device or equipment.

Maximum penalty: 10 penalty units.

(2) A person must not pay or attempt to pay a toll with respect to a motor vehicle by use of a voucher or device:

(a) that is not acceptable to the relevant toll operator for the payment of the toll, or

(b) that is issued by a toll operator for the payment of the toll with respect to a class of motor vehicles to which that vehicle does not belong.

Maximum penalty: 10 penalty units.

## **26 Objections in relation to payment of toll**

(1) A person who has paid a toll, or who is required to pay a toll, under this Part may object to:

(a) the imposition of the toll, or

(b) the amount of toll imposed,

if the person is of the opinion that he or she is not liable for the toll (or the full amount of the toll) imposed.

(2) An objection referred to in subclause (1) must:

(a) be in writing addressed to the toll operator, and

(b) if a toll was paid as referred to in clause 23—state the location and approximate time and date when the liability to pay the toll was alleged to have been incurred and the time and manner of the payment of that toll, and

(c) if the objector received a written notice as referred to in paragraph (h)—include a copy of that notice or relevant details from that notice such as any reference number and the time, date, toll point, lane and direction of travel when the liability to pay the toll is alleged to have been incurred, and

(d) set out the grounds of the objection, and

(e) be signed by the objector, and

(f) if the toll was paid at the toll point—be made within 14 days after the payment of the toll, and

(g) if the toll was paid other than at the toll point—be made within 14 days after

receipt by the objector of a statement from the toll operator or person approved by the toll operator indicating that the toll has been paid and the amount paid, and

(h) if the toll was not paid—be made within 7 days after the objector is notified in writing of his or her liability to pay the toll.

(3) A toll operator may deal with an objection by:

(a) reimbursing to the objector all or part of the toll, or waiving payment of all or part of the toll, the subject of the objection, or

(b) dismissing the objection.

(4) An objection under subclause (2) is not invalid merely because all the requirements of that subclause are not met but, in that case, the toll operator:

(a) may, within 7 days after receiving the objection, require the objector to provide such further information in relation to the objection as is specified by the toll operator, and

(b) must deal with the objection, and notify the objector of the decision on the objection, within 7 days after the further information is received by the toll operator.

(5) Unless the objector is required to provide further information under subclause (4), the toll operator must, within 7 days after receiving an objection under this clause, notify the objector of the decision on the objection.

(6) A notification under this clause must:

(a) be in writing, and

(b) state that the objector may apply for a review of the decision as referred to in clause 27.

## **27 Review of decision on objection**

(1) If the objector is not satisfied with the decision of the toll operator, he or she may apply in writing, within 14 days after receiving notification of the decision, for a review of the decision:

(a) if the original objection was made to RMS—to the Minister, or

(b) if the original objection was made to a toll operator other than RMS—to an assessor (being a person, or a person belonging to a class of persons, nominated by the toll operator and approved by RMS) who agrees to act as such.

(2) The Minister, or the assessor, as the case requires, is not obliged to review a decision



if the objector does not include copies of the original objection and the decision of the toll operator when applying for the review.

- (3) On receiving an application for review, the Minister or the assessor, as the case requires, must:
  - (a) confirm or reverse the decision of the toll operator with respect to the original objection within 21 days after receiving the application, and
  - (b) notify the applicant in writing of that decision.
- (4) The Minister, or the assessor, as the case requires, may require the toll operator who made the original decision to supply such information, within the time specified by the Minister or assessor, as may reasonably assist the Minister or assessor in reviewing the decision.
- (5) The Minister may appoint a person to exercise the Minister's functions under subclause (3) and a function so exercised is taken to be exercised by the Minister.

#### **28 Security indicators: section 250A (2) (b) of Act**

- (1) For the purposes of section 250A (2) (b) of the Act:
  - (a) a series of 32 characters produced by an MD5 algorithm, or
  - (b) a series of 48 characters of which 32 characters have been produced by an MD5 algorithm,is prescribed as a security indicator.
- (2) For the purposes of this clause, **character** includes a letter, number or symbol.
- (3) This clause applies in relation to the hearing of any proceedings after the commencement of the *Roads (General) Amendment (Tolls) Regulation 2005* regardless of when the proceedings were instituted.

#### **29 Divulging of information to prescribed persons: section 250A (5) (e) of Act**

The following persons are prescribed for the purpose of section 250A (5) (e) of the Act:

- (a) the Minister,
- (b) a public sector agency within the meaning of the *Privacy and Personal Information Protection Act 1998*.

#### **30 Maximum penalty for not paying charge**

If a charge payable for the use of a tollway by a motor vehicle is not paid to the toll operator 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**

### **31 Vehicles to use carriageways**

- (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 35.

### **32 Pedestrians to use footways and footbridges**

- (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 35.

### **33 Leaving motor vehicles unattended**

- (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 35.

### **34 Unloading of motor vehicles**

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 38.

Maximum penalty: 10 penalty units.

### **35 Breakdowns**

The driver of a motor vehicle that breaks down while travelling along a tollway must 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.

### **36 Straying animals**

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**

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

- (1) The following provisions of the Act apply to and in respect of a tollway under the control and management of RMS 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 RMS.

### **38 Directions by authorised officers**

- (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.

### **39 Directions by notice**

- (1) RMS 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.

### **40 Exemptions**

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.

### **41 Application of Part to Sydney Harbour Tunnel**

This Part (except clause 37) applies to and in respect of the Sydney Harbour Tunnel 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 Tunnel were a toll or charge for using a tollway.

### **42 Application of Part to Sydney Harbour Bridge**

This Part (except clause 37) 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.

### **43 Exempt vehicles**

The following vehicles are exempt from liability to pay a toll:

- (a) in the case of the Sydney Harbour Bridge or the Sydney Harbour Tunnel—a class of vehicle described as exempt in Schedule 1 to any order from time to time in force under section 215 of the Act,

- (b) in the case of any tollway declared to be a tollway by an order in force under section 52 of the Act—marked police vehicles, unmarked police vehicles displaying a flashing light or sounding an alarm, fire brigade vehicles and ambulances.

#### **43A Maximum fees for toll services**

- (1) The Minister may, by order published in the Gazette, fix the maximum fee that a toll service provider may charge a toll operator in connection with the provision of toll services.
- (2) Without limiting subclause (1), an order may:
  - (a) specify the maximum fee or the manner in which the maximum fee is to be calculated, and
  - (b) fix different maximum fees for different classes of tollways, bridges, tunnels or road-ferries or for different classes of toll service providers.
- (3) A toll service provider must not charge a toll operator a fee that exceeds the applicable maximum fee fixed by an order under this section.

Maximum penalty: 5 penalty units.

- (4) In this clause:

***toll service provider*** means a person who provides toll services.

***toll services*** means accounts, products or related services that enable the payment of tolls for the use of tollways, bridges, tunnels or road-ferries by persons who are required to pay such tolls.

## **Part 4 Bridges**

### **Division 1 General**

#### **44 Extension of Part to ancillary works and structures**

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.

#### **45 Stability of bridges**

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

Maximum penalty: 30 penalty units.

#### **46 Climbing on bridges**

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: 30 penalty units.

#### **47 Lighting fires**

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.

#### **48 Throwing or dropping things from bridges**

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

Maximum penalty: 30 penalty units.

#### **49 Fishing from bridges**

(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.

#### **50 Control of traffic on opening bridges**

(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.

#### **51 Cyclists to use cycleways on Sydney Harbour Bridge**

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

Maximum penalty: 10 penalty units.

#### **52 Regulation of commercial activities on Sydney Harbour Bridge and ANZAC Bridge**

(1) A person must not, on the Sydney Harbour Bridge or on the ANZAC 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 RMS.

Maximum penalty: 5 penalty units.

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

### 53 Exemptions

A roads authority may, either unconditionally or subject to conditions, exempt any person or class of persons in writing from the operation of any provision or provisions of this Division.

## Division 2 Navigation through opening bridges

### 54 Navigation lights for opening bridges

An operator of an opening bridge 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.

### 55 Passing near or through opening bridges

- (1) The master of a vessel who does not intend to pass through an opening bridge must keep the vessel a safe distance from the bridge (or, if RMS has determined a minimum distance that must be kept between a vessel and a particular bridge, that minimum distance).

Maximum penalty: 10 penalty units.

- (2) The master of a vessel who intends to pass through an opening bridge may give the bridge operator notice of that intention by:
  - (a) giving the **request bridge open** signal, or
  - (b) communicating directly to the bridge operator by telephone or 2-way radio, or
  - (c) giving written notice in accordance with subclause (7).
- (3) The master of the vessel must keep the vessel a safe distance from the opening

bridge (or, if RMS has determined a minimum distance that must be kept between a vessel and a particular bridge, that minimum distance) until the bridge operator has:

- (a) given the **bridge open** signal, or
- (b) communicated directly with the master by telephone or 2-way radio that the bridge is open.

Maximum penalty: 10 penalty units.

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

- (a) must:
  - (i) give the bridge operator the **ready to pass through** signal, or
  - (ii) communicate directly to the bridge operator by telephone or 2-way radio that the vessel is ready to pass through the open bridge, and
- (b) after doing so, must take the vessel through the bridge without delay.

Maximum penalty: 10 penalty units.

(5) The master of the vessel must not cause or allow the vessel to pass through or under an opening bridge except under power or on tow.

Maximum penalty: 10 penalty units.

(6) If the vessel is not ready to pass through the bridge within 5 minutes after the bridge is opened, the bridge operator:

- (a) may:
  - (i) replace the **bridge open** signal with the **request acknowledged** signal, or
  - (ii) communicate directly to the master of the vessel by telephone or 2-way radio that the bridge operator intends to close the bridge, and
- (b) after doing so, may close the bridge.

(7) A written notice referred to in subclause (2) (c):

- (a) must be given to the bridge operator at least 15 minutes (or, if RMS 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.

(8) This clause does not apply in relation to a vessel that, because of its size, does not require the bridge to be opened in order to pass through the bridge.



## 56 Signals for use for opening bridges

- (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.

## 57 Signals given by vessels

- (1) The **request open bridge** signal for a vessel that requires a bridge to be opened is to be given by 3 long blasts on the vessel's siren or whistle.
- (2) 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.

# Part 5 Ferries

## Division 1 General

### 58 Timetables

- (1) A roads authority:
  - (a) may fix a timetable 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 pm and 6 am.
- (2) The roads authority must ensure that the ferry is operated:
  - (a) at the times displayed in the timetable for the ferry, or
  - (b) if no timetable 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 60.

## **59 Ferries to have notice boards**

- (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 timetable 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 pm and 6 am.
- (3) A person must not damage, deface or destroy a notice displayed in accordance with this clause.

Maximum penalty: 5 penalty units.

## **60 Temporary ferry closures**

- (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:
    - (i) published in a local newspaper, or
    - (ii) broadcast by radio or television in the local area.

## **Division 2 Conduct of ferry passengers**

### **61 Passengers to pay ferry charges**

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

Maximum penalty: 5 penalty units.

**62 Passengers to embark on or disembark from ferries only with ferry operator's permission**

A person must not embark on, or disembark from, a ferry until allowed to do so by the ferry operator.

Maximum penalty: 10 penalty units.

**63 Animals and vehicles to embark on or disembark from ferries only on ferry operator's instructions**

(1) 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.

(2) A person must not drive a vehicle or animal off a ferry until the person is allowed to do so by the ferry operator.

Maximum penalty: 10 penalty units.

**64 Regulation of commercial activities**

(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](#).

**65 Confusing lights not to be displayed**

(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.

## **66 Passengers on foot to use only areas set aside for them**

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.

## **67 General offences**

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 flammable 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.

## **68 Control of traffic on ferries**

- (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**

### **69 Gates and exits**

- (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 embark on, or disembark from, the ferry.

Maximum penalty: 10 penalty units.

### **70 Emergency boats**

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

### **71 Ferry approaches**

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.

### **72 Ferries to be inspected**

- (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 RMS 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**

### **73 Consent of adjoining landowner to be obtained**

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.

### **74 Notice inviting objections**

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.

#### **75 Maintenance of public gates**

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.

#### **76 Road near gate**

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**

#### **77 Transfer of application for the closing of a public road**

- (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 Land and Property Management Authority.
- (2) The transfer takes effect when it is received at an office of the Land and Property Management Authority, 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.

#### **78 Authority to enter land**

- (1) For the purposes of section 172 (2) (f) of the Act, the Chief Executive, and the senior executive officers, of the Land and Property Management Authority are a prescribed class of officers in relation to certificates of authority issued by the Minister for Lands.
- (2) For the purposes of section 172 (2) (f) of the Act, officers of RMS who hold the position of Director are a prescribed class of officers in relation to certificates of authority issued by RMS.

#### **79 Transfer of application for the acquisition of land for the purposes of a public road**

- (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 Land and Property Management Authority.
- (2) The transfer takes effect when it is received at an office of the Land and Property Management Authority 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.

## 80 Penalty notices

For the purposes of section 243 of the Act:

- (a) an offence created by a provision of this Regulation specified in Column 1 of Schedule 1 is a prescribed offence, and
- (b) the amount specified in Column 2 of that Schedule for such an offence is the prescribed penalty payable under section 243 of the Act for that offence.

## 81 Evidentiary certificates

- (1) The Chief Executive, and the senior executive officers, of the Land and Property Management Authority are prescribed persons, in relation to evidentiary certificates issued on behalf of the Minister for Lands, for the purposes of section 248 (1), (2) and (4) of the Act.
- (2) Any officer of RMS who is authorised by RMS 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.

## 82 Authorised officer

- (1) 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 dedicated or reserved Crown land under the *Crown Land Management Act 2016*:
    - (i) a member of a board of a Crown land manager, or
    - (ii) an employee of a Crown land manager, or
    - (iii) an administrator for a statutory land manager,
  - (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 that trust,  
or
    - (iii) an administrator appointed to manage the affairs of that trust,



- (c) in respect of a state conservation area within the meaning of the *National Parks and Wildlife Act 1974*:
    - (i) a member or employee of the trust board for the state conservation area, or
    - (ii) an administrator appointed to manage the affairs of that trust,
  - (d) in respect of any land proposed to be used for a road (whether a public road, a tollway or any other type of road)—a contractor (including an employee or agent of the contractor or a subcontractor of the contractor) engaged by RMS to carry out inspections or investigations relating to any one or more of the following:
    - (i) ascertainment of the physical features or conditions of the land,
    - (ii) determination of whether the land is suitable for use as a road,
    - (iii) determination of any environmental, economic, cultural, social or other impact of the proposed use of the land,
  - (e) in respect of a tollway, the Sydney Harbour Tunnel or the Sydney Harbour Bridge—an employee or agent of a toll operator,
  - (f) a member of staff of Transport for NSW.
- (2) An authorised officer referred to in subclause (1) (e) may exercise a function only if (in the case of a function exercised in the presence of a person in respect of whom it is exercised) the authorised officer:
- (a) wears a uniform issued by the toll operator, or
  - (b) wears an identity card, issued by the toll operator, that is clearly visible.

### 83 Public authorities

For the purposes of the definition of **public authority** in the Dictionary to the Act, each of the following is prescribed as a public authority for the purposes of the Act:

- (a) the Hunter Water Corporation,
- (b) the Sydney Water Corporation,
- (c) Water NSW,
- (d) an energy services corporation within the meaning of the *Energy Services Corporations Act 1995*,
- (e) Rail Infrastructure Corporation,
- (f) Rail Corporation New South Wales,

- (g) Transport Infrastructure Development Corporation,
- (h) Sydney Trains.

### **83A Notification of proposal to close council public roads**

- (1) For the purposes of paragraph (j) of the definition of **notifiable authority** in section 32B (1) of the Act, the following are prescribed:
  - (a) a major utility or water supply authority within the meaning of the *Water Management Act 2000* (if the council public road concerned is located wholly or partly within the utility's or authority's area of operations),
  - (b) Forestry Corporation,
  - (c) Local Land Services,
  - (d) National Parks and Wildlife Service.
- (2) The owner or occupier of land whose land will suffer a material loss of access because of the council public road closure concerned is prescribed for the purposes of section 38B (1) (b) (iii) of the Act.

### **84 Roads authority for public roads forming part of the M5 East Motorway**

RMS is declared to be the roads authority for all public roads within the area shaded brown and shown as Lots 1-20 on the 4 sheets of the plan marked "RTA Plan No 6005 386 SS 0357" and held at the Sydney Regional Office of RMS.

### **85 Roads authority for public roads (Cross City Tunnel)**

- (1) RMS is declared to be the roads authority for the following public roads:
  - (a) the public road shown as Lot 6 on the plan marked "Plan No. 6010 412 SS 0006" (that public road being part of Bathurst Street between Day Street and George Street, Sydney),
  - (b) the public road shown as Lot 7 on the plan marked "Plan No. 6010 412 SS 0006" (that public road being approximately 85 metres of Day Street south of the prolongation of the northern side of Bathurst Street, Darling Harbour),
  - (c) the public road shaded brown and shown as Lot 1 on the plan marked "Plan No. 6010 412 SS 0006" (that public road being part of Pyrmont Street for approximately 40 metres south of Fig Street, Pyrmont),
  - (d) the public road shaded brown and shown as Lot 2 on the plan marked "Plan No. 6010 412 SS 0006" (that public road being formerly part of Steam Mill Street and Duncan Street and now being part of Harbour Street adjacent to Day Street, Darling Harbour),

- (e) the public road shaded brown and shown as Lot 3 on the plan marked "Plan No. 6010 412 SS 0006" (that public road being part of Day Street between Sussex Street and the north side of Bathurst Street, Darling Harbour),
- (f) the public road shaded brown and shown as Lot 4 on the plan marked "Plan No. 6010 412 SS 0006" (that public road being part of Druitt Street between Day Street and a point 17.5 metres west of Kent Street, Sydney),
- (g) the public road shaded brown and shown as Lot 5 on the plan marked "Plan No. 6010 412 SS 0006" (that public road being part of Sir John Young Crescent between Riley Street and Lincoln Crescent, Sydney),
- (h) the public road shaded brown and shown as Lot 1 on the plan marked "Plan No. 6010 413 SS 0007" (that public road being part of Kennedy Street for approximately 12 metres east of Riley Street, Woolloomooloo),
- (i) the public road shaded brown and shown as Lot 2 on the plan marked "Plan No. 6010 413 SS 0007" (that public road being part of Palmer Street between William Street and Robinson Street, Woolloomooloo),
- (j) the public road shaded brown and shown as Lot 3 on the plan marked "Plan No. 6010 413 SS 0007" (that public road being part of Spence Lane immediately east of Palmer Street, Woolloomooloo),
- (k) the public road shaded brown and shown as Lot 4 on the plan marked "Plan No. 6010 413 SS 0007" (that public road being approximately 9 metres of Egan Lane approximately 13 metres north of Spence Lane, Woolloomooloo),
- (l) the public road shaded brown and shown as Lot 5 on the plan marked "Plan No. 6010 413 SS 0007" (that public road being the whole of St Kilda Lane, Woolloomooloo),
- (m) the public road shaded brown and shown as Lot 6 on the plan marked "Plan No. 6010 413 SS 0007" (that public road being part of Bourke Street between William Street and the north side of St Kilda Lane, Woolloomooloo),
- (n) the public road shaded brown and shown as Lot 7 on the plan marked "Plan No. 6010 413 SS 0007" (that public road being part of Surrey Street between the south side of Craigend Street and Kings Cross Road, Darlinghurst),
- (o) the public road shaded brown and shown as Lot 8 on the plan marked "Plan No. 6010 413 SS 0007" (that public road being part of Oswald Lane between the south side of Craigend Street and Kings Cross Road, Darlinghurst),
- (p) the public road shaded brown and shown as Lot 9 on the plan marked "Plan No. 6010 413 SS 0007" (that public road being approximately 50 metres of Craigend Street approximately 50 metres west of Barcom Avenue, Darlinghurst),

- (q) the public road shaded brown and shown as Lot 10 on the plan marked “Plan No. 6010 413 SS 0007” (that public road being part of the road formerly known as Harford Place approximately 40 metres west of Barcom Avenue, Darlinghurst),
- (r) the public road shaded brown and shown as Lot 11 on the plan marked “Plan No. 6010 413 SS 0007” (that public road being part of Bayswater Road between Kings Cross Road and Waratah Street, Darlinghurst),
- (s) the public road shaded brown and shown as Lot 8 on the plan marked “Plan No. 6010 412 SS 0006” (that public road being part of Day Street between a point approximately 85 metres south of the northern side of Bathurst Street and Liverpool Street, Darling Harbour),
- (t) the public road shaded brown and shown as Lot 12 on the plan marked “Plan No. 6010 413 SS 0007” (that public road being the whole of Wisdom Lane, Darlinghurst),
- (u) the public road shaded brown and shown as Lot 13 on the plan marked “Plan No. 6010 413 SS 0007” (that public road being part of Sutton Lane adjacent to Wisdom Lane, Darlinghurst).

(2) In this clause, a reference to a **plan** is a reference to a plan held at the Sydney Regional Office of RMS.

#### **86 Roads authority for public roads (Lane Cove Tunnel)**

(1) RMS is declared to be the roads authority for the following public roads:

- (a) the public road shaded mustard and shown as Lot 1 on the plan marked “Plan No. 6002 490 SS 0243” (that public road being part of Epping Road that extends from the south eastern bank of the Lane Cove River to Mowbray Road West, Lane Cove West),
- (b) the public road shaded mustard and shown as Lot 2 on the plan marked “Plan No. 6002 490 SS 0243” (that public road being part of Mowbray Road West that extends from Epping Road to a point approximately 290 metres east of Epping Road, Lane Cove West).

(2) In this clause, a reference to a **plan** is a reference to a plan held at the Sydney Regional Office of RMS.

#### **87 Roads authority for public roads (Alpine Way and Kosciuszko Road)**

RMS is declared to be the roads authority for the following public roads:

- (a) the public road shown as Lots 401-417, DP 1067711, Lots 501-522, DP 1067715, Lots 601-605, DP 1067724, Lot 701, DP 1067707, Lots 801-809, DP 1067709 and Lot 901, DP 1067730 (that public road being the Alpine Way within the boundary of the

Kosciuszko National Park),

- (b) the public road shown as Lots 101–107, DP 1067727, Lot 201, DP 1067728 and Lots 301–313, DP 1067729 (that public road being the Kosciuszko Road within the Kosciuszko National Park).

**88 Roads authority for public roads (Southern Cross Drive)**

- (1) RMS is declared to be the roads authority for the public road shaded mustard and shown as Lot 1 on Sheets 1 and 2 of the plan marked “Plan No. 0593 051 SS 0113” (that public road being part of Southern Cross Drive between Wentworth Avenue, Eastlakes and Link Road, Zetland).
- (2) In this clause, a reference to a **plan** is a reference to a plan held at the Sydney Regional Office of RMS.

**88A Roads authority for public roads (Barangaroo area)**

- (1) The Barangaroo Delivery Authority is declared to be the roads authority for the public roads shaded red on the plan marked “Roads Authority Plan—Barangaroo” and dated 6 December 2010, being the following:
- (a) that part of Hickson Road from the northern side of the intersection with Napoleon Street and Sussex Street in the south to the southern side of the Windmill Street overpass in the north,
- (b) that part of Napoleon Street from the intersection with Hickson Road and Sussex Street to the western side of the intersection with Kent Street,
- (c) that part of Sussex Street from and including the intersection with Napoleon Street and Hickson Road in the north to (and including) the intersection with Shelley Street in the south.
- (2) In this clause, a reference to a **plan** is a reference to a plan held at the Sydney Regional Office of RMS.
- (3) This clause ceases to have effect at the beginning of 31 January 2021.

**89 Roads authority for public roads (Bethanga Bridge)**

RMS is declared to be the roads authority for the public road shown as Lots 2 and 3 in DP 1066273 (that public road being part of Bethanga Bridge, Lake Hume Village).

**89A Roads authority for public roads (M2 Motorway upgrade)**

- (1) RMS is declared to be the roads authority for the following public roads:
- (a) the public road shaded brown and shown as Lot 1 on the plan marked “Plan No. 6002 031 SS 4013” (that road being part of Barclay Road north of the bridge over

the M2 Motorway at North Rocks for a distance of approximately 60 metres along the road centreline from the motorway boundary),

- (b) the public road shaded brown and shown as Lots 1 and 2 on Sheet 1 of the plan marked "Plan No. 6002 201 SS 4014" (that road being part of Murray Farm Road at and near its intersection with Midson Road, Beecroft),
- (c) the public road shaded brown and shown as Lot 3 on Sheet 2 of the plan marked "Plan No. 6002 201 SS 4014" (that road being part of Somerset Street from a point approximately 67 metres east of Gloucester Road to a point approximately 115 metres west of Gloucester Road, Epping),
- (d) the public road shaded brown and shown as Lot 1 on Sheet 1 of the plan marked "Plan No. 6002 387 SS 4015" (that road being part of Busaco Road north of the underpass across the M2 Motorway at Marsfield),
- (e) the public road shaded brown and shown as Lot 2 on Sheet 1 of the plan marked "Plan No. 6002 387 SS 4015" (that road being part of Talavera Road at its intersection with Busaco Road, Marsfield),
- (f) the public road shaded brown and shown as Lot 3 on Sheet 2 of the plan marked "Plan No. 6002 387 SS 4015" (that road being part of Christie Road north of the bridge over the M2 Motorway at Macquarie Park for a distance of approximately 30 metres from the motorway boundary),
- (g) the public road shaded brown and shown as Lot 4 on Sheet 2 of the plan marked "Plan No. 6002 387 SS 4015" (that road being part of Christie Road south of the bridge over the M2 Motorway to Talavera Road, Macquarie Park),
- (h) the public road shaded brown and shown as Lot 5 on Sheet 2 of the plan marked "Plan No. 6002 387 SS 4015" (that road being part of Talavera Road from a point approximately 160 metres west of Christie Road to Alma Road, Macquarie Park),
- (i) the public road shaded brown and shown as Lot 6 on Sheet 2 of the plan marked "Plan No. 6002 387 SS 4015" (that road being part of Herring Road at its intersection with Talavera Road, Macquarie Park),
- (j) the public road shaded brown and shown as Lot 7 on Sheet 3 of the plan marked "Plan No. 6002 387 SS 4015" (that road being part of Khartoum Road south of the bridge over the M2 Motorway at Macquarie Park for a distance of approximately 16 metres from the motorway boundary).

(2) In this clause, a reference to a **plan** is a reference to a plan held at the Sydney Regional Office of RMS.

(3) This clause ceases to have effect at the beginning of 1 April 2013.

**89B Roads authority for public roads (M5 West widening)**

- (1) RMS is declared to be the roads authority for the following public roads:
  - (a) the public road shaded brown and shown as Lot 1 on Sheet 1 of the plan marked “Plan No. 6005 259 SS 4006”,
  - (b) the public road shaded brown and shown as Lot 1 on Sheet 1 of the plan marked “Plan No. 6005 026 SS 4007”.
- (2) In this clause, a reference to a **plan** is a reference to a plan held at the Sydney Regional Office of RMS.
- (3) This clause ceases to have effect at the beginning of 30 June 2015.

**89C Roads authority for temporary public road (Sydney light rail)**

RMS is declared to be the roads authority for the temporary public road at Randwick that is Lot 5, DP 1231447.

**89D Provision of information by toll service providers to RMS and its delegates**

- (1) RMS may require a toll service provider to provide RMS with any of the following information for the purpose of assisting it to determine an individual’s entitlement to a relevant motor vehicle tax or registration fee exemption:
  - (a) information evidencing toll payments during the 2017–2018 financial year or any subsequent financial year,
  - (b) account numbers for tolling accounts,
  - (c) electronic tag numbers associated with tolling accounts,
  - (d) vehicle number-plates associated with tolling accounts,
  - (e) participation in the M5 Cashback Scheme conducted by the NSW Government,
  - (f) information about the periods during which:
    - (i) toll payments were made, or
    - (ii) tolling accounts were active, or
    - (iii) electronic tags or vehicle number-plates were associated with particular tolling accounts, or
    - (iv) an individual was a registered participant of the M5 Cashback Scheme.
- (2) Each of the following is a **relevant motor vehicle tax or registration fee exemption**:

- (a) an exemption from paying any motor vehicle tax in respect of the registration of a registrable light motor vehicle under clause 5 of the *Motor Vehicles Taxation Regulation 2016*,
  - (b) an exemption from paying any registration fee for a registrable light motor vehicle under clause 127A of the *Road Transport (Vehicle Registration) Regulation 2017*.
- (3) To avoid doubt, RMS may require a toll service provider to provide information of a kind referred to in subclause (1) for the purposes of a pilot program of the kind referred to in clause 127A of the *Road Transport (Vehicle Registration) Regulation 2017*.
- (4) A toll service provider is authorised to disclose to RMS any information that RMS requires from the provider under this clause.
- (5) In this clause:

**financial year** means the period of 12 months commencing on 1 July in any year.

**registrable light motor vehicle** has the same meaning as in clause 127A of the *Road Transport (Vehicle Registration) Regulation 2017*.

**RMS** includes:

- (a) the Chief Executive Officer of Service NSW in the exercise of any customer service functions (within the meaning of the *Service NSW (One-stop Access to Government Services) Act 2013*) of RMS, and
- (b) any other person to whom RMS has delegated the function of obtaining information under the provisions referred to in subclause (2).

**toll service provider** means a person that provides accounts, products or related services to enable the payment of tolls for the use of tollways, bridges, tunnels or road-ferries by persons who are required to pay such tolls.

**tolling account** means an account provided by a toll service provider for the purpose of enabling the account holder to pay tolls.

## 90 Repeal

The *Roads (General) Regulation 2000* is repealed.

## 91 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Roads (General) Regulation 2000*, had effect under that Regulation is taken to have effect under this Regulation.



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## Schedule 1 Penalty notice offences

(Clause 80)

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## **Schedule 2 Crown road purchases by instalment**

### **1 Definitions**

In this Schedule:

**General Register of Deeds** means the General Register of Deeds kept under Division 1 of Part 23 of the [Conveyancing Act 1919](#).

**incomplete Crown road purchase** means a purchase of a Crown road, or part of a Crown road, under the Act where the purchase price is payable by instalments and the payment of the purchase price or any other amount to the Crown in respect of the purchase is not complete.

**Torrens Register** means the Register kept under the [Real Property Act 1900](#).

## 2 Application of Schedule

This Schedule applies to an incomplete Crown road purchase if the purchase price is \$1,000 or more.

## 3 Instalment plan

- (1) The purchase price for an incomplete Crown road purchase is payable by 3 equal instalments.
- (2) Each instalment must be paid to the roads authority on or before the due date.

### Note—

The roads authority for a Crown road is the Minister administering the [Crown Land Management Act 2016](#)—see section 7 (2) of the Act.

- (3) The due date for each instalment is as follows:
  - (a) 1 month from the day on which the roads authority issues an invoice to the purchaser (the **first instalment**),
  - (b) 12 months from the day on which the first instalment is due (the **second instalment**),
  - (c) 24 months from the day on which the first instalment is due (the **third instalment**).
- (4) All money owing (including any charge, cost, duty or fee) in relation to an incomplete Crown road purchase, other than the second and third instalments of the purchase price, must be paid on the due date for the first instalment.
- (5) This clause does not prevent any money owing in relation to an incomplete Crown road purchase being paid before it is due.
- (6) **Interest on debt** Interest accrues on a daily basis at a rate of 8% per year plus the Bank Accepted Bill rate rounded to the second decimal place (rounding 0.005 upwards) on any money that remains unpaid after it becomes due in relation to an incomplete Crown road purchase.
- (7) In this clause:

**Bank Accepted Bill** rate has the same meaning as in section 22 (4) of the [Taxation Administration Act 1996](#).

## 4 Transfer of title

- (1) The purchaser of an incomplete Crown road purchase has an estate in fee simple in the land to which the purchase relates subject to any recordings in the folio of the Torrens Register or in the General Register of Deeds created in respect to the land, and to the provisions of the Act and this Regulation (the **incomplete purchase**

***interest***).

- (2) As soon as is reasonably practicable after the transfer date, the roads authority must lodge the relevant documents with the Registrar-General to effect the registration or recording of the incomplete purchase interest.
- (3) In this clause:

***transfer date*** means:

- (a) the date agreed to in the contract of sale on which the documents are to be lodged, or
- (b) if no date is agreed to in the contract of sale—the date on which the first instalment is paid.

**Note—**

The road will cease to be a Crown road on the registration or recording of the purchaser or transferee's interest in the Torrens Register or General Register of Deeds under section 152H of the Act.

## **5 Conditions included in a contract of sale**

The contract of sale for an incomplete Crown road purchase is taken to include the following conditions without limiting any other terms or conditions that may apply:

- (a) until all instalments are paid, the purchaser must not do any of the following:
- (i) sell, exchange, transfer or in any other way dispose of the land to which the purchase relates,
  - (ii) mortgage, subdivide or consolidate the land to which the purchase relates,
  - (iii) except with the consent of the roads authority—create an easement, profit à prendre, or restriction on use in relation to the land to which the purchase relates,
- (b) on the payment of the third instalment, the roads authority must apply to the Register-General for the removal of conditions of the kind referred to in paragraph (a) recorded in the folio of the Torrens Register or in the General Register of Deeds for the land to which the purchase relates,
- (c) on the completion of the sale, conditions under paragraphs (a) and (b) do not merge in the transfer of title to the land to which the purchase relates.

## **6 Obligations of purchasers**

Until all instalments are paid, a purchaser of an incomplete Crown road purchase must:

- (a) comply with any provisions, restrictions, conditions or covenants recorded in the folio of the Torrens Register or in the General Register of Deeds created in respect to the land to which the purchase relates, and

- (b) comply with any conditions and terms of the contract of sale to which the purchase relates, and
- (c) comply with the requirements of any law relating to the use or management of the land to which the purchase relates, and
- (d) if there are any improvements on the land to which the purchase relates:
  - (i) maintain those improvements in good order and repair, and
  - (ii) if required by the roads authority to do so—keep the improvements insured against fire and any other risks with an insurer approved by the roads authority, and
- (e) pay the balance of the purchase price in the instalments and at the times required by this Regulation, and
- (f) not do (or permit or allow another person to do) anything that will materially degrade the land to which the purchase relates, and
- (g) not transfer the land to which the purchase relates to any person.

## 7 Forfeiture

- (1) **Roads authority may declare forfeiture of an incomplete Crown road purchase** The roads authority may, by notice published in the Gazette, declare that an incomplete Crown road purchase is forfeited if:
  - (a) the roads authority has issued a letter of demand for an overdue payment to the purchaser, and
  - (b) the purchaser has failed to make the overdue payment within 30 days after the date on which the letter of demand was issued.
- (2) The acceptance of money by the Crown in respect of a forfeited incomplete Crown road purchase does not operate as a waiver of the forfeiture.
- (3) **Forfeiture takes effect when notice given** The forfeiture of an incomplete Crown road purchase takes effect on the day on which notice of the declaration of forfeiture is published in the Gazette.
- (4) **Effect of forfeiture** When an incomplete Crown road purchase is forfeited:
  - (a) if the land to which the purchase relates is not already vested in the Crown—the land vests in the Crown, and
  - (b) all money (including any charge, cost, duty, fee or interest) paid to the Crown in connection with the purchase, except any payment of the purchase price, is forfeited to the Crown.

- (5) The roads authority may request the Registrar-General to alter the Torrens Register or the General Register of Deeds to reflect the change of ownership (if any) of the land to which the forfeited purchase relates.
- (6) The forfeiture of an incomplete Crown road purchase does not operate to release the purchaser from any obligation to comply with a condition or provision that, by its nature, is required to be complied with after the incomplete Crown road purchase is forfeited.
- (7) In this clause:

**overdue payment** means a payment of any money (including any instalment, duty, charge, cost, fee or interest) owing in relation to an incomplete Crown road purchase that is not made within 30 days after it is due in accordance with the Act, this Regulation or the contract of sale.