



By-law made under the Local Government Act 1999

ROADS BY-LAW 2019

By-law No. 3 of 2019

For the management of public roads.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Roads By-law 2019*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law, unless the contrary intention appears:

- 3.1 **adjacent land** has the same meaning as in the *Australian Road Rules*;
- 3.2 **animal** includes birds and poultry but does not include a dog;
- 3.3 **camp** includes setting up a camp, or causing or allowing a tent, sleeping bag, caravan or motor home to remain on land for the purpose of staying overnight whether or not any person is in attendance or sleeps on the land;
- 3.4 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.5 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 3.6 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.7 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961* but also includes any vehicle that is an electric personal transporter for the purposes of that Act.

Part 2 – Management of Roads

4. Activities Requiring Permission

A person must not on any road, without the permission of Council:

4.1 Advertising

4.1.1 display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed on a public road in accordance with the Council's *Moveable Signs By-law 2019*;

4.1.2 place or maintain any goods or sign on the road or park or stand a vehicle on the road for the purpose of:

4.1.2.1 soliciting any business from any person; or

4.1.2.2 offering or exposing goods or services for sale

provided that this subparagraph 4.1.2 shall not apply to a person who is simply travelling along a road.

4.2 Amplification

use an amplifier or other device whether mechanical or electrical for the purposes of amplifying sound to the public;

4.3 Animals

4.3.1 cause or allow any animal, to stray onto, graze, wander on or be left unattended on any road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind and, then only if under the effective control of a person;

4.3.2 lead, drive or exercise any animal in such a manner as to endanger the safety of any person;

4.4 Bridge Jumping

jump from or dive from a bridge;

4.5 Camping

4.5.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;

4.5.2 camp or remain overnight, provided that this clause does not apply to a person where the person camps:

4.5.2.1 in a caravan or motorhome; and

4.5.2.2 within 200m of a sign displayed by the Council indicating that camping in a caravan or motorhome is permitted on that road;

4.6 Donations

ask for or receive or indicate that he or she desires a donation of money or any other thing;

4.7 Driving on Formed Surface

drive a motor vehicle other than on a portion of the road that has been formed or otherwise set aside by the Council for the driving of motor vehicles, unless it is not reasonably practical to do so;

4.8 Fauna

4.8.1 take, interfere with or disturb any animal or bird or the eggs or young of any animal or bird; or

4.8.2 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;

4.9 Fires

light any fire except:

4.9.1 in a place provided by the Council for that purpose; or

4.9.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four metres; and

4.9.3 in accordance with the *Fire and Emergency Services Act 2005*;

4.10 Fishing

fish from any bridge or other structure on a road to which the Council has resolved this subparagraph shall apply;

4.11 Flora

subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

4.11.1 take, uproot or damage any plant;

4.11.2 remove, take or disturb any soil, stone, wood, tender or bark;

4.11.3 collect or take any dead wood or timber for the purpose of using the same to make or maintain a fire; or

4.11.4 ride or drive any vehicle or allow an animal to run, stand or walk on any flowerbed or garden plot;

4.11.5 pick fruit, nuts or berries from any trees or bushes thereon;

4.12 Obstructions

- 4.12.1 erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road or footway, water-channel, or watercourse in a road;
- 4.12.2 lock, affix, place or park a bicycle or other personal mobility device on a road or road related area, where the bicycle or device may cause an obstruction or unreasonable hazard, other than on a structure or space specifically designed and set aside by the Council for that purpose;

4.13 Preaching

preach or harangue;

4.14 Public Exhibitions and Displays

- 4.14.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;
- 4.14.2 conduct or hold any concert, festival, show, public gathering, street party, circus, performance or any other similar activity;
- 4.14.3 cause any public exhibitions or displays;

4.15 Wheeled Recreational Devices

use a wheeled recreational device on a footpath;

4.16 Working on Vehicles

perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.

Part 3 – Miscellaneous**5. Directions**

A person must comply with any reasonable direction or request from an authorised person relating to:

- 5.1 that person's use of the road;
- 5.2 that person's conduct and behaviour on the road;
- 5.3 that person's safety on the road;
- 5.4 the safety and enjoyment of the road by other persons.

6. Removal of Animals and Objects

If any animal, goods, materials or object is found on a road in breach of this by-law:

- 6.1 any person in charge of the animal, goods, materials or object shall forthwith remove it from that land on the request of an authorised person; and
- 6.2 any authorised person may remove any animal, goods, materials or object from the road if the person fails to comply with the request, or if no person is apparently in charge of the animal, goods, materials or object and may recover the costs of so doing from the person responsible as a debt.

7. Exemptions

- 7.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker performing emergency duties.
- 7.2 The restrictions in subparagraphs 4.1.1, 4.2, 4.13 and 4.14 of this by-law do not apply to:
 - 7.2.1 electoral matters authorised by a candidate and which is related to a State or Commonwealth election and is displayed during the period commencing at 5.00pm on the day before the day of the issue of writ or writs for the election and ending at the close of polls on polling day;
 - 7.2.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
 - 7.2.3 matters which relate to, and occur during the course of and for the purpose of a referendum.
- 7.3 Subparagraph 4.7 of this by-law does not apply to a motor vehicle being driven to or from adjacent land by the shortest practical route.

8. Application

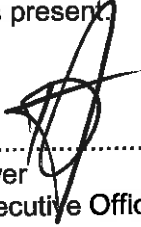
Subparagraph 4.10 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

9. Revocation

Council's *By-law No. 3 – Roads*, published in the *Gazette* on 19 July 2012, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Wattle Range Council held on the 27th day of August 2019 by an absolute majority of the

members for the time being constituting the Council, there being at least two thirds of the members present.



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Ben Gower
Chief Executive Officer